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AND EVICTIONS



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## Submission to the Office of the High Commissioner for Human Rights

### PHILIPPINES

By the Centre on Housing Rights and Evictions (COHRE)

To assist in preparation of documents for the  
first cycle of the Universal Periodic Review

November 2007

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# Introduction

United Nations General Assembly resolutions leading to system-wide human rights institutional reform have brought about major opportunities for the implementation of human rights in all UN Member States. One of the most important of these developments is the new institution of the Universal Periodic Review (UPR), slated to become operative in 2008. General Assembly Resolution 60/251 mandates that constructive engagement with States will be the dominant mode of the UPR. The UPR will engage in “interactive dialogue” with the “full involvement of the country concerned”. The guiding principles behind the UPR are universality, impartiality, objectivity and non-selectivity. The UPR thus constitutes among the most important developments in the Charter-based system of human rights review in the history of the United Nations.

On 18 June 2007, the 5<sup>th</sup> Human Rights Council adopted unanimously a text on institution building, among other things setting out the modalities of the Universal Periodic Review. As set out in the 18 June resolution, the Office of the High Commissioner for Human Rights (OHCHR) is to prepare for Council two 10-page texts on each country coming under UPR assessment. The first of these documents is to summarize material included in the reports of treaty bodies and special procedures regarding the country concerned. The second document summarises “additional credible and reliable information” coming to the attention of the OHCHR.

The Centre on Housing Rights and Evictions (COHRE) herewith offers the present submission with the aims of (i) assisting the work of the OHCHR in providing the Human Rights Council with high quality reporting in these areas; as well as (ii) facilitating civil society input into this revolutionary new international procedure. It is our hope that, during this crucial first phase of the Universal Periodic Review, in which its credibility as a mode of redressing human rights harms is inevitably under intense scrutiny, the material provided herein can provide a sound basis for engagement with the authorities of the country at issue.

The Centre on Housing Rights and Evictions (COHRE), a global initiative seeking full implementation of the right to adequate housing and related fundamental human rights,<sup>1</sup> respectfully submits here a summary of issues in the Philippines, based on regular monitoring of the situation in the Philippines; regular dialogue with partner organisations in the Philippines; as well as in particular following meetings with key partner organisations in Manila on 3-4 October 2007, and field documentation undertaken during early October 2007. A full list of organisations consulted is provided at the end of this submission.

The current submission is organised as follows:

## **I. EXECUTIVE SUMMARY**

## **II. LIST OF ISSUES AND QUESTIONS: ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONCERNS OF RELEVANCE FOR FIRST UNIVERSAL PERIODIC REVIEW OF THE PHILIPPINES**

- 1. Application of International Human Rights Law in Domestic Jurisdictions**
- 2. Housing Rights**

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<sup>1</sup> Further information on the Centre on Housing Rights and Evictions is available at: [www.cohre.org](http://www.cohre.org).

3. **Right to Work and Related Labour Rights**
4. **Right to Food**
5. **Right to Health**
6. **Resource Allocation**

### **III. LIST OF PHILIPPINE CIVIL SOCIETY ORGANISATIONS CONSULTED DURING THE PREPARATION OF THIS SUBMISSION**

#### **APPENDICES:**

1. **1995 Concluding Observations of the United Nations Committee on Economic, Social and Cultural Rights Concerning the Philippines**
2. **Third and Fourth State Party Reports by the Government of the Philippines to the United Nations Committee on Economic, Social and Cultural Rights**

Frequent reference is made below to the UN Committee on Economic, Social and Cultural Rights (UN CESCR) 1995 Concluding Observations concerning the Philippines,<sup>2</sup> as well as the 2006 report by the government of the Philippines to the UN CESCR,<sup>3</sup> which endeavoured to respond to a number of concerns raised in the 1995 UN CESCR Philippines Concluding Observations. In effect, this dialogue is among the most comprehensive and coherent available concerning the status of economic, social and cultural rights in the Philippines, and their effective realisation there. These two documents are included as appendices to this submission.

The issues and questions presented below is not necessarily a comprehensive list of all matters arising in the Philippines with respect to the implementation of international human rights law. The sole purpose of the present document is to provide assistance to the Office of the High Commissioner and others involved in these process in formulating questions and issues for the Government of the Philippines in the context of the Universal Periodic Review.

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<sup>2</sup> COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, "CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT", Concluding observations of the Committee on Economic, Social and Cultural Rights: PHILIPPINES, E/C.12/1995/7, 7 June 1995.

<sup>3</sup> IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, Periodic Reports Submitted By States Parties Under Articles 16 And 17 of the Covenant, Combined Second, Third and Fourth Periodic Reports Of THE PHILIPPINES, 14 December 2006, E/C.12/PHL/4, 7 September 2007.

# **I. EXECUTIVE SUMMARY**

## **Application of International Human Rights Law in Domestic Jurisdictions**

In its 1995 Concluding Observations, the UN Committee on Economic, Social and Cultural Rights (UN CESCR) recommended that the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR) be used as a supplementary guide to the interpretation of relevant domestic legislation and that all relevant domestic courts, tribunals, administrative and other bodies ensure that their decisions be consistent with the obligations contained in the Covenant. The Committee further expressed concern at the precise status of the Covenant in terms of its practical relevance within the judicial system. It noted that the Philippines Human Rights Commission (PCHR) had not been accorded judicial powers in relation to human rights matters and that this had been a matter of some controversy within the Philippines. In its 2006 State Report to the Committee, the first such report since the Committee's 1995 Concluding Observations, the Philippines government reported, at paras. 31 and 626, that the PCHR may investigate, on its own or on complaint of any party, all forms of human rights violations involving civil and political rights. The government however remained silent on the matter of investigations of – and/or remedies for – violations of economic, social and/or cultural rights.

In its 1995 Concluding Observations, at para. 17, the Committee stated that it could not accept statements by the Government, a signatory to the ICESCR, that the Covenant provides no protection from forced eviction. In its 1995 Concluding Observations, at para. 31, the Committee recommended that all existing legislation relevant to the practice of forced evictions should be reviewed so as to ensure its compatibility with the provisions of the ICESCR. Civil society reports of recent years indicate that, in implementing forced evictions, officials rely on laws such as the National Building Code, the Law on Nuisance and the Local Government Code, none of which include protections against forced eviction.

### **Housing Rights**

In its 1995 Concluding Observations, at para. 16, the Committee noted that large-scale forced evictions occur frequently that violate domestic and international standards, i.e., affected families are not given adequate prior notice, consultation and relocation. Based on reports by civil society organizations, in Metro Manila alone during the period January 2006 to September 2007, large-scale evictions affecting some 14,468 families have taken place. Civil society organisations single out one particular agency, the Metro Manila Development Agency, as a violator of the UDHA and EO 152.

Some government officials have stated that poor families who built structures after March 28, 1992 – the effectivity date of R.A. 7279 or UDHA -- are not covered by the provisions of the UDHA. Because of this interpretation, many urban poor families were forcibly evicted and not provided with adequate alternate accommodation, or indeed any alternate accommodation whatsoever. On the other hand, according to NGOs as well as some politicians and government officials -- including the Chairman of the Presidential Commission of the Urban Poor -- among others, that Section 30 is premised on the fulfillment of Section 17 of the UDHA. Section 17 requires the government to conduct a registration of socialized housing beneficiaries one year after the entry into effect of the law. The government, however, failed to comply with this, thus Section 30 cannot be used to justify forced evictions.

The government applies the concept of so-called “professional squatters” to exclude certain categories of persons from eligibility for resettlement and/or compensation, when such persons are forcibly evicted from their housing. The definition of “professional squatters” as set out in Section 27 of R.A. 7279 is vague and may thus include legitimate urban poor individuals and families, underprivileged persons and/or the homeless. Section 27 of the UDHA states that “professional squatters or members of squatting syndicates shall be imposed the penalty of six years imprisonment or a fine of not less than sixty thousand pesos (P60,000) but not more than one hundred thousand pesos (P100,000), or both, at the discretion of the Court.” The law does not give adequate parameters for what constitutes “sufficient income” in the context of “professional squatting”, given the prevalence of poverty and other factors that affect income and expenditures. It also categorizes as “professional squatters” families who sell, lease or transfer an awarded housing. The category evidently includes many cases of poor families who left distant resettlement sites because of the lack of economic opportunities and basic services. It apparently includes as well poor families in need of housing, but who, through force of circumstances, occupied lands reserved for housing. Included also in the list of “professional squatters” are families who reside in informal structures built after March 28, 1992.

Many evicted persons are not provided with any form of alternate accommodation whatsoever. The government is for example currently not providing adequate relocation to the thousands of families and communities affected by other government projects such as the Road 10 Expansion, the Metro Guwapo (Beautification) and Flood Control Projects, as well as a number of other communities threatened with forced eviction from their housing. Where they exist, many relocation sites are in environmentally disaster-prone areas. For example, in Bicol, a resettlement site is near the active volcano Mt. Mayon. In Cebu and Bulacan, relocations sites are near garbage dumps. In some areas, procedures for accessing alternate accommodation are overly long and/or bureaucratic and thus ineffective in practice. Elsewhere, land or housing allocated is insufficient in size to meet needs.

The government frequently does not consult adequately with persons threatened with displacement on the matter of their alternate accommodation provision. For example, approximately 4,000 families in the Sampaloc portion of the railroad affected by the Southrail project have lobbied the government since November 2006 to be resettled in Rodriguez municipality since it nearer to their sources of livelihood and jobs, and has accessible services such as water, electricity, schools, clinics and transportation. They are instead apparently expected to go to a distant resettlement site such as Southville II in Trece Martires City.

In its 1995 Concluding Observations, at para. 31, the UN CESCR recommended that when it relocates evicted or homeless persons or families, the government should devote attention to the availability of job opportunities, schools, hospitals or health centers, and transport facilities in the areas selected. Nevertheless, the government has opted to relocate thousands of evicted families to relocation sites 50 to 100 kilometers, such as the Southville I in Cabuyao, Laguna and Southville II in Trece Martires City and Calauan in Laguna, where there are few or no jobs or economic opportunities, schools, hospitals or health centers and/or adequate transport facilities. Civil society organizations report that in the case of relocation sites from Camanava/Norzagaray, Sapag Palay, Cebu, Cabuyao, Cavite and others, it has taken 3 to 5 years after people have been settled for roads, water, electricity, market, schools and health centers to be installed.

## **Right to Work and Related Labour Rights**

In 2002, the National Statistical Coordination Board's (NSCB) Bureau of Labor and Employment Services estimated that about 63% of the Philippine labor force are part of the informal sector. Some estimates put this figure even higher.<sup>4</sup> Some of these persons were displaced regular workers from closures and/or retrenchments due to stiff competition brought about by globalization. The informal workers are composed of street vendors/hawkers, small transport operators, non-corporate construction workers, home-based workers, sex workers and others.

Out of the 36M labor force, only 1.8M workers are unionized. Out of which, only 266,000 workers have Collective Bargaining Agreements (CBA). Under present law, while government employees are allowed to unionize, they are prohibited from exercising the right to strike and are also prohibited from bargaining collectively for better wage benefits.

In the latest DOLE report, at least half of all establishments were found to be violating the law on minimum wage. Every wage order that has been issued routinely exempts companies employing less than ten workers from complying with the minimum wage. The Barangay Micro-Business Enterprise (BMBE) law also exempts entities with capitalization of less than P3M from complying with the minimum wage. All told, this comprises more than 80% of all establishments in the Philippines.

Republic Act No. 8042 (Migrant Workers and overseas Filipinos Act of 1995) states that “the State recognizes the significant contributions of the Filipino migrant workers to the national economy through their foreign exchange remittances but the State does not promote overseas employment as a means to sustain economic growth and achieve national development” (sec. 2 [c]). At present, there are more than 7 million migrant workers distributed in 190 countries around the world and with at least 3,000 workers leaving the country per day.

The past years have witnessed the intensified contractualization in the private sector. As a result, the right of employees to security of tenure at work has been significantly diluted.

Child labour is reportedly rampant, especially in the rural areas.

## **Right to Health**

Based on the Millennium Development Goals (MDGs) for health, the Philippines is lagging behind in reducing maternal mortality rate with 172 deaths per 100,000 live births. (1998 National Demographic Health Survey (NDHS)). This is still relatively high compared with other Asian neighbors like Indonesia and Malaysia (National Coordination and Statistics Board press release on 2003 NDHS results). Only 77% of mothers receive the minimum three prenatal checkups—and almost half of these are performed during the first three months of pregnancy. Only 75% of women receive iron supplements, a little over 57% receive iodine, only 33% receive tetanus toxoid immunization, and only 33% are informed of the danger signs of pregnancy. (Asian Development Bank 2004 reprinted from Population Commission 2001)

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<sup>4</sup> In 2006, according to the National Anti-Poverty Commission (NAPC), 75% of the labor force or roughly 27 million workers worked in the informal labor sector. Based on the National Statistics Office (NSO) Labor Force Survey of Philippine Business and Industry, there were 24,666,680 workers who were part of the informal sector as of year 2005. This is circa 76.34% of the entire labor force. The figure was presented by the NSO during the 2007 National Conference of the Employers Confederation of the Philippines (ECOP).

A frequently-reported problem with the devolved structure of the country's health system has been the lack of commitment of some Local Government Units (LGUs) to invest and prioritize public health concerns. But there are also some LGUs who are willing to invest more on health but are financially constrained (3<sup>rd</sup> and 4<sup>th</sup> class municipalities).

The Generics Act of 1988 was enacted to ensure that the prices of medicines will be affordable to majority of Filipinos. The law also states that "it will regularly advertise or provide information on the list of generics and price comparison to branded drugs and its generic counterpart."

"The World Health Organization (WHO), in its World Health Statistics in 2007, gave the Philippines dismal rankings in various health provision indicators. Among 192 countries, the Philippines ranked 153rd in terms of government spending on health as a share of a country's total health spending. Filipinos have increasingly relied on out-of-pocket expenses on health, as against government allocation. The country also ranked 156th in terms of the share of the government budget going to health". (IBON, Media Release, October 3, 2007)

The Department of Health's (DOH) share in the 1.23 trillion peso national budget constitutes only a total of 1.3% – a minimal increase from 1% share in 2007. Among the national agencies, the DOH ranks 7<sup>th</sup> at present from being 8<sup>th</sup> in 2007 in terms of its share in the national budget. In the proposed 2008 national budget, only 1.5% of the total budget will go to health. The total health budget for 2008 is 22.9 billion pesos, equivalent to just 0.31% of GDP. Health budget was marginally better at 0.58% of GDP in 1997, 0.74% in 1990 and 3.2% in 2003. (National Statistical Coordination Board-Philippines)

It is not only the devolved set-up of the health system that poses obstacles to meeting the health targets and ensuring better health outcomes, it is also the steadily increasing number of out-migration cases among health workers that further damages the country's health system and pushes it to an impending 'collapse'. An estimated 163,756 Filipino nurses or 85 percent of all employed Filipino nurses are working outside the Philippines in 46 countries. Since the late 1980s, there has been a steady increase in the number of health workers seeking employment abroad. Simultaneous with the steadily high demand of skilled health professionals abroad is the Philippine government's lack of manpower needed to run its own health-care services. Around 200 hospitals have closed down in recent years, 800 hospitals have partially closed one to two wards (Philippine Hospital Association, November 2005). Also, the nurse to patient ratios in provincial and district hospitals is 1:40 - 1:60. Some big hospitals are losing an average of 10-12 nurses a month (Philippine Legislators' Committee Publication, 2004)

## **Resource Allocation**

In the 1995 Concluding Observations, at para. 18, the Committee noted that the existing expenditures presented at that time appeared to benefit higher income groups at the expense of the poor. In its 1995 Concluding Observations, at para. 23, the Committee recommended that the government increase the proportion of the national budget devoted to slum upgrading and community mortgage programmes. In its 1995 Concluding Observations, at para. 24, the Committee recommended greater emphasis within the framework of official development assistance provided by donor countries to support social adjustment programs for purposes such as the financing of low interest credit to the poorest farmers, slum upgrading and other programmes for housing the poor. It is unclear if any of these measures have been addressed by the government in the period since the 1995 CESCRO Concluding Observations

## **II. LIST OF ISSUES AND QUESTIONS: ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONCERNS OF RELEVANCE FOR FIRST UNIVERSAL PERIODIC REVIEW OF THE PHILIPPINES**

### **1. Application of International Human Rights Law in Domestic Jurisdictions**

In its 1995 Concluding Observations, the UN Committee on Economic, Social and Cultural Rights (UN CESCR) recommended that the provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR) be used as a supplementary guide to the interpretation of relevant domestic legislation and that all relevant domestic courts, tribunals, administrative and other bodies ensure that their decisions be consistent with the obligations contained in the Covenant. The Committee further expressed concern at the precise status of the Covenant in terms of its practical relevance within the judicial system. It noted that the Philippines Human Rights Commission (PCHR) had not been accorded judicial powers in relation to human rights matters and that this had been a matter of some controversy within the Philippines. In its 2006 State Report to the Committee, the first such report since the Committee's 1995 Concluding Observations, the Philippines government reported, at paras. 31 and 626, that the PCHR may investigate, on its own or on complaint of any party, all forms of human rights violations involving civil and political rights. The government however remained silent on the matter of investigations of – and/or remedies for – violations of economic, social and/or cultural rights. The government should be asked provide information as to what steps it has undertaken to remedy the fact that the PCHR has apparently not being accorded judicial matters in relation to other human rights matters, such as the economic, social and cultural rights. It should also be asked to provide information of specific instances in which the ICESCR has been applied by domestic courts.

In its 1995 Concluding Observations, at para. 17, the Committee stated that it could not accept statements by the Government, a signatory to the ICESCR, that the Covenant provides no protection from forced eviction. In its 1995 Concluding Observations, at para. 31, the Committee recommended that all existing legislation relevant to the practice of forced evictions should be reviewed so as to ensure its compatibility with the provisions of the ICESCR. Civil society reports of recent years indicate that, in implementing forced evictions, officials rely on laws such as the National Building Code, the Law on Nuisance and the Local Government Code, none of which include protections against forced eviction. The government should be asked to detail what steps it has undertaken to ensure the compatibility of these laws with the provisions of the ICESCR, and in particular how – if at all -- the international law ban on forced evictions has been transposed into domestic legislation.

## 2. Housing Rights

### 2.A. Forced Eviction, Displacement and Resettlement

1. In its 1995 Concluding Observations, at para. 16, the Committee noted that large-scale forced evictions occur frequently that violate domestic and international standards, i.e., affected families are not given adequate prior notice, consultation and relocation. Based on reports by civil society organizations, in Metro Manila alone during the period January 2006 to September 2007, large-scale evictions affecting some 14,468 families have taken place. Can the State explain why this continues to happen? Do government agencies, local and national, observe the mandatory provisions of Section 28 of Republic Act 7279 (RA 7279) and Executive Order No. 152 (EO 152) issued by President Macapagal Arroyo to ensure that State agencies comply with the said provisions? Civil society organisations single out one particular agency, the Metro Manila Development Agency, as a violator of the UDHA and EO 152.
2. In its 1995 Concluding Observations, at para. 31, the Committee recommends that the government take the necessary measures, including prosecutions wherever appropriate, to stop violations of laws such as Republic Act 7279 (RA 7279). Considering that large-scale forced evictions continue unabated, can the government provide information on instances of prosecutions undertaken against violators of RA 7279?
3. In its 1995 Concluding Observations, at para. 32, the Committee recommended that the Government consider the establishment of an independent body legally responsible for preventing illegal forced evictions, and for monitoring, documenting and reviewing any ongoing or planned forced evictions. Large-scale demolitions however continue to be undertaken by government agencies. Can the government provide information on the steps it has undertaken since 1995 to establish such an independent body?
4. UN CESCR General Comment no. 7 on Forced Evictions and Section 28 of the Philippines Urban Development and Housing Act of 1992 (UDHA) both mandate the provision of sufficient time for affected families to prepare for eventual eviction and relocation, including meaningful consultations. However, civil society organizations report many instances in which adequate prior notice and consultations were not provided to the affected families. Does the government envision of situations where these guidelines are not to be observed? What are the justifications for such non-compliance with domestic and international law?
5. With reference to para. 611 of its 2006 State report, the government mentions Executive Order 152 (EO 152) as emphasizing the need for strict compliance with the requirements of Section 28 of RA 7279, which requires the concerned departments and agencies, including concerned local government units (LGUs), to secure from the Presidential Commission for the Urban Poor, prior to the actual implementation of demolition and eviction, a certificate of compliance (COC) indicating that adequate consultations, adequate resettlement and relocation facilities are available, and the pre-relocation provisions have been complied with. Civil society organisations in Metro Manila however report that the Metro Manila Development Authority (MMDA) has largely ignored if not outright violated EO 152 from 2004 to the present by securing a certificate of compliance (COC) from the Presidential Commission for the Urban Poor prior to conducting demolitions. At the October 12, 2007 hearing of the Senate Committee on Urban Planning, Housing and Resettlement, MMDA chairman Bayani Fernando reportedly stated that the MMDA does not observe EO 152. Can

the government provide information as to why a Cabinet-level government official commits forced evictions with impunity? Moreover, some local government officials also do not observe EO 152. What actions has the government undertaken vis-a-vis such persons or authorities?

6. The same Executive Order no. 152 empowers the Presidential Commission for the Urban Poor (PCUP) on its own initiative or upon complaint of any party to investigate and to file appropriate criminal, civil or administrative case against any person or persons found to have violated the provisions of Section 28 of RA 7279 or its implementing rules and regulations. Can the government provide information as to how many cases has been filed by the PCUP against violators of Section 28 of RA 7279?
7. Some government officials have stated that poor families who built structures after March 28, 1992 – the effectivity date of R.A. 7279 or UDHA -- are not covered by the provisions of the UDHA. Because of this interpretation, many urban poor families were forcibly evicted and not given relocation. On the other hand, according to NGOs as well as some politicians and government officials -- including the Chairman of the Presidential Commission of the Urban Poor -- among others, that Section 30 is premised on the fulfillment of Section 17 of the UDHA. Section 17 requires the government to conduct a registration of socialized housing beneficiaries one year after the entry into effect of the law. The government, however, failed to comply with this, thus Section 30 cannot be used to justify forced evictions. Is there an official government document stating that those who came to the city and built structures after March 28, 1992, are not covered or protected by the UDHA?
8. How does government reconcile this approach with the Committee's General Comment No. 7, para. 17, which states, "Evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available"?
9. The government's definition of so-called "professional squatters" as set out in Section 27 of R.A. 7279 is vague and may thus include legitimate urban poor individuals and families, underprivileged persons and/or the homeless. Section 27 of the UDHA states that "professional squatters or members of squatting syndicates shall be imposed the penalty of six years imprisonment or a fine of not less than sixty thousand pesos (P60,000) but not more than one hundred thousand pesos (P100,000), or both, at the discretion of the Court." The law does not give adequate parameters for what constitutes "sufficient income" in the context of "professional squatting", given the prevalence of poverty and other factors that affect income and expenditures. It also categorizes as "professional squatters" families who sell, lease or transfer an awarded housing. The category evidently includes many cases of poor families who left distant resettlement sites because of the lack of economic opportunities and basic services. It apparently includes as well poor families in need of housing, but who, through force of circumstances, occupied lands reserved for housing. Included also in the list of "professional squatters" are families who reside in informal structures built after March 28, 1992. Considering that the list of so-called professional squatters clearly runs counter to the ICESCR and its General Comment No. 4 on the right to adequate housing, is the government contemplating to review -- if not abolish -- the category of so-called "professional squatters"?

10. In its 1995 Concluding Observations, the Committee observed that Presidential Decree 1818 restricts the right of due process in the case of evictees. In its place the State has instituted RA 8975, the Anti-Injunction Law of 2000, which limits to the Supreme Court only the power to issue a restraining order when questions are raised on the compliance by the implementing agency of a national infrastructure project. Can the State provide details of instances of such injunctions or restraining orders issued by the Supreme Court? Considering the backlog of cases at the Supreme Court, what steps is the government taking to ensure that those threatened with eviction can access in practice due process rights?
11. With reference to para. 639 of the 2006 State Party Report, 4,000 families in the Sampaloc portion of the railroad affected by the Southrail project have lobbied the government since November 2006, in line with para 667 of its 2006 State report on beneficiary-led resettlement, to be resettled in Rodriguez municipality since it nearer to their sources of livelihood and jobs and has accessible services such as water, electricity, schools, clinics and transportation. Considering further that the affected families will repay their resettlement package via a 30 year mortgage, can the government provide information as to why the affected families' right to choose their relocation site is denied and why they are apparently instead expected to go to a distant resettlement site such as Southville II in Trece Martires City?
12. Why is the government not providing adequate relocation to the thousands of families and communities affected by other government projects such as the Road 10 Expansion, the Metro Guwapo (Beautification) and Flood Control Projects? How does the government justify the low levels of compensation offered (amounts ranging from 5,000 Pesos to 22,000 Pesos), where such compensation is offered at all?
13. The government does not compensate evicted families for the loss of income, personal belongings, houses, etc., but instead offers them a relocation loan to be repaid in 30 years at 6% percent per annum on the principle of cost recovery. Can the government provide information as to why it does not compensate the losses of the evicted families?
14. Can the government provide information as to why in coordinating and implementing bodies such as the Local Interagency Committee (LIAC) civil society organizations have only minimal representation? Why is the selection of civil society representatives done by a government agency, such as the Presidential Commission for the Urban Poor (PCUP)? Why are civil society organizations which are not formally registered by the government, such as that of the Security and Exchange Commission, excluded?
15. With reference to para. 639 of the 2006 State report, it is mentioned that, in the case of the so-called "Northville" communities relocated from the Northrail and Southrail lines, the relocatees voluntarily moved to their respective resettlement sites. However, a number of affected families have stated that they were in fact bullied by public officials into demolishing their own structures. Otherwise, they were told, the government demolition crews would demolish the houses themselves, and the affected families would not be able to save what was left of their housing materials. Some were further told that they would forfeit any possibility for relocation if they did not destroy their own housing. Moreover, many claim that they were forced or put under pressure to sign waiver statements.
16. According to civil society reports, among primary reasons these persons did not want to go to the government relocation sites such as Southville I and Southville 2 is distance from their sources of income and jobs, as well as the lack of basic services and facilities. For example, a year and a half after their relocation, 50% of the families relocated to

Southville I still do not have electricity and water. The government considers the provision of basic services such as water, electricity, drainage, sewerage and transportation access as services to be implemented incrementally when funds are available when in fact, RA 7279 requires that these be in place when families are relocated.

17. Furthermore, relocated families such as those in Southville 1 in Cabuyao, Laguna reportedly state that they have not received contracts from the NHA but they are already being threatened with house foreclosures if they do not pay their monthly amortization.
18. The 1987 Constitution, Article XIII, Section 10 holds that adequate consultation should be conducted with them and the communities where they are to be relocated. However, many families in Southville I who were relocated from Makati and Manila say that the local government of Cabuyao did not treat them as citizens with equal rights as those in the municipality of Cabuyao by not extending medical services to them and thus forcing them to bring their patients back to Makati for treatment which is 50 kilometers from Cabuyao.
19. In its 1995 Concluding Observations, at para. 16, the Committee mentions adequate resettlement and General Comment no. 4, but reports from relocated families in the Northrail and Southrail resettlement sites indicate that basic services and facilities are still very inadequate. In Southville 2, for example, some 10 housing units collapsed after a heavy downpour.
20. Is incremental development government policy on the provision of resettlement to the affected families? Does incremental development mean incremental provision over time of basic services to the relocated families? If so, it clearly does not conform to General Comments nos. 4 and 7 of the Committee. How does the government ensure that its resettlement guidelines comply with these two relevant General Comments of the Committee?
21. We note that government provides some financial and housing assistance for families evicted along the North and South Rails, yet do not provide the same for those evicted along creeks in Manila, Quezon City and Pasay City. Why is there exclusion of some communities in relocation plans?
22. Concerning an NHA resettlement area in Velasquez, Tondo Foreshore Project affecting 116 families who were awarded 7 hectares of land during the Marcos Administration, is the government aware of the threat to the security of tenure with the imminent demolition of these families because the Ayala Corporation is invoking its right of way?
23. Concerning the location of many relocation sites in environmentally disaster-prone areas, we urge the Committee to inquire as to whether there are criteria in purchasing socialized housing sites for resettlement to ensure they are safe from disaster-related events, as in the cases of Bicol, where the resettlement site is near the active volcano Mt. Mayon, or near a dumpsite as the relocation sites in Cebu and Bulacan. What explains the widespread tendency to allocate land for relocation areas that are environmentally unsafe?
24. The Women in Nation Building Law stipulates that women should take active participation in decision-making and be accorded with equal rights and opportunities in all phases of any government development project. How is this law implemented in cases of

eviction and relocation? The law further states that at least 5% of all government programs should be allocated for gender and development. How is this being carried out in the case of voluntary relocation and projects under "incremental development"?

## **2.B. Resettlement Provision Allocated as a Result of Presidential Proclamation**

*The questions listed below are with reference to paras. 648 to 654 of the State Party Report on Presidential Proclamations on Housing. At issue are the government's recognition of issues and concerns affecting the provision of security of tenure in the proclaimed areas (or lack thereof), as well as the difficulty in accessing the Local Government Units' resources to support the implementation of various post-proclamation activities.*

25. With reference to Government Report para. 654(4) on the difficulty in accessing Local Government Unit (LGU) resources to support the implementation of various post-proclamation activities, why does the Government not allocate budget for post-proclamation activities? Why depend solely on the LGU's budget?
26. What are the criteria for selecting sites for presidential proclamation?
27. In cases in which the Local Chief Executive refuses to convene the Local Inter-Agency Committee (e.g., Mayor Atienza, specifically for the Parola and Baseco areas in Manila), how does the Government ensure that the proclaimed areas are provided to qualified beneficiaries? How does the Government ensure that post-proclamation activities are implemented?
28. In relation to the experiences of Bicol and Cebu the very bureaucratic proceedings for beneficiary selection, we urge the Committee to inquire as to how effective the proclamation processes are in securing the tenure of the beneficiaries.
29. With reference to Government Report para. 654, and specifically the issues of overlapping boundaries, the presence of adverse claimants, and portions of some proclaimed sites as being unsuitable for residential purposes, we urge the Committee to inquire as to why the Government has not addressed these issues considering that these issues are already among the challenges it recognizes and faces. What are Government's specific resolutions on these? To give an example, according to members of Philippine civil society, whenever the National Housing Authority (NHA) or the Housing Urban Development and Coordinating Council is asked about a technical matter, such as overlapping of boundaries, and/or in the case of Cebu, where there is a proclaimed lot, the NHA has frequently responded that it could not find the title. When asked about what steps could be taken to address this, the NHA has reportedly stated that it did not know what to do.
30. Is Government aware of Presidential Proclamation 409 covering an area of 32.27 hectares in Cebu with around 1,300 families that the Provincial Government is threatening to have reverted or recalled?
31. Concerning the case in Footnote 40 of the State Party Report, can the Government provide information as to whether this is a typical case or an atypical case, and how much

land in total has been provided by proclamation to the dwellers on the North and Southrail lines.

## **2.C. Provision of Basic Services to Relocated Persons**

32. In its 1995 Concluding Observations, at para. 31, the Committee recommended that when it relocates evicted or homeless persons or families, the government should pay attention to the availability of job opportunities, schools, hospitals or health centers, and transport facilities in the areas selected. Can the government provide information as to why it has opted to relocate thousands of evicted families to relocation sites 50 to 100 kilometers, such as the Southville I in Cabuyao, Laguna and Southville II in Trece Martires City and Calauan in Laguna, where there are few or no jobs or economic opportunities, schools, hospitals or health centers and/or adequate transport facilities?
33. Concerning the lack of provision of health services to newly relocated families by the accepting communities (e.g. the relocation of families from Makati to Cabuyao, which is some 50 kms away), where because of absence of proper turnover from the local government of Makati to the local government of Cabuyao, there is a resulting non-recognition by the latter of the health needs of relocatees, we urge the Committee to inquire why the government does not implement a consultative process to formally accept the relocated families in the new communities.
34. In general, how does the Government ensure that in the transition between prior housing and new site there is uninterrupted coverage of all services, including education, health care, waste removal services, provision of water, and other related basic services?
35. Points 604 and 670 of the Government Report mention that provision of basic services is necessary. The Covenant and its relevant commentary likewise stipulates the criteria for adequate housing. Civil society experience in this area indicates that in the case of relocation sites from Camanava/Norzagaray, Sapag Palay, Cebu, Cabuyao, Cavite and others, it has taken 3 to 5 years after people have been settled for roads, water, electricity, market, schools and health centers to be installed. These services are likewise expensive. The Accessibility Law is not considered in the provision of facilities and infrastructure. Many titles do not include the wife's name, and most importantly, job creation or the provision of transport to existing jobs is not part of the resettlement plan. We urge the Committee to seek information as to how many of the reported housing programs of Government can be considered "adequate housing" in relation to ICESCR Article 11 (as defined by General Comment No. 4), which deals with adequate housing (paragraph 600 to 670).
36. We note that the delay in the development and provision of basic services is a condition that in many instances enables independent contractors to offer these same services (e.g. water and electricity) at exorbitant prices. We would urge the Committee to inquire is there a government agency that enforces regulations to protect informal settlers from unscrupulous elements that monopolize basic services, such as water, electricity, and related fundamental goods.
37. Does the Government provide basic services (e.g. water, electricity, waste removal facilities, etc.) to informal settlements that have no secure tenure? What is Government doing to address this issue? Further, we note that by and large, many informal

settlements that do not have secure tenure are not provided with basic services, which result in settlers paying more for these services because they are illegally connected. We urge the Committee to seek information on what measures Government is taking to ensure informal settlers' fundamental human rights are respected.

38. Concerning Community Mortgage Programs or self-help housing beneficiaries whose experience is that following the provision of homes they are left to fend for themselves without government assistance, we urge the Committee to seek information on who provides basic services, facilities and infrastructure.
39. On the basis of disaggregated data in their surveys do Government agencies give priority to the needs of weak groups among the displaced - children (school, playgrounds), women (health centers, access to water and facilities), elderly and Persons With Disabilities (accessibility), workers (job placement or transport), to reduce adverse effects of dislocation?
40. Related to this, can the Government provide information as to how many do not have work and how many it has assisted to find work? What measures has Government taken if it cannot provide work to relocatees at the relocation site, to lessen the burdens attached to dislocation?

## **2.D. Housing Finance**

*The following questions are with reference to para. 624 on the Comprehensive Integrated Shelter Finance Act (CISFA) and paras. 637 to 647 on Policies and Programs on Community Program Program (CMP), as well as to related government policies.*

41. We urge the Committee to seek information on how effective, efficient and sustainable are the Government's finance programs and policies particularly as to the release of funds, identification of beneficiaries on whether financing goes to the right beneficiaries, monitoring, audit, and field-based verification aspects. Additionally, can the Government provide data on the number of beneficiaries, the expenditure and the services extended by housing agencies? Is there a system in place for fair allocation of housing finance?
42. How accessible are the programs to the most vulnerable sectors considering affordability, and financing requirements?
43. Are there safety nets for those who cannot afford or access these programs, such as the poorest of the poor, the elderly, single-headed households, and economically displaced people?
44. How does the Government ensure the participation and involvement of LGUs, civil society, and other sectors in housing finance in delivery in relation to the localization of CMP wherein LGUs are encouraged to become co-implementer of the CMP?
45. What steps has Government taken to ensure local mechanisms (e.g. Local Housing Boards) are institutionalized, and that various sectors are able to participate in these mechanisms?

46. Concerning the 20% Balanced Housing provision of UDHA, we urge the Committee to seek information on whether this is being complied with. For example, how many developers have complied with it and how much have they contributed?<sup>5</sup> Second, what measures are Government taking to prevent developers from circumventing Section 18 of the UDHA? to circumvent compliance with it. Third, what mechanisms exist -- and how effective are these -- in ensuring that the 20% Balanced Housing provision can benefit or be enjoyed by the settlers of the locality where high-end subdivisions are constructed.
47. Has the Government taken stock of the housing backlog and, in light of this, why has it not allocated additional resources other than the Social Housing Finance Corporation, which is limited, to address the housing backlog?
48. Concerning the sustainability of the Social Housing Finance Corporation (SHFC) given its dependence on the General Appropriations Act and the deliberate lack of financial planning for its sustainability, we urge the Committee to seek information as to how it intends to address this problem.
49. Concerning the Abot-Kaya Pabahay Program that is part of the CISFA, can the Government provide information as to how funds in this program are being utilized?
50. Concerning the performance of CMP, can the Government provide information on how much has been repaid and where these are being utilized giving the lack of inventory, and given the Government's claim that the CMP has the highest repayment rate compared to high-end housing?
51. Can the Government provide information on how much funds are being used by the SHFC for operations and how much flows back as revolving funds for housing?
52. What is the ratio of the funds to the number of families being served by the SHFC?
53. Given the increasing housing backlog and despite the SHFC, which is insufficient, we encourage the Committee to engage the Government on the need to establish or create another social housing finance entity to support the resettlement areas and not rely solely on SHFC for CMP.
54. Can the government offer information as to why it refused the offer of financial assistance (loan) by the South Korean government as mentioned in its May 11, 2007 letter for the resettlement of families affected by the Southrail project?

### **3. Right to Work and Related Labour Rights**

55. In 2002, the National Statistical Coordination Board's (NSCB) Bureau of Labor and Employment Services estimated that about 63% of the Philippine labor force are part of the informal sector. Some estimates put this figure even higher.<sup>6</sup> Some of these persons

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<sup>5</sup> Section 18 of R.A. 7279 on Balanced Housing Development requires developers of proposed subdivision projects to provide an area for socialized housing equivalent to at least twenty percent (20%) of the total subdivision area or total subdivision project cost.

<sup>6</sup> In 2006, according to the National Anti-Poverty Commission (NAPC), 75% of the labor force or roughly 27 million workers worked in the informal labor sector. Based on the National Statistics Office (NSO) Labor Force

were displaced regular workers from closures and/or retrenchments due to stiff competition brought about by globalization. The informal workers are composed of street vendors/hawkers, small transport operators, non-corporate construction workers, home-based workers, sex workers and others. Considering that the Philippine Labor Code mainly protects workers in the formal labor sector, what policies, programs or mechanisms does the Philippine government enforce or implement to ensure that the rights of workers in the informal sector are realized? Why has the Philippine government failed to mention in its report the state of the Philippine informal sector workers?

56. Out of the 36M labor force, only 1.8M workers are unionized. Out of which, only 266,000 workers have Collective Bargaining Agreements (CBA). Last May 25, 2007, Republic Act (RA) 9481 was passed in order to strengthen the workers' right to organize. Why is it that until now, no implementing rules and regulations have been promulgated by the executive department in order to implement this law? The executive department has said that RA 9481 is a flawed legislation, is it true that the Department of Labor and Employment (DOLE) is planning on repealing this law or diluting its advantages through the Implementing Rules and Regulations (IRR)?
57. Under present law, while government employees are allowed to unionize, they are prohibited from exercising the right to strike and are also prohibited from bargaining collectively for better wage benefits. What steps had been undertaken to address this seeming inequality between government and private sector employees?
58. The Constitution guarantees the right of workers to self-organization. How can the State reconcile this provision with the reality that in the export processing zones, the right to self organization is practically non-existent? How many unions have been formed in Export Processing Zones (EPZs)? Are there any collective bargaining agreements (CBAs) that cover workers employed in EPZs. If there are unions in EPZs, are these unions allowed to strike?
59. In the latest DOLE report, at least half of all establishments were found to be violating the law on minimum wage. Every wage order that has been issued routinely exempts companies employing less than ten workers from complying with the minimum wage. The Barangay Micro-Business Enterprise (BMBE) law also exempts entities with capitalization of less than P3M from complying with the minimum wage. All told, this comprises more than 80% of all establishments in the Philippines. Is minimum wage still relevant? How does the State reconcile this situation with the constitutional mandate that workers are guaranteed the right to a living wage?
60. In paragraph 125 of the report, the state claims that the law provides for the deployment of workers only in countries where the right of migrant workers are protected. However, the state still deploys workers to other countries where the rights of the migrant workers are not sufficiently protected. How can the government reconcile this seeming disparity between the mandate of the law and its implementation?
61. In paragraph 127, the state boasts of huge remittances from the migrant workers. How does the government repay the contribution of the migrant workers to the Philippine economy? Are there any programs or policies in place on how such remittances are used

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Survey of Philippine Business and Industry, there were 24,666,680 workers who were part of the informal sector as of year 2005. This is circa 76.34% of the entire labor force. The figure was presented by the NSO during the 2007 National Conference of the Employers Confederation of the Philippines (ECOP).

in a manner that is beneficial to the Overseas Filipino Workers (OFWs) and their families? How does the government ensure that these remittances are used in order to develop the local economy?

62. Republic Act No. 8042 (Migrant Workers and overseas Filipinos Act of 1995) states that “the State recognizes the significant contributions of the Filipino migrant workers to the national economy through their foreign exchange remittances but the State does not promote overseas employment as a means to sustain economic growth and achieve national development” (sec. 2 [c]). At present, there are more than 7 million migrant workers distributed in 190 countries around the world and with at least 3,000 workers leaving the country per day. Is the present migration an internal policy of the state violating its own law? What are the long range measures to curb the migration of Filipino workers?
63. The past years have witnessed the intensified contractualization in the private sector. As a result, the right of employees to security of tenure at work has been significantly diluted. What policies has the government implemented in order to protect the rights of the workers to security of tenure? Can the government comment on the proliferation of manpower cooperatives and subcontracting mechanisms?
64. Child labour is rampant, especially in the rural areas. What are the mechanisms provided by the government to implement Republic Act 9231 (An act providing for the elimination of the worst forms of child labor and affording stronger protection for the working child...) and its implementing rules to enforce this law?

#### **4. Right to Food**

65. How does the Philippine Government realize the peoples’ right to adequate food? Does the Government take the Committee’s General Comment No.12 as guide?

##### **a) Nutritional Adequacy/Food Safety**

66. As to the matters set out under Government Report paras. 532 and 535, we respectfully urge the Committee to inquire for details as to how the National Salt Iodization and Food Fortification programs contributed in arresting malnutrition of Filipinos?

##### **b) Availability and Accessibility**

67. Noting the Committee’s previous Concluding Observations at paragraph 19, in which it pointed out the inadequacy of the agrarian reform program, where there is lack of funding and implementation measures, we request the Committee to ask if there was an improvement as regards budget allocated for economic and social services which include the Comprehensive Agrarian Reform Program (CARP) and the Agriculture and Fisheries Modernization Act (AFMA)<sup>7</sup> vis-à-vis foreign debt payments<sup>8</sup>?

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<sup>7</sup> RA 8435, an Act which prescribes urgent related measures or safety nets to modernize the agriculture and fisheries sectors in order to enhance their profitability, and prepare said sectors for the challenges of globalization through an adequate, focused and rational delivery of necessary support services.

<sup>8</sup> [http://www.dbm.gov.ph/dbm\\_publications/all\\_besf/BESF\\_B7.htm](http://www.dbm.gov.ph/dbm_publications/all_besf/BESF_B7.htm)

68. How does the government ensure that the budget allocated for these programs are used for its intended purpose considering the allegations of corruption such as ‘fertilizer fund scam’<sup>9</sup>, aside from the fact that the Philippines is perceived to be among the most corrupt countries in the world, as per report by Transparency International<sup>10</sup> and the Hong Kong-based Political and Economic Risk Consultancy<sup>11</sup>?
69. Based on the report, Philippines is 96% rice-sufficient, how does the Philippine Government equate this with the statistics that indicate that rates of hunger continue to rise as per report by the Social Weather Station (SWS<sup>12</sup>) survey and Food Insecurity and Vulnerability Information and Mapping Systems (FIVIMS) study despite the programs implemented by the government?

### c) Cultural Acceptability/Food Safety

70. What are the concrete programs of the government on food labeling specially those containing genetically modified organisms?
71. In the light of government’s aggressive promotion of mining to attract foreign investment, what are the steps undertaken by government to ensure sustainability of food resources to avoid mine tailings contamination as what happened in many cases which include the Marcopper toxic mine disaster<sup>13</sup>, La Fayette’s case<sup>14</sup> and the collapse of a wall

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<sup>9</sup> On 2 March 2006, the Philippine Senate Blue Ribbon Committee and the Committee on Agriculture and Food said President Gloria Macapagal Arroyo should be held accountable for the mismanagement of P728-million fertilizer fund. The Committees reported that testimonies showed the fund “was indeed used to assure her victory in the 2004 election”. (See <http://www.pcij.org.blog/?p=689>).

<sup>10</sup> Based on the annual Corruption Perceptions Index by Transparency International, the Philippines ranks 131<sup>st</sup> out of the 180 nations studies, with a 2.5 rating in 2007; 121<sup>st</sup> in 2006 at 2.5 rating; 117<sup>th</sup> in 2005 also at 2.5 rating; and 102<sup>nd</sup> in 2004 at 2.6. The index score relates to perceptions of the degree of corruption as seen by business people and country analysts and ranges between zero, which is highly corrupt, and 10, which is very clean.

<sup>11</sup> The Philippines replaced Indonesia as the country with “the distinction of being perceived in the worst light this year” as per survey made by the Political and Economic Risk Consultancy (PERC). In a grading system with zero as the best possible score and 10 the worst, the Philippines got 9.40, worsening sharply from its grade of 7.80 in 2006.

<sup>12</sup> In its September 2-5 2007 survey, SWS reported that 21.5% of Philippine households suffer from hunger, without anything to eat – a new national record in a span of almost ten years (see <http://www.sws.org.ph/pr071001.htm>).

<sup>13</sup> On 24 March 1996 a cement plug in the base of a tailings pit burst at the Marcopper mine on Marinduque Island in Central Philippines. Poisonous waste began to pour into the nearby Boac River. The leak took months to stop, by which time an estimated four million tonnes of grey, porridge-thick tailings had filled the river bed and caused widespread flooding and damage to property and rice fields. Five villages had to be evacuated and an estimated 20,000 villagers living along the river and its estuary were affected, according to a UN report. Today the river mouth and bed are still filled with waste and the metals in the silt are generating acids. The local economy and ecology have been devastated. (See <http://cpcabrisbane.org/Kasama/2004/V18n4/BreakingPromises.htm>).

<sup>14</sup> The Lafayette open pit mine area occupies 180 hectares (445 acres) of the Philippine island Rapu Rapu. Early on, environmentalists warned that siltation and pollutants from the mine would pose a risk to the island's coral reefs; locals worried about the their limited supply of drinking water and their livelihoods, which are mostly dependent on the sea. On October 11th and 31st, 2005, cyanide spills proved these fears valid. (See <http://oceans.greenpeace.org/en/footer-links/search-results?q=rapu+rapu>).

of the tailings pond of an open-pit gold mine in Siocon, Zamboanga del Norte <sup>15</sup> and other similar incidents?

## 5. Right to Health

72. Based on the Millennium Development Goals (MDGs) for health, the country is lagging behind in reducing maternal mortality rate with 172 deaths per 100,000 live births. (1998 National Demographic Health Survey (NDHS)). This is still relatively high compared with other Asian neighbors like Indonesia and Malaysia. (National Coordination and Statistics Board press release on 2003 NDHS results) Only 77% of mothers receive the minimum three prenatal checkups—and almost half of these are performed during the first three months of pregnancy. Only 75% of women receive iron supplements, a little over 57% receive iodine, only 33% receive tetanus toxoid immunization, and only 33% are informed of the danger signs of pregnancy. (Asian Development Bank 2004 reprinted from Population Commission 2001)

Please provide additional information on the Philippine government's policies and programs on reproductive health care because it is noticeable that the report did not elaborate on these measures.

73. A frequently-reported problem with the devolved structure of the country's health system has been the lack of commitment of some Local Government Units (LGUs) to invest and prioritize public health concerns. But there are also some LGUs who are willing to invest more on health but are financially constrained (3<sup>rd</sup> and 4<sup>th</sup> class municipalities).

What mechanisms are in place to ensure that health services as part of the right to health are being enjoyed by the people at the community level despite the devolution of powers from the national government to local government units (LGUs)?

74. The Generics Act of 1988 was enacted to ensure that the prices of medicines will be affordable to majority of Filipinos. The law also states that "it will regularly advertise or provide information on the list of generics and price comparison to branded drugs and its generic counterpart."

Can the government provide information on how the Generics Act has been implemented? Has it facilitated the provision of cheaper medicines to poor Filipinos?

75. "The World Health Organization (WHO), in its World Health Statistics in 2007, gave the Philippines dismal rankings in various health provision indicators. Among 192 countries, the Philippines ranked 153<sup>rd</sup> in terms of government spending on health as a share of a country's total health spending. Filipinos have increasingly relied on out-of-pocket expenses on health, as against government allocation. The country also ranked 156<sup>th</sup> in terms of the share of the government budget going to health". (IBON, Media Release, October 3, 2007)

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<sup>15</sup> A dam reportedly filled with sulfuric oxide and operated by Canadian-owned TVI Resource Development, Inc. collapsed, sending highly acidic water into the resource-rich Siocon Bay in Zamboanga del Norte (see <http://istambay.wordpress.com/2007/04/04/mining-dam-collapses-in-siocon-zambo-norte/>).

The Department of Health's (DOH) share in the 1.23 trillion peso national budget constitutes only a total of 1.3% – a minimal increase from 1% share in 2007. Among the national agencies, the DOH ranks 7<sup>th</sup> at present from being 8<sup>th</sup> in 2007 in terms of its share in the national budget. In the proposed 2008 national budget, only 1.5% of the total budget will go to health. The total health budget for 2008 is 22.9 billion pesos, equivalent to just 0.31% of GDP. Health budget was marginally better at 0.58% of GDP in 1997, 0.74% in 1990 and 3.2% in 2003. (National Statistical Coordination Board-Philippines)

Can the government explain why it has not met the World Health Organization (WHO) standards stating that health budget should be equivalent to at least 5% of a country's Gross Domestic Product (GDP)?

76. It is not only the devolved set-up of the health system that poses obstacles to meeting the health targets and ensuring better health outcomes, it is also the steadily increasing number of out-migration cases among health workers that further damages the country's health system and pushes it to an impending 'collapse'.

An estimated 163,756 Filipino nurses or 85 percent of all employed Filipino nurses are working outside the Philippines in 46 countries. Since the late 1980s, there has been a steady increase in the number of health workers seeking employment abroad.

Simultaneous with the steadily high demand of skilled health professionals abroad is the Philippine government's lack of manpower needed to run its own health-care services. Around 200 hospitals have closed down in recent years, 800 hospitals have partially closed one to two wards (Philippine Hospital Association, November 2005).

Also, the nurse to patient ratios in provincial and district hospitals is 1:40 - 1:60. Some big hospitals are losing an average of 10-12 nurses a month (Philippine Legislators' Committee Publication, 2004)

What are the measures being taken and how effective are these to counter brain drain among health professionals in the Philippines?

## **6. Resource Allocation**

77. In the 1995 Concluding Observations, at para. 18, the Committee noted that the existing expenditures presented at that time appeared to benefit higher income groups at the expense of the poor. Can the government provide information showing a shift in expenditures in favor of the poor?

78. In its 1995 Concluding Observations, at para. 23, the Committee recommended that the government increase the proportion of the national budget devoted to slum upgrading and community mortgage programmes? Can the government provide information showing the increase of the proportion in the national budget for slum upgrading and community mortgage programmes.

79. In its 1995 Concluding Observations, at para. 24, the Committee recommended greater emphasis within the framework of official development assistance provided by donor

countries to support social adjustment programs for purposes such as the financing of low interest credit to the poorest farmers, slum upgrading and other programmes for housing the poor. Can the government provide information on instances of ODA supporting such programs?

80. The national budget reflects the gravity of the government's commitment to the Covenant. In its 1995 Concluding Observations, the Committee noted in Section C.: "...economic difficulties, aggravated by a strong migration from the rural to the urban areas and the servicing of external debt, have had a constraining influence on the implementation of the Covenant." Current data indicates that almost half of the government spending goes to debt servicing (interest and principal payments). Only a meager amount is allocated to the social services and other budget items that are supposed to pave the way to authentic development. The data on the government spending for 2007 demonstrate the priorities of the government. For debt service, it's P622.02 billion. For education, it's P145.93 billion. For health, it's 12.58 billion. For agriculture, it's P7.35 billion. For the military, it's P54.34 billion. For infrastructure, 71.22 billion. The source of these data is the Department of Budget and Management, the General Appropriations Act of 2007. How does the Government harmonise its obligations to uphold the Covenant, in light of such an intense debt-servicing burden?
81. Because of the Automatic Appropriations Law, the budget for debt-servicing is automatically appropriated without deliberation by congress. Unfortunately, debt servicing has the biggest amount of budget allocation leaving behind the items necessary for development. Adding more insult to injury, most of the loans being paid by the national government are illegitimate (data on illegitimate debts are attached). If the government is committed to the Covenant, is it willing to repeal the Automatic Appropriations Law? Is it willing to push for a comprehensive debt audit? Is it willing to prosecute all those involved in the illegitimate debt cases?

### **III. LIST OF PHILIPPINE CIVIL SOCIETY ORGANISATIONS CONSULTED DURING THE PREPARATION OF THIS SUBMISSION<sup>16</sup>**

Urban Poor Associates (UPA)  
Urban Poor Southville Association Inc. (UPSAI)  
Samahan ng Nagkaka-Isang Na-Demolis sa Roxas Boulevard  
Samahan ng mga Apektadong Pamilya sa Riles (SAPAR)  
Ugnayan Lakas ng mga Apektadong Pamilya sa Baybaying Ilog Pasig (ULAP)  
Community Organizing for People's Enterprise (COPE)  
Freedom from Debt Coalition (FDC)  
Medical Action Group (MAG)  
Economic, Social and Cultural Rights-Asia (ESCR-Asia)  
Fellowship of Organizing Endeavors Inc.(FORGE)  
CO – Multiversity (COM)  
Bicol Urban Poor Coordinating Council BUPCCI  
Manila Estero Informal Settlers Alliance (MEISAL)  
John J. Carroll Institute on Church and Social Issues (JJCICSI)  
Partnership of Philippine Support Services Agencies, Inc.(PHILSSA)  
Task Force Detainees Philippines  
Lihok Pilipina  
Samahan ng Pinagbuklod na Pagkakaisa – R-10 (SAPIPA – R-10)  
Kaabag sa Sugbo (KAABAG)  
Visayas Urban Poor Colloquium VUPC  
Luzon Community Mortgage Program Peoples Organization Network (LCMP – PO Network)  
Commission on Service, Diocese of Malolos  
Mindanao Land Foundation Inc. (MLFI)  
Kahugpungan sa Mindanao (KAMI)  
Philippine Network of Rural Development Institutes, Inc. (PhilNet–RDI)  
Kongreso ng Pagkakaisa ng mga Maralita sa Lungsod – National Capital Region (KPML)  
Task Force Detainees of the Philippines (TFDP)  
Kilusang Mangingisda (KM)  
Families and Relatives of Involuntary Disappearance (FIND)  
Kapisanan ng mga Kamag-anak ng Migranteng Manggagawang Pilipino, Inc (KAKAMMPI)  
Partido Manggagawa (PM)  
Partnership for Rural Reform and Development Services (PARRDS)  
Women's Institute for Sustainable Economic Action, Inc.(WISEACT)  
Philippine Human Rights Information Center (PhilRights)  
Kapisanan ng mga Kamag-anak ng Migranteng Manggagawang Pilipino, Inc (KAKAMMPI)  
Philippine NGO Coalition for Food Sovereignty and Fair Trade (PNLC) /  
Pambansang Koalisyon ng Kababaihan sa Kanayunan (PKKK)  
Women's Education, Development, Productivity and Research Organization (WEDPRO)  
Philippine Human Rights Information Center (PhilRights)  
Philippine Alliance of Human Rights Advocates (PAHRA)  
KAISAMPALAD, A Philippine NGO Network for Food Security and Fair Trade  
Sentro ng Alternatibong Lingap Panligal (SALIGAN)

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<sup>16</sup> COHRE consulted a range of civil society organizations during the preparation of this document. COHRE takes sole responsibility for its content however.