
PROCESS OF POLICY FORMULATION IN RESOURCE MANAGEMENT

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CSC Working Paper 26



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CHAPTER 1

INTRODUCTION: SUMMARY AND BASIS OF FINDINGS

The objective of this paper is to characterize the process by which policies with regard to the use and control of resources, especially natural resources, are made and implemented. This paper identifies the characteristics of groups and institutions that make and implement policies. Relatedly, this paper touches on the manner by which these groups are organized and mobilized.

The findings are based on the following:

- review of literature (documents of government agencies)
- key informant interviews with government agency officials both at the national and regional levels, officers of the Philippine legislative bodies, and leaders of nongovernment organizations and communities
- case studies

“Policy” refers to laws or legislations. Laws or legislations constitute the basic policies of the state. In the Philippine context, lawmaking is vested in the Philippine Congress. The laws are implemented by executive bodies and government agencies such as the Department of Environment and Natural Resources (DENR) and the Department of Agriculture (DA). In the process of implementing basic policies, supplemental policies in the form of executive orders, department administrative orders, policy implementation guidelines, and memorandum circulars are formulated by the Office of the President of the Philippines and by various government offices.

For policies on forest resources and agricultural lands, the government agencies studied were the DENR and DA. The study focused on the DENR as “the primary government agency responsible for conservation, management, development and proper use of the country's environment and natural resources.”¹ The activities of the DA were considered even as the DA's mission involve improving farmers' and fishermen's productivity, increasing their real income and uplifting the quality of their lives.² Policy inputs of the DENR relate to resource management while those of the DA basically involve raising farmers' and fishermen's productivity and incomes.

National figures were interviewed and documents available in the national offices of government agencies were used for this study. However, because the general study of which this study constitutes a small part is focused on Cordillera concerns, this study relied heavily on key-informant interviews with officers of government and nongovernment organizations (GO and NGO) based in the Cordillera, and on the perusal of literature available in the region.

¹ *Department of Environment and Natural Resources (DENR) Administrative Order 1, Series of 1988.*

² *See current Planning Manual of the Department of Agriculture (DA).*

A. DESCRIPTION OF THE POLICY-MAKING PROCESS

The Philippine policy-making process on the use and control of resources, particularly forest and agriculture, is basically characterized by the following:

- Basic policies are formulated by a legislative body, the Congress of the Philippines. Once a law is proposed, a legislative committee in each of the two houses of Congress may be assigned to make recommendations on the proposed law through a committee report.
- Congress accepts inputs and critiques on the proposed policies from interest groups and the public at large.
- Two houses (lower and upper houses, or the House of Representatives and the Senate) of the Congress work on every proposed law or bill. A system is in place to have a single version of the bill passed into law.
- Government agencies implementing the laws or policies have structures for identifying problems and generating feedbacks on policies and policy proposals. The government agencies tasked to implement the laws also input policy agendas and propose legislations to lawmakers based on feedbacks, problems, and needs they experience in the field.³
- Foreign donors influence government agencies on how to conduct programs to implement laws or policies. Through conditions they impose on loans and other forms of assistance, donors also influence which policies are to be advocated by the government agencies vis-a-vis the lawmaking body.
- Although NGOs, GOs, business groups and foreign donors exert direct influence on policy, the same however cannot be said of indigenous communities which are directly affected by policy.
- Although NGOs are consulted in the formulation of policy, there is no adequate evidence that communities are sufficiently consulted on the same matter. This may be seen for example in the continuing classification of large tracts of lands as inalienable forest reserves despite evidence that indigenous peoples have been residing in these areas since “time immemorial.” Data gathered in this study indicate however that when government reaches a decision to implement a program, government does consult with the people except on matters where land classification is concerned.
- In DENR-CAR, officials declared that they have solicited feedbacks on DENR's development plans from the NGOs. They said that they have been using the community dialogues of the Cordillera Studies Center (CSC) of the University of the Philippines College Baguio (UPCB) as venue for GO-NGO interaction. However, one of the key informants from the DENR also said: “NGOs, communities are normally not involved (in policy formulation) but DENR learns from them.”⁴
- In lawmaking, the prerogative to decide on whom to consult and whether or not to adopt public inputs rests on the members of the Congress, especially on the

³ See Chapter 2.

⁴ See Chapter 3.

committee assigned to make recommendations on a proposed law. Indigenous communities in the forest or those with claims on forest land based on indigenous laws may or may not be consulted.

- NGO perception of how participatory the government policy-making process is may be seen in the following comments: “In some ways it is participatory and in some ways it is not participatory, depending on who is sitting in the government position;”⁵ “government has reached out to NGOs as partners for implementing programs and projects and participation has improved compared to five, six, or seven years ago;”⁶ “there is minimal participation;”⁷ and “basically topdown with only semblances of people's participation”⁸ even with the public consultations and hearings in the process of policy formulation.
- A “topdown” policy-making process is affirmed in a statement by a government official that “before policies are **finalized**⁹ in the Central Office, these are forwarded to the field offices (regional offices and PENROs) for comment and then fed back to the Policy Studies Office (PSO).” However, some government officials use the same description to claim that policy-making is in fact “bottom-up.”
- NGO perception of receptivity of government to NGO inputs is indicated by the following comments: “government is receptive to a great extent;”¹⁰ “it is minimally receptive;”¹¹ “it depends on who is sitting there;”¹² and “projects are being implemented even without getting public acceptance.”¹³
- As viewed by NGOs, the weaknesses of government in its policy and implementation processes involve government distrust for NGOs, “bureaucracy,” and “inadequate” institutionalization of people’s participation in policy formulation processes.
- There is a need for government agencies to harmonize and coordinate policy formulation. This is illustrated in the conflicting policies on whether specific lands are for agricultural exploitation or for forest conservation.
- Inputs of foreign donors and multilateral agencies are made through government agencies and in turn the inputs are translated through proposed legislations to Congress. In a sense, foreign donors and the multilateral agencies have regular conduits to influence policy.
- In contrast, inputs of communities (especially tribal communities) to laws have no regular conduits. Even though government agencies do have a structure for generating feedbacks on policies, there is no guarantee that community concerns can

⁵ Interview with a leading officer of the Baguio Regreening Movement (BRM), 23 March 1994.

⁶ Interview with a leading officer of the Association of Private Voluntary Organizations in Baguio and Benguet, Incorporated (APVOBBI), 23 March 1994.

⁷ Based on a talk given by a leading officer of the Baguio-Benguet NGO Congress (BBNGOC) and Cordillera News Agency (CNA) during the University of the Philippines College Baguio (UPCB) Community Dialogue Series held last 17 September 1993.

⁸ Interview with a leading officer of the Mining Communities Development Center (MCDC), April 1994.

⁹ According to an APVOBBI leading officer, 23 March 1994. See Chapter 4 for details.

¹⁰ Interview with an APVOBBI leading officer, 23 March 1994. See Chapter 4 for qualifications.

¹¹ Interview with the BBNGOC and CNA Officer, 29 March 1994. See Chapter 4 for details.

¹² Interview with a leading BRM Officer, 23 March 1994. See Chapter 4 for details.

¹³ Interview with an MCDC leading officer, April 1994.

-
- be brought upwards through several layers of government bodies—even with an Indigenous Community Affairs Division (ICAD) in the DENR. Lawmakers may or may not consult the indigenous communities in making legislations that affect them.
- NGO desks¹⁴ in DENR offices facilitate NGO inputs to policy as deemed needed by such offices.

Policy formulation in resource management in the country is diagrammed in Figure 1 (see page 6). The diagram is discussed in Chapters 2, 3, 4, 5 and 6. Meanwhile, another important point that must be raised is that Philippine policies on resource management are basically formulated within the framework of the “regalian doctrine”¹⁵ which declares all natural resources as property of the state. Parameters for policy making on the use and control of resources are established by this doctrine. Decisions on the use, management, and control of a large part of resources become at once the sole prerogative of the state. Communities which have managed forest and land resources since time “immemorial” are automatically deprived by this “doctrine” of their right to make decisions on their resources.

B. DESCRIPTION OF THE POLICY IMPLEMENTATION PROCESS

The implementation of basic laws or policies can be described as follows:

- Policies are implemented through agencies of the executive branch of government, programs and projects intended to implement policies articulated by laws, and enlistment of the participation of NGOs in government programs and projects.
- Programs and projects are basically designed by government agency personnel.
- Nongovernment groups are tapped for implementing and evaluating specific components of government programs and projects.
- Affected communities are not necessarily represented by NGOs implementing or evaluating a government program or project. Key informants from a community chosen for case study in this research believe that the DA has adequately consulted them in program and project implementation. Findings for the DENR, however, are inconclusive.
- NGOs tapped for project implementation or evaluation report, however, said that they have been adequately consulted for the work contracted to them and that “there is a wide elbow room as long as the required output is delivered.”
- Some of the policies on resource management are implemented through joint projects or programs between GO and NGO groups.
- At the field and provincial levels, there have been cases where government agency personnel have relaxed the implementation of government policies which are in conflict with local communities' claim to ownership of resources based on indigenous

¹⁴ *The NGO desks also facilitate NGO involvement in policy implementation.*

¹⁵ *This is supposedly expressed in Section 2, Article 12 of the Philippine Constitution. A portion of that constitutional provision says: “All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries or timer, wildlife, flora and fauna, and other natural resources are owned by the state...”*

laws.¹⁶ In particular, there is a case in the Cordillera in which government agency officials agreed to relax the implementation of a national policy against tree cutting.¹⁷ This is because the affected communities assert that the trees were planted by them and the land on which these trees stand belongs them by ancestral right.

C. GROUPS AND INSTITUTIONS INVOLVED IN POLICY MAKING AND IMPLEMENTATION AND THEIR RECRUITMENT

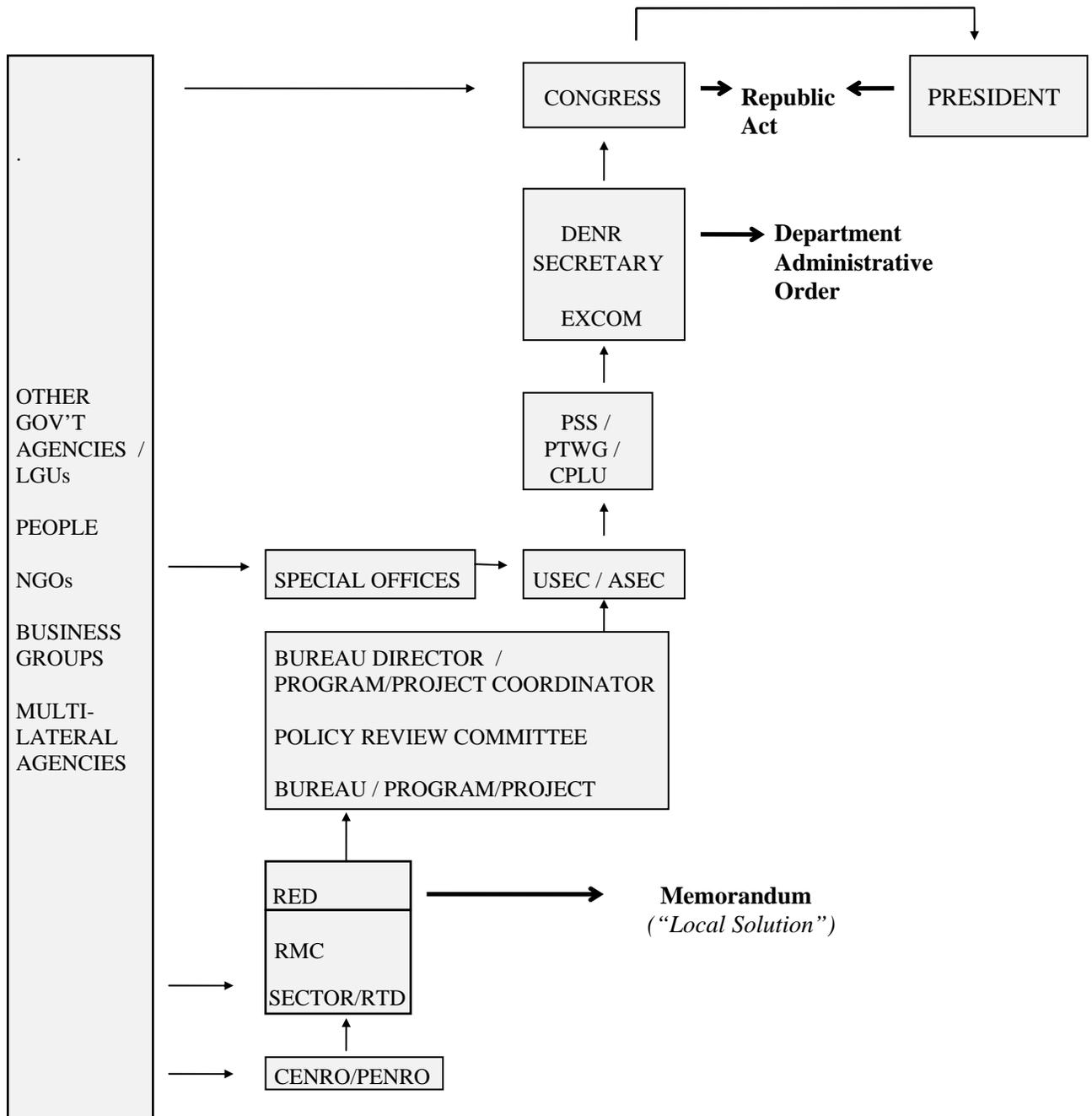
Groups and institutions involved in policy formulation or implementation include the legislative body of government (Congress), business, the nongovernment and interest groups, and the agencies of the executive branch of government tasked with the implementation of the policies. Several points should be raised:

- As pointed out earlier, there is no adequate indication that leaders of indigenous socio-political institutions from the communities are adequately mobilized for policy inputs even as representatives from indigenous and nongovernment groups are invited to public hearings for feedbacks on proposed laws.
- When asked if foreign countries are involved in policy formulation, a Congressional staff replied: "...sometimes, although cases of these are very rare."
- A DENR official at the national level revealed that the drafting and the DENR's push for the enactment of a forestry code was one of the conditions required by a foreign financing institution for supporting DENR programs. The DENR official believed, however, that policy making is still done by Filipinos because the foreign financing agencies use Filipino consultants in the formulation of conditions that go with the loans and assistance. "Besides," the official added, "compromises can be made."
- Interviews indicate that participants invited to attend public hearings initiated by the legislative committee to deliberate on certain bills are assumed to be representatives of the regions in which they are based.
- Implementation of the basic policies (i.e., the laws) by the government line agencies, the DENR and the DA, are mainly done by agency bureaus and regional offices. NGOs are tapped only for specific areas of policy implementation, such as project and program evaluation. The NGOs tapped for project or program implementation or evaluation, however, do not necessarily come from the communities.
- Although implementation of policies involves the mobilization of NGOs, many relationships of cooperation between government and the NGOs in policy implementation or evaluation are mere "work-contract relationships."

¹⁶ See Chapter 5.

¹⁷ See Chapter 5.

**Fig. 1: POLICY FORMULATION ON RESOURCE MANAGEMENT
(DENR AS THE MAIN GOVERNMENT AGENCY)**



LEGEND:

- EXCOM = Executive Committee of the DENR
- PTGW = Policy Technical Working Group (DENR)
- PSS = Policy Studies Service (DENR)
- CPLU = Central Policy Liaison Unit (DENR)
- RED = Regional Executive Director (DENR)
- ASEC = Assistant Secretary (DENR)
- USEC = Undersecretary (DENR)
- = Flow of Policy Inputs
- ➔ = Policy Issuance

CHAPTER 2

THE POLICY MAKING PROCESS ACCORDING TO LAW AND DOCUMENTS OF GOVERNMENT AGENCIES

Consistent with the Philippine Constitution, policies in the form of laws are prepared by the Congress which is composed of two houses: (1) the Lower House or House of Representatives (Congressmen); and (2) the Upper House or the Philippine Senate.

Proposed laws or bills pass through both or either of the two Houses. After a bill is filed by members in either House, the bill is reported in the House concerned. This is the First Reading. In the First Reading, the bill is referred to a committee. The committee may study or recommend the bill. Otherwise, from First Reading, the bill directly goes for Second Reading.

The concerned committee of the House where the bill is filed may be asked to study and forward recommendations on the bill. For the study, the concerned committee solicits position papers from NGOs and government agencies. The committee then compiles the position papers into a Preliminary Report. Based on deliberations of the concerned House Committee on the Preliminary Report, a Committee Report is drafted by the committee's Technical Working Group chaired by the Committee Secretary. The Chairman of the concerned committee of the House then conducts public hearings on the “relevance, responsiveness and viability of the bill.”

After these, the Committee Report is submitted to the House for sessions of the Second Reading. The Committee Report contains the recommendations of the committee on the bill. The committee makes the report based on the studies and public hearings it has conducted. In the Second Reading, the bill is sponsored by the Chairman of the concerned committee and undergoes a period of interpellations, amendments, and voting. Each House has a system for calendaring bills for discussion for Second Reading.

Bills reach their final form after they are favorably acted upon in sessions of the Second Reading. The bills in their final form are then subjected to a roll-call vote in the Third Reading. Each house has its own Third Reading for bills submitted to it.

After the Third Reading, bills favorably acted upon in one house of the Congress are filed in the other House (if the bill has no version in the latter) to undergo another round of first, second, and third readings in that House. A bill filed in both Houses may also have Upper House and Lower House versions.

A bill which has successfully passed three readings on both Houses is submitted to the President of the Philippines for action. If versions of a bill were filed both in the Lower and Upper Houses, a bi-cameral conference committee composed of representatives from both houses reconciles the two versions of the bill. The bi-cameral conference committee formulates a unified version for bills simultaneously filed in both houses until a unified and accepted version is

approved by both houses. The bill becomes a law when the President of the Philippines approves it. If the President of the Philippines fails to act within 30 days after a bill is submitted to him, the bill becomes a law.

The President of the Philippines can veto the bill. A vetoed bill is returned to the House where it originated. Congress can either accept the President's veto or over-ride the veto by two-thirds vote in both Houses.

The Executive Branch led by the President of the Philippines implements the laws through several government departments. As the laws are implemented by the Executive Branch, various types of policies are formulated by the government departments. These policies cover strategies, master plans, and programs to implement the laws. The government departments also propose laws for Congress to deliberate on and enact. Congress consults the government departments for deliberations on proposed laws.

The key government department in the Executive Branch involved in the management of Philippine resource is the Department of Environment and Natural Resource (DENR), as reorganized by Malacanang Executive Order (E.O.) 192, Series (S.) of 1987. Like the other government departments, the DENR formulates policy issuances within the framework of laws of the Republic of the Philippines and implements programs, strategies, and projects consistent with its mandate. Based on DENR Administrative Order (D.A.O.) 1 S. 1988 "Implementing Guidelines for the Reorganization of DENR" and pursuant to Malacanang E.O. 192 S. 1987, the mandate of the DENR is the "...conservation, management, development and proper use of the country's natural resources as well as the licensing and regulation of all natural resource." The strategies, programs and projects of the department, as well as guidelines to implement these, can also be considered policies.

As per DENR D.A.O. 31 S. 1992, pursuant to *Malacanang E.O. 192 S. 1987 and D.A.O. 1 S. 1988*, the bodies and officers constituting the core of the DENR policy formulation structure consist of the following:

- 1) the DENR Secretary who has the authority to carry out the mandate of the department, discharge its powers, authorities and functions as well as the authority to undertake national policy decisions on behalf of the DENR;
- 2) the DENR Executive Committee or EXCOM (the DENR Secretary assisted by the Undersecretaries and Assistant Secretaries) which is the central policy decision-making body of the DENR;
- 3) the Policy Studies Service (PSS),¹ an organization within the Planning, Policy and Project Service (PPPS) which is under the Planning and Policy Studies Office (PPSO), is responsible for formulating policy and strategy recommendations to the EXCOM;
- 4) the Policy Technical Working Group (PTWG), composed of senior technical personnel and planning officers representing the major units/offices of the DENR central office and the planning units of the DENR bureaus;

¹ Based on DENR Administrative Order 1 S. 1988, the Policy Studies Service (PSS) is part of the Planning, Policy and Project Service (PPPS). Meanwhile, the PPPS is under the Planning and Policy Studies Office (PPSO).

-
- 5) the Central Policy Liaison Unit (CPLU) which conducts monitoring, liaising and coordination work with the various policy units and officers of the DENR.
 - 6) the Policy Review Committees (PRCs) which is composed of six staff bureaus² of the DENR;
 - 7) the Regional Policy Liaison Unit (RPLU) of each region which is headed by a Regional Policy Liaison Officer (RPLO); and the
 - 8) Policy Liaison Units (PLUs), headed by Policy Liaison Officers (PLO), which are organized in the various offices of the DENR.

PSS. Under *DENR AO 1 S. 1988*, the PSS is composed of two divisions: the *Policy Studies Division (PSD)* and the *Policy Analysis and Coordination Division (PACD)*. However, according to a leading officer of the PSD, the PACD has not been in operation since June 1994. The Chief of the PSS chairs the PTWG. Meanwhile, the Chief of the PSD co-chairs the PTWG and chairs directly the CPLU.

PTWG. The DENR units and offices with representatives to the PTWG are the Office of the Secretary, Office of the Undersecretary for Field Operations, Office of the Undersecretary for Planning, Policy and Natural Resource Management, Office of the Undersecretary for Project Management, Office of the Undersecretary for Environment and Research, Special Concerns Office, and the Staff Bureaus. Representatives from other units/offices can be invited to attend PTWG meetings from time to time to provide technical expertise on relevant policy matters. Created to ensure maximum involvement and participation within the DENR, the PTWG prepares the final draft of policy issuances and submit this to the DENR Executive Committee (EXECOM). Recording, consolidating and doing the technical work for the PTWG is the PTWG Secretariat composed of personnel from the PSS.

CPLU. As part of its monitoring functions on policy matters, the Central Policy Liaison Unit (CPLU) solicits feedbacks on policy and responds to policy issues submitted to the Central Office by the DENR staff bureaus and regional offices. It also disseminates the policy issuance.

PRCs. Policy recommendation inputs of each of the PRCs of the Staff Bureaus of the DENR are submitted to the Bureau Directors. The PRC recommendations and inputs endorsed by the Bureau Directors are forwarded to the PTWG. Each Bureau of the PRC is mandated to provide guidance in the formulation, analysis, and evaluation of sectoral policies. It is also mandated to initiate new sectoral policy proposals and reforms in line with the thrusts of the DENR.

The PRC of each bureau is composed of the Bureau Assistant Director as chairman, and the Chiefs of all divisions of the Bureau as members. Serving as the technical secretariat of the Bureau PRC is the Policy Liaison Unit of the Bureau.

PLUs in DENR Offices. Other than the Policy Liaison Unit (PLU) in the bureaus, PLUs are created in other DENR national offices such as the Special Concerns Office (SCO), National Program Coordinating Office (NPCO), and the National Coordinating Office for the Integrated

² *The six staff bureaus of the DENR are those on Forest Management, Land Management, Mines and Geo-Sciences, Environmental Management, Ecosystems Research and Management, and Protected Areas and Wildlife.*

Social Forestry Program (NCO-ISF). Each PLU, led by a Policy Liaison Officer (PLO), submits policy recommendation inputs to the PTWG. PLUs are also established in DENR offices in the regions but they submit their policy recommendations to the Regional Management Committee.

RMC. At the regional level, the Regional Management Committee (RMC) chaired by the Regional Executive Director (RED) is the highest forum for discussing and approving policy and non-policy matters. Members of the management committee are the Regional Technical Directors and Provincial Environmental and Natural Resource Officers (PENROs) and Community Environmental and Natural Resource Officers (CENROs) appointed by the RED.

RPLUs. The Regional Policy Liaison Unit (RPLU) is the technical secretariat for policy of the Regional Management Committee of the DENR Regional Offices. RPLUs are required to be composed of one representative from the regional DENR's Legal Division, and one (1) contact person from each of the Provincial Environmental and Natural Resource Offices (PENROs) and the Community Environmental and Natural Resource Offices (CENROs) in the region. The PENRO is the DENR organization at the provincial level while the CENRO is based at the community level. The latter typically covers a mountain range and several communities.

A **Regional Policy Liaison Officer (RPLO)** heads an RPLU. Policy issues are addressed by the RPLU in their regular meetings and discussed with the concerned PENRO. PLUs formulate problem briefs and outlines of possible "local solutions" which are discussed with the sectors concerned. The "local solutions" are memoranda from the RED. If local solutions are not possible, the issue is referred to the appropriate bureau in the Central Office.

At the national level, a policy request submitted to the Office of the Secretary, Office of the Head Executive Assistant, Legal Affairs Office, or Special Concerns Office is transformed into a draft policy and raised to the Planning, Policy and Project Management Office. The Central Policy Liaison Unit oversees the drafting of the policy, reviews it and makes recommendations to the Policy Technical Working Group. The **PTWG** may consult other sectors (government and non-government) for deliberation and discussion on the matter, such as public hearings. Based on these, the **PTWG** prepares the final draft of the proposed policy issuance. The final draft goes to the Undersecretaries and Assistant Secretaries for endorsement, and finally to the DENR Secretary who approves the policy issuance.

CHAPTER 3

THE POLICY-MAKING PROCESS AS QUALIFIED BY GOVERNMENT OFFICIALS

A. HOW POLICIES EVOLVE

The need to formulate, review, or revise policies “evolves from problems that come along during implementation of programs.”¹ Sometimes, the need arises from “policies that are already useless and those that no longer respond to the needs of the people.”² Popular pressure leads to the realization of the need to change policy. “Although policies are issued by the Central Office, the foundation of these policies are recommendations forwarded from the field.”³ Policy issues may be identified “through initiatives from the field” with the “regional office making recommendations for policy change.” The issues can also be identified by the Central Office by sending people to the field to find out problems and concerns.⁴ But “before policies are finalized in the Central Office, these are forwarded to the Field Offices (Regional Offices, PENROs) for comment and then feedback to the Policy Studies Office (PSO).”⁵ “The Central Office gives ample time, about 3 weeks, for field offices to give their comments and recommendations on draft policies before the policies are finalized.”⁶ The “policies issued by the Central Office are of national—not parochial—scope.”⁷

B. HOW POLICY ISSUES ARE ADDRESSED AT THE FIELD LEVEL

Problems and policy issues are “analyzed whether legal or operational;”⁸ and prioritized according to “the impact of the issue, the extent by which the issue can be solved immediately, and the pressure involved.”⁹ The latter is considered important because “when policies are not addressed immediately, pressure builds up, and when picked up by the mass media is sensationalized.”¹⁰ Policy issues are also prioritized according to the number of people who would be affected and benefitted.¹¹

¹ Interview with a leading officer of the DENR Forest Resource Conservation Division (FRCD), 12 January 1994.

² Interview with a leading officer of the DENR Environment Research and Development Division (ERDD), 18 January 1994. The ERDD is part of the Environment Research and Development Sector of the DENR-CAR office.

³ Interview with a leading officer of the DENR-CAR Forest Management Sector (DENR-CAR FMS), 24 January 1994.

⁴ Interview with the DENR-CAR FMS, 24 January 1994.

⁵ Interview with a leading officer of the Forest Resources Development Division (FRDD), 24 January and 8 February 1994. The PSO is part of the Planning and Policy Studies Office (PPSO).

⁶ Underscoring ours. Interview with the FRDD, 24 January and 8 February 1994.

⁷ Interview with the DENR-CAR FMS, 24 January 1994.

⁸ Interview with the FRCD, 12 January 1994.

⁹ Interview with the ERDD, 18 January 1994.

¹⁰ Interview with the ERDD, 18 January 1994.

¹¹ Interview with the DENR-CAR FMS, 24 January 1994.

There are policy-related issues that can be “solved” at the field level and which need not be elevated to the Central Office. The DENR regional office can act on policy issue. “Local solutions”¹² could be devised. The “local solutions” begin in draft orders prepared by concerned sectors in the CENRO. The draft orders are “reviewed by technical men, and once approved by the Regional Technical Director (RTD) are forwarded to the Regional Executive Director (RED) for action.”¹³ In this case, the Regional Policy Liaison Officer is furnished with a documentation of the issue. Recommendations from the field are considered as inputs and not necessarily adopted as decisions. Local solutions are “made based on existing regulations, within authorities, and without violating structural authorities.”¹⁴ These local solutions are “more on procedures and strategies, done by a team, and consistent with structural assignments”¹⁵ even as there are also decisions that are made to interpret policies. Rarely does a Regional Technical Director (RTD) make a decision on local solutions. Decisions on local solutions are always referred to the Regional Executive Director and the RTDs only provide advice.¹⁶ Local solutions (in the form of memoranda) are forwarded by the RED directly to the field offices for implementation.

If unsolved at the CENRO/PENRO level, “issues are directly elevated to the Regional Office, and studied with the support of the various service offices.”¹⁷ The CENRO PLOs act “as contact persons who identify the issues from NGOs and people.” The issues are summarized by the PLOs into a problem brief.

C. COORDINATION AMONG THE FIELD OFFICES, THE REGIONAL OFFICE AND THE CENTRAL OFFICE

The mechanisms through which the Regional Office, the PENROs, and the CENROs coordinate with each other on policies and decisions are the following:

- 1) monthly CENRO/PENRO meetings where the RPLO identifies policy-related problems in the field offices;
- 2) regional management committee meetings;¹⁸
- 3) special meetings where the RED calls for the concerned PENROs and CENROs;
- 4) field visits;
- 5) memoranda and issuances from the region; and
- 6) direct, personal, informal contacts.

¹² See Figure 1 page 8.

¹³ Interview with the ERDD, 18 January 1994.

¹⁴ Interview with the FRCD, 12 January 1994.

¹⁵ Interview with the FRCD, 12 January 1994.

¹⁶ Interview with the FRCD, 12 January 1994.

¹⁷ Interview with the ERDD, 18 January 1994.

¹⁸ These are held every Mondays at DENR-CAR as of the first quarter of 1994. Policy concerns are discussed as deemed needed by the regional management committee.

“Borderline issues” are referred to the Central Office.¹⁹ “When issues involve natural resource management, policies are always national in scope, and the RED can only recommend.”²⁰ No policy on natural resource management can be issued by the RED even if problems in a region are unique.²¹

Unresolved issues, proposals, and comments on documents from the Central Office may be raised by the RED to the Central Office in national management committee conferences. In such conferences, “problems specific to regions can be discussed thoroughly and REDs from the other regions could also help formulate solutions to problems in specific regions.”²²

Policy questions or proposals can be raised to the Planning and Policy Studies Office (PPSO). The PPSO forwards the policy question or proposals to the concerned bureaus.²³ Policy issues raised to the Central Office “are always addressed to the Secretary,”²⁴ and these are routed in the Central Office. The status of a policy question or proposal can be monitored by the regions through the PPSO.²⁵

D. SECTORAL PARTICIPATION IN DENR's POLICY-MAKING PROCESS

According to a leading officer of the DENR-CAR Forest Resource Development Division (FRDD):

*NGOs and communities are normally not involved in policy formulation but DENR get their feedbacks as DENR interacts with them and so their inputs are included in all comments and recommendations of the DENR personnel. There are also collaborations where NGO concerns are solicited to improve DENR's systems.*²⁶

Policy inputs from the people are received through the following:²⁷

- 1) voluntary inputs from the NGOs, local government units, and citizens through their resolutions, complaints, letters, and requests for assistance in program implementation;
- 2) observations conducted by the DENR; and
- 3) consultations between the DENR and the concerned sectors.

A leading officer of the DENR-CAR Forest Management Sector (FMS) also said:

¹⁹ Interview with the FRDD, 24 January and 8 February 1994.

²⁰ Interview with the DENR-CAR FMS, 24 January 1994.

²¹ Interview with the DENR-CAR FMS, 24 January 1994.

²² Interview with the ERDD, 18 January 1994.

²³ Interview with the ERDD, 18 January 1994.

²⁴ Interview with the DENR-CAR FMS, 24 January 1994.

²⁵ Interview with the ERDD, 18 January 1994.

²⁶ Interview with the FRDD, 24 January and 8 February 1994.

²⁷ Interview with the FRCD, 12 January 1994.

Project. The public inputs are made possible through consultations “built in to the projects” and through interactions with NGOs in the course of project implementation.³⁷

The Forest Management Bureau, for instance, consults with the Philippine Wood Products Association. The association is assumed to represent the wood industry sector.³⁸ According to Mr. Rolando Diomampo of the Mines and Geo-Sciences Sector, as part of the department’s mines bureau consultations with the private sector, the DENR has been enjoining the public to participate in annual conferences on small-scale mining conducted by the Philippine Chamber of Industries.

According to the PSD in June 1994, consultations conducted by the Forest Management Bureau for the National Masterplan for Forestry Development has “strengthened the bureau’s case for the revision of the Forestry Code.”

Proposals from offices of the bureaus are discussed and reviewed by the PRC of each bureau. As of June 1994, bureau PRCs have been established in the Forest Management Bureau (FMB) and in the Protected Areas and Wildlife Bureau (PAWB). However, the PRCs still operate on an ad hoc basis in the other bureaus.

Addressed to the DENR Secretary, the policy proposals are forwarded through the PSD for review by the PTWG. The PSD does policy analyses. It reviews policies and existing rules and regulations for possible amendments. It also considers policy implementation feedbacks. In addition the PSD also acts as the Central Policy Liaison Unit.³⁹

Some policy proposals can go straight to the DENR Secretary without being reviewed by the PTWG.⁴⁰ When the policy proposals are adopted by the PTWG, these are made into appropriate draft documents and routed among the Undersecretaries and Assistant Secretaries for signing and then to the DENR Secretary for final approval. If they have comments or suggestions, they do not affix their signatures but refer the draft back to the PTWG or to the proponent of the proposed policy who are asked to consider the comments or suggestions.⁴¹

F. SELECT NOTES ON MATTERS RELATED TO POLICY FORMULATION AT DENR-CAR

RPLO. Although a DENR-CAR RPLO was established as early as October 1990, the RPLOs were formally designated only in June 1991 through DENR Special Order 593. A listing of policy issues is maintained by the RPLO. At the DENR-CAR, it is deemed important for the Planning Officer to be the RPLO.⁴² Thus, the function of policy liaison was assigned to an officer of the Planning and Management Division. The RPLO’s function, like the function of all planning officers, has been coordinative.⁴³

³⁷ Interview with the DENR Central Office PSD, 7 June 1994.

³⁸ Interview with the DENR Central Office PSD, 7 June 1994.

³⁹ Interview with the DENR Central Office PSD, 7 June 1994.

⁴⁰ Interview with the DENR Central Office PSD, 7 June 1994.

⁴¹ Interview with the DENR Central Office PSD, 7 June 1994.

⁴² Interview with the ERDD, 18 January 1994.

⁴³ Interview with the DENR-CAR RPLU, 4 January 1994.

DENR officers claimed that by 1994, the office of the RPLO had achieved the following:

- 1) communication and coordination between regional and field Offices became smooth: and
- 2) a centralized information dissemination system on policies from the Central Office to the field offices was established.

According to the DENR-CAR RPLU, the problems encountered by the RPLO in the region include the following:

- 1) there is no budget allocation for activities related to policy review and analysis;
- 2) policy liaisoning is considered his part-time function only and it is only one of the several assignments given to the RPLO;⁴⁴
- 3) there is no full-time staffing and no centralized office for RPLO; and
- 4) PLOs are not fully briefed on their functions.⁴⁵

The recommendations presented by DENR officers⁴⁶ to improve policy liaison work include:

- 1) the Planning Officer should be the RPLO;
- 2) there should be a full-time staff (aside from Sectoral PLOs); and
- 3) policy liaison functions should have a regular budget.

POLICY STUDIES AND RESEARCH. Policy studies are done by the Environment and Research and Development Sector (ERDS), but sectors such as the Forest Management Sector (FMS) are involved in operations. For instance, the ERDS reviews what the FMS is doing but the FMS is also contributing policy analyses and recommending policy changes.

FMS has “no formal study on policy matters, including on how policy affects people and the FMS service recipients.”⁴⁷ According to the DENR-CAR Forest Management Sector:

*This is because the formulation of proposed policies are not built-in in programs and projects and building this in needs funding and a lot of people. It also needs an interdisciplinary approach which the FMS do not have. This means we have to hire people from the outside.*⁴⁸

The ERDD officer said that his office failed to conduct policy studies during his time as an RPLU official due to lack of time and budget. As of January 1994, the ERDS already had a

⁴⁴ Interview with the DENR-CAR RPLU, 4 January 1994.

⁴⁵ Interview with the ERDD, 18 January 1994.

⁴⁶ Interview with the RPLO, 4 January 1994.

⁴⁷ Interview with the FRDD, 24 January and 8 February 1994.

⁴⁸ Interview with the DENR-CAR-FMS, 24 January 1994. In connection with the above, an ERDD officer expressed interest in getting assistance through policy studies that can be offered by the academe, such as those from the University of the Philippines College Baguio Cordillera Studies Center.

*Consultations with NGOs are project-based such as those in the Sectoral Adjustment Loan Program where there were adequate consultations—not necessarily by the Regional Office but by the field personnel. The consultations also involved the participation of the community.*²⁸

In planning, according to a former leading officer of the Forest Resource Conservation Division (FRCDD), “consultations are done and this is exemplified in the formulation of the Forestry Masterplan.”²⁹ The DENR-CAR ERDD officer explained further:

*The draft of the masterplan was prepared by a Working Committee composed of technical men from the Forestry, Environment, Research, the NGO Desk, the FMS RTD, and all the Division Chiefs of Forestry, Environment and Research. The PENROs and CENROs were also contacted, and these invited participants from LGUs, NGOs, academe, farmers, and religious groups. The Master Plan objectives and programs were presented to various sectors. There were fora where questions were raised and clarifications made. The feedbacks were incorporated in the final draft. There was a great deal of NGO inputs, and these were appended to masterplan. The budget for the Regional Masterplan for Forest Development (RMPFD) was provided by the national government.*³⁰

There were also similar consultations and workshops conducted in the ancestral land congresses organized in Abra and Benguet in 1992.³¹ These were arranged by the now defunct Special Task Force on Ancestral Land (STFAL). The mines sector of the DENR also conducted consultations on small-scale mining for RA 7076.³²

E. POLICY FORMULATION AT THE NATIONAL LEVEL

With the establishment of a policy-development system, field offices are now able to raise proposed policies to the Central Office even if this is only rarely done.³³ The policy proposals are usually a one-page presentation.³⁴ Nevertheless, this is considered an improvement because “previously, the functions of the field offices were only regulatory.”³⁵

Policy proposals mostly originate from the bureaus and are formulated by their respective policy review committees. Policy proposals, however, can come even from projects like the DENR’s Natural Resource Management Program (NRMP)³⁶ and the ISF’s Upland Development

²⁸ Interview with the DENR-CAR FMS, 24 January 1994.

²⁹ Interview with the FRCDD, 12 January 1994.

³⁰ Interview with the ERDDf, 18 January 1994.

³¹ Interview with a leading officer of the DENR-CAR Regional Policy Liaison Unit (RPLU), 4 January 1994.

³² Interview with the DENR-CAR RPLU, 4 January 1994.

³³ Interview with a leading officer of the Policy Studies Division (PSD), DENR Central Office, 7 June 1994

³⁴ Interview with the DENR Central Office PSD, 7 June 1994.

³⁵ Interview with the DENR Central Office PSD, 7 June 1994.

³⁶ This should be distinguished from the NRMP of the University of the Philippines College Baguio-Cordillera Studies Center (UPCB-CSC). UPCB-CSC has its own NRMP which is a research program.

research proposal on traditionally managed forest which was evaluated and approved by the CEB. The research proposal was submitted a year ago to NEDA for funding.⁴⁹ The research project was considered important for policy.

Meanwhile, the DENR-CAR has proposed the revision of the policy on the prohibition against logging in forests with an elevation of 1000 meters and above. The DENR-CAR is proposing that the prohibition for logging be limited to forests 1500 meters and above, or pine forests be exempted from the prohibition against logging.

⁴⁹ *Interview with the ERDD, 18 January 1994.*

CHAPTER 4

NGO ASSESSMENT OF GOVERNMENT POLICY FORMULATION

This chapter sums up the results of key informant interviews with leaders of select NGOs. Taken as a whole, the NGOs from which the respondents came fairly represent the spectrum of views within the NGO community in the Cordillera. The key informants were from the Baguio Regreening Movement (BRM), Association of Private Voluntary Organizations in Baguio and Benguet, Incorporated (APVOBBI), Baguio-Benguet NGO Congress, Cordillera News Agency (CNA), Mining Communities Development Center (MCDC), and the Center for Development Programs in the Cordillera (CDPC).

A. OVERALL ASSESSMENT

As described earlier, there are four NGO overall assessments on government policy formulation in resource management:

1. “In some ways it is participatory and in some ways it is not participatory. It depends on who is in the position of leadership.” This is the view expressed by a leading officer of the Baguio Regreening Movement (BRM).

According to the NGO officer, processes in the DENR, DA, and DAR “are participatory in some ways but not in some.” For example, she said the Special Task Force on Ancestral Lands (STFAL) employed participatory methods in many consultations, land congresses and discussions held in the region and in Manila. She claimed, however, that the preparation of the Regional Masterplan for Forestry Development had not been participatory. For her, the DENR merely solicited comments and suggestions but “the plans have already been made prior to the consultations.”

She added that for the preparation of masterplans to be genuinely participatory, “the consultations should be community-based and not done only with NGOs.”

She noted that DENR policies emanate from the national level and “only projections¹ and recommendations are brought from the regional level.” For her, policy revisions require popular pressure. She added that “there are also projects, such as the fencing of Forbes Park [in Baguio City], which can only be implemented through popular pressure.”

2. “Government has reached out to NGOs as partners for implementing programs and projects; participation has improved compared to five, six, or seven years ago.” This is the view expressed by a leading officer of the Association of Private Volunteer Organizations of Baguio and Benguet, Incorporated (APVOBBI).

¹ This refers to projections made for planning purposes.

According to the APVOBBI officer, government processes are increasingly becoming participatory. For the APVOBBI officer, this is exemplified in the “DENR’s opening up of programs and projects to NGOs, as partners in implementation.” For him, DENR’s policy formulation has acquired “a semblance of bottom-to-top planning.” Programs and projects, “like the Communal Tree Farm, for example, can emanate from the grassroots level and brought up to the national level.” However, he said that “there are instances where the regional office do otherwise and the policies emanate from the top rather than from the bottom.” The APVOBBI officer believed that this is necessary for certain policies such as the ban on logging but “inadvisable for projects such as open-pit mining because resistance is only generated at the local level.”

For the APVOBBI officer, government agencies invite NGOs to many of their consultations. He said that in the preparation of regional development plans, for example, NGO feedbacks are solicited. DENR and DAR also solicit NGO “comments on certain issues” by sending out questionnaires. GOs also meet NGOs in fora organized by the UP College Baguio Cordillera Studies Center (UPCB-CSC).

The APVOBBI officer believed that his NGO had a wide elbow room in implementing the DENR’s Inspection Chart Mapping in 1991. APVOBBI had consultations with the DENR’s NGO Desk and from such consultations various “problems and issues were treshed out.” He said that “NGO needs are addressed by a DENR staff.”

The APVOBBI officer pointed out, however, that revision of policies “is not within the authority of local officials” in the region but of those at the national level. He believed that changing policies such as those on land classification “should go into the legislative process.” For him policy changes “should be acts of Congress” because the DENR is only implementing the laws. The field offices can only recommend and their efforts would be “a postal² kind of activity” wherein recommendations received from “NGOs or the public” are forwarded to the Central Office.

3. “There is only minimal participation.” This is the view expressed by leading officers of the Baguio-Benguet NGO Congress (BBNGOC)/Cordillera News Agency and the Center for Development Programs in the Cordillera (CDPC).

For the BBNGOC/CNA officer, DENR processes are not participatory “because policy formulation is based in Manila.” According to her, one illustration of this is the case of the Sto. Niño Mines. The people, “the barangays, the municipality, the adjoining municipalities, and the province of Benguet, have all asked for the cancellation of the mining permit” of the Sto. Niño Mines. Yet, the regional DENR simply said that it will raise the issue to the national office which is based in Manila and “let them decide.” Similarly, she added, “the DA usually gets their directives from Manila” which they implement. She claimed that this is also the case with the DA’s regional agricultural and fisheries councils which receive and implement directives from the Manila offices.

² For him, the field offices merely receive recommendations and information from the public and NGOs, and transmit these to the Central Office who actually makes the policies.

The BBNGOC/CNA officer believed that although the DENR invited people to consultations, the strength of people's participation did not lie in the number of invitations sent by the DENR but rather in the initiatives exercised by the people. On the ancestral lands issue, the BBNGOC/CNA officer agreed that there was local participation at the local level but local participation stopped at Congress.

Meanwhile, for the CDPC officer, DENR processes are not participatory because the people have no organized involvement. Further, programs and projects implemented in the communities do not provide for consultations that determine the needs of the people. Consequently, the programs and projects do not provide optimal benefits to the people. He acknowledged, however, that communities derived benefits from the DENR "but these are few and short-term benefits." For instance, he noted that community people were involved in projects on a hired-labor basis. He raised several questions:

Can you already call these hired laborers as beneficiaries? Should we call this people's participation? What happens after the contract of these hired laborers expire? Is people's participation still enlisted?

4. "Basically topdown with only semblances of people's participation." This is the position expressed by a leading officer of the Mining Communities Development Center (MCDC).

The MCDC Executive Director categorically said that "formulation of policies (particularly regarding) mineral resources is not only top-down but also influenced by foreign mining companies."

In the cases of the People's Small-Scale Mining Act, "the DENR-conducted regional consultations to formulate the implementing rules and regulations" did have semblances of being participatory. Heeding the call by the DENR-CAR, many small-scale miners came to participate in the said public hearing. But he said it only allowed limited participation, and to the dismay of the small-scale miners, they were not allowed to enter the venue of the public hearing.

In the case of the proposed Mining Code, the MCDC Executive Director said that policy making is influenced by "foreign mining companies through the various chambers of the mines such as the US Chamber of Mines and the Australian and the New Zealand Chamber of Mines." The NGO which the engineer represents believes that those who sponsored the bills have interests other than the people's interests.

The NGO officer said that government policy formulation, as in the case of the proposed Mining Code, is not pro-people and "is more pro-foreign investment." According to him, the mining code would allow 100% foreign investment, with foreign investors receiving investment guarantees and the government virtually selling out our patrimony.

B. NGO INPUTS TO POLICY

NGOs appear to be active in making inputs to policy.

According to the BBNGOC/CNA officer, in general the NGO community has done a lot of campaigning and lobbying in Congress to push for policy changes. One example of this is the campaign to stop open pit mining “where no laws exist to prohibit it and which the DENR says it cannot stop.” The BBNGOC/CNA officer commented: “If you are DENR and your job is to protect the environment, and you see that open pit mining is harmful to the environment, you do not need a law to make a decision to stop it.”

According to the BRM officer, the BRM has also “done a lot of persuading to the DENR on policies and policy implementation.” According to her, the BRM has “done a lot to cut through bureaucracy by going straight to then Secretary Factoran in Manila and by maximizing the leadership of Catholic Bishop Salgado in the BRM.” One issue which is being pushed by the BRM is the “suspension of issuance of permits to subdivision developers, especially those based in Baguio City.” The DENR-CAR endorsed the BRM resolution on this to the national offices in Manila. The BRM officer also claimed that the BRM was also responsible for the demolition of squatters’ shanties in Forbes Park.

BRM’s inputs on the DENR-CAR’s Regional Masterplan for Forestry Development include the following:

- (1) special education should be given to those in the wood carving industry (BRM complains that “people in the industry use a lot of wood but do not plant trees at all”);
- (2) citizens who preserve the urban forest should be given tax incentives;
- (3) the report prepared by the International Indigenous Commission for the United Nations Conference on Environment and Development should be studied because it is relevant to the Cordillera and other “protected areas;”
- (4) policies of the DENR should be coordinated with other government line agencies, especially “the DAR, DPWH, DOT, and the HULRB;” and
- (5) more consultations should be conducted as “a three hour session is too short to digest two (2) volumes of report.”

The BRM also recommended that the material “*Environmentally Sound Small Scale Agricultural Forestry and Livestock Projects*” be used as a reference in making the regional masterplan. The BRM officer expressed uncertainty, however, as to whether her inputs were considered. At the same time, however, she also expressed certainty that even if the BRM recommendations were adopted, the “DENR Central Office may water them down as there are offices in the DENR which are not receptive to NGO inputs.”

On the part of CNA, its officer said that the organization's participation in DENR’s policy formulation is only indirect or “informal” because the participation is via research. At the time of the interview, the CNA was doing research on the “*Mining Industry in the Cordillera and Its Impact on the Environment.*” They have been covering “the people’s struggle in relation to environmental protection.”

APVOBBI's main inputs to policy formulation were through the findings it documented in their Inspection Chart Mapping (ICM) report to the DENR. Notable among their findings, according to the APVOBBI officer, were (1) the unsuitability of the area covered in the ICM contract for tree planting; and (2) the "overlapping of adjoining areas" covered by the tree-planting contract which the ICM covers.

MCDC inputs to policy formulation include the "mobilization of small-scale miners to speak up in various regional consultations conducted by DENR on RA. As a result, in one of the consultations, "it was the small-scale miners themselves who demanded the DENR-CAR to conduct an information campaign on RA 7076." According to the MCDC Executive Director, the main purpose in pressuring the DENR-CAR to conduct the information campaign was for them to see for themselves "the true sentiment of the small-scale miners who are very much opposed to RA 7076."

C. GOVERNMENT RECEPTIVENESS TO NGO INPUTS AS VIEWED BY NGOS

NGO perception of the receptiveness of government to NGO inputs is represented by comments like "government is receptive to a great extent," "it is minimally receptive," "it depends on who is sitting there," and "projects are being implemented even without getting public acceptance." However, all of the NGOs interviewed have misgivings. Even those who expressed a positive assessment of government receptiveness to NGO inputs complained on or pointed out the following:

- (1) NGOs do not know whether their inputs are considered "at the top;"
- (2) government receptiveness to NGO inputs is not institutionalized and still depends on "who is in charge;"
- (3) remarkable changes will still have to be seen on the receptiveness of government to NGO inputs;
- (4) pressure must continually be made to ensure that government will remain receptive to NGO inputs; and
- (5) although government personnel at the lower level may be understanding or receptive, the same cannot be said of those who decide.

According to the BBNGOC/CNA officer, some NGOs feel that government is not living up to its commitments to Agenda 21.³ Some have anticipated that government would not be very receptive to NGO inputs on policy because while government "mouths sustainable development," its words are not supported by its deeds.

According to the BBNGOC/CNA officer, in the case of Camp John Hay for example, government "made a plan and an agreement with Tuntex without even looking into the possible

³ *The World Bank's World Development Report 1992 describes Agenda 21 as an agreement among governments for an "environmentally responsible development in the next century." The agreement also included a commitment to resist protectionist pressures and the enhancement of investments in noncarbon energy alternatives.*

effects of the project on the environment.” It was only “after the people came to oppose it did government say they will protect the environment.”

Actually, the DENR-CAR knew the problems with regard to Camp John Hay. The DENR even said that the initial plan of Tuntex “would affect the water situation” and “that an environmental investigation and analysis should be done.” Yet government, according to the BBNGOC/CNA officer, had agreed to let Tuntex make its own environmental investigation. She complained that allowing this would mean allowing Tuntex to make investigations “to suit Tuntex’s purposes.”

Even as the BBNGOC/CNA officer saw the DENR at the regional level to be “responsive in a way” to issues raised by NGOs, she believed that the agency “has no power with regard to the more pressing concerns.” Decisions will be made in Manila and the issue is “still whether Manila will be responsive to the region's needs and concerns.” Starting “from the President, everyone is talking about sustainable development, but they're just liptalking, because their actions run contrary to what they say.”

The BBNGOC/CNA officer thought that government was basically not listening. She believed that a wrong project was only abandoned when people opposed it. She said that this is exemplified in the attempt to put up casinos in Baguio City. In the case of people’s opposition to the Tuntex Plan, the government backtracked and “they said they are scaling it down but we have yet to see their alternative plan.”

According to the BBNGOC/CNA officer, the DENR’s receptiveness to people’s inputs in consultations is very uncertain. In consultations “nothing is carried.” She said that “you don’t know if anything happened to the ideas raised.” Vis-a-vis the people’s lobby to improve land tenure or ownership, “DENR is just responding and reacting, but whether any change can really happen depends on the national government.”

As early as 1987, the CNA had facilitated visits of government agencies like the DENR and the DA to far-flung areas like Mt. Pulag. In these meetings, the agencies “came and promised things” but the CNA could not tell if these promises had already been fulfilled. Ms. Baboo Mondoñedo said that this was also true of the Camp John Hay Fencing and Sto Niño Mines issues.

The BBNGOC/CNA officer claimed that, similarly, the DA is also only “minimally receptive” to people’s inputs.

For the BRM officer, the DENR’s receptiveness to public inputs basically depends on who is in command but “the agency’s lower ranks are generally more understanding and quite cooperative.” Just the same, NGOs have “to push so their inputs can be implemented or considered.” On the ancestral land issue, the BRM officer viewed the current DENR leadership as “receptive to public inputs in view of DENR’s DAO 2 that provides for the issuance of Certificates of Ancestral Land/Domain Claims, and Special Order 31.” The latter refers to DENR Special Order 31 Series of 1990 as amended by DENR Special Order 31-A that created a special task force for the acceptance, identification, evaluation, and delineation of ancestral land claims in the Cordillera Administrative Region.

Generally, the BRM sees the present DENR as also receptive to BRM's advocacy even as there are still areas for discussion and a bureaucracy to overcome. Having implemented one of DENR's Contract Reforestation Projects in several barangays of Baguio City, the BRM officer said that in consultations BRM members had been "very vocal" in making comments to which the DENR appeared receptive. In spite of these, however, she took care to stress that "a lot of pressure have to be made by people to change policies."

Meanwhile, on land classification, the APVOBBI officer complained that "there is no feedback coming from government whether they have taken the issues raised to them by NGOs and whether they have made efforts towards changing policy."

Regarding the MCDC's position paper on the Mining Code which was submitted to the Philippine Senate in August 1994, and with a recommendation for regional public hearings on the proposed code, the MCDC officer complained that "there is still no action." Regarding the DENR's response to complaints against open pit mining, he said "operations of large-scale mining companies are even being justified by the DENR." In the face of complaints coming from people whose houses were destroyed when a dam collapsed, allegedly because of the operations of the Itogon-Suyoc Mines, the MCDC officer said that DENR invoked the Water Code and "blamed the people for living near the river." According to the MCDC officer, similar complaints from Lepanto immediately after the collapse of another dam were also dismissed by DENR.

D. WEAKNESSES IN GOVERNMENT POLICY AND IMPLEMENTATION PROCESSES AS PERCEIVED BY NGOS

As viewed by NGOs, the weaknesses of government in its policy and implementation processes involve government distrust for NGOs, "bureaucracy", and "inadequate" institutionalization of people's participation in policy formulation processes.

DISTRUST FOR NGOS. For the BBNGOC/CNA officer, existing policy-making and implementation structures do not work at their best because of government's lack of trust for NGOs. For her, this hinders NGO participation in government policy formulation. Government finds the NGOs threatening because of their typically critical stance. Foreign funding are sometimes channeled to NGOs rather than to government and this makes the latter feel that NGOs are usurping power. She clarified, however, that "if government was really effective in the first place, there would be no reason for NGOs to exist."

"BUREAUCRACY." For the BBNGOC/CNA officer, another hindrance to the effectivity of government is that "the government is broke but the bureaucracy is so bloated that they can hardly move."

The BRM officer agreed that one defect of the DENR is that "it is so bureaucratic."

The APVOBBI officer added that one defect of the government's policy-making structure is the absence of a "clear-cut" identification of who is responsible. It is a question of

“who should be followed? DAR, with their CLOA or DENR with their stewardship contracts, or another agency?”

INSTITUTIONALIZED PARTICIPATION OF PEOPLE. Meanwhile, a problem identified by the MCDC officer is the limited popular representation in the Provincial Mining Regulatory Board. Under the People’s Small-Scale Mining Act, there is only one Small-Scale Miner Representative in the six-member board. Another is DENR’s “perception that small-scale miners are illegal.” Another problem is that invitations to public hearings are sent very close to the date of the public hearings and that invitations for these are sent only to the presidents of small-scale miners associations.

E. RECOMMENDATIONS FROM NGOS

Several recommendations were presented by NGOs to improve policy formulation and implementation processes:

1. For the APVOBBI officer, the DENR processes “should be a two-way communication” whereby the results of NGO recommendations are fed back by the agency to the NGOs in the same manner that government requests are responded to by NGOs.

The APVOBBI officer explained that “the best kind of planning is the combination of top-to-bottom and bottoms-up planning” represented by “two triangles, one is inverted and meeting the other at the center.” Plans above are subject to deliberations below and plans originating below should be pushed up.

2. On the ancestral land issue, the APVOBBI officer argued that policies should come mainly from below, “from the grassroots because they are the ones who have tilled, and stayed in the land since time immemorial.”

3. For the BBNGOC/CNA officer, “the best way to improve policy formulation and implementation processes is to encourage people to take initiatives. NGOs should continue working to build the capability of communities.” At the same time, government should change its structure and allow regional autonomy. She pointed out that “what we have to change now is that the power to decide really resides with the national government.” For the BBNGOC/CNA officer, if the DENR-CAR “were given more power” and more autonomy, the capability of the agency to be more responsive to the people in policy formulation and implementation would be enhanced.

CHAPTER 5

POLICY AND IMPLEMENTATION: FOCUS ON SAGADA, MT. PROVINCE

This chapter discusses the implementation of policy on resource management through government programs in the communities and how feedbacks on policy are used to refine, adjust, or change policy—as perceived by key informants in the communities. The key informants include a local forester, a barangay councilor, a former barangay captain, and a leading officer of a fruit growers association.

The first section of the chapter will tackle the management of Sagada’s forest resource. The DENR, as mentioned earlier, is the key government agency on this concern, although the activities of the Department of Agrarian Reform (DAR) will also be considered. The second section will tackle the management of agricultural resource in the same community, Sagada. The DA, of course, is the key government agency on this concern.

A. POLICY AND IMPLEMENTATION ON FOREST RESOURCE

The Forest Protection Program is the only DENR project in Sagada, Mt. Province.¹ This has been operating since 1977 and the Philippine National Police participates in the program’s information dissemination and forest fire prevention activities.²

Under the program, the DENR assigned a forester to inform the people that cutting trees without a permit is prohibited. Still, many cut trees without a permit, “sometimes even in another person’s lot.”³ The DENR also authorized the forester to mediate and settle, in coordination with barangay officials, disputes on cutting of trees.⁴ Most of these cases were settled at the barangay level, with the community people playing a key role. Unresolved cases (about 2 from 1988 to May 1994) were brought to court.

People cut trees despite the legal prohibitions because they believe they own the timber and the land, and the wood is only used in building houses anyway. Moreover, local customs allow people to till lands for agriculture in Sagada and cut the trees they planted. People cut trees but replace them by planting again.⁵ Nevertheless, these are all inconsistent with government policies especially because Sagada is legally classified as a forest reserve.⁶

However, the forester believed that Sagada should be classified as a residential area and he supported the people of Sagada’s position that the municipality should not be classified as a

¹ Interview with a Barangay Councilor, Barangay Patay, Sagada, Mountain Province, May 1994.

² Interview with a leading officer of a fruit growers association, Barangay Patay, Sagada, May 1994.

³ Interview with a Barangay Patay Councilor, May 1994.

⁴ Interview with a forester, DENR Community Environment and Natural Resource Offices, Sabangan, Mt. Province, May 1994.

⁵ Interview with a Barangay Patay Councilor, May 1994.

⁶ Interview with a DENR-Sabangan Forester, May 1994.

forest reserve. People assert that Sagada is theirs because it was passed on to them by their ancestors who had lived on and tilled the land. On this, the Sagada forester and the municipal government submitted a resolution to the national government through the regional office asking for a reclassification of Sagada from its current status as forest reserve and inalienable land to one that is alienable and disposable. They also sent pictures of Sagada taken in the 1900s when the place was generally cogonal and in 1945 for comparison to prove their claim that the people planted the trees.⁷ Until now, however, there is no action on the resolution.

Meanwhile, another forester⁸ even believed that people should be allowed to cut trees in private forests and plantations through the “humanization” of the law. He argued that the failure to humanize the law (i.e., allowing people to cut trees in their forests and plantations) is counterproductive. The forester cited the case of Bauko where “people cut trees at night and, in the process, start forest fires from their torches.” The same forester said that the DENR does not exert any effort to reclassify Sagada. The forester claimed that “the people believe that DENR’s provincial office is considerate but not its regional office.”

Back in the 1980s, however, an internal agreement on the cutting of trees was made between DENR and the people. One such agreement was between the District Forester of Mt. Province and the Sagada Mayor. At present, there is an internal agreement between the CENRO and Sabangan and Sagada. Years back, at a higher level, a DENR Director and a governor verbally agreed to allow the people of Sagada to cut trees, raising protest from the people of Sabangan and Besao. Another similar agreement was reportedly reached during a meeting of all foresters in the country after hearing how Sagada reforested itself without government initiative.⁹

According to the current forester of Sagada, people cut trees in Sagada despite a total log ban. Some even transport timber and other wood products outside Sagada despite a law prohibiting this. One time, the forester confiscated and stocked logs that were illegally cut for transport out of Sagada. The following day, however, the logs, rumored to be owned by an influential person, were gone. A forester said that the poor—those who sell charcoal and pine cones for a living—are the only ones arrested.

A forester¹⁰ also said that people want to transport logs out of Sagada, he would agree to such transports as long as the transporters have permits to construct houses.

Meanwhile, a barangay councilor complained that the DENR is not really active in forest protection, and claimed that the people are actually the ones who put out forest fires. She believed that the DENR is active only in going after illegal cutters and investigates only when there are complaints.

Meanwhile, the Department of Agrarian Reform has surveyed for titling purposes the lands in Fidelisan, Agid, and Bangngaan and Lake Danum between Sagada and Besao. The DAR reportedly ran into conflict with the DENR because titling is inconsistent with the DENR's

⁷ Interview with a DENR-Sabangan Forester, May 1994.

⁸ Because of the controversial statements of this person relative to his official function, we feel obliged to keep confidential the identity of this key informant.

⁹ To protect our respondents, we decided not to identify the people involved and the sources of our data for this paragraph.

¹⁰To protect our respondents, we cannot identify our source for this statement.

classification that Sagada and nearby areas are forest reservations.¹¹ The conflict has been going on since 1990.

B. PROGRAMS FOR MANAGING AGRICULTURAL RESOURCE IN SAGADA

A government agency, the Municipal Agricultural Office (MAO) in Sagada, is known to have several projects in the area. One of these projects is the German Fruit Growing Project which was started in 1985. As of May 1994, the project had completed 4 seminars among members of an organization of fruit growers: 2 seminars in 1985, 1 in 1987, and another in 1992 in which there were 16-18 participants. A former Barangay Captain of Barangay Patay believed that information and education campaigns for these seminars were adequate. There were also planning meetings in the course of implementing the project in which agency mobilization for community participation was considered adequate. However, only a few community members were active in these meetings. Nevertheless, one of their requests, i.e., that the DA should supply planting materials such as chemicals and wires, was granted by the DA. The community people were reportedly satisfied with the results of the planning activities conducted by the DA. The DA was perceived to be open to community influence, receptive and quickly responsive to people's inputs.¹² In spite of these, however, the community people reportedly believed that they could not influence much of the program/project planning at the community level.¹³

The MAO monitored the fruit growing project once or twice a year from 1987 to 1992. This was believed to be inadequate in the light of the people's interest on the project.¹⁴ No evaluation of the project had been done as of May 1994.¹⁵ A group in the locality of Amtadao in Sagada Poblacion, Sagada, Mountain Province pointed out that "a defect of the project" is that many of the farms lack an irrigation system. Agency personnel said they would elevate this problem to the DA. A leader of the community couldn't say how responsive the agency is to the need.

The MAO has also been maintaining a livestock raising program since 1990. Under the program, 2 seminars were conducted in 1992. The information-education campaign was deemed adequate.¹⁶

Another DA project is the LEAD project under which a nursery program was established for the production of pear and apple planting materials. Although the project has been going on since the 1980s, it was only at the start of 1990 that the DA decided to provide loans. Nevertheless, people complained to the DA that the nursery program lacked funding. People were reportedly losing their interest in the project because of the DA's failure to sufficiently address the problem.¹⁷

¹¹ Interview with a DENR-Sabangan Forester, May 1994.

¹² Interview with a former Barangay Captain of Patay, Sagada, , May 1994.

¹³ Interview with a former Barangay Captain of Patay, Sagada, May 1994.

¹⁴ To protect our respondents, we decided not to identify our source for this statement.

¹⁵ Interview with a former Barangay Captain of Patay, Sagada, May 1994.

¹⁶ Interview with a former Barangay Captain of Patay, Sagada, May 1994.

¹⁷ Interview with a leading officer of a fruit growers association, Barangay Patay, Sagada, May 1994.

Through the Municipal Agricultural and Fisheries Council (MAFC) in Sagada, the DA conducts quarterly seminars participated in by barangay officials, a youth representative, and interested individuals. In these seminars, the DA discusses “theories which fruit growers can apply.” The MAFC has also submitted a proposal for an animal dispersal project which has not yet been approved by the DA.¹⁸

Key informants believed that the DA’s mobilization for community participation in planning meetings has been adequate and that people remain generally interested in these because of the benefits they offer. One of the public inputs in these meetings included recommendations for bigger funding for MAFC and monthly meetings. The pace of response to the proposals is understood by the people, and the agency is seen to be receptive to public inputs. The community people reportedly believe that they have a great influence on the plans of the DA.¹⁹

¹⁸ Interview with a leading officer of a fruit growers association, Barangay Patay, Sagada, May 1994.

¹⁹ Interview with a leading officer of a fruit growers association, Barangay Patay, Sagada, May 1994.

CHAPTER 6

POLICY FORMULATION: CASE STUDIES

A. THE CASE OF THE PROPOSED FORESTRY CODE

The proposed Forestry Code is both a product of regular policy review of the DENR and of a funding support from the Asian Development Bank (ADB). Several reviews had led to a major policy reform, the Masterplan for Forestry Development. The Masterplan was funded by a grant from the ADB. Utilization of the results of the reviews and results from the the First Forestry Sector Program Loan, National Forestation Program (partly funded by ADB)¹ led to the formulation of the Proposed Forestry Code. The proposed code seeks to revise the existing Forestry Code, Presidential Decree 705 of former President Ferdinand Marcos.

The condition for the ADB loan for the Masterplan for Forestry Development was that the DENR had to exert its best efforts “to finish the draft of the Forestry Code, to submit the draft to Congress, and, finally, to push for the enactment of the Code.”² The department welcomed the formulation of a new forestry code as a policy reform “in as much as the department was going to do it anyway and that's the only time that funds are available for the studies, travels, and researches.” However, “there are policies that the funding institution had insisted on and which the DENR did not agree to.” According to a national officer of the DENR, “this is where compromises can be made.”³

One condition for the loan which the DENR welcomed with regard to the Forestry Code was the “transfer of several things to the community.” The DENR believed that this was consistent with the public interest. This included the issuance of tenurial instruments for Contract Reforestation, Forest Land Management Agreements, and Community-based Forest Management Agreements with the Community Forestation Program.⁴

With the “DENR’s desire to simplify, codify, consolidate, and iron out inconsistencies of existing policies on the forestry sector,” the agency “has been liaisoning and discussing with both houses of congress.” Thus, later, the Senate Committee on Environment and Natural Resources in coordination with the DENR drafted the Forestry Code. The bill for the code was filed and authored principally by Senator Heherson Alvarez and it was passed on October 9, 1992 as Senate Bill (S.B.) 830, “An Act Providing for the Forestry Code of 1992.”

On its first reading, the title was read on the floor, and referred to the Committee on Natural Resources under Senator Francisco Tatad. As of June 1994, it was “already towards the second reading.” Position papers from concerned sectors (e.g., NGOs and government agencies) were requested by the “Committee for compilation to produce the Preliminary Report.”

¹ Interview with a leading officer of the DENR national office Policy Studies Division, 7 June 1994.

² Interview with the PSD, 7 June 1994.

³ Interview with the PSD, 7 June 1994.

⁴ Interview with the PSD, 7 June 1994.

S.B. 830 has a counterpart bill in the Lower House, House Bill (H.B.) 8931, “An Act Providing for the Proposed Forestry Code of 1993 and for Other Purposes.” The house bill is principally authored by Rep. Renato A. Yap. The bill is actually a consolidation of several related bills, designed after a series of public hearings. It was already on its second reading as of June 1994 with the Committee Chairman having had his sponsorship speech. However, it was stalled due to a “question of quorum.”⁵

With the more than 10 Public Hearings held “extensively” on the bill, all the concerned groups have been involved. They include the NGOs, the government, the DENR, the association of manufacturers of wood products, and the loggers. The hearings are held in Manila on the assumption that the organizations invited are representing their regions.⁶

“Because lawmaking is already becoming very tedious in the legislative committee, a Technical Working Group was created to discuss and finalize the draft outside of the committee hearings” and expedite the drafting of the report. The TWG is composed of members of the legislative Committee Secretariat Staff, the staff of other agencies like the DENR, and the NGOs. The Committee Secretariat often coordinates with the DENR on technical back-up and information because the DENR people know more about the events and problems in the field. According to the Secretary of the House Committee on Natural Resources in June 1994, “rarely do other countries have participation in legislative activities.”

B. THE CASE OF THE PROPOSED MINING CODE

As of June 1994, the mining code was due for interpellation in the Senate. Three public hearings were held separately among:

- (1) those from the mining industry, including the big and small mining companies;
- (2) those from the government and the academe “who can identify the theoretical and practical applications as well as the constitutional questions involved and those who do research on the history of mining in the country”; and
- (3) the sectors affected and the DENR.

There was no labor union involved in the hearings. In the public hearings, the resource persons presented position papers and comparative studies “citing the policies of other countries like Peru, South Africa where mining is a thrust.” These hearings were held only in Manila although there were also “representatives” from the regions. Regional public hearings may be conducted but “logistics would be a problem.” According to a staff of Sen. Tatad, there were no definite rules for making the guestlist.⁷

⁵ Interview with a leading officer, House Committee on Natural Resources, Congress of the Republic of the Philippines, 8 June 1994.

⁶ Interview with a leading officer of the Office of the Secretary of the House Committee on Natural Resources, Congress of the Republic of the Philippines, 8 June 1994.

⁷ Interview with a leading staff member, Office of Sen. Francisco Tatad, 7 June 1994. Sen. Tatad is the Chairman of the Committee on Natural Resources of the Senate of the Republic of the Philippines.

Some “groups like those who were not part of the public hearings, like the Marble Association of the Philippines, lobbied.” Trade associations of other countries and foreign corporations did not lobby but provided “data-input rather than policy recommendations” through the Philippine Chamber of Mines.⁸

C. THE CASE OF THE SMALL-SCALE MINING ACT

RA 7076, entitled “An Act Creating a People's Small-Scale Mining Program and for Other Purposes,” also known as the “People's Small-Scale Mining Act of 1991” was handled by Sen. Alvarez. It is already a law but there are proposals to integrate the law with the Mining Code as “everything that has to do with mining has to be included in the code.” According to the staff of Sen. Tatad, however, anything can still happen to the small-scale mining act when the mining code is brought to the floor and when it is subjected to interpellations and amendments.

If RA 7076 and the Mining Code run into conflict with each other, “all parties will be heard” to reach a compromise.

Meanwhile the MCDC complained that in the public hearings for the implementing rules and regulations (IRR) on the People's Small-Scale Mining Act, invitations were sent too close to the set date for the public hearings. This did not allow the small-scale mining organizations to deliberate adequately on what they wanted to input to the IRR. Moreover, only presidents of small-scale miners associations were invited. In other words, the MCDC claimed, there was limited participation in the public hearing. The MCDC argued that “a genuine public hearing should not limit participation to presidents only.” Interested parties, he said, should not be excluded from participating in the public hearings.

According to the MCDC, small scale miners were opposed to the small-scale mining act.

The Benguet Provincial Board had a resolution favorably endorsing the petition of small-scale miners for exemption from the implementation of RA 7076 and even “filed a case against the Mines and Geo-Sciences (Bureau, DENR-CAR) for usurpation of authority that was devolved under the local government.”

A “problem with DENR,” according to a leading officer of the MCDC, is “they do not fully explain the law.” He asserts that “RA 7076 is a ploy for the indigenous people to accept that the land is not theirs.” When people already accept that the land is not theirs, “they ask for the consent of mining claimants to do small-scale mining.” He complains that “DENR-CAR’s view of the People’s Small-Scale Mining Act is too technical,” and “lacks an appreciation for the rights of indigenous people’s.” Within this context, the MCDC leader recommends “the passage of a genuine Ancestral Land Bill, that will ensure respect for indigenous people’s rights.”

He noted that there is only limited popular representation in the Provincial Mining Regulatory Board⁹ where there is only one Small-Scale Miner Representative in the six-member board. He argued that “the representation of small-scale miners should be increased.” Furthermore, NGOs invited for the election of a representative to the PMRB are not aware of RA

⁸ *Interview with the staff of Sen. Tatad, 7 June 1994.*

⁹ *A board tasked to formulate and implement the Rules and Regulations related to Republic Act 7076.*

7076. According to him, there are no guidelines on “the tasks, functions and responsibilities” of the representative NGO. The MCDC complained that the DENR is too persistent in implementing the law. The MCDC claimed that the DENR-sponsored election for the PMRB is “inappropriate.” The election was conducted inspite of a strong opposition from small-scale miners and from the local government. He argued that “the law would only be applicable when there is social acceptability by the people.” He insisted the DENR did not respect the will of the people who had petitioned for exemption from the law as well as that of the local government unit.

The MCDC asserted that the DENR was not acting on the demand of small-scale miners for the Cordillera to be exempted from RA 7076. According to the MCDC, this failure to act on the small-scale miners’ demand is a far cry from the usual fast response of the DENR to the demands of large-scale mining companies.

CHAPTER 7

ISSUES AND RECOMMENDATIONS

In the area of policy formulation and implementation processes in managing resources, this study identifies the following as among the most important issues:

- *the need and clamor for decentralization*
- *the property concepts that should guide policy formulation and implementation*
- *the mechanics of participatory processes, especially in the context of existing indigenous communities*
- *the need to strengthen NGO and people's participation in policy formulation beyond the work-contract relationships currently provided by GOs to non-government and people's organizations*

On the basis of findings in this study as well as findings reached by other researchers in the overall study “*INDIGENOUS PRACTICES AND STATE POLICY: THE SUSTAINABLE MANAGEMENT OF AGRICULTURAL LAND AND FORESTS IN THE CORDILLERA*,” we submit the following recommendations:

1. Policy making should be decentralized. Regional offices of government agencies should be given prerogatives to formulate and execute policies specific to their needs.

a) *Decisions made in regional and field offices should go beyond procedural¹ or strategic planning, and should include policy-related matters.*

- Field offices should be given more power to decide on certain issues and problems in their area of operation. The increases in prerogatives or power should be accompanied by a clear definition of and increase in accountability.
- Regional offices should be legally authorized to relax the ban on cutting trees in forests claimed by communities practicing sound resource management.²

b) *Relatedly, regular meetings for policy review, formulation, or revision should be institutionalized in government offices.*

¹ Also known as “local solutions.”

² Adequate safeguards should be put in place so that the liberalization is not invoked and policy does not lead to rapid denudation of the forest. Thus, there must be allowances for restoring strict implementation of the policy against the cutting of trees as needed for forest protection. A forest monitoring scheme should also be put in place.

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- c) *Adequate budget support should be provided to structures based in the region to fulfill policy formulation-related functions, including those that involve “liaisoning,” analysis, and review of policies.*

2. Policy making process in resource management in the Philippines should be based on property concepts other than those implied in the “regalian doctrine.” In view of the presence of indigenous or customary laws in claims to resources and managing those resources, it is ultimately crucial for policy making processes to involve the communities and mobilize them to make inputs on policy.

- a) *Policy making processes should recognize that indigenous communities and groups have claims to resources based on indigenous or customary laws.*
- b) *Policy making processes should also recognize that communities have indigenous or customary laws in managing resources, like forests and agricultural lands.*
- c) *Community people should be encouraged to initiate policies according to their concerns and needs, and not act as mere receptacles of top-down policy-making structures and processes.*
- d) *The government must establish linkages with grassroot communities to enable efficient policy responses to the community concerns.*
- e) *Policies should be a result of adequate consultations with the people and the communities concerned.*

4. Recruiting and mobilizing communities to input on policies imply that institutionalized conduits must be created for these. Thus, possibilities must be explored to create resource management councils with the ample participation of community people, including the participation of leaders of indigenous socio-political institutions, from the municipal level upwards. The creation of resource management councils would not be a new idea since the DA has its own version in the Municipal Agricultural and Fisheries Councils³ in several municipalities. What may be new in this proposal are:

- a) *the resource management council should include the participation of the grassroots, including the leaders of indigenous socio-political institutions;*
- b) *the resource management councils are consulted for policy from the barangay level upwards;*
- c) *legislative committees must recognize the resource management councils and consult them in the formulation of policy;*

³ *This study was not able to find out how these councils function and whether they are operational in the first place.*

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- d) consultation of these resource management councils must be institutionalized, i.e., consultation with them must be required, and not merely subject to the discretion of the lawmakers;*
 - e) the resource management councils must have real powers to formulate and enforce the execution of certain policies within their jurisdiction.*

As an experimental step, for example, resource management councils should be set up where there is a significant area of forest to manage. Later, resource management councils can be set up in the mines and participate in the management of other types of resources.

5. Government agencies must strengthen institutional linkages with non-government organizations, academic institutions, and other interest groups:

- a) They must establish a network for the sharing of information useful to policy making.*
- b) They must institutionalize interaction through regular consultations, dialogues, and other forms of fora.*

6. Studies must be done on how resource management should be conducted once an Autonomous Cordillera is established via an autonomy law.

BIBLIOGRAPHY

The 1987 Constitution of the Republic of the Philippines

A. PUBLICATIONS OF MALACAÑANG

Presidential Decree no. 705, Philippine Forestry Code.

Executive Orders

Executive Order no. 192, s. 1987. *Providing for the Reorganization of the Department of Environment, Energy Natural Resources, Renaming it as the Department of Environment and Natural Resources, and for other purposes.*

Executive Order no. 220, s. 1987. *Creating Cordillera Administrative Region.*

Executive Order 116, s. 1987. *Renaming the Ministry of Agriculture and Food as Ministry of Agriculture, reorganizing its units, integrating all offices and agencies whose functions relate to agriculture and Fishery into the ministry and for other purposes.*

Executive Order no. 503, s. 1992. *Providing for the Rules and Regulations implementing the Transfer of Personnel and Assets, Liabilities and Records of National Government Agencies whose functions are to be devolved to the Local Government Units and for other related purposes.*

Executive Order no. 50, s. 1992. *Amending EO 503.*

Malacanang Administrative Orders

Malacanang Administrative Order no. 36, s. 1987. *Providing for the Establishment of Regional Offices in the Cordillera Administrative Region.*

Malacanang Administrative Order no. 160, s. 1990. *Providing Guidelines for Governmental Operations in the Cordillera Administrative Region Pending the Organization of the Regional Autonomous Government for the Cordillera Autonomous Region.*

Malacanang Administrative Order no. 270, s. 1992. *Prescribing the Implementing Rules and Regulations of the Local Government Code.*

Republic Acts

Republic Act 7076, s. 1991. *An Act Creating a People's Small-Scale Mining Program, and for other purposes.*

B. SENATE COMMITTEE ON NATURAL RESOURCES

Frias, Agustin C. *Preliminary Report - Meeting of the Committee on Natural Resources held in Room 410-, Old Congress Building, on October 15, 1987*, Memorandum for Hon. Eriberto M. Bernal, Secretary of the Senate. 16 October 1992.

Phil. Congress, Senate, *How a Bill becomes a Law: Committee Process Observed*.

Phil. Congress, Senate, *Journal of Committee Meeting*, Committee on Natural Resources, 1st Regular Session, 20 October 1992.

Phil. Congress, Senate, *Journal of Committee Meeting*, Committee on Natural Resources, 1st Regular Session, 22 October 1992.

Phil. Congress, Senate, *Summary of Bills and Resolutions referred to the Committee on Natural Resources, as of April 30, 1994*. Committee Support Services Division, 9th Congress.

C. PUBLICATIONS OF THE HOUSE OF REPRESENTATIVES

Committee Reports

Committee Report no. 294. *House Bill No. 10816*, a report submitted by the Committee on Natural Resources and the Committee on Ways and Means on 21 September 1993.

Committee Report no. 161. *House Bill No. 8931*, a report submitted by the Committee on Natural Resources and the Committee on Ways and Means on submitted by the Committee on Natural Resources and the Committee on Ways and Means on May 5, 1993.

House Bills

House Bill No. 8931. *An Act Providing for the Forestry Code of 1993, and for other purposes*, 9th Congress, 1st Regular Session, 1993.

House Bill No. 10816. *An Act Instituting a New System of Mineral Resources Exploration, Development, Utilization, and Conservation, and for other purposes*, 9th Congress, 2nd Regular Session, 1993.

House Bill No. 11484. *An Act Providing for the Land Code of Philippines*, 9th Congress, Second Regular Session, December 1993.

Minutes of Meetings

Phil. Congress, House. *Minutes of the Joint Meetings of the Committees on Natural Resources and the Committee on Revision of Laws held February 10, 1993*, 9th Congress, 1993.

Phil. Congress, House. *Minutes of the Meeting of the Committee on Land Code on May 19, 1993*, 9th Congress, 1993.

Phil. Congress, House. May 26, 1993.

Phil. Congress, House. *Minutes of the Meeting of the Committee on Natural Resources held on May 5, 1993...*

Phil. Congress, House. May 12, 1993...

Phil. Congress, House. March 24, 1993...

Phil. Congress, House. March 10 1993...

Phil. Congress, House. May 17. 1988...

Phil. Congress, House. October 14, 1992...

Phil. Congress, House. December 15, 1992...

Phil. Congress, House. January 27, 1993...

Phil. Congress, House. August 25, 1993...

Phil. Congress, House. Ferbruary 3, 1993...

Phil. Congress, House. January 21, 1993...

Phil. Congress, House. Ferbruary 3, 1993...

Phil. Congress, House. June 1, 1993...

Phil. Congress, House, *Rules of the House of Representatives (As Amended)*. 9th Congress, 1992.

D. PUBLICATIONS OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Department Administrative Orders (DAOs)

- No. 1, s. 1988. *Implementing Guidelines for the Reorganization of the Department of Environment and Natural Resources pursuant to EO no. 192.*
- No. 20, s. 1989. *Delineation of regulatory Functions and Authorities.*
- No. 38, s. 1990. *Revised Regulation on the Delineation of Functions and Delegation of Authority.*
- No. 38-A, s. 1990. *Addendum/Amendment to DAO no. 38, s. 1990.*
- No. 30, s. 1992. *Guidelines for the Transfer and Implementation of DENR Functions devolved to Local Government Units.*
- No. 31, s. 1992. *Guidelines on the Organization and Functions of the Policy Units for the Policy Development System in the Department of Environment and Natural Resources.*
- No. 2, s. 1993. *Rules and Regulations for the Identification, Delineation and Recognition of Ancestral Land and Domain Claims.*
- No. 49, s. 1993. *General Functional Relationships Among Selected Central and Regional Offices, Bureaus, Units and other Department Officers following the Issuance of Special Order 863 Series of 1993.*

Memoranda

- Memorandum Order no. 8, May 24, 1990. *Formation of Department-Wide Policy Units headed by Policy Liaison Officers.*
- July 4, 1990. *Bureau/Regional Orientation the Policy Development System.*
- Oct. 1, 1990. *Seminar-Workshop Report on PDS-Regional Level, held at AIT Hotel, Dil. QC. on September 27-28,1990.*
- Oct. 9, 1990. *Designation of PENRO/CENRO Policy Liaison Officers.*
- Nov. 26, 1990. *Policy Liaison Unit 1991 Work and Financial Plan. Summary of the Regional 1991 Work and Financial Plan.*
- April 04, 1991. *Submission of Preliminary Status Report of Policy Liaison System.*
- May 28, 1991. *Preliminary Status Report of Policy Liaison and Coordination System.*

June 5, 1991. *Participation of Policy Liaison and Coordination Officers in the Assessment Workshop of the Policy Development System to be held at PETROLAB, Mines and Geo-Sciences Bureau on June 20-21, 1991.*

June 17 1991. *Individual Assesment of Policy Liaison Officer's (PLO) Performance.*

Aug. 8, 1991. *Draft Guidelines on the Organization and Functions of the Policy Units for the Policy Development System in the DENR.*

Special Orders

162, S. 1990. *Creation of the DENR-CAR Policy Unit.*

593, s. 1990. *Participation of Policy Liaison & Coordination Officers in Assesment Workshop of the PDS to be held on June 27-28, 1991 at the PETROLAB, Mines and Geo-Sciences Bureau, North Ave., Diliman, Quezon City.*

59, s. 1993. *Amendment to SO 162, s. 1990, Re: DENR-CAR Policy Unit.*

Miscellaneous

Background Information and Reference Material on Policy Development System Assesment and Action Planning Workshop. Natural Resources Management and Development Project. June 27-28 1991.

Fabionar, Hilarion C. *Opportunities for and the Status of NGO-PO Participation in Policy Formulation in the Forestry Sectors*, a paper presented during the Consultation Dialogue sponsored by the Cordillera Studies Center, UP College Baguio on September 17, 1993.

Outline of Presentation: ENR Sector Policy and Planning Linkages.

Policy Formulation Subcomponent Completion Report, Nov. 1990. Strategic Planning and Management Component, Natural Resource Management and Development Project.

Preliminary Status Report: Policy Liaison System.

Regional Integrated ENR Sector Development Planning Process; Planning Structure and Process; A Generalized Planning and Management Cycle.

The ENR Sector Planning Cycle and its Linkage with ENR Sector Policies.

E. PUBLICATIONS OF THE DEPARTMENT OF AGRICULTURE

Department Order no. 3, s. 1992. *Implementing Rules and Regulations applicable to the Department of Agriculture and its relations with the Local Government Units on the Performance of the Functions of Planning and Policy Formulation, Research, Regulation and Technology Transfer and Training.*

No. 4, s. 1992. *Internal Rules and Regulations on Foreign-Assisted Projects of the Department of Agriculture.*

No. 5, s. 1992. *Procedures, Structures and Systems for the Work Complementation between the Department of Agriculture and the Local Government Units.*

No. 6, s. 1992. *Instituting Changes in the Organizational Structure of the Department of Agriculture.*

DA Organizational Chart, May 4, 1993.

DA Structure as mandated by EO no. 292: Admin. Code of 1987.

Special Order no. 495, s 1987. *Strengthening the Implementation of the Integrated Pest Management (IPM) Program.*