

THE LOCAL GOVERNMENT CODE AND THE RECONSTITUTION OF POWER IN A PHILIPPINE MUNICIPALITY¹

Emmanuel C. De Guzman

This study examines the reconstitution of power in a political dynasty-dominated municipality since the implementation of the Local Government Code in 1992. On paper, the Code decentralizes state power by enhancing the autonomy of local government units. It also aims to check this autonomy by institutionalizing popular participation in local decision-making processes. The study yielded two main findings: 1) decentralizing state power by enhancing local autonomy further entrenches the local power of the political dynasty; and 2) local power entrenchment keeps civil society out of the power picture, thus exacerbating corruption in local special bodies. The local people, disenfranchised of their representatives to decision-making bodies, continue to live under the yoke of poverty and an atmosphere of fear and helplessness.

New methods and techniques of political governance give priority to the role of local actors rather than to those played by the central state and its conduits. Popularization of this actor-oriented notion of governance has inspired steps to *decentralize* state-local government unit-civil society relations — a political development that redefines and reconstitutes power relations at various levels of governance. To date, the Local Government Code of 1991 has been the most significant step in this direction in Philippine political life. Has this process of decentralization actually occurred in local politics? This paper seeks to answer this question by looking at power relations in a dynasty-dominated municipality eight years after the passage of the Code.

THE LOCAL GOVERNMENT CODE AND DECENTRALIZATION

Inspired by the reformist upsurge accompanying the EDSA uprising, the two legislative chambers, after a long and tedious process, passed Republic Act 7160 or the Local Government Code (LGC) in October 1991. Its implementation, begun in 1992, launched an ambitious program that sought to transform local and national government relations. Foremost among the LGC's objectives was to decentralize local government units (LGUs) by giving them the autonomy to determine the course of their own development. Conceptually, decentralization involves "the dispersal of power and authority from the central to the local government units so as to allow smooth and unhampered flow of government operations" (Buendia 1996). On paper at least, this dispersal diminishes the control of national government over local governments in various areas of government work. In the process, it also creates organizational structures or institutions that can be taken to be democratic in character. As a process of governance, decentralization also taps subnational levels of government, field offices of national government agencies (NGAs), non-governmental organizations (NGOs) and other people's organizations (POs) groups as primary actors for democratization and development. It is in this sense that reformers and radicals pin their hopes on the LGC as a new vehicle for addressing people's needs in distant municipalities and for democratizing decision-making processes and structures at the local levels. The Code has been described as a "landmark legislation in the Philippines" that has "provided for the highest form of decentralization and inspired the most enduring commitment possible for any ruling administration" (Panganiban, 1995).

The implementation of the Code, however, is another story. One obstacle to decentralization, for example, is the structure of local power politics, i.e. the traditional domination of it by local elites (Agpalo 1972). Mostly composed of strong and rich political clans, these local elites have the tendency, if not the conscious intent, to work against popular participation as this is perceived as a threat to their dominance in their localities. These elites traditionally belong to local landowning families in agricultural communities. They have also been elected to key local posts in LGUs, and are, thus, both economically and politically entrenched. A recent rapid field appraisal of decentralization sponsored by the United States Agency for International Development or USAID (ARD/GOLD 2000) confirms this assertion. In this appraisal, the continued practice of political patronage, along with the inability of civil society to deal with powerful political clans, was most often cited as the problem of decentralization in governance and development planning. Worse, even those who conducted the appraisal admitted they were clueless on how to solve this problem.

Some understanding of the situation emerges when the implementation of the LGC is seen in terms of state-society relations and the dilemmas facing dynasties and local democracy.

STATE-SOCIETY RELATIONS

Generally speaking, “civil society” is a term that encompasses all groups and forces that voluntarily involve themselves in the political, economic and cultural affairs of society. Usually equipped with democratic vision, principles and goals, civil society groups have been seen as counterchecks of, and safeguards against, traditionally powerful entities and interest blocs in society. The Jesuit sociologist Carroll (1999) traces the local origin of the term “civil society” in the Philippines “through meetings held in Palawan and Subic, plus a series of articles in *Intersect* and various newspaper columns in 1994”. Thus formalized, the term has been generally accepted to encompass both collective social actions done by democratic voluntary organizations, as well as theories that explore the roles of values and power in society, the state and people empowerment.

Drawing inspiration from the EDSA experience in 1986, Karaos (1994) asserts that “one of the most transformative aspects of civil society is its conception of power.” Since civil society became a social force, the traditional and purely utilitarian notion of power as “the ability to shape the actions and behavior of others in accordance with one’s design” has been actively contested by civil society adherents and activists. Rather than being seen as coming from above, power has since been regarded as a force that is “founded on a consensus of goals and values.” Power is based on the collective agreements and aspirations of the very people who exercise it. In this sense, power is intrinsically legitimated since those who are supposed to be inspired to (social) actions are the very persons who envision what actions should take place where, when and for whom. At the very core of civil society, therefore, resides a democratic definition of power that challenges traditional notions of power and transforms the nature of social institutions such as the State, the church, and the mass media. Power in civil society has become a moral force” (Porio 1997: 2).

Through decentralization, the power of the State to penetrate or lead society has, thus, been redefined. But voluntary organizations such as NGOs and POs that embody civil society may also face the problem of being harassed, threatened, or co-opted by local elites whose members usually belong to large and influential clans in the three tiers of governance. Civil society actors, by wielding power and influence in local governance, may also have the tendency to become “a new type of local elites” (Zialcita et al. 1995). It is an important point to consider in examining the reconstitution of power in a Philippine town.

LOCAL DYNASTY AND LOCAL DEMOCRACY

No law has ever been practiced in society without practical modifications or even violations. Social reality is always a confluence of forces that constitute and constrain day to day experiences. Since decentralization, for instance, privileges the institution of local autonomy, political practice may evolve to give more unregulated powers to already entrenched local power holders and brokers (like elites and warlords) in a way that thwarts local democracy. But the existence and implementation of

such a code necessitates that some significant aspects of this lived reality, particularly the power relations between local actors and the local political structures, are affected or changed. In any case, since social life continues to go on despite laws that try to structure the social world, some sort of consensus or compromise formation on how to deal with such laws must be reached. This consensus can take place voluntarily or through the employment of power by traditionally powerful groups in localities. This study examines how power has been reconstituted, if at all, from the old (pre-decentralization) to the new (since decentralization) regime.

To do so, this study locates and analyzes decentralizing organizational structures and processes, power players and groups as well as their interrelationships. Such a task should bring to light the extent of local democracy or the level of democratization that has been attained since the implementation of the Code in 1992. It is possible that these structures and institutions have never really been established or have only been created as dummy groups to follow formal requirements mandated by the LGC. Similarly, the processes of decentralization may appear democratic and participatory on paper but not in practice.

Continued central control amidst the rhetoric of decentralization negates the institution of autonomous local democratic structures. As well, elite control and manipulation of local structures and processes frustrate the establishment of local democracy and group empowerment at the local level. By the same token, control and manipulation by the local elites threaten democratic consultation and participation at the local level while central control threatens the same at the national level. The very nature of power, as has been reconstituted through decentralization, can thus be examined via the State-LGU-civil society triangle. It is possible, however, that LGU officials can strike a balance between the two power players (the State and the civil society) and the implementation of the LGC. It is thinkable that, given the devolution of power and the (supposedly) ensuing autonomy that results from this devolution, an LGU can work as both a channel of policies from the national level and a democratic processor of such policies at the local level. The viability of this vision must be made known and appraised.

Local democracy means something more than, and different from, the election of representatives to public positions (Phillips 1996). Local people have to be involved in higher levels of participation where they are given many opportunities to air their concerns. Enhancing local democracy, in this sense, eventually develops a sense of community as stakeholders reach a mutual understanding about their conditions and concerns. At the same time, local democracy/empowerment should enable local people to check some traditional powers that dominate people's daily lives.

THE SITE

The site of this study is a provincial municipality that has been host to perhaps the longest existing political dynasty in the history of Philippine politics². Since the first post war local election was held in this town (1947), the surname of the mayor has not changed. This dynasty, helped immensely by the astuteness and strong character of one "big man" (McCoy 1994), has virtually colonized the entire province in which the municipality is situated. Family members take turns occupying political positions such as those of being governor, vice-governor, congressman, mayor, vice-mayor councilors. A great grandson of the "big man," who was then barely out of his teens, even became a barangay captain a few years back. Despite this "circulation of the elites" (Mills 1956) among clan members, the town for the last seven years has been a site of decentralization that boasts the conscious establishment of local democratic structures and processes through people's participation in decision-making, policy formulation, implementation and evaluation processes. This conscious democratizing concern of the LGC makes an interesting case study of how the local elites in the site, led by the family of the powerful political clan, negotiates its interest and reconstitutes it in and through the new dynamics of power brought about by the Code.

FIELDWORK AND DATA COLLECTION

Fieldwork was done from July to January of 1999. Data collection methods included direct and participant observation, key informant interview and secondary data collection. The researcher directly observed and participated in Municipal Council sessions and meetings of the Municipal School Board and the Health Board. Documents provided by the then acting municipal secretary helped to identify key informants. Interviews were conducted at the homes of the informants usually on Saturdays and Sundays. These key informants, totalling 12 persons, included “civil society” representatives in the local education and health boards, municipal councilors who were members of the said boards, local municipal employees and local leaders who failed to be included in the boards. Much of the data collected had to do with local decision-making processes, selection procedures of board members, as well as resource mobilization and utilization processes. Data on the constitution of power prior to the LGC were culled from retired municipal hall employees and key informants.

SUMMARY OF FINDINGS

Three major findings emerged from this study: the further entrenchment of the local dynasty by the Code, the marginalization of local civil society groups, and the exacerbation of traditional municipal corruption. These outcomes underscore the entrenching effects of excessive local autonomy and the ensuing failure of attempts to establish local democracy at the site.

Further entrenchment of a local dynasty

The municipality is the site of an enduring political dynasty or clan that surfaced in the post war period and has since then dominated the entire province. Before the implementation of the Local Government Code, the clan already controlled local politics through the use of various strategies ranging from the extralegal (patronage, charity, *compadrazgo*) to the illegal (fraud, violence and terrorism) while cornering for itself—and for its own maintenance—the resources of the municipal and provincial coffers.

Before the implementation of the Code, the municipal resources (funds, equipment) were already being used by the mayor for the personal gain of his loyal henchmen and political allies. The Code failed to alter this practice. In fact, the Code exacerbated the situation as its provisions left the socioeconomic and political fields open to further clan misuse and abuse. As it was before, it is still the loyal henchmen and political allies who oversee and manage the clan’s political interests in the municipality. These political caretakers are composed mostly of relatives of the clan’s long-time political friends who divide among themselves the loot available in the municipality. They also often fight among themselves over how the loot will be split. Dividing the spoils is the clans’ way of rewarding people for their loyalty and service to the dynasty—the same strategy used by its old patriarch when he was still the clan’s head honcho.

The Code’s provisions for local autonomy granting corporate status (Title 1, Chapter 2, section 14) to LGUs actually open the way to further entrenchment of traditional-patrimonial leaders. By granting corporate status to the LGUs, the Code also accords them the powers typically conferred on private corporations, among them the power to “generate and apply resources” (Title 1, Chap. 1, Sec. 18), “enter into contracts” (Title 1, Sec. 22) and “negotiate and secure grants.” With such political and economic powers, the local dynasty easily co-opts NGA functionaries who are supposed to check these powers. These provisions, thus, legitimize dynasty control of social service agencies such as those for health and education. They also provide clan members with additional resources to secure the personal loyalty of their henchmen and paint a philanthropic picture of themselves by being patrons, brokers, job-givers, saviors in emergencies, even “guardian angels” of local people (Siddel, 1999). More important, the provisions strengthen the dynasty’s capacity for unilateral control of provincial power.

Similarly, the Code’s provisions on Internal Revenue Allotment (Title 3, Chap. 1, Sec. 284), Special Education Fund (Chap. 2, Sec. 309) and Development Funds (Title 6, Sec 109) enable the

clan to use extralegal means to silence their enemies and eventually secure control over local leaders in the entire province. As a corporate entity, the LGU negotiates with the private sector for the “financing, construction, maintenance, operation, and management of infrastructure projects” (Title 4, Sec 302). This allows the dynasty to corner provincial infrastructural projects for itself by farming out contracts to dummy corporations or by directly selling contracts to private corporations. The clan cunningly utilizes the proceeds of these shadowy transactions to maintain a formidable private army composed of armed thugs and goons who freely roam the province without fear of arrest, conviction or punishment. The clan, as a result, has created a terrorized community of people whose first-hand knowledge of indiscriminate killings by the clan’s local thugs only reminds and convinces them of their inevitable subservience to its power.

A “regime of terror” insulated by local political patronage succinctly describes the political atmosphere in the town. This explains why the mayoralty of the town has been virtually uncontested for the last 50 years.

Conspiracy against civil society

The local government officer stationed in the municipality represents the president of the Philippines through the Department of Interior and Local Government. This officer possesses legitimate authority to reprimand the mayor and the whole Sangguniang Bayan when these offices overstep the boundaries of power or when their actions violate the Code. In the entire province, however, this ideal situation remains a figment of the imagination.

The local government officer (LGO) of the town has occupied the same position since the mayoral term (1959-1984) of the patriarch’s brother (Isidro) who is the uncle of the present mayor (Roberto). The LGO’s years of service in the municipality have been characterized by a increasing loyalty and service to the members of the clan. Once, when he was transferred to another town, the present mayor did all he could to bring him back to his town as local government officer. And why not? This DILG representative, appointed to protect the interest of the State, is in fact, a paid ally of the clan. His loyalty is tested and unquestionable. The officer, on his part, does not feel he is betraying the State or his agency—or so he rationalizes, since he considers the clan as a close political ally of the president of the Republic, the person he is supposed to represent at the site.

That the provisions of the Code regarding popular participation have been followed neatly on paper but not in reality is the handiwork of this local government officer. This officer did not properly inform local groups about the enlistment for representation in the local special bodies. Those who were able to apply for enlistment were simply discouraged or given the runaround. However, when interviewed for this study, the state representative presented a different scenario. Among other things, he said the NGOs and POs that applied for enlistment were simply motivated by the financial remuneration and access to resources that come with membership to local special bodies. When the researcher asked for the initial list of these applicant organizations, the DILG representative said he no longer kept the list. He added that those organizations did not even bother to follow up their papers when they heard that they would not be receiving allowances and other forms of compensation.

The members of people’s organizations contested the state representative’s scenario. Upon being interviewed, these members of various people’s organizations that initially applied for enlistment revealed that they still complained in private about their exclusion from local special bodies. They felt they were given the runaround. They argued that even if the claims of the LGO were valid, his excuses were not enough to justify the total absence of legitimate POs and NGOs from the local special bodies.

The Code mandates the LGU to work with the LGO in promoting, supporting or even initiating NGOs and POs to organize themselves and participate in local governance — in fact, even if these organizations cannot complete the requirements set by the Code. In the absence of civil society members in special local bodies, as stated in the Code, some or all of them can be taken in to fill the positions as a way to encourage popular participation and self-organization. The LGO in the town did not perform these tasks. Instead, he worked to discourage civil society participation. This is why the

present NGO representative in the health board is not an NGO worker, nor does she have any knowledge about why an NGO representative is needed in the board. All of the supposed civil society members of the local special bodies are handpicked individuals representing nonexistent NGOs, POs, and private sector organizations.

Exacerbation of corruption in the local special bodies

The manipulation of civil society participation left the local special bodies in health and education in the hands of clan supporters and henchmen. This situation freed LGU executives and national government officials from the clutches of the State so that they could become functionaries of the dynasty as well paid hacks and henchmen. Other professionals (school administrators, teachers, doctors, health workers, agriculturists, etc.) follow suit as they are powerless to dismantle the dynasty.

Collaborating with LGU officials in milking the municipality, or simply turning a blind eye to what is happening, has become standard operating procedure among these national government functionaries. Those who cannot in conscience collaborate with LGU officials in acts of corruption can only sulk about their helplessness.

Excessive local autonomy, frustrated local democracy

Two outcomes of the implementation of the Code at the site — namely, the formalization and further strengthening of a *de facto* local autonomy and, because of the conspiracy against civil society, the frustration of local democracy—have allowed the reconstitution of power to remain virtually in the hands of the patrimonial political clan. The Code, in effect, legitimized what was already there and gave the dynasty more freedom to manipulate and maneuver using its power and influence. Thus, contrary to its avowed goal of breaking up the traditional politicians' long-term possession of "authoritarian enclaves" (Fox, 1990/1994), the Code's provisions on local autonomy are now being used to strengthen the dynasties and make it more enduring. In theory, this monolithic family-controlled structure of power can be checked by institutionalizing popular participation in local governance. Instead, the task of democratizing LGUs has been transferred by the State to an imaginary civil society.

In rural locales (which comprise a large section of Philippine territory), civil society is only in its infancy. In fact, civil society groups in provincial towns are mere offshoots of urban-based organizations and movements. In fact, the organizations in the municipality are either elite-dominated civic or religious organizations (Knights of Columbus, Masons), traditional associations (Jaycees), shadowy cooperatives or a loose aggrupation of individuals. Moreover, the political atmosphere in the municipality is not conducive to the emergence and strengthening of civil society groups. Small wonder, then, that civil society has neither the enthusiasm nor the militancy to organize the local population for political causes. It is, thus, easy to understand why civil society is very weak, with most of it nonexistent at the study site.

It is logical to think that when local groups exist and actively fight for their own interests against traditional forces, the site will become more or less democratized. A population that has attained a certain level of political consciousness and translated this consciousness into action (by organizing local interest groups) will then be very difficult to dominate or control. Local democracy will be the safety valve that will adjust and moderate the push for local autonomy. But local democracy cannot be attained when the State virtually pokes its finger into every pie. The State must grant autonomy to its political subdivisions for local democracy to be viable. Hence, local democracy is a basic component of local autonomy. However, as this study has found, local autonomy can occur even without local democracy. It is a monolithic local autonomy with a conspiratorial central State and an imagined civil society. It is a local autonomy thriving in a territorial enclave ruled by a strongman and his family in an atmosphere of authoritarianism.

The pervasiveness of this local autonomy in the absence of a working local democracy opens the Code—and the central state—to major criticisms. Specifically, the State, which has already been rendered weak, further weakens itself through the Code and, hence, strengthens local dynasties. In

addition, the assumption that a surging civil society is vital to the success or failure of the Code does not apply in areas where local dynasties rule. The lack of guidelines given to the LGU by the national government in operationalizing decentralization, to paraphrase Brillantes (1998) also explains the ambiguity of power relations between the national and the local governments and inevitably results in conflicts between the agents of the national government and local executives.

CONCLUSIONS: COLONIZATION, CONSPIRACY, COOPTATION AND THE CODE

The inability of the LGC to alter traditional governance can be understood more broadly using Habermas' (1978) notions of "lifeworld colonization by the system" and "the deployment of the public sphere." In this theoretical scheme, the Code deploys civil society, or what Habermas calls the "public sphere," to steer the lifeworld according to its own logic and goals. Whether or not rationalization is accomplished depends, according to Habermas (Calhoun, 1992), on the level of development of the public sphere as a political category in society.

Civil society and system colonization

In the Philippines, the task of engaging the central state in public discourses and power contestations has largely been taken up by a small but rising middle class with the support of progressive sectors in the academe and the media. This middle class-led "public sphere" exists in the form of political movements that seek to narrow down the sociopolitical chasm between contending elitist political parties and the people. It is the voice of this public sphere, undoubtedly not yet as strong as Habermas would want it to be, that the Code depends upon to rationalize the lifeworld and eventually break up monolithic dynasties.

Seen from the dialectical entanglement of the lifeworld and the system, the rationalization of central state power-LGU relations constitutes the inchoate goal of decentralization. This will happen at least theoretically when lifeworld traditions and patrimonial institutions become too weak to resist the system or when the system's steering media—rationality, democracy, public discourse, public sphere—are strong enough to envelop the lifeworld.

The outcome in the real world differs, of course, from what is expected. In a power triad involving the State, dynasty, and civil society, traditional local power holders (the clan and its satellites) have been able to resist colonization successfully by conspiring with central State at the expense of a very weak, if not nonexistent, public sphere and a patrimonially dominated public. Through its leaders' sharp political cunning, the clan has maintained its patrimonial hold on the local community, thereby resisting colonization by the central State. It has willingly circumvented national government policies for its own interest mainly by exchanging (and delivering) bailiwick support to political candidates in national elections for political favors such as criminal exoneration or economic benefits.

Through these key political ties, the clan has been able to appropriate national policies and laws for its own ends. It has been able to contest the Code and its steering media by coopting national state functionaries and by conspiring with local government officers against civil society. Fed by a silenced citizenry and the conspiratorial participation of central state administrators, the clan has also managed to project an image of being democratic and rational while subjecting the whole municipality to a rule of deceit, fraud, terror, and corruption.

In the same sense but on another level, the clan and its traditional satellites represent a (local) system that has successfully colonized the local lifeworld composed of the local population and its organic groups even before the Code. The pervading patrimonial culture legitimizes this local colonization. By seeing to it that this traditional cultural system remains in place, the clan has prevented the lifeworld, or the local population, from seeing beyond the local constellation of power. In theory, rationalizing programs and laws such as those embodied in the Code will arrest these traditional political relations and threaten dynastic legitimacy. In practice, the clan has re-entrenched itself despite the Code. It has performed a tightrope act of mediating between two politico-cultural

systems: subverting the legitimate rules and provisions of the Code while holding the local population hostage. By frustrating the Code, the clan has been able to resist rationalization and colonization from above while preventing the local population below from rising—in the form of civil society—against it.

Lifeworld rulers' resistance: dramaturgical strategies of preserving local power

This clan's strategy of resisting rationalization entails the manipulation of central state representatives and municipal players whose actions constitute a conspiracy against the local community and civil society. Using Goffman's (1959) dramaturgical frame, we could say the satellite of actors working for the clan constitutes its ring of conspirators. Together, clan brokers and their satellites present a "collective self" whose front stage behaves in formal accordance with the Code. The co-optation of the local government officer, supposedly a representative of state power, underscores the depth of the clan's power. The other members of the "team," the "representatives" of nonexistent civil society groups in the local special bodies, boost this front stage image by lending their names and reputations to serve clan interests. By occupying seats in legitimate positions of power in the municipality, these handpicked civil society representatives in the local boards have effectively dislodged qualified civil society workers from staking their own claims.

Representatives of national government agencies such as the district supervisor and the municipal health officer willingly join the conspiracy or remain silent about clan abuses. By submitting themselves, they strengthen dynastic rule. By being quiet, they keep the team's secrets "in the dark" (Goffman, 1959). In turn, municipal officials and employees, by being directly under the clout of the mayor, also participate in the fraudulent municipal presentation of the self. They, too, hide backstage secrets from the view of particular audiences such as the national DILG officers, civil society practitioners, and the local populace.

The clan assumes different selves for different audiences. Formally, it presents itself to the State and to society as a democratic, law-abiding entity. When confronting its enemies (in the province and the municipality), it shows its dark self through open terror and strong-willed political bullying. Towards the municipal populace it shows concern and affection by being patron, defender, and symbolic leader. Through the employment of dramaturgical deceptions, the clan manages to get around or even to subvert the Code primarily by mediating between the State and the local people. Thus, the civil society-led democratization process envisioned by the Code has been successfully thwarted.

The failure of the system to colonize the lifeworld stems from the inability of the State to penetrate strong societies. This situation makes sense, in part, using Joel Migdal's (1988) discussion of the "weak state - strong society" dichotomy.

A hostage people

In his now classic study, *Strong Societies and Weak States* (1988), Joel Migdal (1988) has argued that the State's inability to penetrate and control society stems from the continued existence and proliferation of local dynasties ruled by strongmen and their families. This contention is supported by McCoy's *Anarchy of Families: State and Family in the Philippines* (1993), which depicts Philippine society as being littered with localities dominated by the families of warlords, landlords, barons, and strongmen who have been virtually untouched by the State.

These so-called "authoritarian enclaves and subnational regimes" (Fox 1990) are spaces or territories within a nation that cannot be touched by national leaders without having to make political compromises with strongmen who control these enclaves. Rules and terms of negotiations, power relations, and the pervading political culture in these de facto autonomous territories have in fact little to do with the so-called national culture or identity. In actuality, people in these enclaves derive solidarity from their being different from the rest of other "societies" within the State (Migdal 1988), or what is more popularly termed in many studies as "regionalism." The strongmen and their

families represent, to the rest of the outside world, the whole territory, and its people. The strongmen (or clans), therefore, symbolically constitute the people and the territory. This identification provides the clan with real and symbolic power in the locality where it enjoys a considerable degree of autonomy from the central powers of the State.

Migdal's dichotomy of weak State and strong society unduly assigns the term "society" to local lifeworld rulers. It, thus, glosses over the clan's relations with the local community when in fact it is not "society" itself that is strong but the clan that dominates society. "Weak states, strong local dynasties and helpless local communities" could have been the more illuminating description to account for the power relations among the central state power (system), the local power (dynasty), and the local community that constitute the lifeworld. In this scheme, the lifeworld is broken down into two groups — the clan and the local people — that are related to each other, in an exploitative, though seemingly harmonic, patron-client way, much like the local system (the dynasty) and local lifeworld (the local people).

Patron-client relations, whether based on charisma or wealth, are exploitative relations because they thrive on the client's vulnerability, this latter condition emanating from the patron's monopoly of resources and political access to these resources. Thus, the crucial analytical mistake in Migdal's weak State/strong society dichotomy is the identification of society with both the dynasty and the people it rules, conceptualizing both as one and the same. Rather than seeing the local people as being exploited and oppressed through astute manipulation of their helplessness, they are portrayed as willing legitimizers of the dynasty, even to the extent of blaming them for its existence and persistence.

That the State is weak and society is so strong that it maintains a relative degree of autonomy is, thus, not entirely true. Rather, the State should be seen as a conspirator/negotiator with the leaders of society (dynasties)—that is, as an active party to the proliferation of these authoritarian enclaves and almost always at the expense of the local population of societies. In the case of this study's municipal site, central state functionaries who are supposed to oversee and control the implementation of national policy join local officials in bending its provisions, leaving the local people powerless and almost clueless about what is going on in their community. Through dramaturgical strategies, the clan has been able to present different selves to different audiences. By conspiring with the state representatives (the LGO and state agency functionaries), the clan presents a front stage self that follows the Code and a backstage self that manipulates local people's weaknesses and discourages potential resistance to its rule. In effect, the Code has been used to delegitimize potential resistance from the local people through the conspiracy against civil society.

In turn, the weakness of the central State lies in its willingness to conspire with enclave rulers to maintain itself. The fact that it feeds on the power of a local political kingpin in the form of a clan attests to its vulnerability and insecurity. Central state legitimacy has, thus, come to depend on the power and authority of local enclave leaders and strongmen who legitimize the State by dealing with it politically. The State is located in this political scheme as the head of a power octopus with clans and similar enclaves representing the power entities connected to the center by tentacles. Each entity supplies power to the center while receiving the same from it in a complex reciprocal political compromise that ultimately works against the interests of the very source of political power—the local people.

In this sense, the State and the dynasty lie on one side of the power spectrum while the people and their (subjugated) local organizations lie on the other, with the weight, of course, heavily stacked on the former. A variable in Migdal's weak State/strong society thesis, the strongman or clan ruling the enclave, is thus defined differently by rooting it out of society and locating it at the side of the State while isolating the people and the public sphere under the Migdalian term "society." Such a modification of the "weak state thesis" entails a different perspective on the nature of civil society and its role in democratizing local governance. It shows that the variable "society" is not homogeneous but is actually divided into the local people and their organizations versus the enclave rulers, the latter mediating power relationships first with the State and then with the local people. Local warlords never wish to democratize their fiefdom as this threatens their traditional dominance. The clan's

actions to discourage popular participation in governance are thus a traditional reflex of dynasties. Meanwhile, the State's collaboration with the clan in putting the public sphere out of the power picture affirms the age-old conflict between the State and civil society.

The conceptual assimilation of the local people under the variable "society" gives Migdal's thesis an elitist flavor. Migdal ignores the possibility that the people—through their organizations—can rise above their political helplessness and engage the clan in a struggle for power and authority in their lifeworld under the rubric of rationalization and democratization. Rather than theoretically erasing the people out of the lifeworld picture (society), which is what Migdal has done, hope can be pinned on them once they adopt a level of consciousness that will awaken them from political slumber. Once awakened, civil society can expose the dramaturgical presentations of the clan and sever its ties with a traditional-patrimonial practice.

When the central State deploys its steering media such as the Code and the public sphere to decentralize and democratize the lifeworld, it performs the task of freeing the local community from the clutches of the local dynasty. The State becomes a liberating force in this sense. But then, the thwarting of local democracy within the context of local autonomy by local state power (the clan, LGU officials) oppresses and subordinates the local community. Thus, the State doubles as an avowed liberator and oppressor at two levels of its operation, the one pushing for democratization, the other working to frustrate this goal. The dilemma of decentralization in the Philippines lies primarily in the conflict between these two contradicting roles.

RECOMMENDATIONS

The study offers five recommendations to enhance implementation of the Local Government Code. Below are recommendations drawn from the specific and general findings and conclusions of the study. Two recommendations deal with further research and amendments on the Code. Another two call for ways to make local democracy viable.

Further code research and amendments

There is a need to conduct intensive research studies on LGUs traditionally hosting political dynasties. Although it is true that the experiences brought about by the LGC's implementation since 1992 have been monitored by various research and academic institutions, rarely has there been a focus on power relations in dynasty-dominated LGUs. Continued practice of political patronage is the obstacle most often cited to the implementation of decentralization, but concrete recommendations on how this can be checked have not been offered. Of course, there is no easy solution to the problem of traditional political patronage. A confluence of many factors coming from the State and the public sphere can perhaps begin to cure this malady. What is crucial is the recognition that traditional political patronage in the form of clan dynasties is at the core of the many obstacles to the success of decentralization.

The first recommendation of this study is, thus, *a call for a research program to study the constitution or reconstitution of power in local sites traditionally hosting dynasties and strongmen to be undertaken by research institutions in collaboration with the academe and NGO research arms*. Such a program can leave open the problem of traditional political patronage (traditionally left out in many appraisals) to wide-ranging solutions. The first recommendation should extend the analysis of power from the local to the national and their interrelation, making it possible to expose crucial chinks in the implementation of decentralization. For instance, despite being looked at as separate from society since Migdal, the State, through its functionaries at the local levels, should be seen as a potential collaborator with LGU officials in thwarting the institution of local democracy.

Amendments to the Code for more autonomy and power of NGOs and POs

Several proposed amendments to the Code have been made in past years. The League of Local Government Units under the sponsorship of USAID through Governance and Local Democracy (GOLD), for example, has proposed several amendments to the Code, particularly those provisions concerning local autonomy and popular participation. In 2001 the second mandatory review of the Code every five years shall be conducted by Congress as provided for in Section 521 of R.A. 7160. Actually, Congress may conduct a review as often as it may deem necessary to “provide a more responsive and accountable local government structure” (Sec. 521 as cited in LLGU/USAID/GOLD, 1998).

Amendments that give more autonomy to NGOs and POs in the process of enlisting themselves for representation in the local special bodies should be undertaken. These amendments aim to reduce the power of LGU and DILG officials to determine the composition of the local boards.

Strengthen local democracy

A wide democratic space conducive to the growth of civil society in local sites must be assured. The public sphere or civil society came out of the womb of society as a counterbalancing force vis-à-vis the state. As such, the focus of civil society is the protection of the social and political interests of the people. The proponents of the Code might have overlooked the nature of civil society itself by incorporating it with traditional institutions of power such as the State and local governments by means of a law.

There are ways to exist to strengthen civil society groups without compromising them. One way is for *the State to assure the presence of a wide democratic space for organizing local and national civil society*. Although the freedoms of organization, free speech and assembly have been guaranteed by the Constitution, local power holders tend to delimit these freedoms in their territories, particularly when civil society is critical of their activities. The institution of democratic space requires the entrenchment of democratic social institutions like the legitimacy of electoral processes, academic institutions and the media.

Independence of civil society

Rather than simply enforcing the LGUs to accommodate local POs and NGOs for enlistment, civil society groups should have been allowed to emerge from society as a force born out of the people’s need to organize themselves around certain goals. The automatic allocation of seats in local special bodies—as in the site—in fact can function against the popularization of NGOs and POs. Hence, *civil society should not be left under the direct guidance or control of both local and national governments if it is expected to perform its democratizing role*. NGOs and POs must come from the initiative of the people themselves through the help and facilitation of independent civil society groups from areas where these groups are strong and well organized. Civil society’s independence from the State and LGU officials should not be compromised in exchange for a position in a decision-making body or for any other political horse-trading.

This goal calls for the creation of a network of civil society organizations working toward democratic goals at various levels of governance and independently pursuing these goals in, through and out of government power structures. If POs and NGOs are ever able to penetrate organizational structures of power such as the local special bodies specified in the Code, this should be achieved through their own means and with their own political visions and not through the benevolence and facilitation of local authorities and the state. While the existence of a Code that wants to include popular participation in local governance is most welcome, its provisions should not attempt to alter the very nature of civil society, such as, for instance, empowering local officials to encourage, facilitate and even organize civil society groups as expressed in the Code.

Resolve conflict of interests between central state and local states

The granting of full autonomy directly legitimizes the *de facto* autonomy of the LGU from central state control, and thus, further weakens the national government. It also leaves the whole society open to further hegemonic control and dynastic abuse. Since the power of the lifeworld's rulers to thwart local democracy emanates from this autonomy, it would be wise for the central state to take back some aspects of this autonomy to be able to put itself in an effective position to deal with local power without being too compromised. This means the central state should assume more power for itself than what is formally accorded to it vis-à-vis local autonomy without being monolithic. For instance, the monitoring of DILG officials stationed in LGUs must be done strictly to prevent local dynastic cooptation. Total devolution of social services such as health unduly empowers local power vis-a-vis the central State and the local community. This should be strongly discouraged.

ENDNOTES

¹This article was based on the author's masteral thesis, "Reconstitution of Power in a Municipality: A Study of Decentralization Structures, Actors and Processes," submitted to the Department of Sociology and Anthropology, School of Social Sciences, Ateneo De Manila University, on March 2001.

²The names of the province, town, informants and other significant personalities that appear in this article have been changed to prevent untoward repercussions.

REFERENCES

- Abad, R. G. (1997) *Attitudes Towards Welfare and Inequality*. Quezon City: Ateneo De Manila University.
- Agpalo, R. (1972) *The Political Elites and the People*. Quezon City: University of the Philippines Press.
- . (1973) *The Organic-Hierarchical Paradigm and Politics in the Philippines*. Quezon City: University of the Philippines Press.
- Associate for Research and Development/Governance and Local Democracy (ARD/GOLD) (2000) "Tenth Rapid Field Appraisal on Decentralization" USAID, September.
- Bernstein, R. (1991) *Habermas and Modernity*. Cambridge Polity Press.
- Brillantes, A. B. Jr. (1998) "Decentralized Democratic Governance under the Local Government Code: A Government Perspective" in *Philippine Journal of Public Administration*, 42(1, 2), January-April.
- Buendia, R. (1996) "Decentralization and the Local Government Code: Challenging the Limits of Empowerment and Democracy" in *Journal of Legislative Development*. Quezon City: Center for Legislative Development.
- Burns, T. (1992) *Erving Goffman*. New York: Routledge.
- Calhoun, C. (1992) *Habermas and the Public Sphere*. Cambridge: The MIT Press.
- Carino, L. V. (1996) "Development and the Asian State: Providing an Enabling and Facilitating Environment for Decentralized, Participatory and People-Centered Development" in *Philippine Journal of Public Administration*, 40 (3, 4), July-October.
- Carroll, J. J. "Civil Society Five Years Later." *Intersect* 14:2 (February 1999).
- De Guzman, R. and M. Reforma (1993) *Decentralization Towards Democratization and Development*. Manila: Eastern Regional Organization for Public Administration Secretariat.
- Fox, J. (1990) "The Challenge of Rural Democratization: Perspectives from Latin America and the Philippines" in *Journal of Development Studies* 26 (4) July.
- . (1994) "The Difficult Transition from Clientelism to Citizenship: Lessons from Mexico" in *World Politics* 46 (2), January.
- Fraser, N. (1992) "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" in C. Calhoun, (ed.) *Habermas and the Public Sphere*. Cambridge: The MIT Press.
- Goffman, E. (1959) *The Presentation of Self in Everyday Life*. Doubleday, Anchor Books.
- . (1969) *Strategic Interaction*. Pennsylvania: University of Pennsylvania Press.
- Habermas, J. (1993) "The Tasks of a Critical Theory of Society from The Theory of Communicative Action.", Reprinted in Farganis, *Readings in Social Theory*. New York: MacGraw-Hill.

- Hollnsteiner, M. R. (1963) *The Dynamics of Power in a Philippine Municipality*. Quezon City: Community Development Research Council, University of the Philippines.
- Karaos, A. M. (1994) "Power and Revolutions: Revolutionizing our Concept of Power." *An Intersect*. 8:4, April-May.
- League of Local Government Units (LLGU) (1998) *Enhancing Local Autonomy for Development*. USAID through the Governance and Local Democracy (GOLD).
- Makil, P. Q. (1975) *Mobility by Decree: The Rise and Fall of Philippine Influentials Since Martial Law*. Quezon City: Institute of Philippine Culture, Ateneo De Manila University.
- McCoy, A. W. (1993) *An Anarchy of Families: State and Family in the Philippines*. Madison: University of Wisconsin Center for Southeast Asian Studies.
- Migdal, J. S. (1988) *Strong Societies and Weak States*. Princeton: Princeton University Press.
- Ostrom, V. (1973) *The Intellectual Crisis in Public Administration*. Alabama: The University of Alabama Press.
- Panganiban, E. M. (1995) "Democratic Decentralization in Contemporary Times: The New Local Government Code of the Philippines" in *Philippine Journal of Public Administration*, 39 (2), April.
- Phillips, A. (1966) "Why Does Local Democracy Matter?." In *Decentralization and Local Democracy*, ed. by Lawrence Pratchett and David Wilson: Hampshire: McMillan Press.
- Porio, E. E. et al. (1997) *Urban Governance and Poverty Alleviation in Southeast Asia*. Quezon City: Ateneo De Manila University Press.
- Siddel, J. T. (1999) *Capital, Coercion, and Crime: Bossism in the Philippines*. Stanford: Stanford University Press.
- Zialcita, F. N. et.al. (1995) *People's Participation in Local Governance: 4 Case Studies*. Quezon City: Ateneo Center for Social Policy and Public Affairs.