

THE PHILIPPINE STATE'S OBLIGATIONS TO ITS CITIZENS' RIGHT TO ADEQUATE FOOD AND RIGHT TO ADEQUATE HOUSING

**An NGO Report for Presentation
to the United Nations Committee on
Economic, Social and Cultural Rights**

November 2002

ORGANIZATIONS THAT PARTICIPATED IN AND CONTRIBUTED TO THIS NGO REPORT

11.11.11, Task Force Detainees of the Philippines (TFDP), Philippine Alliance of Human Rights Advocates (PAHRA), Food First Information and Action Network (FIAN), KAISAMPALAD, Management and Organizational Development for Empowerment (MODE), Philippine Network of Rural Development Institutes (PhilNet-RDI), Philippine Human Rights Information Center (PhilRights), Philippine Peasant Institute (PPI), Southeast Asian Regional Institute for Community Education (SEARICE), Tambuyog Development Center, Alternative Forum for Research in Mindanao, Inc. (AFRIM), Integrated Rural Development Foundation of the Philippines (IRDFF), APL, Volunteers for Urban Renewal, Inc. (VUR,Inc.), KASAMAKA

INTRODUCTION

Desiring with the peoples' of the Philippine Archipelago the progressive realization of their human and peoples' rights, this alternative report is presented to the United Nations Committee on Economic, Social and Cultural Rights. The report focuses on article 11: on the right to an adequate standard of living, particularly on the right to adequate food and the right to adequate housing. Consequently, there will be two parts to this report. The first part will deal with the right to adequate food, while the second part will present the right to adequate housing. It gives cases that have either occurred last year or have started in earlier years but continued to be unresolved or developed for or against the two mentioned rights of persons and/or peoples.

The Task Force Detainees of the Philippines (TFDP), together with many peoples' organizations, environmental and development organizations and research institutions, as well as other non-governmental human rights organizations in the Philippines, has collated inputs of its own and of others' diverse expertise and experiences to make this alternative report to that of the Philippines as a State Party to the International Covenant of Economic, Social and Cultural Rights.

Framework of Report

This report makes use as framework the key elements of the said rights enumerated and explained by General Comments (GC) No. 12¹ for the right to adequate food and Nos. 4² and 7³ for the right to adequate housing by the Committee on Economic, Social and Cultural Rights in its twentieth session in 1999. The reason for this is that the General Comments are internationally accepted as currently the most authoritative and precise interpretation of the right to adequate food.

This means that for the Philippines as State Party to the International Covenant of Economic, Social and Cultural Rights (ICESCR) to realize progressively for "everyone under its jurisdiction" (GC, No.12, par.14) the right to adequate food, it must ensure that food is sufficient and nutritious, safe, acceptable culturally or by consumers, available, and accessible economically and physically. The right to adequate housing has a number of components, including the following: legal security of tenure, habitability, location, economic accessibility, physical accessibility, cultural acceptability and availability of services, materials, facilities and infrastructure. The meaning for each of the above components are explained in the contents of the General Comments.

¹ E/C.12/1999/5

² E/1992/23; see also CRC, arts. 24 and 27; CEDAW, art. 14.2g

³ E/1998/22

It must also be pointed out that the content of key elements of the right to adequate food have already been used by the World Food Summit in 1996 in defining food security as a situation wherein 1) food is available at all times; 2) all people have access to food; 3) food is in adequate supply and of sufficient quality and variety; and 4) food is considered acceptable by specific cultures. (IBON, 14 & 31 December 2001). After that Summit were two expert consultations on the right to adequate food as a human right organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in December, 1997 and by Food and Agricultural Organization of the United Nations (FAO) in November 1998.

Another addendum to the use of the key elements of the right to adequate food is the belief, as elucidated in the report (E/CNS.4/2001/53; 7 February 2001) BY Mr. Jean Ziegler, the Special Rapporteur on the right to food, that “the right to food includes not only the right to solid food, but also the right to liquid nourishment and to drinking water”. This report thus includes in the right to food “the consubstantial right to drinking water”, particularly “the nutritional aspects of drinking water”.

As is true of all other human rights, the right to adequate food and the right to adequate housing impose three different types of obligations on States: the obligation to respect, to protect, and to fulfill. Failure to perform any one of these three obligations constitutes a violation of human rights. The same application is made on the key elements of both rights. State obligations are also to be applied to each key element, e.g. the state is to respect, protect and fulfill the safety of food.

The indivisibility of human rights is assumed in this report. Civil and political rights can in no way be disunited from economic, social and cultural rights. So is the indivisibility of the key elements of each right, such as the right to adequate food and the right to adequate housing. Consequently, state obligations are also to be applied to the key elements of each right.

Non-fulfillment of any element of the right to adequate food is a violation of this same right. To fulfill the right to adequate food means ensuring that food is sufficient and nutritious, safe, acceptable culturally or by consumers, available and accessible economically and physically. It is the same with the right to adequate housing. Habitability has to be realized with legal security of tenure and the other components.

This report presents the direct actions of the Philippine government through its various institutions and/or bodies, as well as other entities, like multinational corporations, insufficiently regulated by the government, that have violated persons' and/or peoples' right to adequate food (GC, No.12, par.19).

It is appropriate to recall at this point that “the right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to *respect*, to *protect* and to *fulfill*. Paragraph 15 of General Comment No. 12 gives short explanations for each type of obligation that shall be taken into consideration in this report.

While this report agrees that the State Party has “a margin of discretion in choosing its own approaches ... to ensure that everyone is free from hunger and as soon as possible can enjoy the right to adequate food”⁴ it will show that certain steps taken by government, as in the implementation of its obligations as member of the World Trade Organization (WTO), exacerbate the lives of those already below the poverty line and deprive indigenous peoples’ access to their own means of subsistence, including their right to adequate food.

The right to adequate housing is recognized in several international instruments, including, the International Convention on Civil and Political Rights (Art. 17.1), the Convention on the Elimination of All Forms of Discrimination against Women (Art. 14.2), the Convention on the Rights of the Child (Art. 16.1), the Convention relating to the Status of Refugees (Art. 21), and the International Convention on the Elimination of All Forms of Racial Discrimination (Art. 5,e,iii).

Government projects to become a newly industrializing country and to link with the processes of globalization have been major factors in outpacing the provision for adequate housing resulting to increasing homelessness. Exacerbated by displacements of communities due to the armed confrontations of government troops against insurgents and bandits, the rural populace, who are mostly poor people, are subjected to intermittent evacuations, harassment and other threats. At the same time, the rapid growth of urban centers gives rise to poor living in squatter settlements with no security or civic services.⁵

Mr. Miloon Kothari, Special Rapporteur on the right to adequate housing, in the face of all of these circumstances, makes an inevitable conclusion when he says:

*Moreover, increasing trends towards privatization of housing services and markets also typically result in land speculation, the commodification of housing, the application of user fees for housing resources such as water, sanitation and electricity, and the repeal or amendment of land ceiling and rent control legislation. The result is the increased marginalization of the poor.*⁶

Permeating the framework too is the aspect of gender. The report, while not having a separate and distinct section for gender, takes gender into consideration whenever and wherever possible.

The final section of the report contains the conclusions and recommendations drawn from the stated principles and data presented.

⁴ GC, No.12, par.21; Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, Part II, par.8

⁵ Formanes, Romeo M. “Narrative on the Housing Situation in the Philippines”, Volunteers for Urban Renewal, Inc.; see also: 2000 Family Income and Expenditure Survey, National Economic and Development Authority, July 19, 2001 and “Identifying the Poorest in Metro Manila”, Monograph No. 16, National Statistics Office, Manila, 1996

⁶ Kothari, Miloon. Report of the Special rapporteur on adequate housing as a component of the right to an adequate standard of living, submitted pursuant to Commission resolution 2000/9. E/CN.4/2001/51

NGO REPORT OUTLINE
on the Philippine State's Obligations to its Citizens'
Right to Adequate Food and Right to Adequate Housing

PART I - THE RIGHT TO ADEQUATE FOOD

	Page
Introduction	6
The Philippine Situation	7
The Victims, The Vulnerable Groups	10
Key Issues on the Availability of Adequate Food Supplies	
Issues Affecting Nutritional Adequacy	11
Issues Affecting Food Safety and Quality	14
Issues Affecting Sustainable Production	25
Issues Affecting Access	36
WTO: Impact on Sustainable Production and Food Sufficiency	47
Heavy Importation Eroding Food Security and Self-Sufficiency	49
Legislative Actions of the Philippine Government	51
State Obligation to Respect, Protect and Fulfill	53
Conclusions and Recommendations	58

PART II - THE RIGHT TO ADEQUATE HOUSING

Introduction	62
The Philippine Situation	63
The Victims, The Vulnerable Groups	63
Key Issues on the Realization of the Rights to Adequate Housing	
Issues Affecting Habitability	66
Issues Affecting Legal Security of Tenure	67
Issues Affecting Location	69
Issues Affecting Accessibility	70
Issues Affecting Availability of Services, Facilities, Infrastructure	74
Issues Affecting Cultural Acceptability	74
Laws and Policies of State Government	75
State Obligation to Respect, Protect and Fulfill	
Conclusions and Recommendations	78

THE RIGHT TO ADEQUATE FOOD

INTRODUCTION

- 1 General information regarding the Philippines from a historical perspective, as well as its socio-economic background has already been initially given in the 1994 report of the Philippine government to this body. An update from that year would be given, as well as the context of the cases presented. (See Table 1 on Philippines Facts and Figures.) The update becomes more significant since the ratification of the Philippine Senate of the General Agreement on Tariff and Trade-Uruguay Round (GATT-URT) in December 1994. The Congressional move paved the way to the Philippine government's formal accession to the General Agreement on Tariff and Trade-World Trade Organization (GATT-WTO). There is need to assess the impact of the WTO on economic, social and cultural rights, particularly on the right to food.
- 2 It must also be pointed out that a major flaw of the said 1994 Philippine report was the omission of the impact of more than a decade of martial law and the dictatorial rule of President Ferdinand E. Marcos on the economic, social and cultural rights of the peoples of the Philippine Archipelago. Among these violations were the felling of forests and leveling of mountains to accommodate investments, alongside the massive violations of human rights and the carryover of a coercive environment maintained by the impunity of the personnel of the Armed Forces of the Philippines and the Philippine National Police. There was also a Presidential Decree of the martial law period, the one on automatic appropriation of the country's debt payment or PD 1177, which continue to be an obstacle to the progressive realization of economic, social and cultural rights of the majority of the peoples.
- 3 The progress of reported major government projects have not been monitored so that results of such by the year 1994 could, in the least, be part of the report. Examples of these were the 1985 Dairy Production Program in which 1,006 dairy cows have been reported to be dispersed to 22 cooperatives in Northern Mindanao and Southern Tagalog in order to produce 15 per cent of the country's dairy requirements within 10 years, meaning in 1995. No reported result could be found whether the objective had been achieved. Another was the 1985 Agricultural Agenda for Action that also had the objective "to attain self-sufficiency in all basic food items, including grains, fish and meat products". There was also a "special emphasis on indigenous high nutrient value food products, for the nutritionally vulnerable population groups".
- 4 The Philippine report did not contain a statement as to how far the country had fulfilled the objective of self-sufficiency in "all basic food items". Rather, despite the stated institutional coordination among the Department of Agriculture and a host of other government bodies with the support of the Department of Science and Technology to ensure food production and conservation, there were indications that government worked for the progressive erosion of sustainable production of the same basic food items that affected many persons' and people's right to food.

- 5 There is need for a specific query as to the effect on sustainable production by the “intense use of fertilizers” as reported in the government program, 1987-1992, which posted a land productivity growth of 3.13%. The experience of the Green Revolution imposed upon the farmers during the martial law period had left the farmers to deal with poor soil, lost seeds and declining diversity in the field, and dependency on pesticides and fertilizers.
- 6 **This report concludes that the right to adequate food of the peoples of the Philippine Archipelago is being violated by the Philippines as State Party.**

The Right to Adequate Food

- 7 “The human right to adequate food is of crucial importance for the enjoyment of all rights” (General Comment No. 12).
- 8 “The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall not be interpreted in a narrow or restrictive sense, which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger, even in times of natural or other disasters.
- 9 Adequacy is linked to sustainability, implying food accessible for both present and future generations. The precise meaning of adequacy is determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while sustainability incorporates long-term availability and accessibility.⁷
- 10 In sum, as clarified by the Committee on Economic, Social and Cultural Rights, the core content of the right to adequate food requires:

“the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; the accessibility of such food in ways that are sustainable and do not interfere with the enjoyment of other human rights.”

⁷ Diokno, The Right to Adequate Food in Philippine Development Intervention, ?

THE PHILIPPINE SITUATION

- 11 For all its natural richness in its lands and waters, with a third of its population or 50 percent of the country's total labor force engaged in agricultural production, **a large portion of the peoples of the Philippine Archipelago is hungry and / or malnourished, because of lack of access to adequate food.** It is ironic that the people directly related to food production are the ones who have a diminishing access to adequate food.

Table 1. The Philippines: Facts and Figures

TOTAL LAND AREA (in Hectares) (as of December 1996)	30,000,000
Alienable and Disposable	14,117,244
Total Forest Land	15,882,756
Total Marine Water Area (including EEZ)	2,200,000 sq km
Length of Coastline	17,469 km
POPULATION (as of May 2000)	76.5 M
Population growth rate	2.36%
ECONOMY	
GNP per capita, 1st-3rd Qrts. 1999	P 29,344 (US \$ 733.6)
GNP growth rate, 3rd Quarter 1999 at constant 1985 Prices	3.3%
GDP per capita, 1st-3rd Qrts. 1999	P 27,872 (US \$ 696.8)
GDP growth rate, 3rd Quarter 1999 at constant 1985 Prices	3.1%
CPI, July 2000 (1994=100)	152.1
Balance of Payments, January-September 1999	US \$ 3.356 billion
Interest rate, November 1999	8.6%
Peso per US \$, December 1999	P 40.623
LABOR (July 2001)	
Total 15 years old and over	49.137 million
Total Labor Force	32.567 million
Labor Participation Rate	66.3%
Employed	29.281 million
Underemployed	5.188 million
Unemployed	3.286 million
Unemployment rate	10.1%
Underemployment rate	17.7%
Fisheries Sector	1,035,000
BUDGET	
National Budget	P 579.5 billion
Budget Deficit	P 198 billion
GOVERNMENT DEBT	
Total (as of May 1999)	P 1.59 trillion
Foreign	P 684.44 billion
Domestic	P 900.6 billion
Total (as of May 1999)	P 1.59 trillion
Foreign	P 684.44 billion

Domestic	P 900.6 billion
Table 1. The Philippines: Facts and Figures (contd)	
OTHER STATISTICS	
Crude birth rate (per thousand population), 2000	26.24
Crude death rate (per thousand population), 2000	5.83
Infant mortality rate (per thousand live births), 1999	38.3
Under-five mortality rate (per thousand live births), 1997	41
Maternal mortality rate (per 100,000 live births), 1990	280
Life expectancy at birth, 2000	66.63 (male), 71.88 (female)
Simple literacy rate, 1994	93.9 %
Functional literacy rate, 1994	83.8 %
Government spending on education as % of GNP	3.4 % (1995-1997)
Government spending on education as % of Budget	15.7 % (1995-1997)
<i>Sources of Data: NSCB; Philippine Labor Survey; ADB; Key Indicators of Developing Asian and Pacific Countries, 1999; UNDP, Human Development Report 2001; FAO Fishery Country Profile, Phil. May 2000</i>	

- 12 The National Anti-Poverty Commission reported that the most number of households whose incomes cannot buy a nutritious meal come from largely agricultural areas. Topping the list are the Autonomous Region in Muslim Mindanao, Western Mindanao, Bicol, and Central Visayas⁸. In Mindanao alone, the main corn producing island, half of its population, some 7 million people, lives below the poverty line, with incomes insufficient to meet basic needs for nutrition, shelter, and clothing. They are part of the 22 million people who live below the official poverty line⁹.
- 13 “The overwhelming numbers of the agricultural labor force are small peasants that constitute 95 percent of the agricultural labor force, 50 percent till the land as tenants or owner cultivators. The other half work as itinerant labor force moving from one area to another.”¹⁰ Thus, what affects the small peasants is a major responsibility of the Philippine government in fulfilling its citizens’ right to food. What affects the small peasants is an indicator of the larger number in a similar situation for which the **Philippines as State Party to the ICESCR should be held responsible because it is reneging its obligation in respecting, protecting and fulfilling its constituencies’ right to adequate food.** In doing so and because of the indivisibility and interrelatedness of human rights, the Philippines has eroded the affected peoples’ inherent dignity and has compromised the fulfillment of the same peoples’ other human rights enshrined in the International Bill of Rights¹¹.

⁸ Business World, August 10-11, 2001

⁹ Oxfam and WWF

¹⁰ Pascual and Glipo, p. 18

¹¹ GC, No.12, par.4

THE VICTIMS, THE VULNERABLE GROUPS

- 14 The people whose right to food is being constantly violated are those belonging to vulnerable sectors and groups, usually the impoverished/poor. They are vulnerable because they have little assets like land, money, shelter, clothing, and household equipment/appliances. They lack access to basic services like potable water, health care, education, housing, electricity and other infrastructure. For the poorest of the vulnerable groups, they are chronically hungry.
- 15 Pre-school children aged 5 years old and below are most affected with the country's nutrition situation showing continued malnutrition, with as many as 757,000 pre-schoolers wasted, 568,000 stunted and 967,000 underweight ¹².
- 16 Closely related to malnutrition among children is the discrimination experienced by women in Philippine society. Women and girls are often among the first to suffer from situations of hunger and chronic malnutrition. "But it is they who pass on the mutilations of malnutrition from one generation to the next." This explains the relation between the infants born with impaired growth and the poor nutrition during their fetal life.¹³
- 17 The poor is comprised of indigenous peoples, upland farmers, landless farmers, coastal and subsistence fisherfolk, landless farm workers, urban poor, contractual workers, minimum/less than minimum wage earners, women, street children, the elderly, the handicapped, the unemployed and underemployed. Most of the poor are found in the countryside (Table 2). They depend on subsistence farming and fishing for their livelihood. Among the rural poor, the incidence of poverty is higher in the upland areas compared to lowland areas.

Table 2. Rural Poverty Incidence for Upland and Lowland, by Major Islands, Philippines, 1994

Rural Poor	UPLAND		LOWLAND		TOTAL RURAL	
	Number (million)	Incidence (%)	Number (million)	Incidence (%)	Number (million)	Incidence (%)
Philippines	4.8	60.6	11.1	50.3	18.1	53.8
Luzon	2.0	58.0	4.6	45.5	7.9	50.7
Visayas	0.8	52.4	3.3	52.0	4.9	51.7
Mindanao	4.8	60.6	11.1	50.3	18.1	53.8

¹² "Malnutrition rising among preschoolers," *PDI*, December 5, 1999. FNRI, 1996 *Updating of Nutritional Status of Filipino Children at the Provincial Level*, July 1997.

¹³ Ziegler, Jean. Report by the Special Rapporteur on the right to food, E/EN.4/2001/53, 7 February 2001, p.23

KEY ISSUES ON THE AVAILABILITY OF ADEQUATE FOOD SUPPLIES

ISSUES AFFECTING NUTRITIONAL ADEQUACY

- 18 Another key element in the right to adequate food is that food must be nutritionally adequate in terms of quantity (energy) and quality (provide all essential nutrients). In General Comment 12, the Committee on ESCR defined dietary needs as the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the lifecycle and according to gender and occupation.
- 19 The consumption of rice comprises the biggest percentage of total food intake (35.1%) among Filipinos, followed by fish and products and vegetables at 12.3 percent and 13.2 percent respectively ¹⁴.
- 20 The Food and Nutrition Research Institute (FNRI) survey in 1993 also found out that the consumption of meat and poultry, milk and milk products by urban folks is two times greater than that of rural people. Income definitely affected food choices and the ability to provide food for the family. The study found out that managers, large entrepreneurs, overseas contract workers (OCWs) have better and more diverse diets than the disadvantaged households. These households are mainly found in the agricultural sector (share tenants, kaingeros, small fishers, farm laborers). The same survey disclosed that only protein met the recommended allowances of the essential nutrients needed for nutritional health. Nutrient deficiency (iron, calcium, thiamin, riboflavin, ascorbic acid) ranged from 57.1% to 73.2% percent. Both food and nutrient intake have deteriorated over the years ¹⁵.
- 21 The country's nutrition situation shows the continued existence of protein-energy malnutrition especially among pre-school children aged 5 years old and below. According to the 1996 FNRI nutrition survey, eight out of 100 are at least moderately underweight, five out of 100 are stunted and less than five out of 100 are wasted ¹⁶.
- 22 The situation does not seem to be improving. Latest statistics from FNRI reveal that seven out of 100 children aged 0-5 years are afflicted with acute malnutrition and nine out of 100 are moderately underweight. Compared with a similar survey in 1996, the number of underweight and wasting pre-schoolers increased by 0.4% and 1.4% respectively. Stunting decreased by 0.1% ¹⁷.

¹⁴ Food and Nutrition Research Institute, , DOST Fourth National Nutrition Survey: Philippines, 1993

¹⁵ *ibid*

¹⁶ 1996 Updating of Nutritional Status of Filipino Children at the Provincial Level, July 1997, p. 8

¹⁷ "Malnutrition rising among preschoolers," *PDI*, December 5, 1999. FNRI, 1996 *Updating of Nutritional Status of Filipino Children at the Provincial Level*, July 1997.

- 23 Among pregnant women, the Fourth National Nutrition Survey (FNNS) of the DOST found out that 4-5 out of ten pregnant women suffer from iron deficiency anemia. Moreover, FNNS showed that five out of 10 infants, ages six months to one year, are anemic. In general, 3 out of 10 Filipinos are iron deficient ¹⁸.
- 24 One of the main obstacles to the realization of the right to food is the discrimination experienced by women in Philippine society. Women and girls are often among the first to suffer from situations of hunger and chronic malnutrition. "But it is they who pass on the mutilations of malnutrition from one generation to the next. The so-called 'life-cycle' analytical method or approach gives a more accurate view of the role played by women."¹⁹ Furthermore, the Fourth Report on the World Nutrition Situation of the United Nations ACC/SCN confirms the relation between the infants born with impaired growth and the poor nutrition during their fetal life.²⁰
- 25 The Philippine population is highly dependent on fish for food - a cheap source of protein. Fish is also an excellent source of minerals such as calcium, phosphorus and iron, contains key vitamins and complements the high carbohydrate diets of many regions.
- 26 Different fish production studies reveals that 80% of our fish production is consumed locally. Sixty percent of that 80% is consumed fresh, 8% dried and 8% processed. Although only around 20% is being exported, the Philippines is an important producer of fish on a global scale, ranking 13th among the 51 top fish-producing countries in 1996, with a total production of 1.8 million tons or 1.9% of the total world catch of 94.625 million tons ²¹. The nutrition survey conducted by the Department of Science and Technology (DOST) in 1993 pegged fish consumption at 36 kilograms per capita per year (kcy) to translate to 100% self sufficiency. However, supply and consumption of fish and fishery products shows that apparent consumption has been continuously decreasing from 31 kcy in 1995 to 27 kcy in 1997 (averaging to 29 kcy for that period). The decrease continued in 1998 with a value of 25.31 kcy (Table 3). There was a slight increase in value in 1999 and the early part of the year 2000 at values of 26.50 kcy and 26.60 kcy, respectively.

¹⁸ Manila Bulletin, May 29, 1999

¹⁹ Ziegler, Jean. Report by the Special Rapporteur on the right to food, E/EN.4/2001/53, 7 February 2001, p.23

²⁰ *ibid*

²¹ FAO Fisheries Yearbook, 1996

Table 3: Supply and Consumption of Fish and Fishery Products (in 000 mt)

Year	Total	Food Component**				Population	Apparent	Fish Req't	Deficit	Self-
	Prod'n	Prod'n*	Export*	Import*	Available Supply*	(000)	Consumption	(36 kcy***)		Sufficiency (%)
1995	2784	2078	101	141	2118	68349	31	2461	343	84
1996	2769	1983	93	169	2059	69946	29	2518	459	79
1997	2767	1838	100	171	1909	71538	27	2575	666	71
1998	2773	1966	98	160	2029	69944	29	2518	489	78

* in round weight
** excludes seaweeds, snail duck feed, fishmeal
*** requirement to maintain the 36/kg/capita/yr fish consumption level based on the Fourth Nutrition Survey (DOST, 1993)
% Self-sufficiency = (food component production / fish requirement) 100
kcy: kilogram per capita per year
Note: the total fish production is about 70% food component and 30% non-food component

Source: *President Erap's Agrikulturang Makamasa-Fisheries Program 1999-2004 as presented by Tambuyog Development Center, Right to Food Fish, prepared by Agnes Balota and Gaynor Tanyag, 2001, p. 7.*

27 To arrest the per capita decline in fish consumption and at least maintain 29 kcy (or 80% self-sufficiency), the fisheries industry has to produce the following projected fish requirement (Table 4):

Table 4: Projected Fish Requirement at 29 kcy, 1999-2004 (in 000 mt)

Year	Population *	Food Component **	Total Fish Production (Food and Non-Food Component)
1999	74723	2167	3096
2000	76320	2213	3162
2001	77898	2259	3227
2002	79476	2305	3293
2003	81054	2351	3358
2004	82636	2396	3423

* NSO, Medium Assumption ** Food Component = 70 % of total fish production

Source: *President Erap's Agrikulturang Makamasa-Fisheries Program 1999-2004 as presented by Tambuyog Development Center, Right to Food Fish, prepared by Agnes Balota and Gaynor Tanyag, 2001, p. 7*

28 And yet, despite the 2,201,822 metric tons fisheries production in 1999 (excluding food fish import) and a population of only 74,045,637 (as opposed to the 74,723,000 1999 projected population) food fish consumption is only 26.50 kcy, still 2.5 kilogram short of the 29 kcy target (Table 5). This only shows that factors other than availability affect the food fish consumption of the population.

Table 5: Fish Supply and Use, Philippines, 1998-2000 (in metric tons)

ITEM	1998	1999	2000 <i>Preliminary</i>
TOTAL FISH SUPPLY	2,195,649	2,322,408	2,374,561
Production	2,143,756	2,201,822	2,250,567
Commercial	940,533	948,754	946,485
Municipal	891,146	924,693	943,951
Aquaculture *	312,077	328,375	360,131
Food Fish Import	51,893	120,586	123,994
TOTAL FISH USE	2,195,649	2,322,408	2,374,561
Apparent Food Use	1,837,240	1,962,489	2,009,032
Kg. per capita	25.31	26.50	26.60
Exported production	264,326	268,525	276,189
Non-food Use	94,083	91,394	89,340
POPULATION	72,581,223	74,045,637	75,539,409
* excluding seaweeds.			

Source: *Fisheries situation, Jan-Dec2000. Bureau of Agricultural Statistics, February 2001 as presented by Tambuyog Development Center, Right to Food Fish, by A. Balota and G. Tanyag, 2001, p. 8*

29 The most obvious factor is the increase in fish and fishery products export. It was mentioned earlier that balance of trade (net export) in the Philippines has been negative in value until 1998. The 1997 export (in round weight) is approximately 100,000 metric tons as opposed to the 1998 value of 264,326 metric tons. Instead of fish becoming available to the Filipino people, whose mouths are we feeding?

ISSUES AFFECTING FOOD SAFETY AND QUALITY

- 30 **Bioaccumulation of heavy metals:** Metals as natural components of seawater and sediments are generally harmless to marine life. However, they can build up to high concentrations as a result of man's activities (e.g. mine tailings or industrial effluents) and may thus represent a risk to human consumers²². Presence of heavy metals in marine organisms could create health problems, if ingested over long a long period of time.
- 31 Since fish is a major component of human diet, bioaccumulation of metals is a great concern. Direct bioaccumulation occurs mainly through the gill tissue from seawater and digestive tract by ingestion of sediment. Heavy metals bioaccumulated in the gills and digestive tract poses no threat as these parts are commonly discarded prior

²² FAO 1992. Manual of methods in aquatic environment research. Part II. Biological assessment of marine pollution with particular reference to benthos. FAO Fisheries Technical Paper, As cited by de Jesus, B.R. Jr. and Batungbakal, E.P.T (yr?) bioaccumulation of Copper in *Siganus fuscescens*. A masteral thesis for the degree of Master of Environmental Science: University of the Philippines, Diliman, Quezon City.

to cooking. It is heavy metals that are bioaccumulated in the muscle tissue, and therefore ingested when the fish is eaten, that poses a health risk to consumers.

- 32 Food safety ranging from being at high risk to severely impaired by the presence of environmental hazards are illustrated in the following cases of mining activities by both small and big-scale entities.
- 33 *Mindanao Island*. Such was the situation in the municipality of Sibutad in Zamboanga del Norte in the island of Mindanao. Gold was discovered in one of its villages, *Barangay Lalab*, in 1986. Small-scale gold mining activities reached its peak in 1988 to 1990 when an estimated 10,000 people from neighboring towns and provinces joined local residents. In 1995, a large-scale mining operation was started by Philex Mining Corporation.
- 34 In the first half of 1997, fish kills were reported in Murciellagos Bay in Baliangao, Misamis Occidental. After conducting an investigation on samples of fish and shellfish, the Department of Agriculture in the region reported of “mercury levels higher than the maximum tolerable level of 0.5 ppm”. The blame was traced to the mining activities in Sibutad²³. Later, from May 1999 to September 2002,
- 35 Investigations were made on the effluents of small-scale mines and of Philex Gold Philippines in *Barangay Lalab* itself by the NGO Save Nature Society. The laboratory analyses made on sea and creek waters, as well as on sediments, revealed findings of mercury concentration above tolerable limits where the standard for the North-Sea sediments by Bund/Lander is 0.2 ppm. Seaweeds in Lalab 1 and Lalab 2 were found to be contaminated with mercury slightly higher for human consumption which is 1 ppm²⁴. In 1999, the Bureau of Fisheries and Aquatic Resources (BFAR) tested waters coming from the Philex creek and from *Barangay Libay*, Sibutad. The specimens were certified “POSITIVE for the presence of Cyanide”²⁵.
- 36 *Visayas Islands*. Another case is that of Manicani Island, Guian, Eastern Samar. Hinatuan Mining Company (HMC) affected the island’s population of 361 families or over 2,000 individuals despite its being one of the protected seascapes and landscapes of the Philippines under the Presidential Proclamation No. 469 signed by former President Fidel Ramos on October 28, 1992. The ecological fragility of the island has been disregarded by government when its Department of Environment and Natural Resources (DENR) approved HMC’s application for a Mineral Production

²³ Sunio, Rose, T., M.D. “Knowledge, Attitudes and Practices of Small scale Miners in Lalab, Sibutal [sic], Zamboanga del Norte on Mercury Poisoning”. *The Filipino Family Physician*, Vol.39, Jan-Mar 2001, No.1. pp.9-18.

²⁴ Mercury concentration taken from the effluents of Small-Scale Mines and Philex Gold Phils. In *Barangay Lalab*, Sibutad, Zamboanga del Norte. Collected by SAVE NATURE SOCIETY and Laboratory Analysis by SGS Philippines, Inc., Makati City

²⁵ Bureau of Fisheries and Aquatic resources, Cyanide Detection Test (CDT), Laboratory Network Certifications on Accession Nos. W06-02-23-99 Creek Water; W01-03-18-99 Creek Water; W01-04-13-99 Creek Water; P17-05-17-99 Kitong (*Siganus guttatus*); W01-05-19-99 Creek Water

Sharing Agreement (MPSA) on the same date Manicani was included in the 60,448 hectares Guian Protected Seascapes/Landscapes Project. HMC brandished its permit to operate in Manicani under the provision of the Mining Act of 1995 that states: "...all mineral resources in public or private lands, including timber or forestlands as defined in existing laws, shall be open to mineral agreements or financial or technical assistance agreement applications".

- 37 The fisher folk of Manicani described the impact of HMC's mining activities: " the sea turns red when rainwater goes down from the higher portion of the mining activity, upon reaching the sea. The seawater bubbles and becomes rusty in color. Sea cucumbers and "guso" (a type of seaweed used to make jelly) die. Even fishes in shallow waters float dead." The toxic waste coming from HMC's operations has seriously affected fish and marine resources, the main sources of food and livelihood. Impoverishment had set it to the extent that at least a third of the island's population, no longer able to buy rice, made the fruit tree called "rimas" their staple food. "Rimas" was once a food only given to pigs ²⁶.
- 38 *Luzon Island*. On 24 March 1996, more than three million tons of mine tailing from a copper mine operated by the Marcopper Mining Corporation spilled into the Boac and Makulapnit Rivers in Marinduque Province, Philippines. The spill forms a deposit covering an area of approximately two square kilometer with an unknown thickness (estimated at greater than 10 cm) off the west coast of Marinduque Island. The spill is said to have affected the lives of 20, 703 people living in 27 river and coastal barangays. A 30% reduction in saltwater fish catch from the 1995 estimated value of 44,101 kg is attributed to the tailing spill. Yet the mine spill would affect the lives of not only the communities of Marinduque but other consumers as well years after the accident happened.
- 39 The mine tailing that affected the Boac and Makulapnit River is said to be the residue from the processing of copper-bearing ore. Marcopper claims that the tailing is not immediately toxic since the process does not use cyanide and other poisonous chemicals. The United Nations Mission conducted chemical analyses to determine the toxicity of the mine tailing. Findings of the mission ²⁷ revealed that the sediments did not produce high values of any potentially toxic metals although the report did indicate the fairly high concentrations of heavy metals chromium, copper, zinc, and lead. However, the report also said that the concentrations and the difficulty to extract them suggest that they would not be easily available to biological systems and, thus, pose relatively little environmental risk.

²⁶ TFDP Report on Manicani Island, 2001

²⁷ United Nations, 1996. Interim statement from the leader of the United Nations Expert Assessment Mission to Marinduque Island, Philippines. Nairobi, UN Environment Programme, July 1996. As cited in Social Impact Assessment (SIA) of the Marcopper Mine Tailing Spill in the Boac and Makulapnit River Valley, Marinduque Province, Philippines. A report to Placer, Dome, Inc. by the Centre for Human Settlements, School of Community and Regional Planning. The University of British Columbia, Vancouver, B.C., Canada and the School of Urban and Regional Planning, University of the Philippines, Diliman, Quezon City, Philippines.

- 40 However, a study ²⁸ conducted on the bioaccumulation of copper in *Siganus fuscescens* or rabbitfish (locally called danggit) in the municipalities of Mogpog, Sta. Cruz, and Torrijos in Marinduque revealed that edible and inedible tissues of siganids have a significant amount of copper concentration. The copper concentrations in the muscle tissues of siganids from Torrijos are within the US recommended dietary allowance (RDA) ²⁹ and are deemed safe for human consumption. The authors, however, caution the consumers in the consumption of siganids from Banot, Bathala, Kawayan, Mogpog, Panag and Trapichihan all in the municipality of Mogpog. Samples from these locations showed values above the RDA of 1.5-3.0 mg per day (with 9.6 mg as the highest reported value from a sample in Banot in the edible tissues of the siganids). The authors attribute the high copper concentrations to the 1996 Marcopper tailing spill to the municipalities' proximity to the spill site. The authors also discovered that copper concentration in the muscle tissue of siganids increase with fish size possibly as a result of longer chronic exposure.
- 41 Acute poisoning from the ingestion of copper salts is rarely severe, if the metal is promptly removed by emesis. Copper resembles many other heavy metals in its systemic toxic effects: widespread capillary damage, kidney and liver injury, and central nervous system excitation followed by depression. Liver cirrhosis and disturbances of brain functions (e.g. coarse tremor and personality change) have also been reported.
- 42 Poverty threshold oftentimes has been reduced to food needs. Thus, attainment of this right has compromised the attainment of other rights, e.g. health, housing and education.
- 43 **Chemicals in Food.** Food safety is also at risk or impaired from the new varieties of foods, beverages and food ingredients are out of the markets. Are these foods safe to produce and eat? Issues of nutrition and food safety are of interest and concern not only to consumers and producers but also to governments as well. Many people are interested to know about food safety such as the safety of food ingredients and additives, the effectiveness of state regulations on food, the potential effects of new foods on health.
- 44 What is the Philippines experience? In wet markets in Metro Manila, many vendors use dyes to make the fish look fresh. Some of the fish that are usually given a fresh look are *tambakol*, *dalagang bukid*, *alumahan*, *tanguigue*. These dyes, being nonfood grade, can cause cancer.
- 45 Excessive use of fertilizers and pesticides on grains, fruits and vegetables, the use of antibiotics on poultry and livestock has already been proven to have adverse effects on health, environment and the sustainability of production.

²⁸ De Jesus and Batungbacal (yr?) Bioaccumulation of Copper in *Siganus fuscescens*. Graduate thesis (Master of Environmental Science), College of Science, University of the Philippines, Diliman, Quezon City.

²⁹ There is no standard set by the Department of Health (DOH) regarding safe levels of copper in food. The Philippines adopts WHO standards.

- 46 Some vegetable vendors resort to dipping their products in formalin. Others deliberately contaminate fish and fishery products with preservative chemicals. Formalin, a chemical compound commonly used to preserve biology specimens and embalm cadavers, is sometimes used to make fish look fresh and extend its market life. The use of formalin as a preservative in food products is a violation of the Food and Drugs and Cosmetics Act and Consumer Act of the Philippines ³⁰.
- 47 The following are signs of formalin-contaminated fish:
- a. The fish looks fresh but its natural smell is indistinct.
 - b. The fresh color of the gills (reddish) is replaced by a dull color and the eyes become cloudy.
 - c. When cooked, the meat of the fish is tasteless and has a rubber-like consistency.
- 48 Ingesting fish with high levels of formalin contamination may cause nausea, chills, redness in the mouth and eye area, hotness in the throat and stomach, difficulty of breathing, vomiting, paralysis or numbness in some parts of the body, and convulsions ³¹.
- 49 For sustained good health of its citizens, a responsible government should put in place appropriate food safety measures not only during production but also throughout the whole food chain (production, harvesting, processing distribution, and consumption). This implies that to ensure food safety, governments should establish safety standards, monitor the implementation of these standards, enforce them and regularly track food safety problems.
- 50 **Biotechnology and Genetically Modified Food:** Now, many governments, international organizations like the Food and Agriculture Organization (FAO) and transnational corporations are touting biotechnology as the most likely solution to the growing demand for food. Some of the supposed benefits of biotechnology include disease resistance; reduced pesticide use; more nutritious composition of foods; herbicide tolerance; more rapid growth of crops; improvements in taste and quality.
- 51 But how about the downside of using it? Local and international environmental activists accuse biotechnology companies (mostly transnational corporations) of just wanting to earn super-profits at the risk of possible ecological disaster and damaging human health.
- 52 As of now, the risk to humans eating bio-engineered foods is still unknown. Genetic engineering (GE) may have the capacity to produce desired characteristics in crops but it can also create gigantic health hazards. Some of the products already enhanced through biotechnology are corn, soybeans and potatoes that require fewer applications of herbicides/pesticides; genetically enhanced soybeans that are lower

³⁰ Republic Act 7934

³¹ DA-BFAR News, Vol.1, No. 4, December 1999

in saturated fats, higher in oleic acid and offer better frying stability without further processing.

- 53 The problem is many of these products are already being marketed or used in food preparations and processing. We might have been consuming them without even knowing about it. For instance, Senator Juan Flavier said that products like Pringles, Fritos chips, Kikkoman soy sauce contain genetically modified organisms (GMOs) or made from genetically modified agricultural products ³².
- 54 In 1998, the Southeast Asian Regional Institute for Community Education (SEARICE) conducted a study on the entry of transgenic crops in the Philippines. Results showed that the Philippines import considerable amounts of soybean and corn from the US, a major grower of transgenic soybean and corn. In fact, the US has been growing genetically engineered corn and soya since the mid-90s. Based on the number of hectares grown to GE corn and soya in the US and the lack of segregation laws for GE crops and non-GE crops, SEARICE concluded that the Philippines has been importing GE corn and soya without the knowledge of Filipinos ³³.
- 55 In December 2000, Greenpeace-Philippines conducted a study on GE content of some 30 products sold in grocery shelves. Of the 30 products, 11 were found to contain either Roundup Ready crops (corn and soya) or Bt corn. These products were Bonus Vienna franks, Rica Proteina Hotdogs, Campo Carne Moby Hotdogs, Purefoods Beefy Hotdogs, Quality Foods Budget Franks, Foodmart Enterprises Crab Cake, Hong Chi Food Yung Ho Soya Drink, Doritos Smokey Red Barbecue, Nestle Nesvita Natural Cereal Drink, Isomil Soy Infant Formula, Knorr Cream of Corn Soup ³⁴.
- 56 Other products manufactured internationally (but also sold locally) that were tested and proven to contain GMOs are Carnation Alsoy, Prosobee, Isomil, Enfamil, Similac Neocare, Betty Crocker, Morningstar Farms Better n Burgers, Baccos Bacon Bits, Fritos, Tostitos Crispy Rounds, Doritos Nacho Cheesier, Pringles and Kikkoman ³⁵.
- 57 Lack of laws on labeling of products containing GMOs makes it difficult for Filipino consumers to distinguish products in the market. They may unwittingly be consuming GMO-laced products.
- 58 Unlike the Philippines, European countries and some Asian countries have applied the "precautionary principle" with regard to GMOs. They have established measures to minimize risks of GMOs such as banning of GE products and labeling of products containing GMOs ³⁶.

³² "Some junk food may be dangerous to one's health," *Today*, September 1999

³³ SEARICE Review, 1998

³⁴ Greenpeace Briefing Kit, 2001

³⁵ SEARICE Review, 1998

³⁶ Third World Network, 2001

- 59 In terms of crop production, GMOs in the Philippines are still in the process of field-testing. Bt corn has had much attention over the past two years, in terms of field-testing. It has been tested in two sites in Mindanao. One was conducted by Cargill-Agroseed in Lagao, General Santos City in 1999-2000 while the other was conducted by Pioneer hi-Breed in Polomolok, South Cotabato, in 2000-2001.
- 60 A new application for field-testing of Bt corn is being sought by Monsanto-Philippines. It plans to test its Bt corn (Yieldgard) in 32 sites in 6 provinces (Ilocos Norte, Isabela, Camarines Sur, South Cotabato and Bukidnon). As of July 9, 2001, the NCBP has already approved the field-testing on 10 sites.
- 61 In January of this year environmental groups successfully negotiated an audience with the new president who made a pronouncement two weeks later that her new administration would not pursue research on and commercialization of biotechnology products because "civil society is strongly against it". Anti-GMO groups³⁷ responded with cautious optimism. While it meant that the president had given in to their demand, she did so on rather shaky ground, implicitly admitting that she merely caved in to pressure and did not fully understand the reasoning behind opposition to GMOs.
- 62 In March the same groups met with the Agriculture Secretary who promised to put on hold an administrative order giving the go-signal for the commercialization of GMOs. The agriculture secretary also promised to hold more consultations on both regional and national levels as a continuing policy feedback mechanism to guide the government in its handling of the GMO issue.
- 63 The agriculture secretary also made the following pronouncements and suggestions:
- a. He suggested starting field trials with less controversial crops like Bt cotton.
 - b. Local government units should play a greater role in the approval of field trials of GMOs.
 - c. Strict regulations and toxicological tests should be required on genetic engineering researches.
 - d. Determine if there is indeed a market for GMO products given that European markets are not receptive towards these products.
 - e. The need to address accessibility to this technology, in order to benefit small farmers.
 - f. Labeling of genetically engineered crops.
 - g. Putting DA Administrative Order providing for commercialization of GMOs on hold.

³⁷ These groups include Greenpeace, Southeast Asian Research Institute for Community Education (SEARICE), MASIPAG (Farmers and Scientists Partnership for Development and Progress) and other groups which banded to form the NGO-GMO coalition.

- 64 A month later, the different secretaries of the departments of Agriculture, Science and Technology and Health met where several concerns were highlighted including the need for an effective regulatory framework for the use of modern biotechnology especially with regard to food safety, labeling and field testing. It also included the development of regulatory capacity, as well as, transparency and accountability among regulatory bodies. A *Draft National Policy on Modern Biotechnology and its Products* circulated in late May 2001 which, for some reasons, was later shelved.
- 65 Meanwhile, the application of genetic modification in fisheries is still in its infancy³⁸ and is presently limited to aquaculture. Application of gene-transfer technology in mollusks and crustaceans lags behind fishes although mollusks such as oysters have been genetically improved through the use of chromosome manipulation and conventional selective breeding. Genetic improvement of crustaceans is still hampered by difficulties in closing the life cycle of many important species, such as the tiger prawn. Table 6 below summarizes the global effort in transgenic fish development.

Table 6. Some Aquatic GMOs (transgenic) Being Tested for Use in Aquaculture

Species	Foreign Gene	Desired Effects and Comments	Country
Tilapia	AFP salmon GH	Increased growth and feed efficiency; stable inheritance	Canada United Kingdom
Tilapia	Tilapia GH	Increased growth and stable inheritance	Cuba
Tilapia	Modified tilapia insulin-producing gene	Production of human insulin for diabetics	Canada
Common carp	Salmon and human GH	150% growth improvement in culture condition; improved disease resistance; tolerance of low oxygen	China United States
Abalone	Coho salmon GH + various promoters	Increased growth	United States
Oysters	Coho salmon GH + various promoters	Increased growth	United States
<i>Fish to other life forms</i>			
Rabbit	Salmon calcitonin-producing gene	Calcitonin production to control calcium loss from bones	United Kingdom
Strawberry, potatoes	AFP	Increased cold tolerance	Canada United Kingdom
Note: The development of transgenic organisms requires the insertion of the gene of interest and a promoter, which is the switch that controls expression of the gene. AFP = anti-freeze protein gene (Arctic flatfish); GH = growth hormone gene			

Source: FAO, "The State of World Fisheries and Aquaculture," 2000 as presented by Tambuyog Development Center, *Right to Food Fish*, prepared by Agnes Balota and Gaynor Tanyang, 2001, p. 11

³⁸ This is only true if we restrict the term GMO to transgenic species and exclude other genetic modifications such as hybridization, chromosome manipulation, sex reversals and selective breeding.

- 66 In the Philippines, there are two significant studies in the application of biotechnology in aquaculture: the growth studies conducted by the Southeast Asian Fisheries Development Center (SEAFDEC) on the rabbitfish *Siganus guttatus*. The first study is concerned with rabbitfish growth hormone (GH). SEAFDEC/AQD researchers successfully cloned the cDNA of rabbitfish GH in 1999 and attempted to produce GH using recombinant DNA technology. Trials are still on-going on the production of recombinant GH and insulin-like growth factors (IGF-I and II) since the cDNAs for both IGFs were also successfully cloned in 2000. Specifically, experiments are being carried out to determine the conditions for optimal production of these proteins in bacterial cells. The second study experiments to accelerate growth using bovine growth hormone (bGH). Results show that rabbitfish fry given weekly bGH injections for 4 weeks showed faster growth than the control fish. Moreover, faster growth is documented in fry treated with a low dose of the hormone (0.01 mg/g BW) compared to the group given a higher dose (0.1 mg/g BW). Experiments also showed that rabbitfish juveniles grow better in dilute seawater than in full-strength seawater.
- 67 There are no transgenic species available to consumers at present but genetically improved tilapias have been in the market for quite some time. In 1994 alone the Bureau of Fisheries and Aquatic Resources (BFAR) research and demonstration farms produced 31 million fingerlings of genetically improved tilapia and carp. The fish farmers received 26 million of these fingerlings, while the multiplier stations received 114,450 breeders and other ASEAN countries received 15,150 breeders³⁹. Transgenic fish in the market is not far behind.
- 68 According to FAO, although no aquatic GMOs are currently traded, genetically modified soybean is an ingredient of shrimp and other animal feeds that are traded globally. The European Community and Japan have labeling requirements for this feed, and the feed industry is studying the worldwide reaction to the labeling and may look for soybean replacements for feeds.
- 69 Civil society's interest in GMOs lies more on the environmental and health concerns associated with its production, import and release than its potential to greatly increase the quantity and quality of aquaculture products. The greatest environmental concern centers on the accidental release of GMOs in the wild. Disruption of local biodiversity through increased predatory or competitive ability or disruptions of local genetic diversity through breeding with related species are the major issues raised by anti-GMO proponents. Health concerns, on the other hand, includes allergic reactions to the foreign genes.
- 70 Whether they are mutant foods or Frankenstein foods (as described by environmentalists opposed to bio-engineered foods), it might be prudent at this point to observe the *Precautionary Principle*⁴⁰.

³⁹ Bureau of Fisheries and Aquatic Resources, Annual Report, 1994

⁴⁰ This principle states that when there are threats of serious or irreversible damage to environment or to human health, the lack of scientific certainty on any particular subject should not be used to postpone protection measures.

- 71 **Parasitic Infestation**⁴¹: The most common health problem associated with fish as food is the infestation of parasites. A study published by the World Health Organization (WHO) in 1995 estimated that about 39 million people worldwide are infested with parasites transmitted by the ingestion of raw or improperly cooked freshwater fish and crustaceans. Almost all of these people about 38 million lived in Asia, with the remainder living in Europe and Latin America. In Asia, the problem is concentrated in Southeast Asia and China.
- 72 It is hard to determine at what stage contamination occurs. Fish and fish products may be contaminated from the moment of capture until it is eaten. Contamination may occur because pathogenic microorganisms form part of the normal flora of the fish. In other cases, toxic substances are introduced through cross-contamination, re-contamination or faulty handling and processing.
- 73 The extent to which fish products are a source of food-borne diseases is a function of general food habits, the frequency of fish consumption and the type of products and species consumed. Sometimes, a set of unfavorable circumstances combines to create extremely hazardous health situations.
- 74 Parasitic infestation through the ingestion of fish is only one of the many possible causes of disease, but there is a shortage of reliable information about many of the others. There is a clear need for more information regarding illnesses caused by fish and other foods in developing countries.
- 75 When the trend of increasing outbreaks of food-related diseases was first identified in the early 1980s, food and fish inspection services in developed countries increased end product sampling. This translated into an increased number of samples of finished foods being analyzed and a growing number of inspectors. The effort did not halt the trend of more frequent outbreaks of food-related diseases, however, showing that dependence on end product sampling alone was an inadequate response to the problem.
- 76 By the end of the 1980s, it had become clear to public health authorities in developed countries that a new system was necessary. The system had to address all the relevant hazards in food production and had, therefore, to be incorporated into the harvesting, processing and distribution of fish products. This would require its use on board fishing vessels and by aquaculturists, as well as in fish processing factories, the vehicles used to transport fish and storage and retailing areas. The system that was developed is called the Hazard Analysis and Critical Control Point (HACCP) system. In the HACCP system, each substance, microorganism or condition of food that can cause disease is called a "hazard". Initially, the system gained credibility through its proven efficiency in controlling the hazard created by *Clostridium botulinum*, a common toxigenic bacterium, in low-acid canned foods. By applying the HACCP principle, processors were consistently able to ensure adequate timing and

⁴¹ FAO. "The State of World Fisheries and Aquaculture." 2000

temperature control during retorting and improved seaming of cans. This, in turn, virtually eliminated the bacterium from canned foods.

- 77 **Metabolites actinomycetes contamination:** Tilapia and bangus (milk fish) that ingest metabolites actinomycetes inevitably tastes and smells like mud (contaminated fish is locally referred to as “*amoy o lasang gilik*”). The metabolite is a blue green algae (*Anacystis aeruginosa* locally called “*liya*”) secretion that accumulates at the bottom of the lake or ponds. Although there is no health hazard associated with eating fish contaminated with *liya*, the overpowering smell and taste of mud in the fish meat is enough to discourage anyone from consuming it.
- 78 Meticulous buyers can identify fish contaminated with *liya* by smell alone but for those who are olfactorically-challenged, maintaining a “*suki*” or favored vendor in the wet market is almost the only way to avoid buying *liya*-contaminated fish. This is also the reason why fish vendors also avoid dealing with *liya*-contaminated fish as their product becomes automatically suspect and their reputation for dealing the contaminated fish will scare off potential buyers.
- 79 **Red Tide:** This biological event is associated with human illness called paralytic shellfish poisoning (PSP) and can have severe impacts on local fisheries. The Philippines sustained seven documented epidemics of PSP between 1983 and 1987. A total of 978 patients with a case-fatality ratio of 2 per 100 cases were reported. The epidemics were caused by *Pyrodinium bahamense var. compressum*.
- 80 The incubation period, the time from ingestion of shellfish until the onset of any symptoms, was from almost immediately to as long as thirty-four hours. The symptoms involved the gastrointestinal, neural and the respiratory systems. The illness started with vomiting followed by numbness with or without paresthesia of the circumoral area. Patients reported that the numbness descended to the upper then lower extremities. This led to a light-headed or floating sensation. Later, inability to walk properly was experienced followed by dyspnea, dysphagia, and dysphonia in this order. Deaths were due to respiratory failure.
- 81 Case control studies revealed that green mussels (*Perna viridis*) and Asian moon scallops (*Amusium pleuronectes*) posed the greatest risk for PSP. Shrimps and fish with gills and guts and sergestid shrimps did not pose a risk⁴².
- 82 Red tide was reported in the Philippines as early as 1908. The first recorded PSP cases in the Philippines occurred in Catbalogan, Samar, on 21 June 1983 involving a family of eight. Two children, aged 3 and 7 years, died ten hours after eating boiled

⁴² Pastor, N.I.S. et al. Epidemics of Paralytic Shellfish Poisoning in the Philippines, 1988-1989, pp. 165-171. In G.M. Hallegraeff and J.J. Maclean (eds) Biology, epidemiology and management of *Pyrodinium* red tides. ICLARM Conference Proceedings 21, 286 p. Fisheries Department, Ministry of Development, Brunei Darussalam, and International Center for Living and Aquatic Resources Management, Manila, Philippines.

green mussels. Other members of the family became ill and were hospitalized. One young boy from the family who did not consume the shellfish was not affected⁴³.

- 83 Seliger (1989)⁴⁴ suggests that the spread of red tides to areas not previously affected and the increased frequency of annual occurrences of PSP in already colonized areas are the result of coastal hypertrophication. Increased nutrients along coastlines permit sufficient reproduction of dinoflagellates in entrained surface patches to compensate dilution losses, enhancing emigration over longer distances.
- 84 It is proposed that increased discharges of industrial and human wastes into major waterways, coupled with decreased natural filtering in the watersheds due to deforestation and filling-in of wetlands have markedly increased the nutrient concentrations and sediment loads delivered in run-off to estuarine and coastal waters. These nutrients now permit sufficient reproduction of dinoflagellates to compensate organism dilution losses, enhancing the probabilities of successful alongshore emigration.
- 85 Pastor et al. (1989)⁴⁵ proposed a national PSP control and red tide management program. The activities should include the toxicological monitoring of shellfish and the results should be made available to distant island provinces in the country. The program should be aimed at upholding the health and safety of the public while protecting the reputation of the shellfish industry.

ISSUES AFFECTING SUSTAINABLE PRODUCTION

- 86 Food must be available⁴⁶ at the household, local, national and global levels. At the national level, the country's ability to supply sufficient food to its population depends on its capacity to produce and/or procure from outside sources. This implies that a country should have sufficient resources to be able to buy food when needed and that there is sufficient food being traded at the global level.

⁴³ Gonzales, C.E. 1989. *Pyrodinium* blooms and paralytic shellfish poisoning in the Philippines, pp 39-47. In G.M. Hallegraeff and J.J. Maclean (eds) Biology, epidemiology and management of *Pyrodinium* red tides. ICLARM Conference Proceedings 21, 286 p. Fisheries Department, Ministry of Development, Brunei Darussalam, and International Center for Living and Aquatic Resources Management, Manila, Philippines.

⁴⁴ Seliger, H.H., 1989. Mechanisms for red tide *Pyrodinium bahamense* var. *compressum* in Papua New Guinea, Sabah and Brunei Darussalam, pp 53-71. In G.M. Hallegraeff and J.J. Maclean (eds) Biology, epidemiology and management of *Pyrodinium* red tides. ICLARM Conference Proceedings 21, 286 p. Fisheries Department, Ministry of Development, Brunei Darussalam, and International Center for Living and Aquatic Resources Management, Manila, Philippines.

⁴⁵ Pastor, N.I.S. et al. Epidemics of Paralytic Shellfish Poisoning in the Philippines, 1988-1989, pp. 165-171. In G.M. Hallegraeff and J.J. Maclean (eds) Biology, epidemiology and management of *Pyrodinium* red tides. ICLARM Conference Proceedings 21, 286 p. Fisheries Department, Ministry of Development, Brunei Darussalam, and International Center for Living and Aquatic Resources Management, Manila, Philippines.

⁴⁶ Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.

87 However, as food markets have become internationalized, there were deepening concerns about food availability⁴⁷ and more importantly about increased dependency on food imports. Availability refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand. Increased dependency on food imports could render a country vulnerable to sudden rise and fall of food prices or to political decisions by foreign governments to sell or not to sell food. In such a situation, national sovereignty is undermined.

Is there enough food in the Philippines?

88 **Agriculture**, particularly the food crop sector, has not been able to grow at a rate equal to the needs of feeding a growing population. The population growth rate (2.32% per year) outpaced food production growth of 1.0%⁴⁸. From 1993 to 1995, the daily per capita food supply⁴⁹ declined in terms of three nutrient indicators: per day calorie decreased at an annual rate of 4 percent; per day protein by 4.1 percent and per day fats by 1.2 percent (Table 7)

Table 7: Per Capita Food Supply, 1993-1995

	LEVEL			Average 1993-1995	Annual Growth Rates		
	1993	1994	1995		1993- 1994	1994- 1995	1993-1995
per year kilogram	423.2	410.1	407.4	413.6	(3.1)	(0.7)	(1.9)
per day gram	1,159.4	1,123.7	1,116.3	1,133.1	(3.1)	(0.7)	(1.9)
per day calorie	2,170.5	2,528.6	2,495.8	2,578.3	(6.7)	(1.3)	(4.0)
per day protein	73.7	67.6	67.7	69.7	(8.3)	0.2	(4.1)
per day fats	59.9	55.0	56.6	56.5	(5.1)	2.9	(1.2)

Source: National Statistical Coordination Board as presented by Regalado et al., pp. 6 - 7

89 In 1999, according to FNRI, both the per capita energy consumption (Kcal) and the per capita protein consumption (g) fell short of the recommended daily allowance (Table 8)

Table 8: Actual Per Capita Intake Per Day Compared to RDA, 1999

	Nutrients / Food Origin
Per capita energy consumption (kcal)	1,684
RDA for energy (kcal)	2,036
Per capita protein consumption (g)	49.9 g
RDA for protein (g)	51.5 g

Source: FNRI-DOST as presented in IBON, 15 & 31 December 2001

⁴⁷ During the early 1990s, only 5% of total milled rice production was traded in the world market; wheat at 20% and corn at 12%.

⁴⁸ "More people but less land to till," *Farm News and Views*, March-April 1999, p. 4

⁴⁹ Daily per capita food supply is measured in terms of weight or in terms of nutrient value.

90 While food production is declining over the years, the available supply for daily consumption compared to the recommended dietary allowance (RDA) was sufficient to meet the food requirements of the population (Table 9). There was food sufficiency in major food groups except for starchy roots and tubers, milk and milk products and eggs in 1995.

Table 9: Available Supply and Recommended Daily Allowance

COMMODITY	RDA	SUPPLY AVAILABLE				% SUFFICIENCY			
		1993	1994	1995	1999	1993	1994	1995	1999
Food Groups	1,031	1,159	1,124	1,116	1,088	112.5	109.0	108.3	105.6
I. Vegetable Origin	773	974	937	927	888	126.0	121.2	119.9	114.9
1 Cereal & Cereal Products	334	400	375	362	333	119.8	112.1	108.4	99.6
2 starchy Roots & Tubers	73	69	68	67	52	94.2	93.2	92.0	71.8
3 Sugar & Syrups	24	46	50	38	46	192.6	209.1	158.6	189.8
4 Pulses & Nuts	17	35	35	38	31	204.6	206.0	221.6	182.8
5 Vegetables & Fruits	297	312	314	307	200	105.0	105.7	103.3	67.5
6 Fats, Oils & Miscellaneous	28	112	112	115	226	400.1	339.4	410.7	808.3
II. Animal Origin	258	186	186	190	200	71.9	72.5	73.5	77.5
1 Meat & Fish Products	151	170	170	172	183	112.8	112.8	114.2	121.2
2 Milk & Milk Products	82	6	6	8	8	97.5	9.3	9.8	9.4
3 Eggs	25	9	9	9	9	37.3	36.0	36.3	37.5

Source: NSCB, *Food Balance Sheet of the Philippines, 1993-1995, 1999 as presented in Regalado et al, p.7 and IBON, 15 & 31 December 2001, p.3*

91 By the mid-1990's, however, the Philippines had turned from a net agricultural exporter to a net importer⁵⁰. In the cereal sub-sector, the country's self-sufficiency ratio in rice went down, from 89.49 percent in 1996 to 73.16 percent in 1998 (Table 10).

Table 10: Self-Sufficiency Ratios for Selected Crops/Food, Philippines, 1996-1998

CROP / FOOD	1996	1997	1998
Rice	89.49	91.05	73.16
Corn	91.10	93.37	97.13
Chicken	99.96	99.81	99.51
Pork	99.42	99.05	98.89
Beef	83.12	81.68	85.98
Cassava	100.02	100.02	100.03
Sweet Potato	100.00	100.00	100.00

Source: Bureau of Agricultural Statistics, *Indicators of Food Self-Sufficiency for Cereals, selected Livestock and Poultry Products and Root crops, 1996-1998 as presented in Regalado et al., p.8*

⁵⁰ Department of Agriculture. *Farms, Food and Foreign Trade: The WTO and Philippine Agriculture*, Paper presented during the National Consultation on Emerging Issues in the Next Round of WTO Negotiations, November 3, 1999, Quezon City, Philippines

92 Dependency upon external food markets continued to grow. The country has to import bigger volumes of grains to meet our cereal requirements (Table 11).

Table 11. Philippine Imports of Grains: Rice, Corn and Wheat ('000 metric tons)

COMMODITY	1995	1996	1997	1998
Rice	277	768	814	2,187
Corn	515	446	455	175
Wheat	-	1,978	2,157	1,960

Source: Foreign Agricultural Service, USDA, National Statistics Office as presented in Regalado et al., p.8

93 **In Fisheries**, the average annual growth rate in fishery production achieved from 1993-1998 was only 1.3%. Positive growths were recorded in aquaculture (an average of 4.7%) and in commercial fisheries (2.7%). Municipal fisheries has been declining through the years at an average of -3.2% (Table 12).

Table 12. Growth Rates of Philippine Fishery Production, 1993-1998

SUBSECTOR	93/92	94/93	95/94	96/95	97/96	98/97	Ave. Growth (93-98)
Commercial	5.0	2.1	3.8	-1.9	0.6	6.3	2.7
Municipal	-5.0	-3.8	-2.1	-6.5	1.7	-3.6	-3.2
Aquaculture	4.2	-1.0	17.1	7.1	-2.4	0.2	4.7
Total	1.1	1.0	6.6	0.3	-0.3	1.0	1.3

Source: Bureau of Agricultural Statistics as presented in Regalado et al., p.8

94 **The Rice Industry**. Any discussion on the Philippines' food security will inevitably focus on its primary ability to produce or purchase rice. Rice is very important to the Philippines' rural economy and society. About 1/3 of its agricultural land is devoted for rice production. Rice is the main staple, accounts for 35% of average Filipino diet and around 80% of calorie intake among Filipinos. Yearly, each Filipino consumes 95 kgs of milled rice (1998) figures.

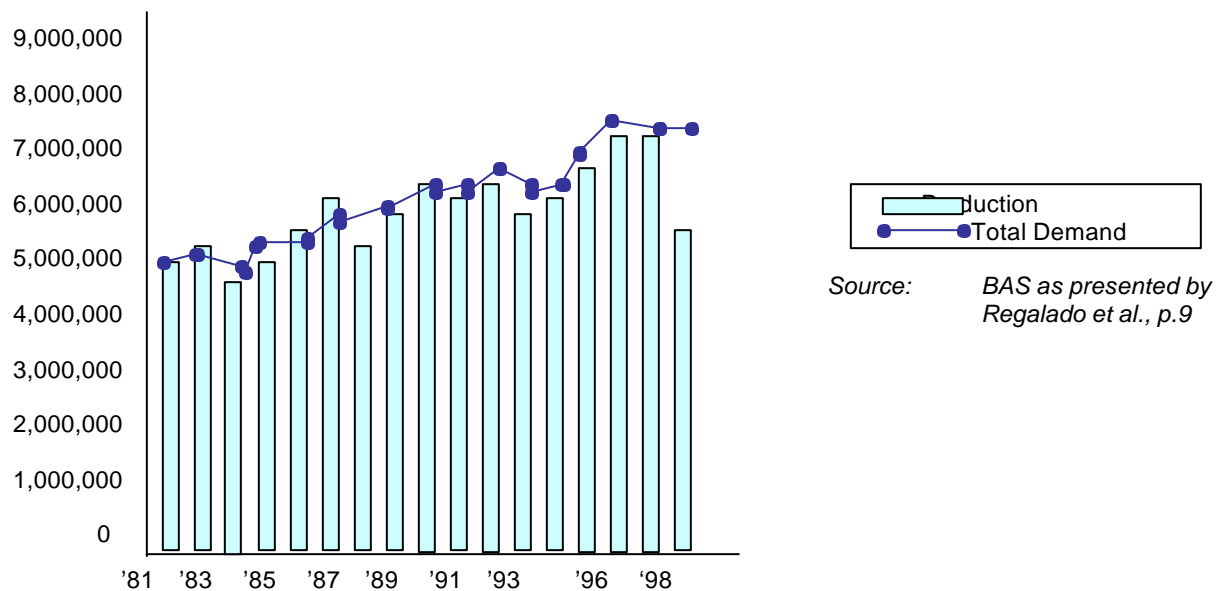
95 About 2 million Filipinos are involved in rice production and they produce 90 percent of the country's rice requirement. Palay production accounts for about 19 percent of the total output of agriculture or 2.9 percent of gross domestic product (GDP). Rice is the source of income to 3.2 million rice farmers and their families⁵¹ as well as to thousands of traders, millers and their dependents.

96 Most rice farmers are also rice consumers. Either they do not produce sufficient rice for their own consumption because their land is small or they sell most of their palay (unhusked rice) immediately after harvest to pay off their loans or purchase other basic needs. Most often than not, they sell when the price of palay is at its lowest and buy rice when the price is at its highest.

⁵¹ Department of Agriculture, *Rice*. Paper presented during the National Consultation on WTO, November 3, 1999, Quezon City.

- 97 The rice industry is characterized by declining production, decreasing area devoted to rice farming and low productivity. Currently, the average rice yield for all ecosystems (irrigated, rain-fed, upland) is 2.92 metric tons per hectare. PHILRICE estimated that the Philippines have to achieve 3.27 metric tons per hectare-yield in all ecosystems (or 5.04 metric tons per hectare in irrigated areas) to be self-sufficient in rice (with a population of 71.54 million). With a higher population now, the Philippines would have to target higher yield, or otherwise increase the area devoted to rice production to achieve sufficiency level.
- 98 Low productivity in rice is to a large extent, the result of under investment in necessary infrastructure. In the 1970s, government poured billions of pesos into irrigation projects. This paved the way for a period of surplus production. From that period, however, the level of agricultural investments particularly in irrigation, have been on a steady decline.
- 99 During the rice crisis in 1995, government was forced to acknowledge that agriculture has long been under funded and that infrastructure support has been one of those severely neglected. Congress even doubled the DA budget in 1996 at 25 billion pesos instead of the 12.62 billion pesos initially allocated, half of which was allocated for irrigation projects and farm-to-market roads.

Figure 1: Rice Production and Demand, 1981 - 1998



- 100 The decline in rice production and productivity (applicable in other crops too) can be attributed to several factors. One is the limited public expenditure to enhance productivity and production. Let us take the case of irrigation, for example. Access to water through irrigation is crucial in increasing rice production and productivity (the current rice technology is highly dependent on ample water). Yet, only 43% (1.3

million hectares) of the total 3 million hectares of irrigable lands are irrigated. Area irrigated during the dry cropping season in 1998 declined compared to the same period in 1997, from 369,677 hectares to only 229,993 hectares^{52 53}.

101 Another factor is the ability of the producer to raise the necessary capital to meet production costs. The devaluation of the peso and the hike in petroleum products resulted in higher prices of imported inputs such as fertilizers, pesticides and farm machinery. Consequently, farmers are incurring higher production costs. With the ongoing financial crisis, farmers (who are considered high-risk borrowers) are having a harder time accessing funds, especially from the formal financial intermediaries (e.g. banks) and would rely more heavily on informal sources (mostly traders) that would be charging higher interest rates.

102 “The country’s food security and economic growth are much affected by the performance of the agricultural sector. The underdevelopment of the agricultural sector and the rural areas in general significantly affects the production of food and other agricultural commodities. With very low productivity coupled with depressed

prices, the income of rural families is kept low while the availability of jobs in the rural areas remains unstable. With limited opportunities and low incomes, rural people migrate to the cities in search for greater economic opportunities. With a low supply of food from the rural areas, food prices in the cities and urban centers rise exerting pressure on wages.”⁵⁴

103 The government’s move to counterbalance this situation of needed commodities and rising prices was to increase importation. But this in turn erodes further the ability of the Filipino farmers to compete and their motivation to continue in agricultural production. Added on to the inability of small farmers to have access to food are the growing numbers of urban workers who are also unable to cope with their low wages the rising prices of food and other commodities. In ensuring their right to adequate food, members of both sectors increasingly compromise the enjoyment of their other basic rights.

104 **Economic and environmental issues affecting food sustainability:** The long-term sustainability of food production demands the maintenance and enhancement of the country’s resource base and of its biodiversity as well as the equitable distribution of these resources and the benefits derived from them. In the Philippines, however, most of its resources forests, marine resources are already depleted. The present exhaustion and degradation of terrestrial ecosystems (deforestation, soil erosion and

⁵² *Farm News and Views*, March-April 1999, p.3

⁵³ Fermin Adriano and Elvira E. Dumayas, “The Politics of Food: Enough rice on the table is litmus test for Estrada.” *Philippine Daily Inquirer*, May 30, 1999

⁵⁴ Regalado, Aurora and the Philippine Group. “State’s Failure to Fulfill and Defend its Citizens’ Right to Food: The Philippine Experience”, Paper prepared for and presented at the Asian Consultation on Economic, Social and Cultural Rights, January, 2000, Quezon City, Philippines. (To be cited henceforth as Regalado and the Philippine Group.)

desertification and degradation of the aquatic environment) in the Philippines are threatening people's livelihood and survival. The country is facing an ecological crisis.

- 105 **Deforestation:** In the 1930s, 57% of the country was covered with forest. Current estimates of remaining forests range from 2.7% 23.3% of the total land area of 30 million hectares. Environmentalists say that the needed forest cover to sustain a growing population and economic activities should be at least 40%. The Philippines already reached the threshold in sustainable management. Philippine forests are disappearing at an alarming rate at an average of 3.3% from 1980-1990 and increasing to 3.5% from 1990-1995.
- 106 The environmental Science for Social Change (ESSC) said that the causes of massive and rapid forest destruction include logging, upland migration and agricultural expansion. The Timber Land Agreement System, which legalized commercial logging, was identified as the main culprit. Fifty percent of Philippine forests were lost to commercial logging during the Marcos regime. Some estimates placed the total degraded area in the country at 5 million hectares or 16.8 percent of total land area. The destruction of the Philippine forests may lead to the extinction of many of the country's endemic species⁵⁵. Forest loss in the Cordilleras is affecting water supply at Chico River, the major source of irrigation for rice lands in Kalinga and Isabela⁵⁶.
- 107 **Soil Erosion/Degradation:** Soil erosion/degradation poses a serious threat to the sustainability of agricultural production. Soil erosion means that the soil is already depleted of nutrients and consequently, yield on degraded lands will be low.
- 108 Current statistics on soil erosion in the Philippines do not bode well for the sustainability of food production. About 69% of total Philippine land area is subjected to various forms of soil degradation⁵⁷. Some 100,000 hectares of land to a depth of one meter are lost to erosion per year in the Philippines. What is alarming is that many of the degraded lands are watershed areas for most irrigation systems of the key grain areas in the country. Many of the country's provinces have already lost 50% of their topsoil to erosion and that 70% of all croplands are vulnerable to erosion⁵⁸.
- 109 In 1998, DENR listed 22 provinces with distressing soil erosion rates. These include Batangas and Cebu (lost 80-85% of their top soil due to erosion), Marinduque (75-80%), Ilocos Sur and La Union (60-70%), Zamboanga del Sur, Zamboanga del Norte, Bukidnon, North and south Cotabato, the three provinces of Davao, Negros

⁵⁵ UNDP, Human Development Report 1999, p. 206: "Logging ban: Total or Selective?" *Philippine Daily Inquirer*, January 16, 2000

⁵⁶ "Forest loss draining Chico Dam water supply," *Philippine Daily Inquirer*, January 22, 1997

⁵⁷ "70 percent of Philippine land area show degradation signs," *Today*, October 31, 1995

⁵⁸ "The price of deforestation," *Philippine Daily Inquirer*, January 16, 2000

Occidental and Oriental, Iloilo, Aklan, Capiz and Antique (50%)⁵⁹. Large-scale mining has caused irreversible destruction on the country's fragile environment and loss of subsistence among many indigenous peoples⁶⁰.

- 110 **Depletion of Marine Resources:** The Forest Management Bureau (FMB) reported that mangrove areas are dwindling at the rate of 2% per year. Out of the original 450,000 hectares, only 117,700 hectares (26.16%) remained in 1995. Conversion to fishponds had been identified as the main cause of mangrove area reduction. It is estimated that 95% of fishponds were once mangrove areas. Mangrove swamps are vital to marine environment. They serve as sanctuaries and nurseries to different species of aquatic animals and act as buffer zones and prevent siltation or the erosion and transfer of certain soil nutrients from the shorelines to the different bodies of water.
- 111 On the other hand, the Philippines coral reef areas (about 44,000 sq. km., of which 27,000 sq. km. are within 10-20 fathoms deep) are extensively damaged. Only 6% remain in excellent condition while 70% were partly or fully damaged. The destruction of the coral reefs is caused by unsustainable/ destructive fishing practices such as the use of dynamite and cyanide, the use of trawling nets (that are dragged along the seabed), muro ami fishing (herding of fish into giant nets while banging numerous rocks on coral reefs).
- 112 The country is already experiencing a shortfall in fish supply as many fishing grounds such as the Sulu Sea, Moro Gulf, Batangas, Bay, and Lingayen Gulf are already fished to the limit. Many municipal fisherfolk are complaining that their catch is dwindling because many large-scale fishing vessels (150 gross tons or more) are encroaching on fishing grounds reserved for municipal fishing.
- 113 The TFDP office in Dipolog City, citing a study by the Environment Management Bureau of the DENR, reported that traces of cyanide and mercury have been noted in Murceillagos Bay in Sibatad, Zamboanga del Norte in 1999. The affected residents attributed the fish kills and the decreasing number of fish in the bay to the chemical poisoning of the waters resulting from the operations of small-scale mines and of Philex Mining, with the latter touted as the model mining company in the Philippines.
- 114 **Degradation of Freshwater Resource:** The Philippines has 570,000 hectares of freshwater resources (swamplands, rivers, lakes). The most productive area (marine shelf within the 200-meter isobath) in the country's marine resources are found in the municipal waters. Approximately 75% of the coastal shelf area is in the 0-100 m depth range, where coral reefs, mangroves and fish stocks abound. The municipal waters are the richest fishing grounds.

⁵⁹ "RP Environment: Experts warn of ecological disaster," *Philippine Daily Inquirer*, June 27, 1999

⁶⁰ "Rhetoric and Reality: First Year of Estrada Administration," *Philippine Human Rights Update*, Vol 13, No. 3-4, 1999, p 16

- 115 But massive deforestation, industrial pollution and the use of chemical inputs are destroying (or have destroyed) freshwater sources. The coral reefs, which are probably the most productive of all marine habitats, cover about 34,000 sq. km. but the Bureau of Fisheries and Aquatic Resources (BFAR) reports that up to 70% of coral areas have been destroyed by rampant dynamite fishing, and by accumulation of silt from the watershed areas.
- 116 Mangrove forests are undoubtedly a most vital resource in the export of nutrients to the marine waters. In 1967, Bureau of Forest Development reported 418,990 hectares of mangrove areas but the latest data shows that on latest data shows that only 139,735 hectares remains. The loss of mangroves can be attributed primarily to the illegal conversion of these areas into fishponds, indiscriminate cutting of mangrove trees for firewood and construction purposes, and reclamation of mangrove areas for other land uses. According to the Department of Agriculture, one hectare of mangrove could support more than 600 kilograms of natural fish production in near shore waters per year. The 279,255 hectares of mangrove lost since 1967 translates to 167,553,000 kilograms of lost natural fish production *per year*.
- 117 Soil in all the 14 barangays of La Trinidad, Benguet had been tested acidic due to excessive use of inorganic fertilizers and pesticides. Groundwater has been tested positive for nitrate trace, indicating ground water pollution⁶¹. In Pampanga, firms located along the Pampanga River are dumping their toxic wastes into the river causing health hazard to residents. To date, there are already tensions among various users of water (agriculture and industrial-household users) especially during the dry season. For example, demand for irrigation in Central Luzon to irrigate 31,500 hectares is conflicting with the demand for industrial and household water of Metro Manila.
- 118 In Sibutad, Zamboanga del Norte, TFDP reported that water had to be treated before it could be drinkable. In Leyte, residents of Sitio Guiwan, Barangay Buenavista reported that they had problems finding potable drinking water because of acid rain, which also destroyed crops and animals. The acid rain was attributed to air and water pollution caused by industrial companies (PASAR, PHILPHOS, Lepanto Mining) operating in the area⁶².
- 119 **Aquaculture:** [as means of achieving food fish security] In developing countries, 85% of aquaculture is for local consumption. Fish such as tilapia and carp are bred, for example, in village ponds for consumption within the community or for sale in nearby markets. This type of fish farming is relatively low cost. Aquaculture for local consumption has the potential to help food security. It is export-oriented aquaculture that is causing concern. It is expensive and consumes much fish because of large

⁶¹ “Benguet vegetable industry eroding soil, water stability, “*Philippine Daily Inquirer*, January 23, 1997

⁶² “Leyte folk plagued by acid rain, can’t find drinking water, “*Today*, March 18, 1996

amounts of fishmeal is used as feed. This method has been helped by international aid money from the likes of the World Bank ⁶³.

120 **Municipal Fisheries Sector:** As backbone of the fishing Industry, there are salient aspects of artisanal (municipal) and small-scale fisheries ⁶⁴ that need attention. The development of small-scale fisheries should not be advocated solely on social and welfare grounds but should be supported for economic, technical, ecological, organizational as well as social reasons.

- a. The municipal fisheries sector is labor and skill intensive.
- b. It is capital and fuel saving.
- c. The technology and mode of organization is well mastered by local fishing communities.
- d. It does not give rise to large income disparities.
- e. it is well adapted to tropical aquatic ecosystems.
- f. Local fishing communities often possess built-in mechanism and rules for preventing over-fishing.
- g. Local fishing communities are innovative and easily amenable to efficient improvements.
- h. The municipal fisheries sector characterized by a high degree of flexibility
- i. The municipal fisheries sector is well-integrated into small-scale marketing and distribution channels.

121 Threats to municipal fisheries sector include:

- a. development policies promoting active, capital-intensive fishing techniques,
- b. emergence of a new regime of joint ventures and fisheries access agreements, and
- c. degradation of coastal resources.

122 **Local spatial food fish insecurity:** Fish food security or insecurity is not uniform in the country. Spatial distribution of food fish supply varies depending mainly on the marketing and distribution channels. It is ironic that food fish supply is more limited in local coastal communities that produce it. Conversely, food fish supply is higher in urban areas and regional centers in rural areas.

123 **International trade:** Although fishery products do not fall under the jurisdiction of the infamous *Agreement on Agriculture*, it is still covered under other agreements of the WTO:

- a. General rules of the General Agreement on Tariff and Trade (GATT),
- b. Agreement on Sanitary and Phytosanitary Measures,
- c. Agreement on Import Licensing Procedures,

⁶³ Panos Media Briefing No. 15/ March 1995

⁶⁴ Caravan Newsletter, Bol 4, October 1999

- d. Agreement on Technical Barriers to Trade,
- e. Agreement on Safeguards, and
- f. Agreement on Subsidies and Countervailing Measures.

124 Hannesson (2001)⁶⁵ cites the affinity of the fisheries sector with agriculture as one of the reason why the liberalization of trade has been less than complete in the fisheries sector.

125 Under the Fisheries Code (RA 8550), regulation of fisheries export is expedient when it affects food security and production. Importation, on the other hand, is only allowed for processing and canning. However, importation for the wet market will be allowed subject to the issuance of a certificate of necessity from the Department of Agriculture Secretary with consultation from the Fisheries and Aquatic Resources Management Council (FARMC).

126 Food security is the rationale in the prohibition of export and promotion of import. Food security, as defined in the Fisheries Code, refers to any plan, policy, or strategy aimed at ensuring adequate supplies of appropriate food at affordable prices. It may be achieved through self-sufficiency (ensuring adequate food supplies from domestic production), through self-reliance (ensuring adequate food supplies through a combination of domestic production and importation) or through pure importation.

127 **Land Conversions:** To encourage agribusiness and landlords to plant High Value Crops (HVC), the government has provided incentives, tax holidays and technical and infrastructure support and other perks. For export crop production, government has also promoted contract growing, which allows direct participation of transnational corporations in food production.

128 Since rice and corn are no longer profitable, according to the government, land allocated for cereals is being reduced in favor of HVCs. Rice and corn lands of 7.1 million hectares in 1990 shrank to 6.6 million hectares in 1999, resulting in a decrease in agricultural production. Yet, government hopes to reduce rice and corn lands further to 1.2 million and 700,000 hectares respectively. Recently, the Department of Agriculture has bared its plan to devote close to one million hectares of farmlands to HVC production. This shall convert further lands allocated for food production⁶⁶. The consequent displacement of farmers and their families would make their access to adequate food more difficult.

129 **Improved Production and Distribution Methods and Viability of Procurement - Availability At All Times** - Fish as source of protein is available year-round. Channels for access to fish include markets including local markets called “*talipapa*”, “*palengke*”, supermarkets and vendors.

⁶⁵ Hannesson, R. Effects of Liberalizing Trade in Fish, Fishing Services and Investment in Fishing Vessels, 2001

⁶⁶ IBON, 15 & 31 December, 2001, p. 7

- 130 Fishing households do not necessarily have a regular supply of fish because they opt to sell their fish to the market, and then buy cheaper fish or dried fish or canned sardines to serve during their meals. They need to sell their catch in order for them to make available the cash necessary to procure rice and other needs of the family, including fish.
- 131 In the existing marketing system (privatized) for fish, producers are always at the losing end, because they do not have control of price of fish. First, they have to sell their products to the local traders so they will have cash, and not run the risk of not selling the fish, and thus, no income. Second, they are usually in debt to the fish traders in order for them to have the capital for operation.
- 132 Lack of post-harvest facilities for fisheries limit the potential value-added for fisheries products thus limiting the potential income of fishing households (as raw producers).

ISSUES AFFECTING ACCESS

- 133 **Control of Land Resources.** Central to the issue of ensuring access to adequate and nutritious food is access to and control of land resources. In the case of the Philippines, the Comprehensive Agrarian Reform Program (CARP) was ostensibly crafted to redress the century’s old question of societal injustice and inequity and to empower and make more productive Filipino farmers through the redistribution of lands. More practically, however, it was passed to quell increasing peasant unrest in the countryside that was further fueled by the unfortunate massacres Mendiola and Lupao. Thus, CARP was passed as a loophole-ridden law, soundly criticized both by landlords and small farmers.
- 134 In the last fifteen years, CARP in its flawed glory, has been implemented slowly. Amidst the efforts of the landlord dominated Congress to further dilute the program through legislative means and to effectively cripple program implementation by cutting its budget. There have been continuing efforts of peasant organizations and non-government organization to unite and form a lobby to oppose these efforts.
- 135 Government has been proudly heralding their accomplishment in agrarian reform implementation. In fact, recent government statistics points that CARP only needs to distribute the remaining 2.62 million hectares to complete its mandate.

Table 13: CARP Targets and Status of Distribution (as of December 31, 2000)

	Original Scope 1988-1994	Revised Scope 1996	Revalidated Scope	Accomplishment	Percentage	Balance	No. of FBs
DAR	3.8 M	4.3 M	4.29 M	3.102 M	72 %	1.19 M	1.735
DENR	6.5 M	3.8 M	3.77 M	2.341 M	62 %	1.43 M	1.46
CARP	10.3 M	8.1 M	8.06 M	5.44 M	67 %	2.62 M	

Source: Philippine Peasant Institute: “Philippine Concerns on the Right to Food”, 2001, p.3

136 What the government statistics failed to point out however is the fact that this accomplishment has been questioned for its veracity. No less than the Presidential Agrarian Reform Council (PARC), the highest policy making body for agrarian reform, which has been conducting yearly audits of CARP's accomplishments has raised this issue.

137 No less than former Agrarian Reform Secretary Ernesto Garilao⁶⁷ has noted the significant deceleration in the land distribution pace. From the recorded average of 315,000 hectares annually during President Ramos' time (this accomplishment is also being questioned and criticized for its failure to take on the more contentious distribution of private agricultural lands), only an average of about 133,000 hectares has been achieved during Estrada's administration.

138 The declaration of President Gloria Macapagal Arroyo that they will only be targeting 200,000 hectares in the next six years, 100,000 hectares each for the DAR and the DENR, only serves as a further proof of the further deceleration of land distribution in the next years.

Table 14: Accomplishment per Administration

Administration	Inclusive Date	Accomplishment	Percentage from Target
Marcos	1972-1986	338,497	4 %
Aquino	1986-1992	1.69 M	21 %
Ramos	1992-1998	2.748 M	34 %
Estrada	1998-2000	666,789	8 %
Arroyo	Jan 2001-May 2001	17,796 (DAR)	

Source: Philippine Peasant Institute. "Philippine Concerns on the Right to Food", 2001. p.3

139 The slow pace of land distribution has been outpaced by land conversions, both legal and illegal. While DAR only admits to a legal conversion of only 31,947.05 hectares as of December 1999, it has stopped releasing the number of lands deemed effectively converted by virtue of the Department of Justice Opinion No. 44 (DOJ 44). The last data on this category released by DAR was in June 1997 covering about 35,063 hectares. This was observed by Philippine Peasant Institute (PPI) to have grown at least 2005.9% from its initial figure of 1,665 hectares in 1991.

140 To date, DAR has yet to release updated figures on this⁶⁸. Illegal conversions have been increasing steadily as evidenced by the mushrooming of subdivisions, golf courses and cemeteries along highways on former rice fields. As early as 1991, the Bureau of Soils and Water Management (BSWM) has initial estimates of at least 118,000 hectares of irrigated lands lost to non-agricultural uses in an aerial spot mapping they conducted⁶⁹.

⁶⁷ Garilao and Grageda, 2001

⁶⁸ PPI, p.4

⁶⁹ PPI, 1994

141 Only recently, the University of the Philippines Los Banos released a report estimating illegal conversion in Luzon to be around 200,000 hectares. This is one reason why our production has also been declining in the last decade. Productive fields are being converted to other uses to the detriment of the peoples of the Philippine Archipelago.

Table 15: Comparison of Legal Land Conversion Cases, 1991 - 1997

	1991	1994	As of June 1997	Growth 91/97
No. of Applications Processed	468	1,688	2,419	503.21
DAR-approved Conversions	3,089	12,933	16,920.38	609.05
DOJ Opinion 44 covered lands	1,665	17,349	30,009.11	2005.9
Total	4,754	30,283	46,929.49	1098.27

Source: Philippine Peasant Institute. "Philippine Concerns on the Right to Food", 2001. p.4

142 Hacienda Maria Case Profile ⁷⁰

Location :Hacienda Maria, Brgy. Angus, Sta. Josef, Agusan del Sur
 No. of Hectares :256
 No. of Affected Beneficiaries :94
 Landowner :Hacienda Maria, Inc.

143 Case Summary:

This case involves the cancellation of Emancipation Patents (Eps) awarded to 94 farmers after more than ten years from their issuance. The subject land is part of 527.8303 has. which was formerly owned by Hacienda Maria, Inc. (HMI).

144 Hacienda Aldamiz ⁷¹

Location: :Barangays Bayanan, Batuhan, Tiguihan, and Pola, Oriental Mindoro
 No. of Hectares :377.4150
 No. of Affected Beneficiaries :121 registered families
 Landowner(s) :Heirs of Nieves and Luis Aldamiz

145 Case Summary:

While the Comprehensive Agrarian Reform Law (CARL) was to be implemented in 1988, it was only in 1992 that portions of Hacienda Aldamiz were put under the Agrarian Reform Program. Only 241.6972 out of the 377.4150 were distributed. The delay of implementation has enabled the heirs of the Hacienda to use their influence to even sell the

⁷⁰ Case Source: PPI Paper, *Philippine Concerns on the Right to Food*, 2001, pp.4-5

⁷¹ Case Source: TFDP Research on *Focus Area: Hacienda Aldamiz, Pola, Oriental Mindoro*, 2001

lands meant for distribution, even after the former had already received the stipulated 30 hectares. Sadder was the fact that those who were to receive land have not yet been given the required Certificate of Ownership Award (CLOA) to establish their ownership.

- 146 The Hacienda heirs even converted into residential lots some 10 hectares planted to citrus and coconut that have been tilled by Carmelito Capillo and his family. This act was in direct contravention of the rules and guidelines set in the Administrative Order No. 1, series of 1990 of Republic Act (RA) 6657.
- 147 The delay of awarding the lands to the legitimate tenants has enabled the landowner to place his subalterns in lands that were to belong to bona fide tenants. The municipal officers of the Department of Agrarian Reform who had the obligations to look into the farmers' complaints acted more favorably on the landowner's fabricated accusations.

146 **Mapalad Multi-Purpose Cooperative** ⁷²

Location :San Vicente, Sumilao, Bukidnon
No. of Hectares :144
No. of Beneficiaries :137
Landowner :Norberto Quisumbing Sr. Management and Development Corporation (NQSRMDC)

- 149 **Case Summary:**
The farmers belonging to the Higaonon tribe are claiming a 144-hectare property that is prime agricultural land with an irrigation facility constructed by the national Irrigation Authority cutting across it. The contested 144 hectares of land in San Vicente, Sumilao, Bukidnon, are owned by the estate of Norberto Quisumbing Sr. Management and Development Corporation (NQSRMDC) and were leased to Del Monte Philippines, Inc. in 1984 for 10 years.
- 150 As early as 1990, the Department of Agrarian Reform (DAR) issued a notice of compulsory acquisition to cover the property. The coverage, however, was temporarily suspended by the DAR Adjudication Board (DARAB) until April 1994, as the lease contract of Del Monte Philippines was still in effect. Before the expiry date, the contested land was converted into an agro-industrial estate. The Bukidnon Provincial Development Council and the Sangguniang Bayan of Sumilao through resolutions made in their respective bodies were responsible for these actions.

⁷² Case Sources: Tomasito S. Villarin, KAISAHAN Occasional Paper No.98-01, February 1998; Teresita G. Camacho, "The Unending Saga of the Mapalad Farmers," in Human Rights Forum, Vol.IX, No.1, July-December 1999; Maria Socorro I. Diokno, "Reference Sheet No. 4. *Mapalad in Retrospect and Beyond: Assessing the Agrarian Reform Struggle*", 2002.

- 151 The decision to either distribute the land or to convert it into an industrial/ institutional site swung from one to the other from 1993 to 1995. On March 26, 1996, the Executive Secretary Ruben Torres, influenced by an appeal from Governor Carlos Fortich of Bukidnon, reversed the DAR decision, allowing the conversion of the said 144-hectare land.
- 152 Despite the protests of the farmers through hunger strikes and the intervention of President Fidel Ramos, the NQSRMDC obtained a Supreme Court ruling that the Torres decision was the final decision and maintained it as such to this day.
- 153 The various administrations are primarily responsible for the delay of implementation, the non-implementation itself and the reversion of implemented cases of the Agrarian Reform Program. The known total of incidences point to the failure of the Philippines as State Party, through the various mechanisms at its disposal, in protecting the people involved in their right to adequate food.
- 154 As explained in the General Comment: “The obligation to *protect* requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food”⁷³. The sources within the parameters of their right to food have been, in most cases, sustainably developed for their subsistence and for being a major contribution to their incomes towards the fulfillment of their other rights.
- 155 Access to land as a main food source can either be temporarily or permanently severed from those not covered by CARP. These could either be other peasants or indigenous peoples displaced due to various reasons from the lands they are tiling. The situation that neither the indigenous peoples nor their ancestral lands and/or domains are acknowledged in the Municipal Comprehensive Development Plan (MCDP), as in most parts of Mindanao, increased the number of those who have tenuous and no access to any land, thus to food. The consequential adverse effects to their quality of life were inevitable.
- 156 Severing people from these sources, the Philippines has also failed in its obligation in respecting the existent capabilities of the farmers to achieve and enjoy their right to adequate food. As stated in the General Comment: “The obligation to *respect* existing access to adequate food requires States parties not to take any measures that result in preventing such access”⁷⁴. There is also need to emphasize the role of non-state actors who should pursue its activities within a framework of a code of conduct conducive to respect the right to food, as in the case of farmers in *Barangay Talomo, Sto. Tomas, Davao del Norte*⁷⁵.

⁷³ GC, No.12, par.15

⁷⁴ GC, No.12, par.15

⁷⁵ TFDP Mindanao Case File: Brgy. Talomo, Sto. Tomas, Davao del Norte

157 Central to the food security problem that the Philippines is currently facing is lack of access to food that is still available but steadily declining. One's access to food depends on a host of factors relating to access to production resources, markets and institutions. Amartya K. Sen, the 1998 Nobel Laureate in Economics, stressed that food availability in the market does not automatically give people access to consume this food. He argued that an individual or household (entity) can "have legitimate command over food and other commodities given its endowment of resources and its opportunities to produce and trade."

158 This implies that in looking at the problem of food access, it is important to consider the non-market determinants of the ability to command goods on the market: ownership of resources and the terms on which people come to the market and which influence their ability to trade. In the final analysis, as Gershman pointed out, there is the need to change the inequitable ownership of resources or entitlements (economic and political) in favor of the vulnerable and powerless ⁷⁶.

159 The Committee on Economic, Social and Cultural Rights pointed out in its General Comments on the Right to Food that accessibility encompasses both economic and physical accessibility. Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Physical accessibility implies that adequate food must be accessible to everyone.

160 **What are the endowments or entitlements available to vulnerable groups in the Philippines?**

161 **For farmers and fisherfolk:** Access to land and boats and fishing grounds are the vital resources that will affect their capacity to access food. As of December 1998, the Department of Agrarian Reform claimed to have distributed 59% of the 8.1 million hectares targeted for distribution in ten years. The period of implementation (ten years) is over but large tracts of private agricultural lands particularly sugar and coconut lands have yet to be distributed. A MODE survey (1996) among potential agrarian reform beneficiaries shows that a big number of farmers are still without access to land and that tenancy relations persist despite its legal abolition ⁷⁷.

162 It is even worse for women farmers. The same survey found out that the land titles and other forms of ownership certificates are usually issued to male farmers despite the fact that the CARP declares that Certificate of Land Ownership Agreements (CLOAs) should be issued in the names of both spouses.

⁷⁶ John Gershman, "Beyond Markets and Protectionism: Politically Incorrect Reflections on entitlements, Empowerment and Food Security," Paper Presented at the *Conference-Consultation on Food Security*, 30-31 March 1998, Silang, Cavite, Philippines.

⁷⁷ About 51% of the respondents says that they do not own the lands they till, 35.6% said they do and 11% said they are amortizing the land (beneficiaries of land reform). Ricardo Reyes, "CARP Past the Deadline: Where's the Beef?" MODE Papers on Agrarian Reform, April 1999, PP.5 & 31.

163 Government data show that only 5,145 women are holders of CLOAs compared to 23,310 men farmers.⁷⁸ Available data also show limited representation of women in officially recognized organizations and bodies related to agrarian reform. In 1996, the DAR reported that membership in Agrarian reform Community Organizations was predominantly composed of 72% males and 28% females⁷⁹.

164 For the fisherfolk, many of them only have small, non-motorized fishing boats. Some do not even have boats. PAMALAKAYA claimed that of 1.2 million small fisherfolk, they only have 464,000 small fishing boats⁸⁰.

165 Limited access to land and other productive resources affects the capacity of women and men farmers, fisherfolk and indigenous people to command a decent income or adequate purchasing power. In terms of household income, majority of rural respondents (71.7%) earned P50,000 or less⁸¹. There is also great disparity among incomes of different fishers. In 1996, municipal and subsistence fishers earned an average annual income of P37,552.23 compared to earnings of those in aquaculture at P128,490.94 and P432,960.24 in commercial fishing⁸².

166 **For Indigenous peoples:** They are disadvantaged furthermore. For example, in September 1998, then-Executive Secretary Ronaldo Zamora issued Memorandum Order (MO) No. 21, which withheld the release of the funds for projects of the National Commission for Indigenous Peoples (NCIP) except for the salaries of their personnel. The reasons cited for the issuance of MO No. 21 were the graft charges filed against some officials of the agency, and the petition of a former justice that questioned the constitutionality of the Indigenous Peoples Rights Act (IPRA). In short, MO No. 21 halted the operations of the NCIP and frustrated the indigenous community, who await the needs and services that they have been deprived of.

167 Through Administrative Order No. 108, the Estrada Administration created another agency to supposedly assist the NCIP in dealing with the concerns of the indigenous community, the Presidential Task Force on Indigenous People (PTFIP). After the PTFIP's creation, the regional offices of the NCIP have experienced the appointment of new commissioners and regional directors, causing uneasiness among the members of the NCIP.

168 This move, as the others did, halted the movements of the NCIP. When Gloria Macapagal-Arroyo took over as President of the Republic of the Philippines in late January 2001, militant groups were calling for the abolishment of the PTFIP so that

⁷⁸ NSCB, *Statistical Series on Women and Men in the Philippines*, 15 April 1999 (source: 1990/NSO).

⁷⁹ Formanes, Belinda L. *Narrative on Agrarian Reform and Right to Adequate Food*, unpublished paper of PhilNet-RDI, Inc., October 9, 2002, p. 6.

⁸⁰ "Fisherfolk complain of dwindling catch," *IBON Perspectives*, March 1, 1999, p.23.

⁸¹ MODE, *The Impact of Agrarian Reform and Market Changes on Philippine Rural Households: Survey Results - Key Indicators*, Quezon City, January 27, 1998, p.25.

⁸² Bureau of Agricultural Statistics and the Asian Development Bank as cited by Allan Vera, *Fisheries Modernization and Liberalization*, SIKAT, NFR, 1999

the NCIP can do its job as the server of the indigenous people. Instead, another agency was created to handle the problems concerning indigenous communities, which is known as the Office of the Presidential Advisor on Indigenous Peoples Affairs (OPAIPA). So now, there are three agencies that perform the same functions as one another, further aggravating the argument on which entity is the primary one to deal with the needs of the indigenous community.

- 169 **For the urban poor:** For contractual and minimum wage earners, their food security situation is even more difficult because they have to buy everything. Farmers and fisherfolks can set aside a portion of their products or catch for food. A case study on food security among the urban poor show that the annual income of these households amount to only P53,249 (Sitio Bagong Tanyag, Tagig)⁸³.
- 170 The wage level is already low (Table 16), but many workers do not even receive the correct pay. More than 1.22 million minimum wage workers in Metro Manila were deprived of their correct pay but few were indemnified.

Table 16: Daily Cost of Living and Minimum Wage Rates (in peso)

v	Daily Cost of Living for a Family of Six				Minimum Wage Rates, Purchasing Power of Peso, and Real Wage, 1998		
	1995	1996	1997	1998	Nominal Wage	Purchasing Power *	Real Wage
Philippines	269.21	299.75	313.42	338.11			
NCR	332.15	365.61	387.58	421.75	198.00	0.70	138.60
Outside NCR					162.96	0.71	115.70
Agriculture	261.51	293.17	304.87	327.88			
Non-agriculture	246.27	276.09	287.11	308.78			
* compared to prices in 1994							

Source: IBON Facts and Figures, 30 Aril 1998

- 171 A January-June 1999 DOLE Survey revealed that one out of 10 firms in Metro Manila do not comply with the minimum wage set by law and one out of three firms were violating general labor standards. The 1999 situation is worse than 1998 since more firms (from 216 to 430 firms) were found to be violating the minimum wage law⁸⁴.
- 172 In a drive to be more competitive and reduce costs, employers have come out with new work arrangements flexible work arrangements and casualization of labor. Majority of those affected by these new work arrangements are women workers. Instead of regular workers, employers now hire non-regular workers (casual, temporary, piecework or seasonal labor). Other employers resort to job rotation.

⁸³ Eddie Quitoriano, *Vulnerable Sectors and Complex Communities: Four Case Studies on Food Security*, MODE, 1999.

⁸⁴ Philippine Daily Inquirer, November 20, 1999.

Many of the workers employed under these arrangements do not receive social security benefits such as maternity and retirement pensions ⁸⁵.

173 Aside from low wages, workers face the bigger problem of possible unemployment. The National Statistics Office reported that more than one million joined the jobless in April 1998. The number of jobless Filipinos rose from 3.3 million in April 1997 to 4.3 million in April 1998. The statistics agency also noted that most of the regions posted double-digit jobless rate with Metro Manila posting the highest rate at 18.9% ⁸⁶.

174 Among various percentile groups of households in the Philippines, income distribution is becoming more unequal. Table 17 shows decreasing income shares of families from the first to the ninth decile while those in the tenth (the richest families) are getting richer (an increase of 3.8 percentage points in their income share).

175 According to the 1997 Family Income and Expenditure Survey, the average income of the richest 10% of families was P491,658 (more than likely, their income would be higher than this amount) compared to only P20,621 for the poorest 10% of families (Table 17).

Table 17 : Distribution of Families by Income Decile

INCOME DECILE	1991	1994	1997
First	1.8	1.9	1.7
Second	2.9	3.0	2.7
Third	3.7	3.9	3.4
Fourth	4.6	4.9	4.3
Fifth	5.6	6.0	5.3
Sixth	6.9	7.4	6.7
Seventh	8.7	9.1	8.6
Eighth	11.3	11.8	11.4
Ninth	16.0	16.4	16.1
Tenth	38.6	35.5	39.7
AVERAGE ANNUAL FAMILY INCOME (in pesos)			
All Families	65,186	83,161	123,881
Poorest 10 %	11,937	15,622	20,621
Richest 10%	246,363	295,542	491,658

Source: 1997 FIES, NSO

⁸⁵ Amaryllis T. Torres, "Developing Women as Human Resources for Trade Liberalization: The Women's Critique," *Philippine Women Taking on APEC and Globalization*, Philippine Women's Forum on APEC (PWFA), 1998, P.22.

⁸⁶ "7-Year High: 4.3M Pinoys have no jobs due to crisis," *Philippine Daily Inquirer*, June 17, 1998.

- 176 A big number of Filipinos given their income position have difficulties accessing food given the rising cost of living. IBON estimates that the daily cost of living for a family of six was P313.42 at the national level and P304.87 for agricultural families outside the National Capital Region (NCR). By April 1998, IBON estimates that a family needs P338.11 a day in order to live decently. The present wages (P198 before the increase) could hardly meet decent living standards (Table 16).
- 177 Another constraint among vulnerable groups is their limited marketable skills and access to education. Surveys on rural households such as the 1990 IASSt survey⁸⁷ of some 8,935 rural households and the 1992 Survey on Rural Welfare⁸⁸ found out that most farmers only reached or finished the elementary level.
- 178 In the IASSt survey, both the respondents and their spouses only completed an average of 6 years of formal education. The same survey also showed interesting results in terms of secondary occupation by farmers. Only 37 percent of the 8,935 respondents declared that they have secondary occupation. Most of the secondary jobs undertaken by these farmers are construction-related work such as carpentry, painting and plumbing or becoming workers in other farms or non-farms. Only 7 percent were engaged in business or manufacturing.
- 179 These farming families are sorely lacking in terms of material assets, which they could use as collateral for loans or which can be easily convertible to cash for investments. A scan of their household assets also indicates the paucity of their income. Majority own radios (64%) and cabinets (58%) while only 5 percent have motorized vehicles.
- 180 The 1992 Survey on Rural Welfare and the 1996 MODE Survey among heads of rural families showed the same trend: the majority of respondents finished some elementary education. Only a small percentage reached the college level or finished their college education⁸⁹.
- 181 The impoverishment of the above mentioned agriculture-based households affected not only their right to adequate food, but also impaired their enjoyment of other human rights, as housing, health and education. The indivisibility and interrelatedness of human rights are concretely experienced in the struggle to obtain adequate food. In failing to do so, the rights to health, education and adequate housing of family members move farther out of reach and worsens in turn their capability to obtain adequate food.

⁸⁷ UPLB-Institute of Agrarian Studies, *Benchmark Survey of the Comprehensive Agrarian Reform Program (CARP) Terminal Report, Vol. I*, June 1992.

⁸⁸ Bureau of Agricultural Statistics, et. al., *Survey on Rural Welfare* (Part 1 of Rural Welfare Monitoring: Focus on Agrarian Reform Beneficiaries), December 1994.

⁸⁹ MODE, *Rural Household Dynamics in the Philippines: Measuring the impact of Agrarian Reform and Changing Market Forces*, 1996.

- 182 **Displacements.** Displacements of people caused by militarisation in Central Mindanao⁹⁰ severed them from their means of subsistence, particularly their sources of food, and disrupted production. Access to their sources of food becomes not only very difficult, but risky as well. Such situations could either be for short or long periods of time.
- 183 At the height of the “all-out war” policy of the ousted President Estrada in 2000, the Department of Social Welfare and Development (DSWD) of Region XII reported that about 133,299 families or 714,537 persons in Region XII and the Autonomous Region of Muslim Mindanao (ARMM) were internally displaced. It was only in September 2002 that the government declared that all of the internally displaced persons (IDPs) have already returned to their places of origin.
- 184 This government announcement was disputed by non-government organizations, like the *Tabang Mindanao* (Help Mindanao), which maintained there were still thousands of evacuees in evacuation centers and in houses of relatives. The remaining IDPs refused to return either due to fear of renewed fighting or due to the total loss of their possessions⁹¹.
- 185 During the war situation, the access of children of the already impoverished IDPs to adequate and nutritious food became worse. Their families were only able to eat once or twice a day with very limited viand and rice. Usually, they have only dried fish for five days in a week and some vegetables planted within the evacuation center. The National Nutrition Council (NNC) in Region XII reported at that time 38.01% or 154,118 of 405,491 children in the various evacuation centers were severely to mildly underweight, as those in the Dawah Evacuation Center⁹².

⁹⁰ Central Mindanao is politically known as Region XII. It is composed of the following provinces - Cotabato, Lanao del Norte and Sultan Kudarat - and the cities of Iligan, Marawi and Kidapawan.

⁹¹ Layson, Roberto C., OMI. “Poverty and the Absence of Peace: Two Faces of Human Rights Violations in the Era of Globalization”. *Balitang Balay*, Jan.-June 2002

⁹² TFDP Research on War Situation in Central Mindanao, 2001

WTO: IMPACT ON SUSTAINABLE PRODUCTION AND FOOD SUFFICIENCY

186 Food production of small farmers, including most indigenous peoples, who are living at or below the poverty threshold, is a matter of life and death. What they harvest usually generates the bulk of household income, providing families with the means to purchase food, clothes and other basic necessities, and pay for health needs and education.

187 That food production is their future. That future is under threat. “The threat comes not from the familiar danger of a failed harvest, from family sickness, but from a trade agreement which they are unaware of, a from a remote international organization which they have never heard of.”⁹³

188 The Magna Carta of Small Farmers of 1991 which was meant to protect the products of small farmers, including quantitative restrictions on agricultural imports, particularly on highly sensitive products like rice and corn. With the Philippines acceding to the GATT-WTO, laws and policies that did not dovetail with the WTO rules had to be amended or revised. Since the protective restrictions are gone, a new tariffication program is in place that has rates that are virtually minimal, ranging from 30% - 50%, for the country’s major produce and source of livelihood to the majority of farmers in the Philippine archipelago.

189 Rice and maize importation is virtually on the rise. As to the consequence of such increasing commodity flow into the country, Oxfam and WWF give the following commentary in regards to the corn sector:

“Regional data provides an insight into the intensity of poverty suffered by corn-producing households. According to the World Bank, Mindanao, the most important corn-producing area, is the most populous of six regions (the other two being Bicol and Central Visayas) that between them account for one half of all the rural poor in the Philippines. The disproportionate incidence of poverty in these regions is underlined by the fact that they collectively account for only one-third of the country’s rural population. Over half the population in Mindanao live on or below the poverty line, which is significantly higher than the national average. Around half of this number is unable to grow or buy sufficient food to meet minimum nutritional needs. In the Cagayan valley of North Luzon, the second most important corn-producing area, over one million households live below the poverty line.”

190 Distributional factors contribute to poverty in corn producing areas, just as they do throughout the rural areas of the Philippines. Southern Mindanao, the island’s most important corn-producing area, has a relatively high average income level, allied to a higher than average incidence of poverty. As the United Nations Development Program’s Human Development Report for the Philippines puts it: “*this points to*

⁹³ Briefing Paper for Oxfam and the World Wide Fund for Nature (WWF), 1996

situation where the fruits of production ... fail to rebound to the benefits of their inhabitants". More specifically, it points to a situation in which unequal control over land and other access to productive assets distorts the distribution of benefits towards large-scale commercial agriculture, and away from smallholder producers.

191 With such a large proportion of the population existing on the margins of survival, relatively small changes in the markets upon which poor people depend can have disproportionately large human welfare effects. For the poorest households, even a small decline in income from the sale of corn can translate into fewer meals, a less nutritious diet, and increased exposure to sickness.

192 Thus, the influx of imported sensitive products endangers the small farmers and their families. Table 18 below shows the minimum access volume (MAV) for rice imports placed at 1% of total consumption (base year 1986-1988) in 1995 increasing to 4% of consumption in the year 2005. Knowing that there would be dislocation livelihood of farmers and that there would also be difficulty in competing in the global market, the government came out with a safety net plan called the Department of Agriculture Action Plan in 1994. (Incidentally, this coincided with scope covered by the previous Philippine Report.) Proponents of this plan optimistically allocated 35 B pesos and 825 M pesos. Seven years after, according to the Department of Agriculture, only 50% of the budgetary requirement was met. At this point, in fulfilling the peoples' right to food, the government is at best half-hearted.

Table 18: Minimum Access Volumes Committed to the WTO 1995 to 2005

Product	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Beef fresh/ chilled (000 mt)	2,000	4,087	4,261	4,436	4,611	4,785	4,959	5,134	5,308	5,483	2,786
Beef frozen (000 mt)	0	21.1	57.1	71.3	85.6	98.4	108.3	119.1	131.0	144.1	72.0
Pork fresh/ chilled/ frozen (000 mt)	16.3	33.7	36.1	38.5	41.0	43.4	45.8	48.2	50.6	53.0	27.1
Poultry fresh/ chilled/ frozen (000 mt)	7.3	15.2	16.2	16.7	17.7	18.8	19.8	20.9	21.9	23.0	10.4
Potatoes fresh/ chilled (mt)	465	965	1,035	1,102	1,171	1,240	1,309	1,378	1,447	1,516	772
Maize, other than seed (000 mt)	65.1	135.0	144.6	154.3	164.0	173.6	183.2	192.8	202.5	212.1	108.5
Rice (000 mt)	29.9	61.5	65.1	97.1	112	119.5	134.4	164.3	194.1	224.0	142.2
Sugar (000 mt)	19.2	39.8	42.7	45.5	48.4	51.2	54.1	56.9	59.8	62.6	32.0

Source: Annex 1, AO 1, 1998, MAV Management Committee, DA. Prepared by DA-AGILE: June 99 as presented by Pascual, Francisco G. and Glipo, Arze G. "WTO and Philippine Agriculture: Seven Years of Unbridled Trade Liberalization and Misery for Small Farmers". Integrated Rural Development Foundation of the Philippines. December 12, 2001

193 "In the period from 1995 - 2000, the performance of the agriculture sector, which employs about half of the country's labor force remained lackluster. The total output of agriculture as measured by its real gross-value added (GVA) has minimally increased. For the past six years, the average growth rate of the agriculture GVA

was a mere 1.38% lower than the average rate of 1.62% in the years 1991 - 1994. The decline in GVAs mirrors declining output of agriculture and hence its capacity to supply the food needs of the population as well as its ability to generate employment not to mention compete in the world market.”⁹⁴

194 The crop sub sector that accounts for 50% - 60% of agriculture’s GVA has performed poorly. Rice production increased in the early years of the AOA but soon suffered significant declines in recent years (through a1994 to 1998), dipping to a negative 24.1% in 1998. The same is true for corn production that posted negative growth rates in the years 1995, 1998, and 2000 (Table 19).

Table 19. Growth Rate of Real Gross Value Added of Agriculture and Specific Crops

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Agri	1.4	0.4	2.1	2.6	0.8	3.1	2.9%	-8.3 %	6.3 %	3.5 %
Palay	3.8	-5.9	3.2	10.4	0.02	7.05	-0.1	-24.1	37.8	5.1
Corn	1.2	-0.76	3.7	-6.1	-8.65	0.57	4.4	-11.7	19.9	-1.6
Coconut	-61	0.2	0.17	0.05	7.4	-7.1	5.3	-13.1	-9.5	14.2

Source: National Statistics and Census Board. NSO as presented by Pascual and Glipo, p. 8

Heavy Importation Eroding Food Security and Self-Sufficiency

195 The post-WTO period saw record increases in the volume of imported agricultural products as even previously banned products were liberalized. Under the WTO-AOA importation of agricultural products should be fully liberalized, with markets for sensitive products opened through the minimum access provision. This caused heavy surges of imported products like rice, corn, wheat, poultry, livestock and vegetables.

196 The postponement of the liberalization of rice to 2004 under the Special Treatment Clause of the WTO-AOA did not deter its heavy importation. In 1998, rice became the top imported agricultural product with a value of \$585 M that comprises 35% of the total value of agricultural imports⁹⁵. The high volumes of imported rice in the post-GATT period exceeded the committed quantities of minimum access of the government, which is 29,900 mt for 1995, increasing to 224,000 mt by 2004. This trend poses serious threats to the country’s ability to produce rice for its population’s consumption (Table 20).

⁹⁴ Pascual, Francisco G. and Glipo, Arze G. “WTO and Philippine Agriculture: Seven Years of Unbridled Trade Liberalization and Misery for Small Farmers”. Paper Presented during the NGO-PO-Legislators Forum held at the Sulo Hotel, Quezon City, Philippines, December 12, 2001, p.7

⁹⁵ IBON, 2000

Table 20. Rice Importation 1992 - 2000 (in million metric tons)

Year	Production	Consumption	Importation	Ratio: Importation to Consumption
1986	6.05	5.22	0.00598	0.11
1987	5.59	5.39	-	-
1988	5.87	5.56	0.18117	3.25
1989	6.19	5.64	0.21993	3.89
1990	6.09	5.93	0.62079	10.46
1991	6.33	5.52	-	-
1992	5.970	5.822	-	-
1993	6.132	6.032	0.210	3.48
1994	6.850	6.169	-	-
1995	6.852	6.445	0.247	3.83
1996	7.334	6.990	0.918	13.13
1997	7.325	6.996	0.722	10.32
1998	5.560	6.711	2.171	32.34
1999	7.662	7.413	0.836	11.27

Source: Bureau of Agricultural Statistics as presented by Pascual and Glipo, p. 11

197 “The impetus for high value crops production has its roots in the export-oriented industrialization strategy adopted by the then Marcos dictator in the 70’s to transform the Philippine economy into an exporter of semi-processed goods. This gave rise to the flourishing of the banana and pineapple industries in Mindanao under the control and ownership of transnational corporations. This was usually done to the disadvantage and dispossession of peasants of their farmlands and of indigenous peoples of their ancestral domain.

198 “By the 80’s under the IMF-WB sponsored Structural Adjustment Program, the export-oriented agricultural production policy continued as the country’s economy was further integrated into the international market, agriculture deregulated and trade liberalized. High value crop production took center stage in agricultural policy under the Ramos Medium-Term Agricultural Development Program (MTADP) in the 90’s.

199 “As the country was fully integrated into the global economy under the aegis of the WTO, the AFMA and subsequently Estrada’s Agrikulturang MAKAMASA again placed the highest priority to the development of high value crop production. Hence, areas planted to pineapple have doubled in less than ten years, from 61,000 hectares in 1989 to 102,000 hectares in 1996. Banana plantations expanded by 40,000 hectares in the last seven years.”⁹⁶

⁹⁶ Cainglet, Jayson. “Of Exotic Orchids, Sumptuous Asparagus, Empty Pots and Bare Plates,” A paper delivered to the Poorest 7 Summit European Parliament, Brussels, December 3-5, 2001

200 The area devoted to cut flower production has grown from 1,008 hectares in 1990 to 1,427 hectares in 1996. Moreover, rice and corn in Mindanao have been reduced by 63.56% and 46.67%, respectively, to give way to high value crops.⁹⁷

201 The Oxfam and WWF Briefing Paper made this blunt observation regarding the Uruguay Round agricultural agreement:

“Legal niceties aside, the Uruguay Round agreement bears all the hallmarks of an elaborate act of fraud. It requires developing countries to open their food markets in the name of free market principles, while allowing the US and the EU to protect their farm systems and subsidies exports. Unfortunately, like most acts of fraud, the Uruguay Round agricultural agreement is better understood by its architects, for whom it will translate into lucrative export opportunities, than by its victims - the small holder farmers whose livelihoods it will destroy.”

202 The Philippines as State Party, by serving as an accomplice in implementing the agreement, compounds its violations against its constituencies' right to adequate food.

Legislative Actions of the Philippine Government

203 Upon joining GATT-WTO, the Philippine government had to work for the fulfillment of its various commitments to the global trade body, including the Agreement on Agriculture. This meant that the government had to amend and/or revise existing laws and policy measures that were not in congruence with the rules of the WTO. And since there are no legally binding laws that demand the fulfillment of economic, social and cultural rights, the initial small gains of small farmers could be set aside.

204 Such was the case when Republic Act 8178, known as “An Act Replacing Quantitative import Restrictions on Agricultural Products, Except Rice, with Tariffs Creating the Agricultural Competitiveness Enhancement Fund, and for Other Purposes”, was enacted under the administration of President Fidel Ramos. This repealed the Magna Carta of Small Farmers of 1991, which protected products of small farmers and replaced all quantitative restrictions on agricultural imports with tariffs. Under its tariffication program, tariff rates are substantially reduced over ten years without regard to its effects on local agricultural producers.

205 The tariff rates imposed on agricultural products which were previously protected under the Magna Cara Law, are virtually minimal, ranging from 30%-50% considering that these are the country's major produce and provide livelihood to majority of the

⁹⁷ Aquino, Carlos Jr. “Changing the Rules of the Game: The 1999 Review of the GATT-UR Agreement on Agriculture and the Future of Filipino Farmers,” PPI Briefing Paper, Vol. VI No. 4, December 1998.

Filipino farmers (Table 21). In other developing countries, 300% tariff rates were imposed on highly sensitive products ⁹⁸.

Table 21: In-Quota Tariff Rates for Sensitive Agricultural Products: Average by Product Group, 1995 to 2000, in Percentage

Product Group	Initial Rate	Commitments Applied Tariff Rate					Final Rate
	1995	1996	1997	1998	1999	2000	2004
Beef fresh/ chilled	30	30	30	30	20	10	30
Beef frozen	30	30	30	30	20	10	30
Pork fresh/ chilled/ frozen	30	30	30	30	30	30	30
Poultry fresh/ chilled/ frozen	50	46.47	42.35	42.35	42.35	42.35	40
Potatoes fresh/ chilled	50	50	45	45	45	45	40
Onions, shallots and garlic	NI	50	30	30	30	30	NI
Maize, other than seed	35	35	35	35	35	35	35
Rice	50	50	50	50	50	50	50
Sugar	50	50	50	50	50	50	50

Source: Section 1_B. Phil. Schedule LXXV, GATT-UR; EO No. 313, 29 March 1996; EO No. 465, Jan. 1998; and TCCP November 1998 & April 1999. Prepared by DA-AGILE, 30 June 1999. As presented by Pascual and Glipo, p.5

⁹⁸ Pascual and Glipo, "WTO and Philippine Agriculture: Seven Years of Unbridled Trade Liberalization and Misery for Small Farmers", p.6. Paper presented during the NGO-PO-Legislators Forum held at the Sulo Hotel, Quezon City, December 12, 2001

STATE OBLIGATION TO RESPECT, PROTECT AND FULFILL

- 206 As in civil and political rights, the State has the responsibility to **respect, protect and fulfill** our economic, social and cultural rights, in general and our right to food in particular. *Failure to perform any one of these three obligations, by commission or by omission, constitutes a violation*⁹⁹.
- 207 Both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) declare that in no case may a people be deprived of its own means of subsistence.
- 208 The Task Force Detainees of the Philippines elucidated on what they think *to be deprived of its own means of existence* (there are no common standards and indicators) mean. To be deprived of its means of subsistence means “the people have no control and ownership of their means of subsistence”¹⁰⁰. This implies that the State should provide guarantees to fair access to assets (land, water, capital), services (credit, education, inputs, information, infrastructure, etc.). The Philippine government, however, failed to meet its obligations *to strengthen people’s access to and utilization of resources and means to ensure their livelihood including food security*.
- 209 The **obligation to fulfill** requires States to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realization of such rights. The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen peoples access to and utilization of resources and means to ensure their livelihood, including food security. When an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by means at their disposal, States have the obligation to fulfill that right directly. This obligation also applies for persons who are victims of natural and other disasters.
- 210 Big tracts of lands are still owned by a few after ten years of implementation of the Comprehensive Agrarian Reform Law. Most of the private agricultural lands (5 hectares and above) and deferred farms are not yet covered by land reform as of now.
- 211 In asserting their right to land, farmers have been injured and killed. Such a case was the one in Negros Oriental in the Visayas Islands. Farm workers under the San Francisco Agricultural Workers’ Multi-Purpose Cooperative (SFWMULCO) processed their claim folders involving 208 hectares sugar estate owned by Atty. Isidro Lacson of Bacolod City. Along the course of their contestation of the land, the Chairperson

⁹⁹ “The Maastricht Guidelines on violations of Economic, Social and Cultural Rights, “ *SIM Special* 20, p. 4.

¹⁰⁰ The many cases presented by Ms. Belinda L. Formanes of the Philippine Network of Rural Development Institutes, Inc. (PhilNet-RDI, Inc.) in her paper “Narrative on Agrarian Reform and the Right to Adequate Food”, are pertinent examples of these violations.

of their Board of Directors, Mr. Neonito Ordaniel, was murdered. Nearly four years have passed since Ordaniel's slaying, but the identities of the perpetrators still remain unknown.¹⁰¹

212 More than 1.22 million minimum wage workers in Metro Manila were deprived of their correct pay but few were indemnified¹⁰² and people lost their jobs. The National Statistics Office reported that more than one million have joined the ranks of the jobless in April 1998.

213 During the GATT deliberations in 1994, the Ramos Administration promised safety nets measures to cushion the adverse impact of unfair trade on vulnerable groups. A new administration is already in power. However, the Department of Agriculture admitted during the national consultation on the WTO that the safety nets measures (e.g. the Agricultural Competitiveness Enhancement Fund) are not yet in place.

214 **The obligation to respect requires States to refrain from interfering with the enjoyment of economic, social and cultural rights.** The reality is:

215 Thousands of indigenous people are deprived of their ancestral lands with the enactment of the Mining Act of 1995 that grants ownership and control of mineral mining projects through the Financial or Technical Assistance Agreements. Barely two months in power, the Estrada administration already granted 47 mining permits (17 to foreign companies) that affected 369,300 hectares of ancestral lands. Mining applications awaiting approval may encroach on ancestral lands of indigenous peoples in Northern Luzon, Palawan, Mindoro and Mindanao¹⁰³.

216 Water sources essential for irrigating farms and for domestic use, like that of Liang River in Itogon, Benguet, are diverted for mining use. The residents of Sitios Liang of Loacan Barangay, Apechay, Libo-ong and Godfield of Poblacion, Itogon opposed the application of the mining company, Benguet Corporation, to divert water which is "the main source of irrigation for farmlands located downstream and along [Liang River's] banks" and "the source of domestic water...thus, they have the priority to the right of user."¹⁰⁴

217 More than 54,000 hectares of lands are already legally converted lands. The Institute of Strategic Planning and Policy Study (ISPPS) reported the illegal conversion of 172,940 hectares of croplands around regional industrial centers¹⁰⁵. Some 320 hectares of fishponds in Pangasinan and La Union were converted into housing and business centers resulting in the loss of 2.14 metric tons of fish supply

¹⁰¹ Formanes, Belinda. Op. Cit., p.10

¹⁰² Philippine Daily Inquirer, November 20, 1999

¹⁰³ TFDP, Large Scale Mining Operations, Environmental Destruction and Indigenous Peoples, p. 1, no date

¹⁰⁴ Petition signed by residents of sitios Liang of Loacan Barangay, Apechay, Libo-ong and Godfield of Poblacion, Itogon opposing the application of Benguet Corporation for water rights received by the Office of the sangguniang Bayan, Itogon, October 3, 2001 in TFDP Loacan File.

¹⁰⁵ Farm News and Views, May-June 1999

annually. Aside from the loss of fish supply, the conversion resulted in job losses among caretakers and seasonal laborers ¹⁰⁶.

218 Families and communities are dislocated through demolitions without alternative relocation sites and livelihoods. The Task Force Detainees of the Philippines documented some 37 cases of demolition during President Estrada's term from July 1998 to December 1999. The number of houses destroyed totaled 18,549, displacing an equally staggering number of families who lost their dwellings and livelihood. In almost all cases, government authorities used forced and heavy equipment in evicting the urban poor communities. Many were physically hurt and some died in these demolitions. More violent demolitions or forcible evictions are expected as the government intends to clear public and private lands of so-called squatters to build infrastructure projects, commercial and recreational centers ¹⁰⁷.

219 As a whole, the State has the role to promote and encourage collective action to promote public welfare or public good. Congress (the Legislative) should enact laws and regulations that promote the welfare of the people. The Executive should implement, enforce and formulate pro-people programs and policies and the Judiciary to interpret and redress grievances in a fair manner.

220 Yet, during the Ramos administration, food security was not on its priority agenda. With the ascendancy into power of a populist president, the vulnerable sectors, mostly farmers, fisherfolk and indigenous people had hoped that agriculture and food security would be high on the agenda. However policies, programs, legislation and pronouncements are not enough without the political will to transform these into actions to eventually translate to people's benefit. In 1999, the Department of Agriculture was given a budget of only P14 billion compared to the Department of National Defenses budget of P51.6 billion.

221 The **obligation to protect** requires States to prevent violations of such rights by third parties. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. In General Comment 12, the Committee on ESCR made clear that while the attainment of the right to adequate food is the state's main obligation, everybody should help in its realization. *"While only States are parties to the Covenant and are thus ultimately accountable for compliance with it, all members of society individuals, families, local communities, non-governmental organizations, civil society organizations as well as private business sector have responsibilities in the realization of the right to adequate food."*

222 Yet, only few families, the local elite, control Philippine industries and resources. They have interlocking ownership of corporations in vital sectors of the economy.

¹⁰⁶ Philippine Daily Inquirer, December 9, 1999

¹⁰⁷ Task Force Detainees of the Philippines, *Statistics of Human Rights Violations* (July 1998 to December 1999)

- 223 Landowners of private agricultural lands especially big sugarcane and coconut farms still own and control more than one million hectares depriving many landless farmers of the right to own the lands ¹⁰⁸.
- 224 In food processing and manufacturing, the notable names are the Concepcions (e.g. RFM), the Ayalas (Purefoods) and the Cojuangcos (San Miguel).
- 225 Company owners who are not paying decent wages and benefits are oftentimes not penalized.
- 226 Along with the local elite are the transnational corporations (TNCs). The new economic superpowers, are controlling us from the cradle to the grave. Only a few food corporations are controlling every part of the food chain - from land to seeds, crops to chemicals and technology, processing and marketing. Only six corporations control *“85% of world trade in grains, eight for 55 to 60% of world coffee sales, seven for 90% of the tea consumed in Western countries, three for 83% of world trade in cocoa and three for 80% of trade in bananas.”* ¹⁰⁹
- 227 Monsanto is gaining control over the world's food supply at the level of plant genetics (germ plasm, seeds and genetic engineering). Cargill is the largest trader, processor and distributor of food products in the world. It controls global grain trade. The top 10 agrochemical corporations (the top four include Novartis, Monsanto, Zeneca and Dupont) corner 80% of all agrochemical sales in 1996 and 1997. Nestlé (widely known for its infant milk formulas) considers the Philippines one of its biggest markets in the world. World trade in bananas is controlled by three TNCs: Chiquita Brands, Dole Food and Del Monte.
- 228 The local oil industry is likewise controlled by a cartel. Shell, Caltex, Petron can raise the prices of petroleum and other oil products at will. Over the past year, the people have suffered several oil price hikes that affected the business and livelihoods of small producers and consumers alike. The world agrochemical industry is controlled by ten TNCs. Some of them are operating in the country and their names are quite familiar: Bayer, BASF, Cyanamid, and Monsanto.
- 229 International Organizations, Agreements and Treaties (e.g. GATT-WTO, IMF-WB, aid agencies):
- › GATT-WTO - After five years of implementation, the GATT-UR/WTO mostly benefited developed economies like the United States, the European Union, Japan, Australia, and Canada. The agricultural production in developed countries remains highly subsidized. In 1995 alone, the overall subsidy transfers in the US and Europe rose by 5% instead of going down. In 1997, subsidies across

¹⁰⁸ DAR data

¹⁰⁹ FAO, Without waiting ... How the International Community can promote food security, *“DEEP*, September 1995, pp16-17.

developed countries amounted to \$280 billion. Big subsidies in their agricultural sector resulted in overproduction (producing more than they can consume). Surplus stocks were exported to the world market with the help of subsidies, making them cheaper and therefore competitive. In turn, this is causing continued distortions in the international markets for food and other agricultural products.

- Bilateral and Multilateral Agencies (e.g. IMF-WB, ADB). The country's foreign debt amounted to \$45.4 billion in 1997. Aside from the non-monetary conditions, the debt service alone exacts a heavy burden on the economy. To amortize our debt, we have to pay \$5.44 billion, representing 6.34% of the Gross National Product (GNP). About 22% of the yearly national budget was used for debt servicing alone while health and housing only got 6% and 3% respectively. New IMF conditions included full financial liberalization, more market access by removing import restrictions on key agricultural products, liberalization of retail trade, the National Food Authority (NFA), the National Power Corporation (NAPOCOR) and the oil industry.

230 The reference to international institutions can no longer be glossed over as it is a basic truth that “unless macroeconomic conditions that determine the poor state of development of societies in the Southern hemisphere are viewed critically, any discussion regarding the measures needed to guarantee the right to food will remain purely academic.”¹¹⁰ This basic truth has been asserted by the First International Encounter on the Right to Food and Nutrition, the Food First Information and Action Network (FIAN) and Action against Hunger.

It must be pointed out that the authority of the World Trade Organization (WTO) includes water which is defined as a “good”. Unlike any other global institution, the WTO has both the legislative and judicial authority to challenge laws, policies and programs of member countries if they do not conform to WTO rules, and it has the power to strike down these rules if they can be shown to be ‘trade restrictive’.”¹¹¹

¹¹⁰ Ziegler, Jean. op. cit.

¹¹¹ Barlow, Maude. “The Threat of International Trade and Investment Agreements”, Section IV of *Blue Gold: The Global Water Crisis and the Commodification of the World's Water Supply*, Revised Edition, Spring, 2001. Reprinted in PAID! “FDC at the Water Front”, November 2001, Volume 11, Numbers 1-2, p. 85. The issue also articles on the privatization of the water services in the Philippines and its adverse consequences on the access of consumers to this precious food component.

CONCLUSIONS AND RECOMMENDATIONS

231 The Philippine state, as duty holder under human rights law, is responsible for its actions vis a vis its citizens and other people living within its territory. In fact, within the human rights framework, the state is required certain activities or lack of activities (not forcibly severing people from their sources of food) because of their obligations under international law.

232 - 1. **Enact an enabling law that integrates human rights education at all levels.**

233 Something basic has to be done. There is urgent need for people to know not only their right to adequate food, but all their human rights. The Philippine state must conduct a massive human rights education among its constituency. It could start by making an enabling law to set on process the Constitutional provision stating that human rights education should be taught at all levels.

234 Formation of a human rights consciousness gives guidance to those who are and those who would be in government service to ensure responsible and accountable governance. Further, we would have a citizenry who are aware that human rights obligations, while not asking the State to do the impossible, “require that states are monitored and checked against the human rights criteria found in the international covenants.”¹¹²

235 - 2. **Fast track the completion of the Comprehensive Agrarian Reform Program (CARP).**¹¹³

236 Agrarian reform and the redistribution of other productive assets are crucial policy instruments not only in ensuring the right to food but more importantly, in the reduction of rural poverty and in addressing social injustice. The Department of Agrarian Reform (DAR) should fast track the completion of CARP, particularly the redistribution of privately-owned lands, whether 24 hectares and below or 24 hectares and above. Recent surveys and studies have shown that many potential agrarian reform beneficiaries can be found in lands, 24 hectares and below. Targeting redistribution in lands of 24 hectares and above only might exclude a significant number of landless farmers and farm workers from the benefit of land redistribution. Special focus should be given on land redistribution in sugar and coconut areas (e.g. Bicol and Western Visayas) where poverty and income inequalities are quite significant.

¹¹² FIAN: Introduction and Commentary to the Draft Code of Conduct on the Right to Adequate Food, section 4

¹¹³ Regalado, Aurora. “Recommendations: Opportunities and Challenges for Further Action”

237 - 3. **Insert the “human rights clause” and use key elements of human rights for setting government goals in development, particularly in the right to adequate food, covering not only solid foods but also the nutritional aspects of drinking water.**

238 It is in the above context that the Philippine state is reported to have violated the right to adequate food of several millions of its constituency within the Philippine Archipelago. The areas of rectification so as to progressively realize the right to adequate food are the areas of the key elements of the concerned right.

239 Among others, it is recommended that the Philippine State uses General Comment No. 12, specifically the key elements contained therein, and set concrete targets for the progressive realization of the right. This is expected to ensure that the human rights framework would then be used in the implementation of development projects and in national endeavors for eradicating poverty.

240 - 4. **Review Philippine membership in the WTO.**

241 The review of our membership and obligations in the World Trade Organization in relation to human rights, particularly the right to adequate food, is in order less the present violations worsen.

242 - 5. **Extend the ‘precautionary principle’ under WTO trade rules, secure the right of government to restrict trade in GMOs and require mandatory labeling of GE/GM food and seed imports.**

243 People have the right to be informed of the components of the food they purchase both for sake of choice and health. Having liberal access to Philippine markets and consumers should never be synonymous with complete disregard of safety in peoples’ food.

244 - 6. **Enact immediately appropriate executive and legislative measures, up to the local government level, that ensure the victims’ right to adequate food in displacement situations.**

245 Peoples’ plight particularly in conflict areas where they are displaced from their homes and severed from their sources of subsistence made them very vulnerable to sickness. There is also need to disengage food relief services as primarily programmed for military operations.

246 More often than not, as in many cases presented in the report, ejected farmers, indigenous peoples and urban poor have difficulty in obtaining immediate food needs for their families. Harvests and other food sources planted and nurtured by them should not be denied them. Those who have none should be assisted.

- 247 Daily nutritious meals should be ensured and extended to all women, especially pregnant and lactating women, infants, children, the sick and the aged
- 248 - 7. **Sign and ratify the Optional Protocol to the International Covenant of the Economic, Social and Cultural Rights.**
- 249 This would enhance the position of the Philippines as State Party in its seriousness to respect, protect and fulfill the ESC rights of its constituencies, particularly the impoverished. Such an act would be a fitting legacy of an administration determined to empower the peoples of the Philippines. It would be an unmistakable statement that economic, social and cultural rights are binding international human rights, not just programmatic aspirations. At the same time, it cautions the executive, legislative and judicial branches of government, among others, against retrogression and non-fulfillment of state obligations in either political compromises or economic trade-offs. Positively, the signing and ratification of the Optional Protocol would spur the enactment and passage of laws and policies to make the ESC rights justiciable at the national and local levels.
- 250 Finally, the participants and endorsers of this report would like to reiterate their commitment with the peoples' of the Philippine Archipelago the progressive realization of their right to adequate food, together with other human and peoples' rights, an integral part of its determined pursuit of **“all human rights for all”**.

References:

1. Alternative Forum for Research in Mindanao, Inc. (AFRIM) *Food Basket Daw Ang Mindanao? (Mindanao Focus)*. Philippines, 2001
2. _____. *Mindanao 21: A Mindanao Peoples' Agenda for Just Peace, Equity, and Sustainable Development*. Philippines, 1998
3. Diokno, Maria Socorro I. "Reference Sheet No. 3: Normative Content of the Rights to Food, Health, Education and Housing; Right of Reparation. Philippines. April, 2002
4. Florencio, C.A. "Rights-based food and nutrition perspective: 21st century challenge for dietetics*". The British Dietetic Association Ltd 2001 / *Hum Nutr Dietet*, 14, pp. 169-183
5. Food First Information and Action Network (FIAN): Introduction and Commentary to the Draft Code of Conduct on the Right to Adequate Food
6. Formanes, Belinda. "Narrative on Agrarian Reform & the Right to Adequate Food". Philippine Network of Rural Development Institutes, Inc., October 2002
7. Freedom from Debt Coalition (FDC). "FDC at the Waterfront," PAID, November 2001, Vol 11, Nos. 1-2
8. Greenpeace Southeast Asia. "The True Food Consumer Guide: A Greenpeace Guide to Genetically Engineered Food". Genetic Engineering Campaign, 30 October 2001
9. Management and Organizational Development for Empowerment (MODE). "Fact Sheet on Philippine Water Resources". Philippines, 2001
10. Novib. "Towards Food Security: Novib's Position Paper on Food Security and Lessons Learned". The Netherlands: Novib, 2001
11. Oxfam and World Wide Fund. "Trade Liberalization as a Threat to Livelihoods: The Corn Sector in the Philippines". A Briefing carried out in the Philippines by Management and Organizational Development for Empowerment (MODE). December 1996
12. Pascual, Francisco G. and Glipo, Arze G. "WTO and Philippine Agriculture: Seven Years of Unbridled Trade Liberalization and Misery for Small Farmers". Paper Presented during the NGO-PO-Legislators Forum held at the Sulo Hotel, Quezon City, Philippines, December 12, 2001.

13. Regalado, Aurora A. and Philippine Group. "State's Failure to Fulfill and Defend Its Citizens' Right to Food: The Philippine Experience. Paper prepared for the Asian Consultation on Economic, Social and Cultural Rights, Quezon City, Philippines. January 2000.
14. SEARICE. "Food Safety". Philippines, 2001
15. Sunio, Rose T., M.D. "Knowledge, Attitudes and Practices of Small-scale Miners in Lalab, Sibutal [sic], Zamboanga del Norte on Mercury Poisoning". The Filipino Family Physician, Vol. 39 January-March 2001 No.1, pp. 9-18
16. Tambuyog. "Asserting the Right to Food (Fish)", Philippines, 2001.
17. TFDP Critique and Positions on Philippine Laws and Policies Related to the Right to Adequate Food. 2001
18. TFDP Philippine Human Rights Update. "Human Rights Amidst War" December 2000.
19. TFDP Report File on Itogon, Benguet, 2001
20. TFDP Research 2001, "ESCR in Central Mindanao"
21. TFDP Research, 2001, Northern-Southern Mindanao : "The Salo-anon and the Cornelio Ombo Clan Struggle. Central Mindanao University, Maramag, Bukidnon".
22. TFDP Research, 2001, Northern-Southern Mindanao: "The Suhitra and Quemtras Struggle".
23. TFDP Research, 2001, Southern Luzon: "The Farmers' Struggle for the Right to Food in Hacienda Aldamiz. Pola, Oriental Mindoro".
24. Ziegler, Jean. "Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted in accordance with Commission on Human Rights resolution 2000/10". Commission on Human Rights, Fifty-seventh session, Item 10 of the provisional agenda

THE RIGHT TO ADEQUATE HOUSING

INTRODUCTION

- 251 The right to adequate housing is a right derived from the Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) as “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself (herself) and his (her) family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”
- 252 The UN Committee on Economic, Social and Cultural Rights (UNCESCR) in its General Comments No.1 and 3 distinctly described the reporting obligations of the States as well as defined the nature of states of obligations under the Covenant.
- 253 The UNCESCR General Comments No. 4 and No. 7 elaborated on the right to adequate housing. The Committee stated in General Comment 4 that there are certain aspects of the right which must be taken into account in determining “adequate housing” and these include legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy. In General Comment 7, the Committee made the conclusion that forced evictions are *prima facie* incompatible with the requirements of the Covenant and are considered violation of the right to adequate housing.
- 254 Section 9 of the Philippine Constitution provides that the State shall “undertake... a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban areas and resettlement areas.” It further states that “Urban and rural poor dwellers shall not be evicted nor their dwellings demolished. Except in accordance with law and in a just and humane manner. No resettlement of urban and rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.”

The Right to Adequate Housing

- 255 The right to adequate housing should not be narrowly understood as the right to have a roof over one’s head. Rather, it should be seen as the right to live somewhere in security, peace, and dignity. This right has a number of components:
- a. Legal security of tenure where everyone should enjoy legal protection from forced eviction, harassment and other threats;
 - b. Habitability where housing must provide inhabitants with adequate space and protection from elements and other threats to health;

- c. Location where housing must be in a safe and healthy location which allows access to opportunities to earn an adequate livelihood, as well as, access to schools, health care, transport and other services;
- d. Economic accessibility where personal or household costs associated with housing should be in such a level that the attainment and satisfaction of other basic needs are not compromised;
- e. Physical accessibility where housing must be accessible to everyone, especially vulnerable groups such as the elderly, persons with disabilities and the mentally ill;
- f. Cultural acceptability where housing must be culturally acceptable to the inhabitants, for example reflective of their cultural preferences in relation to design, site organization and other features; and
- g. Availability of services, materials and infrastructure that are essential for health, security, comfort and nutrition, such as safe drinking water, sanitation and washing facilities.

THE VICTIMS, THE VULNERABLE GROUPS

256 Most poor peoples are disadvantaged and endangered by the places and physical conditions in which they live. They experience precarious shelter, problems of overcrowding, sewage and pollution, seasonal exposure to the worst conditions, insecurity of person and property, remoteness, non-existent or inadequate infrastructure, including in terms of access to drinking water, and stigma¹¹⁴.

257 Poor housing reflects - and deepens - deprivation. Homelessness, and living in dangerous and unsanitary housing, is constitutive of poverty. Thus, the right to adequate housing has a crucial role to play in relation to poverty reduction strategy. Further, enjoyment of the right to adequate housing is instrumental in securing other rights such as the right to health¹¹⁵.

THE PHILIPPINE SITUATION

258 The World Bank in the study entitled the Filipino Report Card of Pro-Poor Services concluded that Estrada pro-poor services went to non-poor.¹¹⁶ In the provision of housing for the poor, despite former President Joseph Estrada's constant trumpeting of concern for the poor and the homeless, the housing services ranked lowest (fifth) in the World Bank's study.

259 Statistics on the status of housing in the country is not complete. Usually, inadequate housing or homelessness is only focused on the urban poor population. Statistics on the urban poor and on slum dwellers are also not that easy to locate.

¹¹⁴ Section II: Content of Poverty Reduction Strategies in the Human Rights Approach

¹¹⁵ Ibid

¹¹⁶ Cited in the Editorial and Opinion of www.inqu7.net, August 23,2001 by Ma. Ceres Doyo

Even terms and definitions used related to the urban poor and slum dwelling have been evolving, without clear unities on understanding.

- 260 In the Philippines, urban areas experienced a faster rise in poverty incidence than rural areas before and after 1997. In fact, urban poor families in the year 2000 amounted to 1.5 million families, grew more than twice as fast (27% vs. 12%) as the number of rural poor families¹¹⁷. The FIES (Family Income and Expenditure Survey) also reported the greatest percentage increase in food threshold in Metro Manila. The poverty and food threshold increased greatly during the 1997- 2000 period by around 20 percent.
- 261 The National Statistics Office in May 2001, cited Metro Manila as the densest region in the Philippines with 16,496 persons per sq.km. and Navotas as the most densely populated area in the said National Capital Region (NCR), with a staggering 97,692 persons per square kilometer.
- 262 In terms of magnitudes of poor families (below the poverty threshold) in the country, the greatest percentage increase was recorded in Metro Manila, ARMM, Central Luzon, Bicol and Central Visayas. The largest increase in number of poor households was highest in Metro Manila, as it is the center of industrial activity in the country.¹¹⁸
- 263 Metro Manila ¹¹⁹, was identified as the densest region in the country, with 16,496 persons per square kilometer. However, most of its cities and municipalities are denser, to wit: Navotas with 97,692 per sq.km.; Pasig City with 44,769 per sq.km.; Manila City with 43,681 persons per sq.km.; Pasay City with 26,115 persons per sq.km. and Kalookan City with 22, 096 persons per sq km.
- 264 In 1990, it was estimated by the Presidential Commission for the Urban Poor (PCUP) that there were about 15,070,240 urban population. Of these, the urban poor are 7,944,147 or 53% of the whole urban population. In 1995, there were an estimated 18 million urban poor nationwide with more than 4 million living in Metro Manila.¹²⁰ In 1996, the National Capital Region was recorded with the highest number of urban poor population with more than 3,447,216 ¹²¹.
- 265 One major outcome of poverty is a formidable housing crisis. Philippine urban poor population was placed at more than 14 million representing 55% of the total urban population and 23% of the total population. The country's megacity, Metro Manila, has a population of 10.3 M in 2000 where half of the population are squatter communities.

¹¹⁷ 2000 Family Income and Expenditure Survey, National Economic and Development Authority, July 19, 2001

¹¹⁸ Urban Poor Situationer reported by the National Anti-Poverty Commission to the National Urban Poor Assembly, 2002 with the National Statistics Office as their source.

¹¹⁹ Identifying the Poorest in Metro Manila, Monograph No. 16, National Statistics Office, Manila, 1996.

¹²⁰ Philippine Daily Inquirer (PDI), 10 January 1995

¹²¹ Habitat II, Presidential Commission on Urban Poor, National Development and Housing Framework

- 266 The Housing and Urban Development Coordinating Council (HUDCC) reported that there are about 1.26 million informal settler families in key urban centers nationwide as of 2000. 57% are in the National Capital Region (NCR) with 34% on government owned-land and about 21% living in danger areas.
- 267 Majority of the urban poor have no permanent jobs. Many urban poor and slum dwellers are caused by the migration of rural poor into the towns and cities looking for jobs and better life. Migration to the city propelled by land conversions of agricultural land has increased by 10 percent according to research statistics in 2000. Squatter colonies sprout like mushrooms in many parts of cities as rising factories and construction of commercial centers and infrastructures tout employment opportunities. Between 1980 and 1990, the urban population grew by 5% with most rural-urban migration going to Metro Manila.¹²²
- 268 Poor families crowd in small often dilapidated houses in congested areas. Sanitation has become a basic problem as people in this kind of situation are also forced to contend with lack of facilities such as water, garbage collection, bathrooms and comfort rooms. Metro Manila residents exhibit the lowest satisfaction with current housing based on low quality of housing, high population densities, skyrocketing land costs, lack of security of tenure resulting to massive eviction due to infrastructure projects. Though resettlement potentially provides security of tenure, there are trade-offs that make security of tenure less attractive to the urban poor. Access to employment is not readily restored. Many resettlement projects are poorly implemented, with housing quality and basic services not provided reliably. Thus, this approach does not result in significant improvements in the well being of the poor. In effect, urban poor settlers resist resettlements. The government strategy of off-city relocation of informal settlers appear ill advised¹²³.
- 269 Overall, housing is indispensable to poverty reduction. It has become apparent that the formal housing sector has failed to address the housing needs of those who need it most. In fact, the Philippine Poverty Assessment declared that the government's public housing program is highly regressive and has benefited mainly the non-poor households in urban areas.**

¹²² Fast Facts on Philippine Housing and Population, Quezon City, National Housing Authority

¹²³ Formanes, Romeo. Narrative on the Housing Situation in the Philippines, Volunteers for Urban Renewal, Inc. 2002

KEY ISSUES ON THE REALIZATION OF RIGHTS TO ADEQUATE HOUSING

ISSUES ON HABITABILITY

Living in Danger Areas

- 270 Habitability means that inhabitants are protected from cold, damp, heat, rain, winds, and other threats to health, structural hazards and disease vectors.
- 271 In 2000, the Department of Interior and Local Government stated that in Metro Manila, there is an estimated 405,843 families considered as informal settlers whose dwellings are made of light combustible materials like pieces of scrap wood, cartons and cloth with rusty galvanized iron maintained in place by old tires or big stones. The slum areas are characterized by lack of space as houses are cramped beside each other leaving only small pathways (usually less than one meter) in between several houses.
- 272 A survey conducted in Metro Manila by the Department of Interior and Local Government (DILG) in early 2000 showed that 10.95% of informal settlers or 44,437 of 405,843 informal settlers live in extremely dangerous areas --along the railroad tracks, under bridges, along river banks and canals near dark stagnant polluted waters. The DILG did not include dumpsites and landfills as danger areas because they are classified as government-owned lands.
- 273 In the survey, of the 15 Metro Manila cities and municipalities, Navotas has 10,450 households living in danger zones which is 54.91% of the town's total informal settlers. Caloocan City has 7,185 households living in danger areas with 4,200 located near Estero de Maypajo in Barangay 24.
- 274 In Quezon City, which used to be the capital city of the Philippines and a first class city, some 3,836 households are reported by the Department of Interior and Local Government (DILG) to be living along the Pasig River. Although an avalanche of garbage killed about 200 and destroyed houses in Barangay Payatas in Quezon City in July 2000, 5,217 households continue to live in the dumpsite in Payatas. Another source estimates that there are more than 80,000 people living in Payatas in March 2002¹²⁴, including the three children whom President Arroyo promised to help in July 2001 during her State of the Nation Address. For 80% of the Payatas residents, the dumpsites and landfills also serve as their source of livelihood. Malnutrition, skin infections, respiratory and gastrointestinal problems are very common among the people, especially among children in Payatas.
- 275 The DILG survey also showed the following as number of households living in danger areas in the other Metro Manila cities and municipalities: Las Piñas City, 5,401 households; Pasig City, 2,891; Pasay City, 2,409; Valenzuela, 3,364; Taguig,

¹²⁴ Rhea Hermoso, "Land of Hell, Land of Promise", Newsbreak, March 18, 2002, p. 18

2,346; Muntinlupa City, 1,994; Makati City, 1,828; pateros,969; Marikina City, 889; San Juan, 676; Malabon, 611 households; and Mandaluyong City, 588 households.

276 The Philippine Volcanologists reported that 60 houses are located on the Western Marikina earthquake fault. The said people in the area are in danger.

ISSUES ON LEGAL SECURITY OF TENURE

Demolition and Forced Eviction

277 Legal security of tenure has continued to be a problem for the urban poor and slum dwellers. For the year 2001-2004, the Arroyo government targeted a total of 620,000 houses to be demolished because they are located in danger areas, areas for priority development, and areas for infrastructure projects.

278 The Urban Development and Housing Act (UDHA) of 1992 is a positive step for the right to housing. UDHA made specific provisions when eviction or demolition is allowed. The UDHA or Republic Act No. 7279, aside from requiring court order and peaceful conduct of demolition, also states that demolition may only be allowed under the following situations: 30-days notice, adequate consultation with the people, proper identification of all persons involved in demolition, presence of local government officials during the demolition, execution of demolition only during regular office hours and during good weather, no use of heavy equipments, and adequate relocation.

279 The Task Force Detainees of the Philippines (TFDP) documented cases of demolitions from January 1995- March 2002 where mandatory requirements as provided in the UDHA were violated: 34 cases in 1995, 32 cases in 1996, 61 cases in 1997, 23 cases in 1998, 27 cases in 1999, 10 in 2000, 16 cases in 2001 and 2 cases in the first quarter of 2002. The details are as follows:

Table ____: Demolition Cases with Violations of UDHA, January 1995-March 2002

Year	No. of Demolitions	No. of Families Affected	Without Court Order	Violent Demolitions	Violation of Other UDHA Requirements *
1995	34	14,857	11	31	34
1996	32	10,762	14	31	32
1997	61	25,095	45	40	61
1998	23	2,682	4	14	23
1999	27	8,033	7	25	27
2000	10	625	4	2	10
2001	16	3,716	8	7	16
2002	2	170	0	0	2

Source: Documented by Task Force Detainees of the Philippines (TFDP)

280 The Urban Poor Associates monitored several cases of violent demolitions from 1998-2001. In 1998, it documented 7 violent demolitions affecting 1,743 families. In 1999, there were six violent demolitions affecting 3, 722 families and in 2000, 11 violent demolitions affecting 2,850 families ¹²⁵. From July-November in the year 2001, it monitored 8 demolitions affecting 1,661 families. Five cases were violent demolitions and UDHA requirements were also not fulfilled.

Table ___: Violent Demolition Cases in Metro Manila During the Estrada Administration, 1998-2000

Year	No. of Violent Incidents Documented	Total No. of Families Affected
1998	7	1,743
1999	6	3,722
2000	11	2,850

Documented by Urban Poor Associates

281 In the same report, Urban Poor Associates documented the number of demolition cases and the affected families as well as the number of relocated families. UPA noted that there is a low percentage of relocation of families evicted from their homes. Most of those relocated in the year 2000 went to Kasiglahan I which is in the municipality of Rodriguez in Rizal province. The following table shows the percentage of relocation of evicted families from 1997-2000.

Table ___: Relocation of Families Evicted in Metro Manila, 1997-2000

Year	No. of Families Evicted	No. of Families Relocated	Percentage of Families Relocated
1997	8,067	2,589	32.09%
1998	3,754	3,346	89.13%
1999	7,873	3,587	45.56%
2000	6,059	1,342	22.14%

Documented by Urban Poor Associates

282 While 58% of Filipino households own the land on which their house stands, 78% of households own the house, but the land is either rented or used for free (with or without the consent of the owner).¹²⁶ The survey confirms that satisfaction with one's housing is directly related to land tenure. In the rural areas, where poor peasants live, this means the imperative of realizing the Comprehensive Agrarian Reform Program to progressively realize in turn the peasants' right to adequate housing.

283 The U.N. Committee on Economic, Social and Cultural Rights (UNCESCR) noted "the highly detrimental consequences of the persisting civil conflict in the south of the country for the effective implementation of economic, social and cultural

¹²⁵ Urban Poor Associates (UPA), Demolition Monitor, 2000

¹²⁶ 1998 Annual Poverty Indicators Survey, National Statistics Office, Republic of the Philippines.

rights.¹²⁷ In the first part of this report, it was already shown that such a coercive environment has an adverse impact on a number of human rights, including the right to adequate food. This part states that the same situation, in many instances, violates the right to housing.

ISSUES ON LOCATION

Location

“... location ... allows access to employment options, health-care services, schools, child-care centers and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households”.

284 Apparently, despite of the cities apparent affluence, utilities and sanitary facilities the urban poor communities remain inaccessible and inadequate. Of the total urban poor population, more than 74.5% has no potable water facilities. Further, there are even communities in Metro Manila without electricity.

285 Residents interviewed in Marikina complained about inadequate basic and school facilities. As many as 70 to 80 students crowd in 20 to 56 square meter makeshift classrooms.

286 The issue on the fulfillment of the key element of location should also be taken seriously, perhaps even much more, in the rural areas. In these places, houses are usually within or near the perimeter of food sources or their farms. When suburbanization expands, the poor and the landless are forced to relocate further into the interior areas where accessibility to basic services become more difficult. When indigenous peoples are dis-located or re-located, most of the families become more isolated to development as persons and as a people. Court rulings on indigenous peoples' (IPs) ancestral lands or ancestral domains in favor of government projects or commercial enterprises do not take into consideration the impoverished state of the IPs in relation to their housing. An extreme case would be that of the Badjaos, a people who lived along some of the coastal areas of Mindanao. Their dis-location had made the lives of not a few into mendicants in the nearby urban areas.

¹²⁷ Committee comments from CESCR consideration of report of the Philippines on articles 10 to 12 of the ICESCR (E/1986/3/Add.17): Concluding observations of the Committee on ESCR: Philippines. 07/06/95. E/C12/1995/7 Concluding Observations/Comments

ISSUES ON ACCESSIBILITY - Economic and Physical

Affordable Housing

- 287 Lack of affordable housing in the Philippines, particularly in urban areas, is a serious problem that continues to worsen. In 1999 approximately 1.7 million urban poor households are scattered across the country's urban municipalities. Rural-urban migration brought about by smaller farms and conversion to agricultural lands causes this number to increase by 10 percent each year. Combined with the increase in population of 2.5 percent each year.
- 288 The high cost of land and dearth of affordable housing has driven even professionals and workers with regular employment to live in slums and danger areas. In Metro Manila alone, approximately 30 percent of the population lives in informal settlement areas.
- 289 As stated in the Medium Term Philippine Development Plan, the government estimated that from 1993 to 1998, there was a housing deficiency of 3,720,000 units, of which 873,000 and 2,853,000 comprised backlog and future housing needs, respectively.

Government Housing Assistance

- 290 Over the years the government's housing for the poor has been delivered through different approaches – from a direct provider of houses, to one relegated to financing for housing as it increasingly relies on the private sector to provide low-cost housing.
- 291 Under the National Shelter Program (NSP), the government's housing assistance is divided into two categories: socialized housing and non-socialized housing or economic housing. Socialized housing refers to housing units priced at P180,000 and below while economic housing refers to housing units priced above P180,000. The three largest components of the government's socialized housing program are Resettlement, the Community Mortgage Program (CMP) and the Rental Home Lending Program of Pag-ibig (or the Home Development Mutual Fund).
- 292 While the government claims that the socialized housing assistance prioritizes the poorest 30 percent of the population, their performance tells otherwise. From 1993 – 1998, only 281,443 households, or 45.2 percent, were classified under the socialized housing programs. In short, of the P139 billion spent by the NSP, only P26 billion, or 18.9 percent, actually reached the poorest 30 percent of the population.
- 293 The government's main response to the housing problem has been socialized housing production and resettlement. These efforts however, have not led to increased access to affordable housing for the poorest 30 percent of the population.

Most families can hardly cope with the monthly initial amortization of P400 per month, or the increase of P200 per month every year for five years. From the sixth year until the thirtieth, relocates would be responsible for P1,200 each month.

- 294 This type of socialized housing is simply unaffordable and inaccessible to the people who need it most. In 1998, the poorest 30 percent of the population earned an average of P3,057 per month; the poorest 20 percent earned an average of P2,238 per month; and the poorest 10 percent earned only an average of P1220 per month¹²⁸. For the poorest 10 percent, a monthly amortization of P400 would be burdensome, and an amortization of P1,200 impossible. Even for the poorest 30 percent of the population a monthly amortization of P1,200 would take up a large proportion of their income. In addition to their monthly amortization, relocatees are burdened with additional expenses for basic services, such as water and schools, if available, and transportation. To make matters worse, the location of relocation sites often cut residents off from their previous livelihood and limits their employment opportunities. These issues are crucial: housing for the poor entails not only decent shelter, but also an improvement in standards of living.
- 295 The National Housing Authority's Resettlement Program performed poorly and inefficiently during 1993 through 1998: it accomplished only 35.2 percent of its target to assist 174,581 households, while utilizing 94.7 percent of the P3.7 billion allotted for the program¹²⁹.
- 296 The Community Mortgage Program (CMP) is the government's most efficient program to address the needs of the poor because it enables communities to acquire land they reside on at affordable prices. Through the CMP, the poor gain security of tenure, improve their dwellings, and maintain the social capital they have built over the years. The average monthly amortization under the CMP is P159, and the average loan amount is only P28,000 per family, a low 10 percent of the average loan amounts under the government's other housing programs.
- 297 Unfortunately however, the CMP suffers from at least two limitations. First, the CMP is still very concentrated in Metro Manila. This means that even the CMP is not well-equipped to service adequately the urban poor outside Metro Manila. Its operations are limited to urban centers, thereby excluding rural households. It only accomplished 47.6 percent of its overall target to assist 140,807 households during the period of 1993 to 1998, utilizing 61.3 percent of funds planned for the period. Only 52.5 percent of the expected funds for CMP were actually released. It was even worse in 1999 when the government accomplished only 44 percent of its targets.¹³⁰

¹²⁸ "Update on the Housing Situation in the Philippines"

¹²⁹ Medium Term Development Plan (MTDP)

¹³⁰ *ibid*

- 298 Its effectiveness is also hampered by rising land costs in highly urbanized centers. Programs like the CMP seem to be appropriate in provincial cities and secondary town where land costs are not so high and which will qualify for the CMP.
- 299 The disparity between the CMP's targets and actual accomplishment rate can be attributed to several factors. One cause is the slow processing of loan applications by the National Home Mortgage and Finance Corporation (NHMFC), the agency in charge of the CMP. Approval of loan applications usually takes so long that there have been instances when landowners have raised their asking price after waiting several years. Land prices, especially in urban areas, are increasing so rapidly that the loan amounts offered by CMP and the poor's affordability levels are unable to cope with the increase in price. In addition, socialized lending programs are inaccessible to many poor people because of restrictive loan requirements, although the NHMFC as improved its guidelines, access has not improved. In fact, additional loan requirements were incorporated. Incidentally, the collection rate of CMP, which caters to lower income groups, has a consistently higher collection efficiency rate than UHLP: from 1993 through 1998 CMP's collection rate averaged at 76.9 percent, while UHLP averaged only 63 percent¹³¹.

ERAP City: Housing for the Poor?

- 300 Former President Estrada boasted of a P2.8B housing project in the mountains of Rodriguez (Montalban) in Rizal province purportedly to house as many as 1.2M residents in Metro Manila. The project was the centerpiece of Estrada administration's housing program.
- 301 The project which was conceptualized during former President Ramos administration would cover 600 hectares during its first phase: 400 hectare at Suburban area and 200 hectare at San Jose Plains in Rizal based on the master plan drawn by Palafox Associates. The entire span of the project would cover 2,500 hectares and would enclose five barangays. Thus, it was aptly dubbed ERAP City.
- 302 The cheapest housing units at Erap City measure 20 square meters and cost P180,000. Those who move into them must pay a monthly amortization of P1,437.54. In addition, according to the brief prepared by the Home Guaranty Corporation, a P3,000 reservation fee and P16,500 miscellaneous fee will be required of residents.
- 303 At a Senate Urban Planning, Housing and Resettlement Committee hearing on May 16, 2000, housing officials said only members of Pag-Ibig, SSS, or the GSIS can avail themselves of Erap City houses. The same officials said they have yet to draw up a socialized housing fund that the urban poor can tap to buy houses with special lending terms.

¹³¹ Medium Term Development Plan (MTDP)

- 304 This prompted socialized housing advocates from the Institute of Church and Social Issues to point out during the Senate hearings that Erap City is “*not for the poor*” but for the “*upper income group*”.
- 305 Besides financing, urban poor and socialized housing advocates have pointed out environmental and land use problems. Many housing development projects began without an Environmental Compliance Certificate (ECC).
- 306 A notice of violation was issued by the Environmental Management Bureau on February 24, 2000, two days after development of the Suburban area began. The firm paid a P50,000 fine on June 2, 2000, applied for an ECC, and got one on June 8, 2000¹³².

Policies and Laws re Economic Access

- 307 Currently, the socialized housing programs are under the National Shelter Program which include mortgage financing and developmental loan by the National Home Mortgage Program Finance Corporation (NHMFC), Pag-IBIG, SSS, and GSIS; community development projects under the CMP; and mass housing production by NHA and guarantees and insurance through the Home Insurance Guaranty Corporation (HIGC). The Resettlement Program is undertaken by the NHA which develops sites for the families living along danger areas, and those displaced by government projects and other disaster related destruction. It is on full subsidy by the government. Based on PD2015, the family will pay only a minimum of P30 a month for 25 years for a 60-square meter lot. The Community Mortgage Program (CMP) is the more relevant socialized housing since it allows slum dwellers organized into community associations to own the lots they occupy. They can also reblock their structures and introduce infrastructure facilities and utilities through a community mortgage. The mortgage is payable for 25 years at 9% interest rate. Families earning below P4,000 can also get amortization support from the Abot-Kaya Pabahay Fund during the first five years. The CMP is administered by NHMFC. Likewise the NHA is in charge of production. Direct housing provisions are done primarily by the private sector and the LGUs through joint-venture arrangement with the NHA. The NHA provides complete house and lot package and medium-rise building affordable to the lowest 50% of urban population. Mortgage financing is sourced from the Unified Home Lending Program (UHLP), administered by the NHFMC and funded by SSS, GSIS and Home Development Mutual Fund (Pag-IBIG).

The Socialized Housing Debacle

- 308 (3) Community programs have consistently experienced a substantial reduction in units of assistance. Individual mortgages cornered the bulk of program while the community programs only got four percent. **(TABLE 1)**

¹³² Philippine Center for Investigative Journalism

- 309 By, agency, it can be gleaned that the NHA, the one in charge of the production of the socialized and low-cost housing achieved the lowest while the financiers delivered the highest. In terms of funding, the NHA got the lowest while the NHMFC was the most heavily funded.
- 310 Overall, the government cannot deny the failure of socialized housing. Neither can it expect the private sector to pool their resources together to deliver the service. After all, socialized housing does not pay off as lucratively as extracting profits from high value mortgages. It just goes to show that its target beneficiaries are not the urban poor. In this sense, the NSP for the past years has failed in its main objective.
- 311 The World Bank Study summarized who are the beneficiaries of government housing assistance. It showed that 95% have been urban households, the majority came from the National Capitol Region (NCR). Most of the assistance has been captured by rich and the middle-income households, with only 21% coming from the poor. Ironically, a larger proportion of NCR, urban and non-poor households confirmed that they did not require assistance.
- The Philippine Poverty Assessment also noted that while one of the government's more important "targeted" programs – public housing is highly regressive, benefiting mainly non-poor households in urban areas.¹³³

ISSUES ON CULTURAL ACCEPTABILITY

ISSUES ON AVAILABILITY OF SERVICES – Materials, Facilities, Infrastructure

Availability of services, materials, infrastructure

- 312 The resettlement areas developed under President Ramos –FVR II and *Pabahay* 2000, were already full in 2000. Thus, the Estrada government developed the *Kasiglahan* resettlement sites.
- 313 According to relocated families, *Kasiglahan I* does not have adequate basic services and public transportation is difficult and expensive. An Asian development Bank (ADB) team that visited the *Kasiglahan* settlement areas also stated that they did not meet ADB standards.¹³⁴
- 314 Apparently, despite of the cities apparent wealth, utilities and sanitary facilities in the urban poor communities remain inaccessible and inadequate. Of the total urban poor population, more than 74.5% has no potable water facilities. Further, there are even communities in Metro Manila without electricity.

¹³³ Cited in the Filipino Report Card on Pro-Poor Services in the World Bank report for the East Asia and Pacific Region, 2000

¹³⁴ Urban Poor Associates (UPA), Demolition Monitor, 2000

LAWS AND POLICIES OF THE PHILIPPINE GOVERNMENT

Inadequate Legislation and Implementation of Law Related to Housing

- 315 One positive step which the state undertook was the passage of Republic Act no. 7279 or the Urban Development and Housing Act (UDHA) of 1992. The UDHA provisions include aspects of the right to adequate housing as stated in the General Comment No. 4. It elaborated on the requisites before any eviction or demolition maybe allowed. For a good legislation to be of benefit to the right-holders, good implementation is necessary and this is where Philippine governments since 1992 have failed either by violating specific provisions of UDHA or failing to take steps within its maximum of available resources for the realization of the right to adequate housing.
- 316 One that is notably lacking is legislation that addresses the rural poor who have inadequate housing considering the aspects as stated in the General Comments and the Philippine Constitution. The many ejections and dislocations of people in the rural area are usually connected with the land issue. Frequently, the main issue is the recovery or the return of the land in favor of the farmer, particularly within the context of the Comprehensive Agrarian Reform Program (CARP). The right to housing become more of a side issue, rather than a right that asserts the dignity of persons and people.

Decreasing National Budget for Housing

- 317 The government had been appropriating only about one-half percent of the national budget to housing from 1993-1999. It only increased to 1.4% in the year 2000 but again went down to less than 1% (only .82%) of the national budget in the year 2001. For 2002, the national allocation for socialized housing for the poorest of the poor is only P1.5 billion, which government explains as because of the huge national debt which has to be serviced and to keep the budget deficit within P130 billion for the year. The servicing of the huge national budget because of the Automatic Debt Service Appropriations Act, which takes about half of the whole national budget, is one big obstacle to a bigger fund allocation for housing. The housing budget is very minimal compared to the budget allocated for the military.

Table ____: Government Appropriation to Housing 1993-2001

Year	National Budget in Billion Pesos (A)	Appropriation to Housing in Billion Pesos (B)	Percentage (%) B/A
1993	209, 437.00	0.849	0.41
1994	322, 685.00	1.384	0.43
1995	387, 398.00	2.065	0.53
1996	394, 855.00	1.167	0.30
1997	433, 817.54	1.973	0.46
1998	546, 743.82	2.940	0.54

1999	579, 481.00	1.712	0.30
2000	419, 493.00	5.854	1.40
2001	339, 500.00	2.754	0.82

Source: Housing and Urban Development Coordinating Council,

318 President Gloria Arroyo in her State of the Nation Address (SONA) in July 2001 made targets and declared that P20 billion would be earmarked for mass housing. But the source of the P20 billion was not assured since they were expected to come from government financial institutions like the Social Security System (SSS), Government Service Insurance System (GSIS) and the Pag-ibig Fund. The first two do not have funds for the housing program, while the latter is said to be recovering from financial problems.

319 The Housing and Urban Development Coordinating Council in its 2001 Report covering January-September 2001 declared that despite funding problems, many of its targets have been accomplished as in the following table:

Table ____: Targets vs. Accomplishments January-September 2001

Pledges / Commitments	Accomplishment
300,000 shelter security units	166,266 households provided shelter security, or 55.42% of the target
Provision of security of land tenure/houses to 150,000 urban poor families	118,161 households provided shelter security, or 78.77% of the target
Provision of land tenure/houses for the 50,000 <i>higit sa maralita</i> **	18,506 households provided land tenure, houses and slum upgrading, or 37.01% of target
Allocation of P20 billion by the GFIs** to finance 100,000 houses for workers / poor	29,599 households provided house and lot packages values at P7,371 billion, or 29.60% of target
Implement measures to reduce to 45 (from 188) the number of signatories required for issuing housing permits	On October 25, 2001, President Arroyo signed Executive Order No. 45 on Prescribing Time Periods for Issuance of Housing related Certifications, Clearances and Permits and Imposing Sanctions for failure to Observe the Same

* *higit sa maralita* means poorest of the poor

** GFIs: Government Financing Institutions

Unequal Supply and Demand?

320 What exactly does the government intends to do with the magnitude of the housing problem?

321 Just recently, the Gloria Macapagal-Arroyo administration has announced that it will provide 450 thousand housing units to urban poor. On the other hand, there are at the most four million urban poor peoples in National Capital Region alone. (4) Four million urban poor need adequate housing but the government targeted to provide only 450 thousand units. The disparity is so glaring. The equation then is so simple, based on the existing data given, the government therefore, can only produce 150 thousand units per year for the 4 million urban poor peoples up to 2004. What will happen to the remaining 3.5 million urban poor?

The Housing Business

322 The government is privatizing the social services that are supposed to be delivering. The private sector, on the other hand, cannot hide its inherent bias for middle class housing which assures them of higher profits. In effect, the government has commercialized the housing service, raised prices of social services, and further marginalized the workers and the unemployed who cannot afford or not covered by privatized services. Even socialized housing rates are economically feasible for the unemployed.

323 The government attempts to allocate land for housing. But with its lack of regulations, land has already been monopolized by private business developers, and real estate speculators. Not even LGUs would want to part with government lands for socialized housing. Thus, we expect demolitions and evictions, and the perennial confrontation with the urban poor.

324 The government has the funds for socialized housing but it is not on its economic agenda right now. Any good intention to solve the issue requires gaining the access to land and resources. In the end, it must be anchored on the framework of national development that is pro- people.

Table 8: National Shelter Program Performance, 1993-1995

Program / Agency	Target	Actual	Percent Accomplishment	Funding (million pesos)
By Major Program (in number of households)				
Resettlement	63,560	24,278	38.20	1,415.00
Community Mortgage Program	80,533	31,119	38.64	807.57
Direct Housing Loan	183,885	200,458	109.01	35,153.50
Indirect Housing Provision	152,502	229,192	150.29	19,432.43
TOTAL	480,480	485,047	100.95	56,808.50
By Program Component (in units assistance)				
Production	125,171	74,285	59.35	2,769.61
Individual Mortgages	251,521	344,590	137.00	52,455.69
Development Financing	145,236	138,852	95.60	7,363.45
Community Programs	98,570	58,516	59.36	2,418.77
TOTAL	620,498	616,243	99.10	2,418.77
By Agency (in units of assistance)				
NHA	132,559	75,393	56.88	2,959.26
NHMFC	239,006	226,776	94.88	30,924.64
HIGC	119,003	141,557	118.95	21,892.00
HDMF	129,930	172,517	132.78	9,231.62
TOTAL	620,498	616,243	99.31	65,007.52

Source: HUDCC

325 Finally, the participants and endorsers of this report would like to reiterate their commitment with the peoples' of the Philippine Archipelago the progressive realization of their right to adequate housing, together with other human and peoples' rights, an integral part of its determined pursuit of **“all human rights for all”**.

RECOMMENDATIONS

3261. As stated among the recommendations in the right to adequate food, there is need for massive human rights education that could be triggered off by the executive branch marking as urgent a bill that gives an enabling law to ensure the teaching of human rights at all levels of education. The making of such a law could help ensure a human rights sensitivity among our people.
3272. That cases of eviction connected with land issues, as well as involving indigenous peoples in their ancestral domains and ancestral lands, the requirements by the Urban Development and Housing Authority should be followed with the added provision regarding the affecting persons' right to adequate food.
3283. Institute an independent and credible mechanism to monitor compliance of government agencies on national and international housing and human rights standards on planned and on-going eviction and government resettlement, ensuring NGO participation in such undertaking. There should be compensations to persons and communities that have experienced violations in their right to adequate housing.
3294. Ensure to use the human rights framework in the housing projects of government from the national to the local levels, as well as in all involved agencies and institutions and non-state actors.
3305. Sign and ratify the Optional Protocol for the International Covenant of Economic, Social and Cultural Rights.