

## EDITOR'S NOTE

This 14th volume of *Public Policy Journal* addresses four issues with far ranging policy implications: a set of articles on customary marriage practices and civil registration of indigenous peoples in the Cordillera region and the problems of resource extraction in the same region; an evaluation of the non-income impact of the government's leading anti-poverty project; an assessment of disaster relief response and early recovery in a Cebu municipality hit hard by super-typhoon Yolanda; and a study of the determinants of foreign direct investment in the ASEAN 5.

The lead article on customary marriage and its registration in the Cordillera region by a group of researchers including June Prill-Brett, Victoria Lourdes C. Diaz, Nimreh L. Calde, and Maileenita A. Peñalba, examines how this tradition continues to be practiced by the indigenous peoples (IPs), even by those who willingly embrace national civil law and church wedding ceremonies. The research shows that the divergences between the customary practices and national laws are best seen in the matter of solemnizing, witnessing, and registering the act of marriage. Another major difference between these two traditions lies in the acceptance and legitimacy of divorce and the right to remarry among the indigenous peoples in the Cordilleras while the state recognizes only annulment and legal separation for terminating a marriage. The authors affirm the need to legally validate customary marriages since the requirements for a valid marriage provided by the current Family Code do not mention any reference to marriages under customary law.

The second article on the civil registration of IPs in the Cordillera region by Gladys A. Cruz, Lorelei C. Mendoza, and Alejandro N. Ciencia, Jr., complements perfectly the lead article. This research provides a detailed study of the actual implementation of Administrative Order No. 3 of the National Statistics Office (now the Philippine Statistics Authority). Administrative Order No. 3 seeks to establish an effective civil registration system for indigenous cultural communities and peoples and to render the services of the civil registration "more responsive to the needs and desires of the indigenous communities." The authors document the fact that the implementation of the registration of IPs as mandated by AO No. 3 has been "patently inadequate." The research shows that there is "minimal use or

absence of IP forms” and when available such forms are typically not attached to the standard civil registration forms. Moreover, the study finds that there are varying interpretations of the usage of the IP forms. Finally, the Barangay Civil Registration System which seeks to facilitate the civil registration process is not working well, especially in the poor local government units. Not surprisingly, these problems have resulted in “dismal implementation levels” for the registration of births and deaths and customary marriages in IP communities in the Cordilleras.

The third article by Maileenita Peñalba examines the “uneasy” relationship between the IPs in the Cordilleras and the state in the context of extractive development projects, especially of mining, in the region. The author points out that while IPs have been legally recognized and given “special rights” under the Indigenous Peoples’ Rights Act (IPRA), they continue to be highly vulnerable and subordinated to aggressive state policies of resource extraction in the region. Under the IPRA, indigenous communities are provided the right of Free and Prior Informed Consent (FPIC) over projects to be conducted in their ancestral domains. However, the study shows that the FPIC process has been largely controlled by state agencies and powerful extractive corporations leading to various kinds of violations of the principle. At the same time, the author stresses that continuing complaints and resistance by IP communities against extractive mining operations have led to the crafting of new FPIC guidelines enacted in 2012. With these new guidelines, the study expects a strengthening of the assertion of the fundamental rights of IPs over their ancestral domains and their more direct participation in the determination of the substance and direction of development agenda in their own communities.

An evaluation of the non-income impact of the government’s anti-poverty project, the KALAHÍ-CIDSS, is provided by Fermin D. Adriano in the fourth article. Implemented since 2003 in the poorest municipalities in the country’s poorest provinces, the Kapitbisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services (KALAHÍ-CIDSS) is a community-driven poverty reduction program implemented by the Department of Social Welfare and Development with original funding support from the World Bank. The article examines and synthesizes various qualitative evaluation works on KALAHÍ-CIDSS with emphasis on its contribution to strengthening social capital in poor communities.

Based on the earlier studies examined by the author, there is some evidence that the project has increased the participation of barangay members in local assemblies and also increased the trust level of villagers towards their local officials. However, the author also points out that such changes are always conditioned and constrained by the country's long tradition of patron-client relationships, high poverty rates and income inequalities, and the concentration of power in a few families and politicians. Among the major problems identified by the author about the viability of the KALAHI-CIDSS model are: its sustainability in light of counterpart funding required of participating local government units (LGUs) and villagers; enhancing local stakeholder ownership in the face of "turving issues" raised by other government agencies involved in development and delivery of social services; problems of elite capture where chosen projects benefit mainly the local elites; high social preparation costs involved in the hiring and training of thousands of community facilitators; and the need to rationalize various community-driven development approaches to better reach and involve poor communities.

The fifth article by Liza D. Corro assesses the disaster relief response and early recovery measures in a municipality (Daanbantayan) in the northernmost point of Cebu province in the aftermath of super typhoon Yolanda. In this study, the author uses the Hyogo Framework for Action and Early Recovery (HFA), the United Nations standard and set of guidelines for the substantial reduction of disaster losses in lives and in the total assets of affected communities and countries. As a framework for addressing disaster crises, the Hyogo Framework as pointed out by the author, identifies three strategic goals: "the integration of disaster risk reduction into sustainable development policies and planning; the strengthening of institutions and mechanisms to build resilience to hazards; and the incorporation of risk reduction approaches into emergency preparedness, response, and recovery programs." Among the key problems pinpointed by the author in the disaster response in Daanbantayan municipality were the lack of coordination among humanitarian agencies with the local government unit and the lack of trust among the main players in the management of resource and asset distribution in the affected communities. As stressed by the study, the "success of humanitarian aid operations ultimately depends on the ability of organizations—the donors, the LGU, and civil society organizations—to work

together.” Toward this end, the author recommends the passage of a new law that will clarify the protocol for all domestic and international actors involved in disaster relief and recovery response activities.

The sixth and final article in this volume written by Prinz P. Magtulis examines through a panel data regression analysis (1995-2013) the determinants of foreign direct investment (FDI) in the five major ASEAN countries (Indonesia, Malaysia, the Philippines, Singapore and Thailand). The author includes five independent variables to test whether these have any significant impact on FDI inflows to the ASEAN-5: economic growth as measured by GDP; the inflation rates (GDP deflator) as sourced from the World Development Indicators of the World Bank; the perception of public corruption as tracked by the Economic Freedom Index of the Heritage Foundation; the size of the labor force as provided by UNCTAD; and the perception on the security of property rights as also provided by the Economic Freedom Index of the Heritage Foundation. The study concludes that only corruption perception and the size of the labor force have a significant impact on FDI inflows in the five countries studied. Among the five ASEAN countries studied, the Philippines has the worst record of corruption perception index and also the lowest level of FDI stock inflows.

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