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A PHILIPPINE EXPERIENCE ON LEGAL RESOURCES DEVELOPMENT BY THE RURAL POOR*

Ms. Edel Guiza**

Introduction

This paper is an effort to share the experience of a social action group in the Philippines called PROCES¹ in developing the legal resource capabilities of the rural poor. Fundamentally, the experience suggests that empowerment is the key to genuine social transformation and that the effective use of law by the poor heightens their struggle for empowerment. This realization also points to the need of developing more innovative approaches to people-oriented legal education.

The Cycle of Rural Oppression

The rural poor in the Philippines, while contributing significantly to the national wealth, suffer from severe deprivation, oppression and systematic exploitation by the dominant class and the state machinery. In the project sites of PROCES one sees typical illustrations of the growing impoverishment of the rural poor in the country.

a. *migrant labor* - The migrant sugar workers or *sacadas* are recruited every harvest season from non-sugar producing provinces like Antique to cut and harvest canes through "a labor-only contracting system" where they are treated as virtual slaves. The system operates on the basis of

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** Executive Director of PROCES.

1. PROCES - Participatory Research, Organization of Communities and Education in the Struggle for Self-Reliance, a non-stock, non-profit organization involved in stimulating the growth of participatory, self-reliant organizations of the rural poor.

cash advances given by recruiters during the lean, hungry months, leaving no choice on the part of the workers to reject the employment that they offer. Most workers, being illiterate, are made to sign blank sheets of paper allegedly as proofs of their acceptance of the terms and conditions of employment. Very often, the recruiters use these papers as basis for harassment and intimidation in cases where *sacadas* become assertive and critical of their working conditions. At the start of the harvest season (either September or October) the workers are transported to the worksites like herds of cattle and are made to stay in subhuman makeshift dwellings that resemble pigpens more than any human habitation. Workers are paid only at the end of the harvest season and cash advances sustain the workers during their stay in the worksite. *Sacadas* go home after seven months of back-breaking work in the plantations with barely a pittance in their pockets but with a lot of sad stories to tell of physical hardships, atrocious prices of basic commodities in the canteens owned by the landowner or the farm administrator, illegal salary deductions, unpaid wages, nonpayment of Social Amelioration Fund, noncoverage of Social Security System and medical care, etc. Yet they continue working as *sacadas* because of unpaid debts and lack of other employment opportunities.

b. *subsistence fishermen* - In spite of the rich fishing grounds in the project site, the fishermen suffer from very low fish catch because of the encroachment of commercial fishing boats, some of which are Japanese-owned, into the municipal waters. This anomalous encroachment is aggravated by the local government's subdivision of the municipal waters into fishing zones for revenue-raising purposes.

All the zones are controlled by the rich people in the area who can afford to bid higher than the poor can for these rights sold by the local government. Every time the fishermen land their catch on any of the concessions they are made to pay 10% of their fish catch to the concessionaire, further reducing their meager income.

c. *marginal farmers* - Because of the high costs of farm inputs and sub-marginal farm plots the rice farmers in the area can hardly produce enough to meet their survival needs. They lack access to credit and marketing facilities, making them perfect victims of moneylenders and middlemen.

d. *upland dwellers* - Upland farmers who have been working in the forest lands for generations without proof of ownership are often victimized by state forestry guards by preventing them from collecting their harvest and tilling their farm lots. The guards take advantage of the

people's ignorance of the forestry laws using this as a convenient way of harassing the farmers, while reaping benefits in the process.

e. *sugar tenants* - Under the tenancy system still allowed by law in agricultural lands outside of rice and corn, tenants and landowners are supposed to share equally in production expenses and outputs. In practice, the sharing is grossly uneven in that the basis for computing prices of inputs is inflated while the actual price paid for the produce by the state machinery is deflated. Under the prevailing system the landowners are the only recognized parties in sugar production such that in the sugar centrals tenants have no rights and access to production records. This reinforces their ignorance and their dependency on the landlords.

As in the case of the *sacadas*, sugar tenants survive the lean months through loans provided by the landlords at usurious interest. At the end of the harvest season, tenants' outstanding loans to the landlords consume a large part of their share in the harvest. The situation has deteriorated lately as the state has been unable to pay the producers enough and on time because of the depressed prices of sugar in the world market. Tenants in their desire to survive have started intercropping subsistence crops like sweet potatoes, rice, corn and other root crops, with sugarcane. Landowners, however, have discouraged this practice as it might put their lands under the coverage of the land reform law which primarily covers rice and corn lands. This makes the lives of the sugar tenants doubly miserable.

In all the above illustrations, it is significant to note that law has played a critical role in perpetuating and worsening poverty and oppression. Ignorance of the law and incapacity of the poor to use law vis-a-vis control of the law by the dominant class have contributed to the growing impotence and powerlessness of the poor.

Breaking the Cycle of Oppression

Through the catalytic intervention of external cadres, the rural poor in the project sites started to collectively investigate the causes and roots of their poverty. Having understood the structures of domination and dependency in their villages, the rural poor gradually realized the need for concerted action, thus paving the way for the emergence of people's organizations.

The migrant workers initially saw the need to understand laws and state policies on recruitment and employment, the subsistence fishermen on fishing rights, the upland farmers on forestry rights, marginal farmers on access to credit and marketing facilities, and sugar tenants on tenancy

laws and the structure of the sugar industry. Eventually, the rural poor through their own organizations and with the assistance of the external catalysts conducted several types of educational programs in order to break their ignorance of the law and develop their capacity to use law. This action and other types of continuing mobilizations have resulted in various specific and concrete benefits to the rural poor like enforcement of labor standards, passage of a law prohibiting operations of commercial fishing boats within the municipal waters, scrapping of illegal collections of concessioners' fees, granting of two fishing zones to the fishermen's organizations by the municipal government, gaining access to credit and marketing facilities, granting of forestry occupancy permits to upland farmers covering a fifty-year period, access to production records by sugar tenants and application of agreed sharing systems on farm inputs and sugar produce and its by-products.

It should be noted here that the rural poor themselves through their organization initiated the steps to win recognition of the rights they need to change relationships which promote impoverishment. Their strength lies in the creation of community structures controlled and managed by them which became vehicles for asserting their shared claims and grievances; claiming resources like land and fishing concessions; challenging public agencies through petitions, group appearance in courts and local councils; and influencing policy-making at the local and national level.

The more the rural poor struggled to reduce their dependency on the bureaucracy and the elites, the more they realized the need to strengthen their organization. Knowledge of law and legal resources became useful in collectively formulating by-laws and policies to serve as guidelines for resolving conflicts within the group and in relating with outside groups or individuals. Equally important in strengthening the group was the development of a participatory culture from within and outside to gain more power in critical areas of decision-making affecting their lives.

Legal Education for Empowerment

Crucial to the empowerment struggle of the rural poor is the development of people-oriented legal education which should evolve out of people's praxis and not something imposed on them by lawyers or outsiders.

The starting point for organizing the program content must be the existing concrete realities reflecting the perceptions and aspirations of the people. It is not the type of education program which increases feelings of inadequacies and inferiority of the rural poor or transforms them into

mere receiving objects. Rather, it is one which seeks to develop critical consciousness and creative power and facilitate growth of independent thinking and action. This is only possible if people involved in the program have basic trust and faith in the poor and in their creative power.

As a strategy, legal facilitators are deployed in the project sites and become members of the community organizing team. This is so because legal education is not seen as separate and apart from the overall consciousness-raising program.

The legal facilitator undergoes the same type of integration process as do the community facilitators. She/he undertakes the tasks of assisting the community in identifying and understanding their legal needs and in coming up with creative strategies for action. The legal facilitator helps the rural poor understand the relevant laws and their rights, develop their ability to critique existing laws and work for the changing of laws and policies which run against their interests. This type of intervention cannot exist without humility. Working for the empowerment of the poor cannot be an act of arrogance.

As the struggle unfolds the most militant, dedicated and credible among the rural poor emerge as folk catalysts. The community identifies the folk catalysts who become the local counterparts of the legal and community facilitators. They are trained in all aspects of catalytic intervention including the use of laws in preparation for their gradual takeover of the roles of the external catalysts.

The folk catalysts together with the legal facilitator initiated the holding of pre- and post-employment workshops for the migrant workers as a response to their clamor for a better understanding of the state recruitment policies, labor standards and their rights generally. The workshops are held once or twice a year for three days before the *sacadas* leave for the worksite, and after their arrival in Antique. During the workshop, Ministry of Labor officials together with the recruiters and other local government representatives are invited to listen and respond to problems and questions aired by the *sacadas*. Clarifications are made and concrete steps are taken to respond to immediate problems like unpaid wages and other benefits. Hundreds of *sacadas* have already participated in these workshops and have reported some positive changes in themselves and in their working conditions.

The workshops have also been meaningful to the government representatives as they provide them with first-hand knowledge of the miserable conditions of the *sacadas* in the worksites. Government's response was a change in some recruitment policies inimical to the interests of the *sacadas*.

The local government has been so convinced of the value of these workshops that the attendance at these workshops has been made compulsory for recruiters and *sacadas*. The labor recruiters will not be allowed to recruit workers unless they have participated in said workshops.

The above-mentioned links are maintained with the Labor Ministry officials who are responsible for the enforcement of labor laws affecting *sacadas*. Follow-ups in the worksites were also made by the legal facilitator in coordination with the *sacadas* and the local Labor Ministry representatives.

The legal education programme for the subsistence fishermen, the marginal farmers and sugar tenants as drawn up by their organizations together with the legal/community facilitators more or less proceed along the same direction as that of the *sacadas*. They only vary in program content and issues.

PROCES as a Support Group

Before we had formed PROCES, we developed and undertook for a government agency a programme on stimulating grass-roots initiatives for participatory, self-reliant development.

In 1982, we decided to form our own group to continue our catalytic work. This decision was made as a result of our assessment that self-reliant participatory organizations of the rural poor can truly develop in an atmosphere of maximum operational flexibility and mobility in the management of time, activities and resources, outside of a top-down government bureaucracy.

When government learned of our group's existence, some high officials pressured us to dissolve our group because we are allegedly duplicating the mandate of their office. Salaries of some members of our group who opted to stay behind were withheld until we could present our dissolution papers from the Securities and Exchange Commission under which our group had been registered as a non-stock, non-profit organization. We refused to be dissolved and instead strengthened our group by inviting some prominent people to join our Board of Trustees.

Now we have expanded to more sites in the country and are currently undertaking the following programs in support of people's initiatives at the local level: Alternative Agriculture; Alternative Law; Alternative Health; Alternative Media; and Alternative Education.