Vote Buying in the Philippine Congress:

The phenomenon of political lobbying in the Philippines and its effects on the legislation

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Abstract
The Lobbying Act in the Philippines (Republic Act no. 1827) which serves as the framework of lobbying practices in the Congress was found to be outdated and was not able to respond to the political realities of the country. Hence, there is no concrete mechanism to limit and facilitate the activities of lobby groups and individuals. Lobbyists may apply various strategies to win the favor, in terms of votes, of the legislators – ethical or unethical. This includes presentation of position papers, public demonstrations or mass mobilizations and letter writing among others. However, those who have financial capabilities also have strategies called “envelopmental”1 and campaign funding. Varying degree of the effects of these strategies was explored through literature reviews, analysis of some latest policies and interviews with policy consultants/advisers, selected legislators and representatives of some mass organizations. It was then concluded in this study that mass mobilizations were perceived to be irrational and insubstantial by the legislators, thus making them less effective compared to the furtive and personal strategies of the business class. As a result, the great bills that mass organizations had been advancing through mass mobilizations remain to be pending in the Philippine Congress.

Keywords: Congress of the Philippines, lobbying, mass organizations, legislation

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1 A strategy wherein the lobbyists or lobby group (most likely from the business class) give some amount of money, put in an envelope, to the legislators.
Vote Buying in the Philippine Congress:

The phenomenon of political lobbying in the Philippines and its effects on legislation

Vote Buying has been a common practice especially during the election season in the Philippines. This practice, as the term itself suggests, particularly pertains to the act wherein the politician, through his/her staff or some paid individuals buys the vote of the electorate by asking them to vote for the particular politician and then giving them some amount of money or other favors. In addition to this, an indirect way of vote buying could be in the form of giving away dole outs to a certain body of electorate days before the Election Day and then keeping them reminded that such money they received came from the particular candidate for election. Nonetheless, ensuring that the certain voter really voted for that politician differs.

In relation to this popular practice is another “Vote Buying” act that lasts not only during the election season but all throughout the term of the politicians. This act, contrary to the popular vote buying, is being performed by certain groups of people to their target politicians. Such act or practice is called lobbying. Lobbying is defined as an act of any citizen that tries to influence an incumbent legislator(s) for the passage/rejection of a bill(s). This, in a sense, may be considered as vote buying because the citizen tries to win the vote\(^2\) of the legislator for/against a particular bill.

Accordingly, lobbying as an integral part of a nation's democratic process is a constitutionally-granted right. Legislators, being tasked to formulate policies that will govern the land, need to receive factual information from the stakeholders and to know their views in order to make informed policy judgments. Thus, in democratic countries such as the Philippines, lobbyists - such as non-government organizations (NGOs), company executives, experts and

\(^2\) Since in policy-making, the bill needs to obtain majority vote in order to pass certain stages of the process.
professionals - are given the opportunity to participate in the government by criticizing and influencing it. This is due to the recognized fact that they may present data or opinions as stakeholders that the legislators may not realize beforehand. Hence, in the Philippines, lobbying practices are considered as one of the important factors that affect the legislators in their policy judgments.

In relation to this, the “playing field” in which the legislators and the lobbyists stand was presented in the following sections of this study in order to set the context and establish the mechanism that suppose to facilitate lobbying practices. Theoretically, this playing field or legal framework should (and could) have limited the activities of the lobbyists. However, the limits provided by the legal framework on lobbying were overshadowed by the political culture of the country.

Furthermore, after setting the context or framework of lobbying in the country, the study then proceeded with the analysis of the legislation through determining the factors that affect the legislators in making their policy judgments and analyzing the kinds of bills being passed or proposed in the Congress as affected by the lobbying practices.

**Objectives**

Accordingly, the following are the general and specific objectives of the study:

1. To present the current state of political lobbying in the Philippines
   a. To present the Lobby Law (Republic Act No. 1827) as framework of lobbying practices
   b. To identify how different interest groups generally lobby in the political arena
2. To determine how lobbying affects legislation
   a. To find out how effectively the lawmakers are being influenced by lobbyists in deciding which bill to vote for
b. To determine the factors being considered by the legislators in proposing/passing a bill

c. To analyze the kinds of bills being passed by the Congress as affected by the current state of lobbying

**Epistemological Standpoint**

Thus, as a disclaimer, the researcher admits that her political ideology is left-leaning. Yet, she is not a member of any mass organization. Rather, she remains to be a critique both of the government and of the leftist movements. Such is what she tried to maintain and observe through the conduct of this study.

**Scope and Limitations**

Given the fact that there are various types of interest groups in the country i.e., the Church, media, business class, peasants, labor unions, etc., the researcher decided to limit the study by focusing on mass organizations specifically Bayan Muna, Kilusang Mayo Uno (KMU) and Kilusang Magbubukid ng Pilipinas (KMP). This is due to the presumption that mass organizations comprise the majority of active lobbyists in the Philippines. Also, these selected mass organizations represent the majority yet marginalized sector of the society – the urban poor, laborers and peasants, respectively. Being representatives of the marginalized, they aim to make their voices be heard in order for them to legitimize their demands.

Another limitation for the study was for the term Congress. For the purposes of this research, the term Congress shall pertain only to the House of Representatives\(^3\) and the term legislators or lawmakers, and the like shall pertain only to the district and partylist

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\(^3\) Though the researcher acknowledges the fact that the Congress of the Philippines is composed of the House of the Representatives and the Senate (as for Section 1, Article VI of the 1987 Constitution)
representatives seated in the Lower House\textsuperscript{4}. These limitations are set by the researcher in order to make the study more feasible recognizing the time constraints. Hence, the Lower House was chosen to be the focus of research since this is where most of the bills originate.

**Definition of Terms**

As used in the study, following is the list of selected terms and their respective definitions.\textsuperscript{5}

- **Bill** – proposed law under the consideration of the legislature
- **Interest Group** – association or organization of individuals who share a common interest and assert their collective strength in order to protect, achieve, or expand that interest
  - specifically mass organizations
- **Law** – the governing rules and guidelines of the country
- **Lawmakers/Legislators** – incumbent District and Partylist Representatives which form part of the formal legislative branch of the Philippines
- **Lobbying** – any act of persuasion or attempt to influence the lawmakers for or against the bill in favor of their (the lobbyists’) own interest or cause.
  - this would include activities such as meeting with legislators, presentation of rare data, mass mobilizations, testifying in a legislative committee hearing, signature campaigns, forums and/or debates, and other strategies that would be presented later on.
- **Lobbyist(s)** – an individual or group of individuals who tries to influence legislation on behalf of a special interest; the person/people who lobby in the legislature

\textsuperscript{4} House of Representatives
\textsuperscript{5} The researcher adopted the definition of the terms listed as they are commonly used and as applicable to the study.
Conceptual Framework

Diagram 1. Conceptual Framework: Two categories of lobbying strategies as they affect the legislation

In this framework, there are two categories of lobbying strategies presented – 1) Public Pressure and 2) “Under the table”. Acting as representatives of the Filipino masses, mass organizations such as Bayan Muna (BM), Kilusang Mayo Uno (KMU) and Kilusang Magbubukid ng Pilipinas (KMP) generally utilize those strategies under the Public Pressure category. As the term itself suggests, mass organizations do not act only on their own to lobby in the Congress. Rather, they make the public aware and empower them, then encourage them to join in their actions to influence the legislators. They influence the legislators to pass a bill by showing that the mass is in favor and needs it.

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6 Why the direction of the weight doesn’t seem right shall be explained in the Data Presentation and Analysis
Mass demonstrations or rallies are among the most common form of lobbying of mass organizations. However, this type of interest groups is not confined on this particular lobbying strategy. Rather, they oftentimes back-up their mass demonstrations with signature campaigns, and position papers. IEC (Information, Education and Communication) programs, however, are preliminary steps being done by mass organizations in order to encourage the public to mobilize. This strategy includes organizing forums, debates, and the like. In addition, it is also important to note that in order to encourage the public to mobilize, mass organizations in general coalesce with each other. Such is being done not only to increase in number but also to increase their resources and manpower.

The aforementioned strategies should have been the sole focus of the study. However, as data gathering was conducted, another category came up from the key informants. As shown in the diagram above, this is the “Under the table”. Included in this category is what Luis Corral (2012) called as “envelopmental” strategy and campaign funding. These strategies, as found out, have been important factors that affect not only the legislators but the lobbying strategies of mass organizations as well. This is due to the fact that these strategies being done by the business class are usually in contrast with the demands and needs of the masses.

In sum, there are two categories of lobbying strategies – Public Pressure and “Under the Table”- being taken into consideration in this research. These strategies, as would be shown later on, aim to affect the legislators, particularly touching their personal biases, to make them act in favor of their group’s interests.
Theoretical Framework

Diagram 2. Theoretical Framework: Theories and how they will be used in this study

**Collective behavior theory.**

The Collective Behavior Theory (CBT) by Herbert Blumer and Neil Smelser primarily assumes that social movements such as mass mobilizations are spontaneous and unpatterned forms of collective behavior that are triggered by societal strain. Thus, they are irrational and cognitively inadequate response to structural strains. Participants, moreover, are perceived as dangerous and irrational individuals that respond to a variety of social stresses.

For this study, CBT would explain why the legislators generally perceive mass demonstrations as irrational and insubstantial; thus, making them less effective despite the time, effort, and resources spent in organizing them.

**Rational actor model.**

Another lens that would be utilized for this study is the Rational Actor Model by Gary Becker. This theory focuses on the other actor involved in this study – the state or specifically, the legislators. Its primary proposition is that the state, or for this study, the legislators, is capable of making rational decisions based on personal preferences and value maximization. In addition,
it assumes that legislators, being rational individuals, undergo a decision-making process which includes: 1) goal setting and ranking; 2) consideration of options; 3) assessment of consequences, and 4) profit maximization. Hence, a policy is considered to be the result of a rational decision made by legislators that may not be the optimal solution but is the option that satisfies the basic criteria, only what is acceptable, after considering the options, consequences and possible profits.

The Rational Actor model particularly has the assumption that legislators are not influenced only by the lobbying strategies being applied to them. Rather, the effectiveness of any strategy still depends on the personal preferences of the legislators. A lobby group is also more likely to succeed if they were able to show that the legislators will be able to maximize their profits upon the passage of the bill they are proposing/advancing. Thus, for this study, the said theory shall be utilized in order to analyze different lobbying strategies and how they affect the personal biases or preferences of the legislators. Also, this would be the lens in analyzing the kinds of bills being proposed/passed in the present Congress. Through this, the researcher will aim to show not only how the legislators were being influenced but the ‘utilities’ that the legislators aim to maximize as well. Lastly, through this theory, the researcher would aim to present how the legislators weigh their personal needs and interests with those of the needs of their constituents.

**Public choice theory.**

According to the Public Choice Theory by Gordon Tullock, not only legislators have their own interests that they protect. Rather, lobby groups and individuals, themselves, were seeking self-interested goals. In sum, lobby groups (mass organizations and business class) and legislators do have their own self-interested goals that they protect. Hence, since the legislators are the ones in power and have the authority to legitimize issues and bills, lobbyists seek special
advantage on them, specifically through public policy, in order to advance their interests. For the same assumed objective, the legislators, as well, utilize public policy. Thus, public policy is seen as the result of an inevitable rationality of rent-seeking political elites or legislators whose end goal is; still, to remain in power.

Given the aforementioned assumptions, this theory sought to explain why some policies are detrimental to the society as a whole, while others are just temporary solutions to real problems. It also explained why some policies are in contrast with what the mass public demands through examining the interests of the mass organizations as well as those of the legislators.

Methodology

To answer the first general objective, and the specific objectives under it, the researcher mainly gathered secondary data from literature and online sources such as news reports, journals, and the like. The data gathered are then supported by interviews with the experts in the field particularly with policy consultant Luis Corral and political analyst Prospero De Vera III. As an elaboration, Luis Corral is the policy consultant of the incumbent House Speaker, Sonny Belmonte, while Prospero De Vera III, aside from being a political analyst is also the Vice President for Public Affairs of the University of the Philippines and a professor of Public Administration in the said university. These experts were asked about the current framework and phenomenon of lobbying practices in the Philippines as well as which lobbying strategies they consider effective. Moreover, the interviewed legislators – which will be elaborated later on – were asked about their general knowledge and opinion about the current lobbying phenomenon.

Accordingly, to answer the second general objective and its specifics, the researcher gathered firsthand data through in-depth interviews with the lobbyists and legislators. As stated in the Scope and Limitation of this study, the researcher focused on three selected mass
organizations (KMP, KMU and Bayan Muna) to represent the interest groups or lobbyists in the Philippines. With regards to the legislators, the researcher focused on district and partylist representatives seated in the House of Representatives. Particularly, primary and secondary data were gathered from the representatives of KMP, KMU and Bayan Muna through personal communication. As for the legislators, the researcher aimed to conduct in-depth interviews with the members of the House Committee on People’s Participation since they were assumed to be more knowledgeable about lobbying because the practice itself involves people’s participation in the government. However, due to the unavailability of the said legislators, the researcher was only able to interview a representative of one of the members – that is, Rep. Winston Castelo’s chief-of-staff, Dennis de Jesus. Realizing the insufficiency of the data, the researcher then aimed to conduct interviews with some other random legislators outside the Committee on People’s Participation. Consequently, in-depth interviews were conducted with Rep. Roilo Golez and Rep. Edcel Lagman.

These two groups of people – lobbyists and legislators – were asked about the current phenomenon of lobbying in the Philippines particularly the strategies being done. On a more specific note, representatives of interest groups were asked about the main issues that they are advocating. On the other hand, the selected legislators were asked about their opinions on particular lobbying strategies. Moreover, they were also asked about the factors that they consider in proposing, supporting and passing a bill as well as their particular stand in some major issues or advocacies being advanced by the mass organizations.

With regards to the last specific objective which is the evaluation of current bills being passed, nevertheless, the researcher conducted both primary and secondary data gathering. That is, going through the lists of the bills being passed by the legislators as provided by the website
of the House of Representatives. More so, the researcher also asked the experts interviewed about their opinion on the bills being proposed and passed in the Congress.

**Background of the Study**

**The US Lobby Law as Model for Philippine Lobby Law**

Lobbying, as an act to influence the government processes is not present only in the Philippines. Rather, it has been one of the significant practices in different nations, particularly in democratic ones. Hence, for the Philippines, it primarily adopted its lobbying framework from that of the United States given that it has considered the latter as its epitome of democracy since the colonial period.

The federal government of the United States has given premium to lobbying practices because it was seen as a “process of petitioning government to influence public policy” (Holman, 2003). Accordingly, the right to petition government is one of its most treasured rights. It was specifically recognized in the Magna Carta 1215 and was repeatedly affirmed in various treatises and, post-revolutionary and state constitutions, including the Bill of Rights. With this, Members of the Congress frequently rely on lobbyists as they draft legislations (Holman, 2003). As a result, individuals and organizations then took advantage of this political reality and entered the lobbying arena. This sudden rise of lobbyists has meant an incredible – even potentially dangerous – concentration of power over the government. Hence, the “concentration of power” made it essential for legislators and the public to know who is paying the lobbyists how much to lobby whom on what. This has been the primary motivation to regulate lobbying activities in the United States.

Efforts to maintain orderly lobbying activities at the federal level started in 1876 when the House of Representatives approved the resolution to require lobbyists to register with the
House Clerk. This was then followed by various laws such as the Foreign Agents Registration Act (FARA) of 1938, Federal Regulation Act of 1946, Byrd Amendment and Miscellaneous Disclosure Laws. However, these laws failed to regulate lobbying because of their inherent loopholes.

Finally, by 1995, a comprehensive reform of federal lobbying laws was signed into law by former U.S. President Bill Clinton and took effect on January 1, 1996. The Lobbying Disclosure Act of 1995 by Sen. Carl Levin replaced all lobbying disclosure laws with a single, uniform statute covering the activities of all professional lobbyists. It incorporated FARA, the Byrd Amendment and the Federal Regulation of Lobbying under one law and provided substantial improvements in their definitions, coverage, reporting requirements and enforcement.

One of the important provisions of the Lobbying Disclosure Act (LDA) of 1995 is its definition of the term lobbyist which is as follows:

Any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

Furthermore, LDA recognizes two kinds of lobbyist: in-house lobbyists, who promote the interests of the employing organization or business, and outside lobbyist who contract with clients outside the organization of business. Both kinds are required to register and report their financial activities.

A lobbyist should register to the Secretary of Senate and to the Clerk of the House. The registration information generally includes the names of the lobbyist, employer and/or client, and
any organization that contribute $10,000 or more for the lobbying activities within a six-month period and play a substantial role in directing the lobbying activities; any foreign entity with a 20% or greater stake in the lobbying activity; and a list of issues to be lobbied. Moreover, they are required to file bi-annual reports covering January 1 – June 30 and July 1 – December 31 each year. These reports identify the lobbyist, clients and employers; issues or bills that were lobbied; and a “good” estimate of aggregate lobbying expenses. These registration and financial activity reports are then being made available upon the request of the public.

Moreover, lobbying activities was defined as:

lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others (Lobbying Disclosure Act, 1995).

This was a broader definition of lobbying activities since it included even the preparation and supervisory activity prior to the lobbying contact itself.

However, despite the patchwork of previous laws and improvements provided by LDA, it still showed inherent weaknesses. This particularly pertains to the fact that the Act is limited to regulating the disclosure of lobbying activities rather than regulating the conduct of lobbying. In addition, the financial disclosure system still has some area for improvements (Holman, 2003).

Nonetheless, because of the fairly successful system created by the provisions of the Lobbying Disclosure Act, lobbying in the United States became a regulated profession. Lobbyists are being hired by clients for lobbying services and are being paid well. From the perspective of the legislators, these lobbyists are politically knowledgeable and may be relied on
for informed policy judgments. Thus, these serve as incentives for individuals and organizations to register as lobbyists and really participate in the policy making process.

Lobbying Framework in the Philippines

RA 1827: The Philippine lobby law.

Accordingly, attempts to regulate lobbying activities in the Philippine Congress were almost as old as those of the United States. The difference perhaps is that by 1995, the United States was already able to fairly regulate the said activity. Meanwhile, in the Philippines, an old law still serves as the general framework for lobbying.

The Republic Act (RA) no. 1827 entitled as An Act to Regulate Lobbying in the Congress of the Philippines and in the Commission of Appointments was originally the Senate Bill 590 sponsored by former Sen. Lorenzo Sumulong. It was enacted on May 23, 1957 and took into effect by June 22 of the same year. The said law was primarily inspired by the United States’ Federal Regulation of Lobbying Act of 1946 that focused on establishing a system of registration and financial disclosure of those attempting to influence legislation in the Congress.

The aforementioned law, RA 1827, defines lobbying as “the practice of promoting or opposing the introduction or passage of legislation” and lobbyist as “any person who engages in the practice of lobbying for hire”. But, this definition of lobbyist was then limited by the provision stated in Section 8 of the same law –

No person shall practice as a lobbyist unless he has been duly licensed under the provisions of Section 5 thereof and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing…
Hence, every lobbyist – whether individual or organization – was required by the law to register in the docket\(^7\) and get his/her license before engaging in any act of lobbying in the Congress.

The noticeable deficiency in RA 1827, however, was the system of financial disclosure. Given the provision to prohibit corruption, bribery and other unethical means of lobbying (Section 3, Republic Act no. 1827), perhaps the legislators assumed that there would be no need for a system of financial disclosure anymore since the prohibition will already regulate the financial activities of the lobbyists. Unfortunately, the Republic Act no. 1827, just like the Regulation Act of the United States, was found to be not only ineffective but poorly drafted.

An inquiry in aid of legislation was conducted by the House Committee on People’s Participation on the status of implementation of Republic Act no. 1827 in response to the House Resolution no. 975 filed by Rep. Raymond Palatino. The committee report that was submitted contained the following findings\(^8\):

- According to the House Secretary General Marilyn B. Yap, House records show that there are less than ten applicants for lobbyist registration filed from 1989 to 2011\(^9\)
- Both Houses (the House of Representatives and the Senate) and the Commission on Appointments confirm that RA 1827 is outdated.

Because of these, the committee recommended to amend RA 1827 so that it would be able to remain relevant to the present time, and to refine some of its provisions, most importantly its definition of what should be considered as legitimate lobbying practices in Congress.

Prior to the stated house resolution and committee report, however, another bill was filed by former Rep. Marcelino Teodoro in the House of Representatives that intended to disclose

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\(^7\)"The register of licensed lobbyists maintained by the Secretary of the House of Representatives…” Section 4 (6) of Republic Act no. 1827

\(^8\) These are just some of the findings included in the report. The researcher did not include those that are not related to the study

\(^9\) Note that these lobbyists were only applicants, not registered lobbyists.
lobbying activities. This was the House Bill No. 1199 that was later on substituted by House Bill No. 5928\textsuperscript{10}. It was entitled as \textit{An Act to Provide for the Disclosure of Lobbying Activities} but was also known as \textit{Lobbying Accountability Act 2010}. In contrast to RA 1827, House Bill 5928 enumerated the practices that may or may not be considered as lobbying activities. It also provided and elaborated the requirements for registration. The significant difference, perhaps, was that lobbyists, under this bill, were required to register not with the Secretary of the House but with the Securities and Exchange Commission. Yet, it still failed to provide specific provisions on the disclosure of financial activities of the lobbyists. Nonetheless, the bill was not signed into law though it gained the approval of the plenary.

Therefore, the “outdated” Republic Act no. 1827 still remains to be the framework of lobbying practices in the Philippines until further legislations.

\textbf{Lobbying as affected by the political culture.}

Before proceeding to the following parts of the study, it is important to note that this Lobby Law does not exist in a vacuum. Rather, it forms part of a political system that is embedded in a particular political culture.

Political culture, according to Sidney Verba (1965), consists of the system of empirical beliefs, expressive symbols, and values which \textit{defines the situation in which political action takes place}. It also gives meaning, predictability and form to a country’s political process. Moreover, a country’s political culture is a product of public events and private experiences. Thus, it is made up of the collective history of the political system and of life histories of individuals that form part of the system. As such, through a historical approach, the evolution of

\textsuperscript{10} However, aside from the number, there was no significant difference between the two bills.
the institutions and value patterns which give substance to the contemporary political cultures may be explained (Pye, 1965).

As for the Philippines’ political culture, the lobbying practices in particular, and state-civil society relations in general, were greatly shaped by the post-Marcos transition. Brillantes noted that the EDSA Revolution specifically “marked the beginning of a democratic transition in the country, a major feature of which is the opening of avenues for direct participation of civil society, notably through non-government organizations (NGOs) and people’s organizations (POs), in various level of government” (as cited in Wui & Lopez, 1997, p. 2). Furthermore, in a national conference on Philippine State-Civil Society Relations in Policy-Making, the conference participants acknowledged the fact that the space for democratic and consultative exercises, where state and civil society interaction takes place, is increasing and expanding not only in the local level but also in the national level (Wui & Lopez, 1997).

To illustrate, the 1987 Constitution of the Philippines elevated the participation of NGOs and POs in decision-making processes of the state. This is evident in the following provisions:

- The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation (Art. II, Sec. 23, 1987 Constitution)
- The state shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means (Art. XIII, Sec.15)
- The right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making shall not be abridged. The

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11 Around 50 delegates from NGOs, POs, government and the academe
State shall, by law, facilitate the establishment of adequate consultation mechanisms (Art. XIII, Sec. 16)

Thereafter, NGOs were institutionalized in domestic affairs and able to proliferate. The period from 1986 to 1995 saw a 160% growth of NGOs (from 27,100 to 70,200), making the Philippine civil society one of the most active in the developing world. The major elements of this civil society include media groups, investigative journalists, artists’ circles, social weather stations, academic think tanks, trade unions, migrant workers’ alliances, women’s organisations, student councils, environmental groups, farmers’ and fishers’ associations, and the Catholic Church. Consequently, the participation of these groups in the political arena is a strong counterbalance to elite parochialism thus creating a vibrant political sphere (Caoili, 2005).

In addition, the example distinctively set by the EDSA Revolution have contributed much to the existing low political culture of the country that makes people engage in extraconstitutional means of advocating change. Thus, mass mobilizations are being utilized as a lobbying strategy. This is why the concept of political culture also stands as one of the major factors why lobbying practices in the Philippines cannot be regulated by the existing Lobby Law.

Data Presentation and Analysis

Lobbying Framework in the Philippines

As presented in the Background of the Study, the governing law in the conduct of lobbying in the Philippines is the Republic Act no. 1827 (An Act to Regulate Lobbying in the Congress of the Philippines and in the Commission on Appointments). Though the committee report submitted in 2011 found this outdated, it still remains to be the legal framework of lobbying in the Philippines.
Experts and legislators themselves have agreed that this law is generally insufficient, non-functional and unresponding to the current political state of lobbying in the country. Though it is considered to be a “good statute” that may have put into perspective what lobby groups may legally do in terms of lobbying (D. De Jesus, personal communication, February 15, 2012), Rep. Edcel Lagman called it a “dead law” (personal communication, February 20, 2012) while political analyst, Prospero De Vera III stated that “it is not functional” and that “there’s a problem with the law itself” (personal communication, September 26, 2011). Moreover, policy consultant Luis Corral acknowledged that “it no longer responds to political reality” (personal communication, September 27, 2011).

Hence, the lobbying framework, since its ratification, had not been able to “create restraint on concrete lobbyists”. Individuals and organizations, whether registered or not, may transact with the legislators (L. Corral, personal communication, September 27, 2011). In addition, lobby groups who have more resources have the advantage over those who have less since there are no limits as to how much they may spend in lobbying. Besides, there are no reporting or financial disclosure system that would oblige the lobbyists to reveal their financial activities. As a result, the “playing field [for lobbying] is not flat. Not all major stakeholders have equal access to the legislators because there is [essentially] no framework to regulate access” (P. De Vera III, personal communication, September 26, 2011). Because of this, it is possible that the policy judgment of the legislators would not be based on reliable and honest information.

Aside from the fact that the law is not functional, its provisions are also faulty. This is in the sense of punishments in case of violations of the provisions. To note, if an unregistered lobbyist engaged in lobbying in the Philippines, s/he should be imprisoned only for six months or
less and would be fined only by one thousand pesos or less. In line with this, if the prohibition against corruption would be violated, the lobbyist or legislator shall be imprisoned only for two years or less, or would be fined by not more than five thousand pesos. Its system of punishments really is not something that would encourage the lobbyists to register nor prohibit them from being involved with corrupt practices.

Therefore, due to non-functionality and inherent flaws of the lobby law alongside the political culture of the country, there has been no concrete framework for lobbying in the Philippines and lobbying activities were never regulated.

**Various Lobbying Strategies**

Among the recognized lobbying strategies are mass mobilizations, forming coalitions, organizing debates and/or forums and inviting legislators, letter writing, submitting position papers, signature campaigns, troopings or mobilizations inside the Congress, attending committee hearings, personal meet-up, campaign funding, “envelopental” (a form of bribery wherein lobbyists with enough financial resources give some amount of money - put inside an envelope and being given under the table - to the legislators in order to make them act in their favor) (L. Corral, personal communication, September 27, 2011), and threats of supporting the opposing legislators. More often than not, lobby groups utilize mixtures of these strategies when they are advancing their interests to the legislators.

However, among these enumerated strategies, legislators acknowledged the fact that they generally give premium to “personal” types of strategies rather than those involving public pressure. Examples of such are letter writing, personal meet-up, attending committee hearings, and submitting position papers. According to Rep. Lagman, those strategies that are more personal are more effective (personal communication, February 20, 2012). Rep. Golez,
nevertheless, though gives significance to lobbyists’ strength in number, still expressed his preference of personal modes of lobbying over mass mobilizations when he said that he favors the lobbyists’ presence in Congress “especially if they have learned opinion and they can discuss it in a rational way instead of making noise all over.” (personal communication, February 6, 2012).

The “noisy” strategy.

Mass organizations give primary importance to mass mobilizations in the form of political protests or rallies with the participation of different sectors of the society. Gaylord Despuez, NCR Campaign Coordinator of Bayan Muna, affirmed this when he said that -

The most important and effective way to get the sympathy of the legislators is through mass movements wherein they (the legislators) could see the different sectors of the society especially the urban poor and the oppressed. These influence them to support and sympathized with different issues and advocacies (translated, personal communication, September 19, 2011).

However, experts acknowledge the difficulty in organizing mass mobilizations and utilizing them as a lobbying strategy. According to policy consultant, Luis Corral, people are too busy earning to provide for their needs which is why they are difficult to convince to join in mass mobilizations. To quote, “…and Filipinos essentially… are hard to bring to the streets… It’s very difficult to get them to engage because as a rule of tongue they are too busy to earn a living” (personal communication, September 27, 2011). Political analyst, Prospero De Vera III, also added the fact that using public pressure to influence the legislators is “very tricky, very
expensive and very long-term\textsuperscript{12}. It requires various resources such as time, manpower and material resources (personal communication, September 26, 2011).

Legislators, on the other hand, recognized that mass mobilizations, in general, is one of the most common strategies for lobbying. However, despite that it catches the attention of legislators, it is not really effective as mass organizations thought it is (D. De Jesus, personal communication, February 15, 2012). It is important to note that through the course of interviews with the legislators, they had been implying that mass mobilizations are 	extit{irrational} (R. Golez, personal communication, February 6, 2012), 	extit{insubstantial} (D. De Jesus, personal communication, February 15, 2012) and just 	extit{noise} (R. Golez, personal communication, February 6, 2012). These implications show that legislators have been unconsciously utilizing the Collective Behavior Theory (CBT) as lens in perceiving social movements. This theory assumes that collective behavior - in this study, mass mobilizations – is an 	extit{irrational and cognitively inadequate} response to structural strains. Accordingly, participants are viewed as dangerous and irrational individuals responding to a variety of social stresses. In line with this, Rep. Roilo Golez said that he is not easily influenced by mass mobilizations because he “still want[s] to listen to reason” as if implying that mass mobilizations are conducted for no valid reason at all. Besides, he stated that there are some issues wherein mass organizations respond 	extit{automatically} as if implying that they do not think, analyze and evaluate first the issue before responding and organizing mass mobilizations (personal communication, February 6, 2012). To add, Dennis De Jesus said that Rep. Winston Castelo prefers the letter writing strategy over mass demonstrations

\textsuperscript{12} Long-term in the sense that public pressure strategies are not only concerned about the execution. Public pressure strategies such as mass mobilizations include the research process, organization of the event/activity, inviting the public to join, educating the public and the actual execution or demonstration in the streets.
because he “focuses more on substance” as if implying that mass demonstrations are just plain noise with no substance at all (personal communication, February 15, 2012).

Worse, Dennis De Jesus stated that “numbers deceive” and that “mass organizations don’t accurately reflect the pulse of the public”. The reason behind such statement is that he believes that some mass organizations give some amount of money to the public in order to convince them to join the mobilizations. To quote, “they [mass organizations] pay some group of people to join them in their demonstrations” (personal communication, February 20, 2012).

With these perceptions, it is more difficult to utilize the mass mobilizations as a means to influence the legislators since they are generally considered to be irrational and insubstantial. Mass organizations may not even be able convince the legislators that their advocacies reflect the needs and interests of the masses despite the number of people who are with them as they march on the streets since the legislators have the presumption that these people are paid to join the demonstrations.

Furthermore, Rep. Lagman admitted that “legislators don’t really listen to rallies”. However, somewhat to the defense of this statement, he said that the media is an important factor that may or could have affect the effectiveness of these mass mobilizations (personal communication, February 20, 2012). The legislators’ perception and understanding of mass mobilizations as well as their purpose are shaped by how the media present them. If the media clearly presents the advocacy of mass organizations and why they are conducting mass mobilizations, then it increases the effectiveness of the strategy and is able serve as a tool for the legislators to understand and sympathize with their advocacies. On the other hand, if the media presents mass mobilizations as automatic response to a particular issue, then that is how the
legislators will see it and the tendency is that they will believe that mass organizations really don’t think first before acting.

“Under-the-table” strategies.

Experts also exposed the fact that in contrasts to the tedious and time consuming strategies of the mass organizations are the simple and practical means of the business class. Rep. Lagman even said that their strategies are “furtive” (personal communication, February 20, 2012) or are being done in secret. Nonetheless, policy consultant Luis Corral revealed that they commonly use the “envelopmental” and other “under the table” strategies. (personal communication, September 27, 2011). Despite the fact that their strategies are less transparent to the public, they could still be more effective (E. Lagman, personal communication, February 20, 2012) though it was not elaborated how these strategies are being done and how effective these could be.

Contradicting advocacies.

Thus, the business class and their lobbyists oftentimes hinder to what the mass organizations are pushing for. An example provided by Rep. Roilo Golez is the issue on mining. According to him, one group – that is the business class lobbyists – says that mining is helpful for the country, particularly for the economy, because of the possible profits. On the other hand, environmentalists and indigenous people’s groups are against mining due to the possible environmental destruction it could cause. Hence, in this example, one group’s interest is to profit, while the other group’s interest is to preserve the land. Presently, the issue on mining is still one of the most controversial issue waiting to be settled.

13 Practically, that is why the researcher was not able to gather information directly from the legislators on how the business class lobby in the Congress.
Moreover, examples given by the mass organizations are the genuine agrarian reform and the wage hike. These demands from the mass organizations had been consistent throughout the years. Somehow similar to mining, these two had been issues between the mass public and the economically powerful. Farmers are requesting for their own lands to till or at least get a decent share from what they are working for while laborers are asking for a decent salary – enough for daily living. On the other hand, owners of the land want to keep their property and their source of income while business owners and executives mainly aim to gain profit. Thus, farmers and laborers are demanding to get the part that they believe they deserve from the economically powerful but the owners want to keep what they believe are theirs and gain more profit. Hence, the result is evident. House Bill no. 3509 or the Genuine Agrarian Reform Bill of 2007 is still pending in the Congress so as with the House Bill 375 that seeks to legislate the P125 across the board wage increase. Why these bills are still pending despite the consistent lobbying and strong articulation of the mass public is implicitly evident.

At the end, these informal institutions, both mass organizations and business class, do influence and affect the political environment by influencing not only the legislators but also the public. The group that would succeed in lobbying will greatly affect the kinds of bills that would be passed in the Congress. Likewise, by merely knowing their interests as well as who were effective lobbyists, people could most possibly determine what kinds of bills there will be in the public policy.

**Factors being Considered in Policy-Making**

To say that lobbying is the only factor that shapes the public policy is a major mistake. Rep. Lagman acknowledged that the factors being considered in policy-making may not be isolated from one another and that there are many “intertwined factors” (personal
communication, February 20, 2012). Prospero De Vera III supported this statement when he said that “there is no one factor. There is no [fixed] set of factors. Legislation is a very dynamic process and nobody can really predict how the process will move” (personal communication, September 26, 2011). However, he later on clarified that the assumption, still, is that legislators see the bills they are passing/proposing as “law-dable”. Meaning, for the legislators, they are the bills that would respond to the needs and demands of their constituents.

With regards to the technicalities of the bill, experts pointed out that its substance, timeliness, relevance and possibility of winning votes in the Congress are some of the primary factors being taken into consideration.

Nonetheless, with regards to implicit factors, Luis Corral pointed out that laws are products of a mixture of idealism and greed. To quote, “at the back of your mind, there’s always public interest but at the back of your mind there’s also, ‘pano ako kikita dyan?’ (‘how would I benefit from that?’)” (personal communication, September 27, 2011). This may also be the point that Gaylord Despuez of Bayan Muna is trying to imply when he said that one of the limitations of their lobbying strategies is the current characteristic of the Philippine politics – dominated by rotten traditional politicians (personal communication, September 19, 2011). He’s trying to imply that these politicians also aim to serve their own interests which is why their (Bayan Muna’s) demands that represent those of the marginalized and the oppressed are still unmet. Hence, these support Rachel Caoili’s findings –

Many Filipinos have a general cynicism towards politics as an instrument of genuine structural change due to the hierarchical patron-client structure\(^\text{14}\) of

\(^{14}\) In Carl Lande’s Patron-Client structure, he concluded that the political elite, those who can afford to be patrons whose occupations permit them to do favors for a large number of ordinary voters, are linked to the masses in supra-class political combinations based on mutual aid (as cited in Pye, 1965, p. 299).
Philippine society. Philippine politics is perceived as being fraught with *dishonesty, personal ambition and greed* (2005, p. 26).

Hence, Luis Corral advised that “as an advocate, you should remember that when you target a legislator, remember that you’re dealing with persons”, persons with their own advocacies, biases and interests (personal communication, September 27, 2011). And this was proved to be true when Rep. Golez stated that “I go on my area of interests” (personal communication, February 6, 2012). In addition, both Rep. Lagman and Castelo primarily consider their *own advocacies* in policy-making (personal communication, February 2012). Hence, these advocacies, biases and interests may differ from one person to another. As for example, Rep. Golez enumerated that his primary area of interests are defense, bank and trade, energy and mining (personal communication, February 6, 2012) while Dennis De Jesus stated that Rep. Castelo’s main advocacies are equal opportunities among the people, welfare of senior citizens, benefits for the urban poor, and empowering the youth (personal communication, February 15, 2012). Yet, in the end, it all points that legislators, in some way, utilize their authority and power through policy making in order to advance their own interests.

Following the Rational Actor Model, the primary assumption for the interest of legislators is that they want to remain in power. Being rent-seeking politicians, they would aim for re-election in the next season. In line with this, Caoili (2005), stated that Philippine politics may be characterized as being *more concerned with winning the elections than implementing effective policy*. She also added that after being elected, most politicians are then preoccupied with recovering costs and meeting patron-client demands. This is one of the reasons why the business class, though implicitly, has become more effective in lobbying. As presented above, they are capable of providing campaign funds to the legislators. If such amount may not be
enough for campaign funds, as long there are financial resources, it still has significant value for the legislators. Compare this strategy with those of the mass organizations who most commonly utilize political protests. What do the legislators hear and see from these mass mobilizations? In this study it was found out that mass mobilizations are perceived to be just noisy, irrational and insubstantial acts. This is the main reason why mass organizations have difficulty in advancing their interests. As a result, public policy usually responds not to the mass public but to the interests of the business class. Since it is the business class who help the legislators to advance their interest of remaining in power, then, evidently, the legislators act in their favor.

Moreover, due to the fact that most of these legislators identify themselves with the business class (since they also come from the same sector), it is easier for them to relate with the demands of these people. And this is another hindrance that the mass organizations should bridge over in order to make the legislators identify themselves with the public demands and needs.

Hence, in order to be effective lobbyists, it would be better to have two lenses. One is to see the interests of the sector they are representing, the other is to see the interests of their target legislators by which they should penetrate. They must learn to advance their interests in a way that will make the legislators believe that these would also benefit them and the society as a whole. As Luis Corral stated, it is important that legislators have the lawyering and public relations skills. To quote, “it’s like lawyering without being a lawyer. It’s like being a PR (public relations) without being a PR person. You have to combine the skills of both PR and lawyering – these are the two – to get this thing done.” In relation to this, he also stated that lobbyists should have the command of language as well as the command of issue in order to effectively influence the legislators (personal communication, September 27, 2011).
Kinds of Bills Being Passed

The combination of different factors being considered by numerous rational legislators in policy-making also results to a variation in the kinds of bills being passed. Political analyst, Prospero De Vera III, categorized bills into three. These are: 1) the great bills, 2) good bills, and 3) the parochial or “so-so” bills. He acknowledges the fact that most of the bills being proposed and are passed in the Congress are those that he called parochial bills. Though he has nothing against it, he believes that legislators must prioritize those great bills that the public needs. As he stated, “I have no objection with some that is small, parochial bills. That’s okay. So long as they start pushing this after they had done or pass the more important laws.” More so, according to him, these parochial bills are merely “knee-jerk” solutions to real problems. They do not really answer the needs and demands of the people. Rather, they are just temporary solutions in order to divert the people’s attention from the real problems (personal communication, September 26, 2011). Gaylord Despuez, in some way, showed his agreement on this when he stated that –

The bills that are being discussed in the Congress are not of primary importance. They still don’t answer the main issues or concerns of the public such as the wage hike, budgetary increase for social services, genuine land reform, scrapping of EVAT, and the like (translated, personal communication, September 19, 2011).

Hence, the current state of legislation – wherein much of the bills being passed/proposed are parochial while the great bills are still pending – may be related to the presented statement of the policy consultant, Luis Corral, earlier; that the public policy is affected not only by the interests of the lobby groups, but also those of the legislators. Given the profile of the legislators in the present Congress, it may be observed the many of them are landlords, members of the business class, members of political dynasties, or showbiz personalities. With such, their
interests are quite contradictory with those of the masses, the marginalized and oppressed sectors of the society. Consequently, it appears that though they also aim to address the needs of their constituents, their self-interests remain to be on top of their priority. To quote Rep. Lagman, “I give premium to that [personal advocacies/interests]”. Furthermore, when asked to arrange some factors that he considered according to his preference, he answered as follows (E. Lagman, personal communication, February 20, 2012):

1. Personal advocacy
2. Political affiliation or the stand of party by which he is affiliated
3. Personal communication strategies such as letter writing and personal meet-up
4. Personal relation with the author of the bill
5. Strength in number of mass mobilizations

It is indeed evident that his own advocacies come first while mass mobilizations come last. It is also important to note that he considers his personal relation with the author of the bill above the strength in number.

Therefore, since the legislators are the ones in power, having the authority not only to legitimize issues but also to pass laws, they were able to make public policies in their favor and that would protect their interests.

As stated by the Public Choice theory, public policies are the result of the inevitable rationality of rent-seeking political elites. Given the profile of these political elites, they could more easily identify with the business class. Their (the political elites’ or the legislators’) interests are closer to those of the business class and not to those of the mass public. Hence, Rachel Caoili (2005) made the correct observation when she stated that “oligarchy hides behind the appearance of Western-style liberal democracy while dominating the...legislature,
bureaucracy, and elections through its money, private armies, the military, and police.” As a result, “the norm of corrupt practices and elite control maintains the state as subservient to elite interests and therefore weak and incapable of meeting the demands of the wider public.”

Mass organizations, nevertheless, seem to unable to address this concern. Based on the legislators’ aforementioned statements, mass organizations were not able to relate their concerns and demands to the biases and interests of the legislators. Thus, to be more effective, they need to show that the issues and bills they are pushing for will particularly benefit them (the legislators) and the society as a whole.
Conclusion

The United States’ Lobbying Disclosure Act maybe an ideal lobbying framework to consider in the Philippines since it makes lobbying a profession and there is a system of records for transparency purposes. Also, in the U.S. framework of lobbying, major stakeholders all have equal access to their legislators since a limitation was set as to how much a lobbyist or a lobby group may spend on a particular legislator. In the Philippine context, however, there is no concrete framework for lobbying activities simply because its only Lobby Law is not functional and fails to respond to the political realities of the country. In relation to this, one major factor why the Lobby Law became unresponsive is the country’s political culture. Due to the outstanding political culture of the Philippines, lobbying activities cannot be regulated inside the formal structures of the government despite the existence of a legal framework. Thus, this is also the reason why lobbying activities in the country are not regulated and major stakeholders do not have equal access to the legislators.

Nonetheless, the subjects of this research – mass organizations – mainly rely on public pressure; political protests, signature campaigns, et cetera in order to lobby in the Congress. They believe that by demonstrating how much the public are pushing for it, they could get the sympathy of the legislators that would, in turn, legitimize their issues and pass the bills they are pushing for. However, utilizing public pressure proves to be less effective because mass demonstrations are viewed by the legislators as irrational and insubstantial. Thus, legislators may less likely listen to them.

Rather, legislators prefer to listen and take into consideration the personal modes of lobbying such as letter writing, submitting position papers, personal meet-up, et cetera. These,
according to them, are more effective means of lobbying since they are able to see and analyze the rational arguments of the lobbyists for or against a certain bill.

Accordingly, the most common opposing group to the mass organizations are those coming from the business class. If compared to the mass organizations, their strategies are furtive and more personal. Though they are less transparent with their strategies and the interests they are protecting, they could still be more effective since, as stated, their strategies are more personal. Hence, it was found out that their common strategies are “envelopmental” and “under the table” – which is more likely to be possible since these people have enough financial resources that enables them to engage in corrupt practices and bribe the legislators in order for them to advance their interests. Furthermore, these strategies are only additional to the inherent advantage of the business class by having most of the legislators identify themselves with them because they belong to the same social class.

Moreover, another important factor in the process of policy-making of the legislators is their own interests and advocacies. Since they are human beings themselves, they still give premium importance to the interests and advocacies they personally protect. Hence, this is the aspect that the lobbyists may need to target in their lobbying activities. More than presenting the needs of the public (for mass organizations) and the possible profit that may be gained (for business class), lobbyists should be able to show that their interests and advocacies are the same with those of the legislators.

Dissecting the kinds of bills being passed in the present Congress – parochial and temporary solutions to real and major problems – reveals which lobby group were most likely being favored by the present Congress. To note, great bills that would address the needs of the mass public remains pending in the Congress: GARB, RH bill, wage hike, and the like. Perhaps
this reflects that public pressure is not enough to influence the legislators and make them act in their favor. It also shows that most probably, the legislators benefit that much from the business class and can identify their interests to be the same as theirs.

Therefore, the absence of great laws that would truly solve the problem of the masses and that would respond to the demands of the masses after all the efforts being put by mass organizations on their lobbying strategies imply that the legislators fail to prioritize the more important needs of its people. As human beings, well, evidently, they prioritized their own personal interests first.
Recommendation

Given the aforementioned conclusions, the researcher then presents the following recommendations for more regulated and effective lobbying as well as for further studies in relation to this study —

First of all, there is the main necessity to substantially amend the Republic Act no. 1827. Aside from increasing the punishments for violations of the prohibitions against corruption and bribery practices, it is also important to incorporate a system of regulating financial activities of the lobbyists and a system financial disclosure. These are deemed to be necessary in order to provide equal access to lobby groups and individuals. Furthermore, in the process of amending the bill, it is of vital importance that the legislators have the full awareness and knowledge of the country’s political culture because this factor is of great significance in the effectiveness of the law. After making the amendments, it is then significant to implement this governing law on lobbying strictly in order to regulate the lobbying practices in the Congress.

With regards to the conduct of lobbying, since the primary concern of this study is the lobbying strategies of mass organizations, the researcher suggests that they may lessen their mass mobilizations if the purpose of such is to push for the bill(s) that the public needs. The researcher acknowledges the significant amount of time, effort and resources needed in conducting demonstrations but are, unfortunately, as found out in this study, not appreciated by the legislators. Rather than creating “noise” (as the legislators call it), it may be better if they spend more of their time, effort and resources in conducting more intensive research on the bills, as well as on the interests and advocacies of the legislators they seek to lobby to. With sufficient knowledge on the bills they are lobbying for or against, and on the interests/advocacies of the legislators, they can then submit substantial position papers or personally meet with the
legislators so that they can intensively explain their concerns in such a way that will make the legislators believe that their advocacies are the same. If the legislators saw the similarities of the advocacies then it is more probable to win their support.

Hence, since mass organizations give premium importance to demonstrations, it is then necessary that in conducting such, they are also able to clearly send their message to the media since it is found to be a significant factor as to how the legislators and the public perceive demonstrations and their purposes. Perhaps, it would be beneficial to directly inform the media of the advocacies that the mass organizations are advancing.

Nonetheless, if after significant amount of lobbying, the legislators are still not convinced, mass organizations may resort to People’s Initiative. Republic Act no. 6735 entitled as An Act Providing for a System of Initiative and Referendum and Appropriating Funds Therefor gives “power to the people to directly propose, enact, approve or reject, in whole or in part, the Constitution, laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act” (Section 2). Hence, this allows the public to directly propose, enact, approve and reject any law or bill after meeting the requirements for doing such.¹⁵

Lastly, for further studies in relation to the topic of lobbying, the researcher suggests to cover the role of two important factors that were not sufficiently discussed in this study. These are the role of the media and the effectiveness of the lobbying strategies of the business class.

Examining how the media presents mass mobilizations may help in further explanation of why the legislators perceive such activities as irrational and insubstantial. It may also be

¹⁵ Refer to the aforementioned Act for the requirements needed.
important to study how significant is the contribution of media in shaping the legislators’ perception of mass mobilizations, and mass organizations in general.

On the other hand, it may be helpful for the study to gather data directly from the business class, or from the lobbyists of the business class – the specific strategies they conduct and how they conduct them. Thus, if impossible, acquire information from the legislators as to how effective these strategies are and why they are more, or less, effective compared to those being done by mass organizations.
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