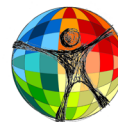


# Crime and Poverty: Criminalization and Empowerment of the Poor in the Philippines

*Alicia Blimkie*

McGill Centre for  
Human Rights  
and Legal Pluralism



Centre sur les droits de la  
personne et le pluralisme  
juridique de McGill



**McGill**

Faculty of Law    Faculté de  
Droit

# ABOUT CHRLP

Established in September 2005, the Centre for Human Rights and Legal Pluralism (CHRLP) was formed to provide students, professors and the larger community with a locus of intellectual and physical resources for engaging critically with the ways in which law affects some of the most compelling social problems of our modern era, most notably human rights issues. Since then, the Centre has distinguished itself by its innovative legal and interdisciplinary approach, and its diverse and vibrant community of scholars, students and practitioners working at the intersection of human rights and legal pluralism.

CHRLP is a focal point for innovative legal and interdisciplinary research, dialogue and outreach on issues of human rights and legal pluralism. The Centre's mission is to provide students, professors and the wider community with a locus of intellectual and physical resources for engaging critically with how law impacts upon some of the compelling social problems of our modern era.

A key objective of the Centre is to deepen transdisciplinary collaboration on the complex social, ethical, political and philosophical dimensions of human rights. The current Centre initiative builds upon the human rights legacy and enormous scholarly engagement found in the Universal Declaration of Human Rights.

# ABOUT THE SERIES

The Centre for Human Rights and Legal Pluralism (CHRLP) Working Paper Series enables the dissemination of papers by students who have participated in the Centre's International Human Rights Internship Program (IHRIP). Through the program, students complete placements with NGOs, government institutions, and tribunals where they gain practical work experience in human rights investigation, monitoring, and reporting. Students then write a research paper, supported by a peer review process, while participating in a seminar that critically engages with human rights discourses. In accordance with McGill University's Charter of Students' Rights, students in this course have the right to submit in English or in French any written work that is to be graded. Therefore, papers in this series may be published in either language.

The papers in this series are distributed free of charge and are available in PDF format on the CHRLP's website. Papers may be downloaded for personal use only. The opinions expressed in these papers remain solely those of the author(s). They should not be attributed to the CHRLP or McGill University. The papers in this series are intended to elicit feedback and to encourage debate on important public policy challenges. Copyright belongs to the author(s).

# ABSTRACT

Poverty is an acute issue in the Philippines. Working alongside the poor to decrease the number of people living in destitute conditions, several NGOs in the country employ a strategy called “alternative lawyering”. Similar to the global framework of Legal Empowerment of the Poor, this form of practicing law highlights the contributions of the clients themselves, empowering them to personally take action against the injustices that they face. A major stumbling block to this approach is President Rodrigo Duterte. The Philippine President has taken many actions that have exacerbated poverty on the islands, including increasing enforcement of “anti-tambay” laws, which criminalize benign acts such as smoking in public. Despite the increasing criminalization of poverty in the Philippines, this paper argues that alternative lawyering can still be employed as an effective method to resist anti-poor laws and increase participation of the poor in decisions that affect them.

# CONTENTS

<b>INTRODUCTION</b>	<b>6</b>
<b>A SNAPSHOT: POVERTY IN THE PHILIPPINES</b>	<b>8</b>
<b>CRIMINALIZATION OF POVERTY: ANTI-TAMBAY AND ANTI-BEGGING LAWS</b>	<b>12</b>
<b>LEGAL EMPOWERMENT OF THE POOR AND ALTERNATIVE LAWYERING IN THE PHILIPPINES</b>	<b>19</b>
<b>THE LIMITS TO EMPOWERMENT OF THE POOR IN A CONTEXT OF CRIMINALIZATION OF POVERTY</b>	<b>24</b>
<b>A SAMPLE OF SOLUTIONS</b>	<b>28</b>
<b>CONCLUSION</b>	<b>32</b>
<b>BIBLIOGRAPHY</b>	<b>34</b>

## Introduction

The Philippines is a country of contrasts. In Manila, the skyscrapers of Makati's business district stand in sharp relief next to the shacks of informal settlements. The inequality that is visible throughout the country is also reflected in statistics: more than one fifth of the population lives under the poverty line.<sup>1</sup> The United Nations defines poverty as "sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights".<sup>2</sup> Thus, poverty is a multidimensional phenomenon. While the number of poor households in the Philippines has been slowly declining, the state still lags behind other countries in the Association of Southeast Asian Nations (ASEAN) in terms of poverty-reduction.<sup>3</sup> As a signatory to the International Covenant on Economic, Social and Cultural Rights, the Philippines has an obligation of provide for its citizens with "adequate food, clothing and housing, and to the continuous improvement of living conditions".<sup>4</sup> However, the Convention only obliges states to fulfill these rights "progressively", "to the maximum of [their] available resources".<sup>5</sup> Thus, the state has no immediate obligation to ensure an adequate standard of living for all. Moreover, the current regime, headed by President Rodrigo Duterte, has taken actions that disproportionately target the poor and have the potential to push families deeper into poverty.

Recently, enforcement of a collection of laws referred to as "anti-tambay" ordinances has intensified. These laws impose fines and jail sentences for individuals who drink or smoke in

---

<sup>1</sup> World Bank, "Philippines' Poverty Rate Declines; More Well-Paying Jobs and Opportunities Needed" (30 May 2018), *The World Bank*, online: <<https://www.worldbank.org/en/news/press-release/2018/05/30/philippines-poverty-rate-declines-more-well-paying-jobs-and-opportunities-needed>>.

<sup>2</sup> UNESCO, 25th Sess, UN Doc E/C.12/2001/10 (2001).

<sup>3</sup> *Supra* note 1; Asian Development Bank, *Poverty in the Philippines: Causes, Constraints, and Opportunities*, (Mandaluyong City: Asian Development Bank, 2009) at 39.

<sup>4</sup> United Nations, "Chapter IV: Human Rights, 3. International Covenant on Economic, Social and Cultural Rights", *United Nations Treaty Collection*, online: <[https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=iv-3&chapter=4&clang=en](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=iv-3&chapter=4&clang=en)> [UNTS ICESCR]; *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 art 11.1 (entered into force 3 January 1976) [ICESCR].

<sup>5</sup> ICESCR *supra* note 4 art 2.1.

public or go outside shirtless. Additionally, a law criminalizing begging was enacted in 1978, and is still in force.<sup>6</sup> All of these laws target the poor, contributing to the penalization of poverty. To combat these injustices, a group of NGOs in the Philippines has used a framework called “alternative lawyering”, which is similar to the approach of Legal Empowerment of the Poor championed by the United Nations Development Programme. In the summer of 2018, I worked as an intern at the Ateneo Human Rights Center (AHRC), an organization in Manila committed to alternative lawyering. My time at the AHRC has informed this paper.

In this paper, I argue that despite the barriers to empowerment caused by Duterte’s anti-poor tactics, the approach of alternative lawyering remains an effective method to create a Filipino society where the law is neutral, and the poor participate in making decisions that affect them. To begin, I define the contours of poverty in the Philippines, to underline the complexity of the issue. Next, I describe several Filipino laws that unjustly target the poor, resulting in infringements of their human rights. Subsequently, I explain the concepts of alternative lawyering and Legal Empowerment of the Poor, then explain their limitations in the current political and legal climate. To facilitate this analysis, I employ Amartya Sen’s framework of “capabilities”, which conceptualizes poverty as the absence of capabilities. Continuing with this theoretical framework, I propose several solutions to mitigate the effects of the aforementioned laws, and to increase the participation of the poor in political decision-making. From this analysis, Legal Empowerment of the Poor emerges as a potential foundation on which to base strategies for the poor to exercise their agency individually and at the policy level, despite a political climate that fosters hostility toward the indigent.

## **A Snapshot: Poverty in the Philippines**

The Philippines is a country known for its poverty and inequality. While the country’s Gini coefficient, which measures income distribution, “improved to 0.4580 in 2006 from 0.4605 in 2003 and 0.4872 in 2000”, this change is marginal and still

---

<sup>6</sup> Presidential Decree No. 1563: *Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes*, 11 June 1978, online: <http://www.chanrobles.com/presidentialdecrees/presidentialdecreeno1563.html#.W-XgmpNKG2w>.

represents a high level of inequality.<sup>7</sup> Moreover, the economy of this Southeast Asian archipelago has suffered from sluggish growth, particularly when compared to some of its neighbors. Since the 1960s, annual GDP growth for the country has considerably lagged behind the economies of Indonesia, Malaysia, Thailand, and Vietnam, reaching a low of -7.3% in the mid-1980s.<sup>8</sup> Since 2010, growth has stabilized between approximately 6% and 7%.<sup>9</sup> While Malaysia and Thailand had economies similar to the Philippines in the 1960s, these two countries have nearly eliminated poverty.<sup>10</sup> Today, more than one fifth of the population of the Philippines lives under the poverty line, despite the fact that absolute poverty has slightly decreased in recent years.<sup>11</sup> Before considering certain pieces of legislation that adversely impact the poor in the Philippines, I will briefly explore how poverty manifests in different ways across the country, depending on the location and identity of the individual or group concerned.

To explore socioeconomic rights in the Filipino context, one must be aware of the intersectional nature of poverty and its different faces across the islands. One feature of poverty in the Philippines is the distinction between urban and rural poverty. Filipino cities have experienced extremely high rates of growth compared to those in other developing countries: between 1970 and 2010, the growth rate was 5.1%.<sup>12</sup> Over half of the population, approximately 38 million people, is urban.<sup>13</sup> Issues faced by the urban poor include the threat of eviction from unauthorized settlements, lack of proper health facilities and exposure to health risks, insufficient educational institutions, and vulnerability to crime.<sup>14</sup> On the other hand, most of the Philippines'

---

<sup>7</sup> *Supra* note 3 at 1.

<sup>8</sup> *Supra* note 3 at 39-40; World Bank, "GDP Growth (annual %)", World Bank, online: <<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=PH>>, [World Bank PH GDP].

<sup>9</sup> World Bank PH GDP *supra* note 8.

<sup>10</sup> *Supra* note 3 at 39.

<sup>11</sup> *Supra* note 1.

<sup>12</sup> Karina Constantino-David, "Unsustainable development: The Philippine experience" (2001) 11:2-3 *Development in Practice* 232 at 234.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Supra* note 3 at 20; Emma Porio & Christine Crisol, "Property rights, security of tenure and the urban poor in Metro Manila" (2004) *Habitat International* 203 at 204.



poor reside in rural areas.<sup>15</sup> The factors contributing to poverty in rural areas differ from those of urban poverty. The prevalence of rural poverty is largely due to problems in the agricultural sector.<sup>16</sup> The Asian Development Bank cites the failure of agrarian reform, weak property rights, improper delivery of agricultural services, weak governance, and annual typhoons as reasons why rural agricultural workers have been unable to attain higher income levels.<sup>17</sup>

A second notable distinction is that of the chronic and transient poor. The former is a group that is always poor, while the latter are families that dip in and out of poverty depending on their vulnerability to different shocks.<sup>18</sup> These shocks can exist at a macro level, such as crises in the economy or inflation; at the community or regional level, such as natural disasters or armed conflict; or at the household level if a wage-earner suffers illness or job loss.<sup>19</sup> In the Philippines, chronic poverty remains an issue, but “has been reduced by almost half in the last 18 years”.<sup>20</sup> Transient poverty is also severe. 59% of households have been poor at least once, demonstrating high vulnerability throughout the country.<sup>21</sup> To improve the situation of both groups, officials and NGOs need to address the causes of chronic poverty, while also ensuring that the transient poor are insulated from shocks.

To fully grasp the complexity of the phenomenon of poverty in the country, one must understand a multiplicity of additional factors that intersect with low socioeconomic class to contribute to poverty. These include: political corruption,<sup>22</sup>

---

<sup>15</sup> *Supra* note 3 at 19.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Connie Bayudan-Dacuycuy & Joseph Anthony Lim, “Chronic and Transient Poverty and Vulnerability to Poverty in the Philippines: Evidence Using a Simple Spells Approach” (2014) 118:389-413 *Social Indicators Research* 389 at 398-390.

<sup>19</sup> *Ibid* at 390.

<sup>20</sup> *Supra* note 3 at 27.

<sup>21</sup> *Supra* note 18 at 395.

<sup>22</sup> Panos Mourdoukoutas, “Corruption is Still a Big Problem in the Philippines”, *Forbes* (21 February 2018), online: <<https://www.forbes.com/sites/panosmourdoukoutas/2018/02/21/the-philippines-is-getting-more-corrupt-under-duterte/#6fb4b98256a1>>.

inflation,<sup>23</sup> high population growth,<sup>24</sup> internal displacement,<sup>25</sup> armed conflict,<sup>26</sup> and natural disasters.<sup>27</sup> While an analysis of each of these elements is beyond the scope of this paper, it is important to be aware that the web of issues surrounding poverty in the Philippines extends far beyond those discussed in this essay. Some of these are exogenous factors, while others are directly linked with government policy. Although the voices of the poor are stifled in the political arena, there are also times when the poor wield some influence over political elites.

The poor are not politically passive or apathetic. Voter turnout in Filipino elections is consistently high.<sup>28</sup> Democracy is embedded in the constitution of the Philippines, which gives citizens the right to directly propose amendments to the constitution, and to directly enact, propose or reject laws following a petition and referendum.<sup>29</sup> While these formal methods of direct democracy are rarely used,<sup>30</sup> the poor also exercise their influence in politics prior to elections. Because of the size of the poor population, particularly in urban settings, politicians need to secure the votes of this demographic.<sup>31</sup> Urban poor organizations rally behind candidates based on their promises to provide resources to their communities, punishing those who do not deliver by voting for another candidate.<sup>32</sup> Some authors argue that this process is saturated with co-optation as candidates may give away sacks of rice or even Peso bills during

---

<sup>23</sup> Ralf Rivas, "Inflation hits poorest Filipinos hard in Q2 2018", *Rappler* (1 August 2018), online: <<https://www.rappler.com/business/208624-inflation-effects-poorest-filipinos-q2-2018>>.

<sup>24</sup> *Supra* note 3 at 2.

<sup>25</sup> United Nations Office for the Coordination of Humanitarian Affairs, "Ending Protracted Internal Displacement: Case Studies", online: <<https://www.unocha.org/ending-protracted-internal-displacement/case-studies>>.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> Djorina Velasco, "Marginalized Groups and Political Participation: Perspectives from the Philippines" (2007) 50:1 Development 117 at 120.

<sup>29</sup> *The Constitution of the Republic of the Philippines*, 1987 art VXII s 2, art VI s 32, art XVII s 2; *Republic Act No. 6735, An Act Providing for a System of Initiative and Referendum and Appropriating Fund Therefor*, Congress of the Philippines, 8th Congress, 1989.

<sup>30</sup> Anna Leah Fidelis T Castaneda, "Philippine Elections: The Right to Political Participation in an Elite Democracy" (1997) 41:2 *Ateneo LJ* 314 at 351.

<sup>31</sup> *Supra* note 28 at 118.

<sup>32</sup> *Ibid* at 118; Jane Hutchinson, "The 'Disallowed' Political Participation of Manila's Urban Poor" (2007) 14:5 *Democratization* 853 at 857 [*Disallowed*].

campaigns.<sup>33</sup> However, it would be unfair to ask indigent communities to reject such handouts. Moreover, the reason that political candidates provide these goodies is because of their need to secure the poor as a support base, underlining the significance of their votes in elections.<sup>34</sup> Of course, many elected representatives fail to fulfill their promises, turning the poor into a short-term consideration and limiting the influence of this group in the long-term.

After elections have finished, the Philippines settles back into the familiar image of an elite-dominated state. It should be noted that from local *barangay* elections to the Office of the President, candidates are elected individually, not organized as political parties, which fuels populism and the election of well-known figures.<sup>35</sup> This also perpetuates political dynasties, which Mendoza describes as “a situation in which an incumbent elected official has relatives in elected offices in the past or the present government”.<sup>36</sup> The proliferation of familiar names in the current Filipino House of Representatives and Senate, such as Marcos and Aquino, not only makes it more difficult for outside candidates to break into politics, but also exacerbates the divide between rich elites and the poor. While most Filipinos consider poverty to be a political problem, many of the elite are aware of, and satisfied with, the benefits that they receive from poverty.<sup>37</sup> Moreover, the geographical separation between the rich and poor limits interaction between the two. Elite Filipinos tend to live in urban centers where they reside in residential neighborhoods with high walls and armed guards.<sup>38</sup> In contrast, most of the country’s poor live in rural areas, separated from the metropolitan centers of Manila or Cebu by the ocean or mountain ranges.<sup>39</sup> In fact, many elites doubt the extent of rural poverty. One political appointee stated:

---

<sup>33</sup> *Supra* note 28 at 118.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Supra* note 28 at 119.

<sup>36</sup> Ronald U Mendoza et al, “Political dynasties and poverty: measurement and evidence of linkages in the Philippines” (2016) 44:2 Oxford Development Studies 189 at 189.

<sup>37</sup> Gerard Clarke & Marites Sison, “Voices from the Top of the Pile: Elite Perceptions of Poverty and the Poor in the Philippines” (2003) 34:2 Development and Change 215 at 222-223.

<sup>38</sup> *Ibid* at 230-231.

<sup>39</sup> *Ibid* at 231.

There's lots of opportunities in the countryside, you will never die. My own perception is you'll never die in those areas because there is enough resources. You plant camote, you plant cassava, you can live. You can plant bananas, you will live. There are a lot of resources there if people only work, be industrious. They don't have to come to Manila.<sup>40</sup>

The problem with an elite misunderstanding of poverty is that those in power will never take appropriate steps to address the issue if they are unaware of the deprivation of socioeconomic rights that exists in their country. Thus, at the policy level, poverty is less likely to be discussed in the House of Representatives or at the Presidential Palace of Malacañang. There have been findings that political dynasties in the Philippines "exacerbate poverty in provinces outside Luzon", the island on which Manila is located.<sup>41</sup> This rupture between the urban elite and the mostly rural, poor, manifests at the level of law. While the Philippines only has an international obligation to "progressively" reduce poverty,<sup>42</sup> the opposite of this is the creation of laws that push individuals further into indigency. This, unfortunately, is what the current government has been doing with the increased enforcement of "anti-tambay" laws.

### **Criminalization of Poverty: Anti-Tambay and Anti-Begging Laws**

My directive is if there is someone who stands by, tell them, 'Go home. If you don't go home, I will bring you to the office of – there in Pasig.' Leave it up to me. Just put them there. Tie their hands together even the – drop them at – do not – you be strict. Part of confronting people just idling around. They are potential trouble to the public.<sup>43</sup>

This statement was given by President Rodrigo Duterte while speaking to newly promoted members of the Philippine National Police (PNP) on June 14, 2018.<sup>44</sup> Although barely coherent, this was the directive that launched a national campaign

---

<sup>40</sup> *Supra* note 37 at 221.

<sup>41</sup> *Supra* note 36 at 190.

<sup>42</sup> ICESCR *supra* note 4 at art 2.1.

<sup>43</sup> Rambo Talabong, "What you should know: Duterte administration's crackdown on 'tambays'", *Rappler* (18 June 2018), online: <https://www.rappler.com/newsbreak/iq/205229-things-to-know-anti-loitering-campaign-duterte-administration>.

<sup>44</sup> *Supra* note 43.

to increase enforcement of a group of local laws referred to as “anti-tambay” ordinances. These ordinances criminalize frivolous behaviors such as being in public without a shirt, drinking or smoking outside. They are just a sample of the laws in the country that disproportionately impact the poor. The criminalization of begging, for instance, is another such law.<sup>45</sup> In this section, I argue that criminal laws targeting the poor amount to penalization of poverty in the Philippines, with an impact on primarily urban dwellers and the transient poor, resulting in human rights violations.

The term “tambay” is used to refer to a particular figure in Filipino society: someone who hangs around on street corners, sharing a drink or a story with friends, usually in poor neighborhoods.<sup>46</sup> The term is usually translated into English as “loitering”.<sup>47</sup> This already gives some insight into how benign these offenses are. These laws are enforced at the local level, varying slightly by municipality. Usually, they create offenses for those who violate curfew, drink and smoke in public, or go outside “half-naked”, without a shirt.<sup>48</sup> For instance, the Anti-Half Naked Ordinance of Muntinlupa, a suburb of Manila, creates a fine for being topless or half-naked in public places or outside one’s private residence.<sup>49</sup> Exceptions are made for activities with special permits, medical emergencies, public swimming pools and beaches, as well as playing sports.<sup>50</sup>

---

<sup>45</sup> *Supra* note 6.

<sup>46</sup> Anjo Bagaoisan, “Goodbye tambay? What people say about Duterte’s order against loitering”, ABS-CBN News (15 June 2018), online: <<https://news.abs-cbn.com/focus/06/15/18/goodbye-tambay-what-people-say-about-dutertes-order-against-loitering>>; Human Rights Watch, “Philippines: ‘Anti-Loitering’ Arrests Target Poor”, *Human Rights Watch* (26 June 2018), online: <<https://www.hrw.org/news/2018/06/26/philippines-anti-loitering-arrests-target-poor>> [HRW].

<sup>47</sup> HRW *supra* note 46.

<sup>48</sup> Ruth Abbey Gita, “Anti-tambay drive not targeting homeless, Palace says”, *SunStar Philippines* (28 June 2018), online: <<https://www.sunstar.com.ph/article/1750168>>; see e.g. *City of San Juan, City Ordinance No. 8 Series of 2013, CO-08 (2013)*, online: <<https://www.sanjuancitycouncil.com.ph/Visitor/LegislationDetails.aspx?Id=1083>>.

<sup>49</sup> Ordinance No. 17-070, *An Ordinance Prohibiting the Act of Being Topless or Going Half-Naked in Public Places within the Territorial Jurisdiction of the City of Muntinlupa and Providing Penalties for Violation Thereof*, City of Muntinlupa (2017), online: <<http://www.muntinlupacity.gov.ph/wp-content/uploads/2017/07/no.-17-070.pdf>>.

<sup>50</sup> *Ibid.*

These ordinances existed before 2018 but had not been intensely enforced until Duterte's June 14<sup>th</sup> directive.<sup>51</sup> Between June 14 and July 29, 2018, 78,359 tambays were apprehended by the PNP in Manila alone, most of whom were let off with a warning, but 21,579 were fined and 8,365 were arrested and charged.<sup>52</sup> These arrests target low-income areas of Manila and other cities, largely affecting the urban poor, rather than the rural poor.<sup>53</sup> The 8,365 individuals arrested were thrown into prisons that are already overcrowded and unhygienic due to the country's war on drugs.<sup>54</sup> The PNP have stated that its members are always diligent in respecting human rights, but there have been reports of arrests made without cause.<sup>55</sup>

Another law that disproportionately targets poor Filipinos is Presidential Decree No. 1563, which makes mendicancy punishable by a fine or jail sentence.<sup>56</sup> This decree was put in place under President Ferdinand Marcos in 1978 and is still in effect.<sup>57</sup> Under the law, a "mendicant" is defined as someone who "has no visible and legal means of support, or lawful employment and who is physically able to work but neglects to apply himself to some lawful calling and instead uses begging as a means of living".<sup>58</sup> Mendicants may be fined up to 500 Pesos or imprisoned for up to two years, but this fine can be increased up to 1000 Pesos and the prison term raised to a maximum of four years for "habitual mendicants".<sup>59</sup> However, this law is rarely enforced.<sup>60</sup> While I was living in Manila, I saw signs warning not to give money to the poor, usually in more affluent neighborhoods. At the same time, I would often see my co-workers give spare change to children on the side of the road. Nonetheless, anti-begging

---

<sup>51</sup> *Supra* note 43.

<sup>52</sup> Rambo Talabong, "Tambay by the thousands: The war on loiterers in numbers", *Rappler* (30 July 2018), online: <https://www.rappler.com/newsbreak/iq/208443-numbers-statistics-anti-tambay-loiterers-campaign-philippines>.

<sup>53</sup> *HRW supra* note 46.

<sup>54</sup> *Ibid.*

<sup>55</sup> *Supra* note 43.

<sup>56</sup> *Supra* note 6 at s.5.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid* at s.3.

<sup>59</sup> *Ibid* at s.5.

<sup>60</sup> Barnaby Philips, "Begging for Life: From Manila to Malmo", *AlJazeera* (26 Jan 2016), online: <https://www.aljazeera.com/programmes/peopleandpower/2016/01/begging-life-160126130424263.html>.

legislation, as well as anti-tambay laws, disproportionately target the poor, resulting in the criminalization of poverty.

Criminalization has been defined as “the process by which states, media, and fearful citizens define particular groups and practices as ‘criminal’, evoking a threatening criminal imaginary”.<sup>61</sup> There are different forms of criminalization, which can include stigmatization, surveillance, regulation, and often consist of laws that assume “a latent criminality among the poor”.<sup>62</sup> While Presidential Decree No. 1563 clearly targets the poor by preventing begging, the anti-tambay laws also regulate the lives of lower class citizens. Human Rights Watch has stated that the laws “essentially [jail] low-income Filipinos for being in public”.<sup>63</sup> For example, Ariel Marco, who is poor, stepped outside of his house on June 20, 2018 to get some air, as he lives in a small house with little ventilation.<sup>64</sup> He was almost immediately accosted by a police officer.<sup>65</sup> Marco went back inside, but the officer followed him into his home and pulled him into a police vehicle.<sup>66</sup> A video of the incident was posted online and was viewed almost 10,500 times before it was removed.<sup>67</sup> The links between the Filipino government’s enforcement of anti-tambay laws and the poor suggest an attempt to create a “threatening criminal imagery” of poor and vulnerable members of society.<sup>68</sup> Moreover, explicit connections between poverty and crime have been made in legislation and by politicians.

The presumed connection between crime and poverty serves as a justification for regulation of the lives of the poor. The preamble of Presidential Decree No. 1563, states that “mendicancy breeds crime, creates traffic hazards, endangers health”.<sup>69</sup> President Duterte has similarly stated that the loiterers are “potential trouble”, and that the streets should be for “law-

---

<sup>61</sup> Jane Schneider & Peter Schneider, “The Anthropology of Crime and Criminalization” (2008) 37:1 Annual Review of Anthropology 351 at 352.

<sup>62</sup> Kaaryn Gustafson, “The Criminalization of Poverty” (2009) 99:3 J of Criminal L and Criminology 643 at 646-647.

<sup>63</sup> HRW *supra* note 46.

<sup>64</sup> Bienvenido S Oplas Jr, “Anti-reason of Duterte’s anti-tambay order” *Business World* (21 June 2018), online: <<https://www.bworldonline.com/anti-reason-of-dutertes-anti-tambay-order/>>.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Supra* note 64.

<sup>68</sup> *Supra* note 61 at 352.

<sup>69</sup> *Supra* note 6 at preamble.

abiding citizens, and not a haven of criminals”.<sup>70</sup> Thus, in both law and rhetoric, crime is being used as a pretext for restricting the freedom of the poor. Duterte has taken this further, suggesting that *tambays* who loiter on the street may be involved in the drug trade.<sup>71</sup> Such rhetoric has seeped down from the Office of the President to local officials. One local councilor stated that she was happy with the PNP’s strong enforcement of the anti-*tambay* laws because it protects the youth, the group most influenced by drugs.<sup>72</sup> As a measure to improve safety and end the drug trade, anti-*tambay* laws are overbroad, as they target many innocent people or those who have committed only low-level offenses. These laws create a portrait of the poor as a group of criminals, which has the effects of increasing stigmatization and the potential for human rights violations.

Criminalization of the poor creates a dangerous stereotype, which can lead to a cycle of misunderstanding and further marginalization. Many elites view the 22 million poor who live in the Philippine archipelago as undeserving and partially responsible for their own poverty.<sup>73</sup> Ironically, many of the criminal laws that penalize the poor purport to combat this attitude and restore dignity to the indigent. The decree outlawing begging, for instance, opens with: “Whereas, the promotion of social justice and protection of life, property and dignity of the citizenry is endangered by rampant mendicancy”.<sup>74</sup> In a similar vein, Muntinlupa’s Anti-Half Naked Ordinance states that the purposes of the law include “providing penalties for activities inimical to the welfare and morals of the inhabitants” and “promotion of an atmosphere of decency, propriety and orderliness”.<sup>75</sup> However, these goals are undermined by the content of the laws. Magdalena Sepúlveda Carmona, former UN Special Rapporteur on Extreme Poverty and Human Rights, has stated that laws criminalizing begging and vagrancy disproportionately impact the poor, who often have no option besides begging when the State fails to provide sufficient social services.<sup>76</sup> Thus, the effect of these laws becomes cyclical, as those who are poor are pushed into further poverty through laws that perceive them as criminals.

---

<sup>70</sup> *Supra* note 46.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> *Supra* note 37 at 227; *supra* note 1.

<sup>74</sup> *Supra* note 6 at preamble.

<sup>75</sup> *Supra* note 49.

<sup>76</sup> UNGA, 66th Sess, UN Doc A/66/265 (2011) at para 31.



When more of the poor are arrested, the image of the poor as criminals or lazy individuals is confirmed, and the stigma of elites toward the indigent is validated. Unfortunately, this stereotype is also used to justify human rights abuses.

A snapshot of some human rights concerns arising from the criminalization of poverty include discrimination and police abuse. Firstly, principles of non-discrimination are found in core human rights instruments, such as the Universal Declaration of Human Rights,<sup>77</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>78</sup> and the Convention on the Rights of the Child,<sup>79</sup> all of which the Philippines has ratified.<sup>80</sup> Penalization measures have been noted to “directly or indirectly discriminate against persons living in poverty, with the effect of nullifying or impairing the enjoyment or exercise of their human rights”.<sup>81</sup> In this case, anti-begging laws clearly target the poor, who cannot support themselves with their own income, or with state assistance. Anti-tambay laws focus on offenses that are often committed by people living in low-income neighborhoods, who do not have large indoor spaces in which to drink or smoke, or sufficient air conditioning.

A second impact of the above laws is an increase in abuse of police powers, such as denial of due process and violence. Incidents of police abusing their authority permeated the PNP even before Duterte’s June 14 directive. In Cebu, one of the largest cities in the country, police frequently raid a part of the city that is mostly occupied by the poor, often entering dwellings without a warrant.<sup>82</sup> Additionally, the police in Cebu make money from arbitrary arrests, knowing that individuals will pay them a bribe to be released.<sup>83</sup> While the “drug trade and other forms of criminality have become systemic in the area... the violations committed against the rights of certain individuals have also been,

---

<sup>77</sup> UNGA, *Universal Declaration of Human Rights*, UN Doc A/810 (1948), art 2.

<sup>78</sup> ICESCR *supra* note 4 art 2(2).

<sup>79</sup> *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS art 2 (entered into force 2 September 1990).

<sup>80</sup> [UNTS ICESCR \*supra\* note 4; University of Minnesota, “Ratification of International Human Rights Treaties – Philippines”, Human Rights Library, online at: <<http://hrlibrary.umn.edu/research/ratification-philippines.html>>.](http://hrlibrary.umn.edu/research/ratification-philippines.html)

<sup>81</sup> *Supra* note 76 at para 17.

<sup>82</sup> Rhoderick John S Abellanos, “The Political Face of Poverty: Cases of Human Rights Violations in Pasil, Cebu City” (2011) 2:2 J of Asia Pacific Studies 132 at 140.

<sup>83</sup> *Ibid* at 143-144.

in effect, systemic”.<sup>84</sup> With anti-tambay ordinances, police now have another opportunity to exploit their power over the vulnerable. In one incident, police allegedly forced a suspect to hold empty beer bottles and took pictures of him for evidence.<sup>85</sup> Allegations of deaths in prisons connected to police violence are also startling. After being arrested in connection with a tambay-offence, a 25-year-old died in a detention center.<sup>86</sup> According to the PNP, he died from “shortness of breath”, but autopsy reports revealed bruises over his face and body, suggesting he was beaten.<sup>87</sup> Despite the PNP’s claims that their personnel respect human rights, these examples paint a different picture.<sup>88</sup> It is difficult to root out abuses of power when they are systemically ingrained into society. These human rights violations particularly impact the transient poor by increasing the conditions that push them into indigency.

A strong argument can be made that laws penalizing the poor for their socioeconomic situation may constitute a shock that push the transient poor into situations of poverty. One factor that can induce poverty is if a wage-earner loses their job.<sup>89</sup> It is true that bail requirements for local ordinances are relatively low, so it is possible for those arrested to secure release in a few days.<sup>90</sup> Nonetheless, a few days without their primary breadwinner can be costly to a poor family. Additionally, a fine of 500 to 1000 Pesos for public smoking may seem low, but the average annual income of a family living in one of Manila’s slums is 16,000 Pesos.<sup>91</sup> Penalization of poverty has been said to “reflect a serious

---

<sup>84</sup> *Ibid* at 144.

<sup>85</sup> ABS-CBN News, “Cops won’t shelve ‘tambay’ crackdown amid abuse allegations”, ABS-CBN News (21 June 2018), online: <<https://news.abs-cbn.com/news/06/21/18/cops-wont-shelve-tambay-crackdown-amid-abuse-allegations>>.

<sup>86</sup> Rambo Talabong, “Exclusive: Photos, death certificate show Genesis ‘Tisoy’ Argoncillo beaten to death”, *Rappler* (21 June 2018), online: <<https://www.rappler.com/nation/205449-exclusive-arrested-tambay-genesis-argoncillo-death-certificate-photos>>.

<sup>87</sup> *Ibid*.

<sup>88</sup> *Supra* note 43.

<sup>89</sup> *Supra* note 18 at 390.

<sup>90</sup> *Supra* note 52.

<sup>91</sup> *Ibid*; Lourdes V Homecillo, “Profile of the Poor in NCR: An Analysis”, *Philippine Statistics Authority* (2013), online: <[http://nap.psa.gov.ph/ncs/12thncs/papers/INVITED/IPS-17%20Housing%20and%20Urban%20Poor%20Statistics/IPS-17\\_3%20Profile%20of%20the%20Poor%20in%20NCR%20An%20Analysis.pdf](http://nap.psa.gov.ph/ncs/12thncs/papers/INVITED/IPS-17%20Housing%20and%20Urban%20Poor%20Statistics/IPS-17_3%20Profile%20of%20the%20Poor%20in%20NCR%20An%20Analysis.pdf)>.

misunderstanding of the realities of the lives of the poorest and most vulnerable and ignorance of the pervasive discrimination and mutually reinforcing disadvantages they suffer”.<sup>92</sup> The economic and social costs of criminalization measures do not root out the causes of poverty, crime, or the drug trade, but push the marginalized deeper into the shadows of society. To combat this cycle of deprivation, many groups have attempted to increase the exercise of agency through the framework of Legal Empowerment of the Poor.

### **Legal Empowerment of the Poor and Alternative Lawyering in the Philippines**

Human rights groups in the Philippines have rallied together to lift up the poor and marginalized through an approach they have named “alternative lawyering”. A group of NGOs that has adopted this approach, including the AHRC, formed a coalition called the Alternative Law Groups (ALGs). This form of public interest law places an emphasis on working alongside the poor, rather than for the poor. The ethos of this movement has been explained as follows:

The highest form of alternative lawyering is realized when the poor and marginalized who are not lawyers by profession or training, and who are alienated by the law and the legal system, become lawyers themselves and engage in law practice in its original and noble sense. When the poor and marginalized are empowered to become lawyers, when they see the law and use it as it should be – as a tool to promote justice, as a catalyst for social transformation – only then can alternative lawyering truly achieve its objectives.<sup>93</sup>

In the practice of alternative lawyering, an element of education is key. Lack of knowledge about their legal rights is an obstacle for those in poverty who seek justice.<sup>94</sup> To combat this disconnect between legal rights and legal knowledge, many members of the ALGs train community paralegals. These paralegals are individuals, without necessarily any formal legal training, who spread information about the law at a grassroots

---

<sup>92</sup> *Supra* note 76 at para 6.

<sup>93</sup> Attorney Manuel, *Training Manual for Paralegals* (Manila: Ateneo Human Rights Center, 2010) at 8-9.

<sup>94</sup> Magdalena Sepulveda Carmona & Kate Donald, “Beyond legal empowerment: improving access to justice from the human rights perspective”, *Int J of Human Rights* (2015) 19:3 242 at 243.

level.<sup>95</sup> At the AHRC, law students in the internship program are trained as paralegals. During my summer internship, interns went to the province of Oriental Mindoro and to the city of Davao in Mindanao to give paralegal trainings to groups of indigenous peoples.

Of course, highlighting the importance of legal education and working in partnership with the poor is not isolated in the Philippines.<sup>96</sup> Indeed, the Commission on Legal Empowerment of the Poor (CLEP), established by the United Nations Development Programme, creates a framework for empowerment with similar components. For instance, the CLEP states that “voice” is a key condition for empowerment.<sup>97</sup> By “voice”, the Commission is referring to having the perspectives of the impoverished present in all levels of decision-making.<sup>98</sup> In its 2008 report, “Making the Law Work for Everyone”, the Commission notes that having a voice and opinion “requires education, which, like information and identity, is too often asymmetrically available to the rich and poor”.<sup>99</sup> The efforts of paralegals in the Philippines attempt to bridge this class-based knowledge gap. There are many reasons why the poor lack knowledge of the law, including educational opportunities, geographical isolation, and language. The CLEP affirms that the voices of the poor are stifled in countries in which laws are in official, rather than local, languages.<sup>100</sup> This is directly applicable to the Philippines, where laws and judicial proceedings are in English, but 187 languages are spoken across the country.<sup>101</sup>

While education is an integral element of Legal Empowerment of the Poor, the approach has a larger goal, and is primarily focused on institutional change. The approach

---

<sup>95</sup> World Bank, “Community Based Paralegalism in the Philippines: From Social Movements to Democratization”, *Justice & Development Working Paper Series*, (2014) at 7, online: <http://documents.worldbank.org/curated/en/735621468334143438/pdf/860000NWP0Comm00Box382162B00PUBLIC0.pdf>.

<sup>96</sup> See e.g. Namati, “Namati: Innovations in Legal Empowerment” (2018), online: <https://namati.org/>.

<sup>97</sup> Commission on Legal Empowerment of the Poor, “Making the Law Work for Everyone”, *United Nations* (New York: United Nations Development Programme, 2008) at 26.

<sup>98</sup> *Ibid* at 28.

<sup>99</sup> *Ibid* at 28.

<sup>100</sup> *Ibid* at 33.

<sup>101</sup> Ethnologue, “Philippines”, (2018), *Ethnologue*, online: <https://www.ethnologue.com/country/PH>.

adopted by the CLEP envisions institutional and legal reform prompted by states accepting their duties to respect, protect, and promote human rights, and instituted with the participation of the poor.<sup>102</sup> The goal of these efforts is to create a society where the protection of the law is equally available to all, not used as a tool of the elite.<sup>103</sup> The Commission focused on access to justice and rule of law, property, labour, and business rights as key areas to fulfill the rights of the poor.<sup>104</sup> The Commission notes that while total fulfillment of socioeconomic rights will not happen through this approach alone, “it is hard to see how it can be done without it”.<sup>105</sup>

While the NGOs in the Philippines that follow the call of alternative lawyering are adept at training paralegals, many also work for the type of systemic change championed by the CLEP’s Legal Empowerment of the Poor approach. Even the paralegals deployed by members of the ALG make a distinction between legal literacy and skills training. The former is defined as providing knowledge to communities about their rights, while the latter equips these communities with the skills to enforce their rights.<sup>106</sup> The ALGs recognize that this second step will be ineffective when proper legal systems are not in place or access to justice is constrained.<sup>107</sup>

One member of the ALGs, the Humanitarian Legal Assistance Fund (HLAF), is dedicated to empowering those in conflict with the criminal justice system. The organization works toward empowering of the poor on two levels: individual cases and policy reform. On the individual level, HLAF aims to secure the release of those “detained for a period of equal to or longer than the imposable for the offense with which they are charged, wrongfully accused and jailed persons, and those suffering from any form of inhumane and unjust detention”.<sup>108</sup> HLAF’s Jail Decongestion Program involves sending volunteers into jails to identify individuals who may be eligible for release, then working

---

<sup>102</sup> *Supra* note 97 at 4, 9.

<sup>103</sup> *Ibid* at 34.

<sup>104</sup> *Ibid* at 5.

<sup>105</sup> *Ibid* at 11.

<sup>106</sup> *Supra* note 95 at 21-22.

<sup>107</sup> *Ibid* at 22-23.

<sup>108</sup> Humanitarian Legal Assistance Foundation Inc. (HLAF), *Vision, Mission, Goal* (5 June 2016), online: <<http://home.hlaf.org.ph/index.php/about-us/v-m-g>>.

with them on their cases.<sup>109</sup> If release is secured, the organization further supports ex-prisoners by facilitating a reintegration program.<sup>110</sup> On the level of policy, a sample of HLAf's initiatives include lobbying to prevent passage of a bill that would lower the age of criminal responsibility to 12 years-old,<sup>111</sup> meeting with government officials to push for more humane conditions of detention,<sup>112</sup> and hosting consultations on the implementation of the Juvenile Justice and Welfare Act.<sup>113</sup> Despite the successes of organizations like HLAf, the approaches of alternative lawyering and Legal Empowerment of the Poor have not been free of criticism.

The concept of Legal Empowerment of the Poor has been highly criticized. While the purpose of this paper is not to analyze these judgements in depth, it is useful to consider some of the limitations of this approach. For one, the CLEP's report has been criticized for failing to consider the political barriers inherent in institutional reform. Stephen Golub states that the Commission may have been reluctant to address how the approach will alter power dynamics because governments would have found this threatening.<sup>114</sup> He also chastises the orthodox means that the Commission suggests to achieve its goal, which focus on

---

<sup>109</sup> Humanitarian Legal Assistance Foundation In. (HLAF), *Jail Decongestion*, (18 Oct 2018), online: <<http://home.hlaf.org.ph/index.php/about-us/programs/jail-decongestion/149-jail-decongestion>>.

<sup>110</sup> Humanitarian Legal Assistance Foundation In. (HLAF), *Focus Reintegration of Ex-Detainees*, (18 Oct 2017), online: <<http://home.hlaf.org.ph/index.php/about-us/programs/jail-decongestion/151-focused-reintegration-of-ex-detainees>>.

<sup>111</sup> Humanitarian Legal Assistance Foundation In. (HLAF), *HLAF and Other Childs Rights NGOs Seek CHR's Support to Oppose the Lowering of MACR* (2 Aug 2016), online: <<http://home.hlaf.org.ph/index.php/stories/advocacy/51-hlaf-and-other-child-rights-ngos-seek-chr-s-support-to-oppose-the-lowering-of-macr>>.

<sup>112</sup> Humanitarian Legal Assistance Foundation In. (HLAF), *Quezon City Mayor Discusses Prison Conditions with HLAf* (2 Aug 2016), online: <<http://home.hlaf.org.ph/index.php/stories/advocacy/49-quezon-city-mayor-discusses-prison-conditions-with-hlaf>>.

<sup>113</sup> Humanitarian Legal Assistance Foundation In. (HLAF), *Implementers gather to provide inputs to strengthen the Juvenile Justice Law; Holds Juvenile Justice implementers conference* (5 June 2017), online: <<http://home.hlaf.org.ph/index.php/stories/advocacy/113-implementers-gather-to-provide-inputs-to-strengthen-the-juvenile-justice-law-holds-juvenile-justice-implementers-congress>>.

<sup>114</sup> Stephen Golub, "The Commission on Legal Empowerment of the Poor: One Big Step Forward and A Few Steps Back for Development Policy and Practice" (2009) 1:1 Hague J on the Rule of L 101 at 109.

convincing leaders to “adopt a legal empowerment agenda for the benefit of the poor, rather than pointing to ways in which the poor and their allies can formulate their own agendas”.<sup>115</sup> There is also an absence of recognizing the civil society actors currently on the ground who are experienced at working alongside the poor.<sup>116</sup> Ironically, this leaves the report with a top-down approach, while empowering the poor by definition must be bottom-up.

Moreover, the CLEP focuses on insecure assets, and transitioning the poor from the formal to the informal sector, through individual legal empowerment.<sup>117</sup> Dani Banik is critical of this approach, arguing that it overlooks more important causes of poverty, such as inadequate social services, high population growth, environmental degradation, and social and political instability.<sup>118</sup> Golub similarly points to the importance of weaving legal empowerment into other socio-economic efforts, and remembering that “legal empowerment is not only or, in many instances, mainly the work of lawyers”.<sup>119</sup> Furthermore, Banik is emphatic that there are limits to legal approaches in the realm of poverty-alleviation, including the ability of those in power to ignore or selectively obey the law.<sup>120</sup>

These authors point to important pieces of the empowerment puzzle that are missing if only legal avenues are pursued. Golub’s argument that Legal Empowerment of the Poor will inevitably engender a power shift is important in the Philippines, a land of elite family dynasties where a wide gulf exists between the rich and poor. I agree that it is key for the poor to be empowered to create their own agenda for change. For true change to occur, these two things cannot happen in silos: a shift in power dynamics at the policy level and grassroots initiatives must occur together. As Banik states, legal actors must partner with other sectors to help the poor climb out of destitution. This will be most effective if active civil society groups partner together. These weaknesses of the CLEP’s approach undermine its effectiveness if employed alone. However, if Legal Empowerment

---

<sup>115</sup> *Ibid* at 110.

<sup>116</sup> *Ibid* at 113.

<sup>117</sup> *Supra* note 97 at 5-8.

<sup>118</sup> Dan Banik, “Legal Empowerment as a Conceptual and Operational Tool in Poverty Eradication” (2009) 1:1 Hague J on the Rule of L 117 at 119.

<sup>119</sup> *Supra* note 114 at 115.

<sup>120</sup> *Supra* note 118 at 128.

of the Poor, paired with the concept of alternative lawyering in the Philippines, is pursued with these defaults in mind, there are potential solutions that can be used to plant the seeds of legal reform and social change.

### **The Limits to Empowerment of the Poor in a Context of Criminalization of Poverty**

Critiques of the Legal Empowerment of the Poor approach expose some of its limitations at a theoretical level; these limits manifest concretely in the Philippines, particularly due to increased enforcement of the anti-tambay laws. Stumbling blocks are present at two levels: that of the individual trying to enforce her rights, and at the level of institutional change and policy-making. When individuals are punished under anti-tambay or anti-begging legislation, they are deprived of time, money, and their access to public spaces. As victims of laws that disproportionately target indigent communities, conflating the poor with criminals and drug users, the poor are further segregated from the elite, decreasing opportunities for the groups to work together to develop policy. A useful way to conceptualize the effects that these laws have on the poor is through Amartya Sen's idea of "capabilities".

Sen uses the capability approach to explain how freedoms allow individuals to attain outcomes that they value.<sup>121</sup> For Sen, capabilities are opportunities, such as being well-nourished, educated, or able to participate in public life, that create individual advantages or disadvantages to achieving a desired outcome (which he calls "functionings").<sup>122</sup> Poverty is capability-deprivation.<sup>123</sup> Sen lists the inability to escape premature mortality, undernourishment, morbidity, and illiteracy as "elementary opportunities" the poor lack that maintain their state of destitution, beyond low income.<sup>124</sup> Through this lens, lack of education can be seen as the deprivation of a capability that would allow the poor to be aware of their legal rights. While the paralegal work of the ALGs attempts to rectify this missing capability, the stigmatization perpetuated by anti-tambay

---

<sup>121</sup> Amartya Sen, "Human Rights and Capabilities" (2006) 6:2 J of Human Development, 151 at 153.

<sup>122</sup> *Ibid* at 158.

<sup>123</sup> Amartya Sen, *Development as Freedom*, (New York: Oxford University Press, 1999) at 20.

<sup>124</sup> *Ibid*.



ordinances creates social and structural barriers that further deprive the impoverished of capabilities, limiting the effectiveness of the alternative lawyering approach.

Laws that criminalize poverty exacerbate capability-deprivation by robbing the poor of time and money. Income is clearly connected to economic status and is the most-used indicator of poverty. The 28,004 individuals who offended a public smoking ban as of July 29, 2018 each paid fines of between 500 and 1000 Pesos.<sup>125</sup> This is a clear case of the law aggravating poverty, but the ordinances also affect capabilities in less direct ways. For instance, over 8000 people were arrested and charged in relation to tambay offenses in June and July 2018, although low bail requirements mean that these individuals may have not spent much time in jail.<sup>126</sup> However, “habitual mendicants” can be sentenced to up to four years in prison for begging.<sup>127</sup> Thus, the families of habitual beggars could lose their breadwinner for up to four years. By limiting access to income, this legislation deprives families of capabilities they could use to obtain their optimal level of functioning, namely breaking free of poverty, through the ability to pay to send their children to school or to pay for medications and health care. Time behind bars also deprives an individual of the freedom to seek out higher-paying employment. Therefore, deprivation of basic needs inhibits families from accessing their socioeconomic rights.

The acts criminalized through the anti-tambay laws also make the poor more vulnerable to abuse of their rights by limiting their freedoms in public spaces. In *Development as Freedom*, Sen recounts the story of a Muslim man who was working in a Hindu area of Dhaka, Bangladesh during a time of intense religious tension and riots.<sup>128</sup> On his way to work, the man was stabbed by a passing group of Hindus and died.<sup>129</sup> Some said that he should not have been in a Hindu part of the city, but due to limited employment opportunities, the man was forced to look for work in that neighborhood.<sup>130</sup> It was because the man lacked the capabilities of the rich that he was forced to take a job in a dangerous area. This story has many parallels to that of Ariel

---

<sup>125</sup> *Supra* note 52.

<sup>126</sup> *Supra* note 52.

<sup>127</sup> *Supra* note 6 at s.5.

<sup>128</sup> *Supra* note 123 at 8.

<sup>129</sup> *Ibid.*

<sup>130</sup> *Ibid.*

Marco, who was arrested by the PNP after stepping out of his house without a shirt.<sup>131</sup> Supporters of the anti-tambay laws may argue that Mr. Marco simply should not have gone outside of his house without a shirt. In reality, he was forced to move into this hostile public space because he lacked the capabilities of the rich, which could have provided him with a large, air-conditioned house. His poverty made him vulnerable to violations of his dignity and exposed him to criminal law. Sen points to “the remarkable fact that economic unfreedom, in the form of extreme poverty, can make a person helpless prey in the violation of other kinds of freedoms”.<sup>132</sup> This example highlights how poverty pushes Filipinos into the wrath of seemingly benign laws against drinking, smoking, and being shirtless, exposing them to further rights violations. Empowering the poor will have limited effectiveness when this group is simultaneously deprived of liberty and basic resources, and putting food on the table becomes a higher priority than institutional reform.

Beyond individual human rights violations, penalization also limits the effectiveness of alternative lawyers in the policy sphere. Armed with knowledge of the law, the CLEP advocates for the poor to be involved in systemic, institutional change. On a practical level, this is usually a lengthy process, which involves lobbying and liaising with officials. Furthermore, a precondition to engaging in policy reform is having contact with the political elite. Due to a lack of capabilities such as access to good schools, stable employment, involvement in extracurricular activities, and the ability to speak English well, the poor grow up in a different social circle than the Filipino elite. This is particularly notable considering the prevalence of family dynasties in the government.<sup>133</sup> A survey of the opinions of elites revealed the disconnect between these two social spheres; for instance, most members of the elite were skeptical about the amount of rural poverty in the country.<sup>134</sup> Moreover, many elite believe that the poor are deprived of morality, describing them as ignorant, distrustful, snobbish, and ungrateful.<sup>135</sup> Increasing enforcement of anti-tambay laws or criminalizing begging reinforces a link between crime and poverty, further widening the gap between

---

<sup>131</sup> *Supra* note 64.

<sup>132</sup> *Supra* note 123 at 8.

<sup>133</sup> *Supra* note 36.

<sup>134</sup> *Supra* note 37 at 224.

<sup>135</sup> *Ibid* at 227.

the elite and those struggling to survive, and decreasing the chances of these groups engaging with each other.

Amartya Sen states that “open public debates and discussions” about policy are crucial to the fulfillment of economic needs. Sen lists several ways that the voices of the poor are critical, including “their *instrumental* role in enhancing the hearing that people get in expressing and supporting their claims to political attention... [and] their *constructive* role in conceptualizing of ‘needs’ (including the understanding of ‘economic needs’ in a social context)”.<sup>136</sup> If the elite cannot even comprehend the fact that poverty exists in the countryside, how will they be able to properly conceptualize the needs of the urban poor? The voices of the impoverished, which the Commission on Legal Empowerment of the Poor states are crucial to the advancement of systemic change, are occasionally heard in the Philippines when openings are created by those in power.<sup>137</sup> For instance, the poor are a critical mass of voters, who exercise agency by supporting candidates who promise to improve their living conditions.<sup>138</sup> Historically, various governments have used the poor as a tool for legitimacy. For instance, the Arroyo government in 2001 and 2002 instigated a poverty alleviation program, and attempted to incorporate participation of the poor.<sup>139</sup> However, the support of indigent communities came at the expense of lessening their ability to criticize the administration or extract more concessions from the government.<sup>140</sup> These fleeting moments of political participation maintain a division between the poor and the elite, rather than creating a platform on which the two groups can engage in discussion as partners.

For NGOs like those that make up the ALGs, these laws complicate their efforts to help the poor because they create a moving target; while they may gain ground fighting one set of unjust laws, the government moves to enforce a different set of capability-diminishing legislation. Sen has stated that development necessitates “the removal of major sources of unfreedom” and an end to the “overactivity of repressive states”.<sup>141</sup> While the state

---

<sup>136</sup> *Supra* note 123 at 148.

<sup>137</sup> *Disallowed supra* note 32 at 854.

<sup>138</sup> *Ibid* at 857.

<sup>139</sup> Ben Reid, “Poverty Alleviation and Participatory Development in the Philippines” (2005) 35:1 *J of Contemporary Asia* 29 at 30.

<sup>140</sup> *Ibid*.

<sup>141</sup> *Supra* note 123 at 3.

has duties under international law to respect, protect and promote human rights, the Filipino government has done the opposite by enforcing laws that have the effect of depriving its citizens of their socioeconomic rights. Nonetheless, there remain ways that NGOs can address the issue of criminalization of poverty in partnership with the poor.

### **A Sample of Solutions**

While the criminalization of poverty hinders the Legal Empowerment of the Poor approach from achieving its goals of individual empowerment and institutional change, this framework can still function as a tool to uphold the rights of the poor. By viewing the deprivation of rights as absent capabilities, Sen's approach shifts "primary attention away from the *means* (and one particular means that is usually given exclusive attention, viz., income) to *ends* that people have reason to pursue, and, correspondingly, to the *freedoms* to be able to satisfy these ends".<sup>142</sup> This creates a complex, and more realistic, picture of poverty, which suggests that poverty alleviation cannot be achieved through pure economic gains. It also proposes that extra-legal approaches may be needed to fully empower the poor, as legal education is only able to solve these issues to a limited degree. Thus, alternative solutions must be used, beyond the focus on paralegal training that is championed by many of the ALGs, including the AHRC.

Deprivation of time and money, largely due to the imprisonment of those who have violated anti-tambay or anti-begging laws, can only be remedied by considering a variety of capabilities, rather than just income. HLAF's program for reintegration of detainees provides former convicts with a small sum of money, to help them get back on their feet.<sup>143</sup> This is a useful program, but it fails to address the problems that the detainee's family experiences while he or she is imprisoned, notably lost income. Therefore, the question arises of how to prevent the loss of a wage-earner from constituting a shock that would push a family into transient poverty. One solution is greater availability of vocational training and education. Bayudan-Dacuycuy and Lim argue that policy-makers in the Philippines could decrease poverty levels by focusing on "improving the

---

<sup>142</sup> *Ibid* at 90.

<sup>143</sup> *Supra* note 110.

quality of the educational system and ensuring that it will lead to stable employment at adequate pay levels” to equip students with “skills that are valuable in the labour market”.<sup>144</sup> Having multiple family members with skills for jobs that are in demand and sufficiently remunerated would lessen the impact of losing a breadwinner to abusive enforcement of the law. For such a strategy to be successful, partnerships with industry are needed to ensure a match of skills and labour market demand,<sup>145</sup> and must be accessible to women as well as men. Full-scale implementation would require new government policy, but NGOs can also play a role by offering capability-enriching, ad-hoc vocational training. This extra-legal strategy empowers the poor in a way not fully considered by the CLEP’s approach, but which is effective in alleviating some of the factors aggravating indigency.

Addressing the circumscription of the public space available to the poor requires more creative solutions, beyond the obvious answer of repealing the laws. One way to mitigate the impact of increased enforcement of anti-tambay ordinances is education. The purpose of education within the concept of legal empowerment is “empowerment of target communities with the knowledge and skills needed to protect and uphold their rights”.<sup>146</sup> However, it can equally be used to make a targeted group aware of which actions will break the law. Because the details of each ordinance vary by municipality, it is likely that communities may not know the specifics of what they are not allowed to do in public spaces. Awareness of the details of local laws may allow the poor to take precautions to avoid contact with law enforcement, such as ensuring that they wear a shirt before stepping out of the house. Of course, the reality of poverty means that the poor may have no choice but to enter public space while engaging in a prohibited activity, so this strategy is limited. Moreover, this solution does not solve the root cause of criminalization of poverty. Nonetheless, it may decrease the number of arrests and prevent a family from slipping into a state of further deprivation.

While individual empowerment may provide the poor with capabilities to buttress their defense against poverty and human rights abuses, the heart of the problem lies with the state’s

---

<sup>144</sup> *Supra* note 18 at 411.

<sup>145</sup> *Ibid.*

<sup>146</sup> Ateneo Human Rights Center, “What We Do: Training and Education” AHRC, online: <<http://ahrc.org.ph/what-we-do/>>.

enactment of laws that penalize a certain segment of society. As Amartya Sen notes, “there is a deep complementarity between individual agency and social arrangements”, suggesting that individual empowerment can only succeed to a limited degree when society is organized in an unjust fashion.<sup>147</sup> Obviously, repealing anti-tambay ordinances and Presidential Decree No. 1563 would allow the poor to exercise their freedom and eliminate the problems discussed in this paper. However, while NGOs can push for elimination of these laws, they must also create a sustainable partnership between policy-makers and the poor, else more laws are enacted that equally target impoverished communities. Furthermore, wide-spread success of the strategies of increasing education and employment opportunities require elite participation.

NGOs in the Philippines can use their reputations to bridge the gap between the government and the poor. The poor are not politically apathetic and are aware that the elite associate them with crime.<sup>148</sup> In contrast, the AHRC is a branch of the prestigious Ateneo Law School, an institution from which many of the country’s top officials graduated, including Jose Calida, the current Solicitor General, and Renato Corona, former Chief Justice of the Supreme Court. The AHCR and other ALG organizations often meet with government officials and consult with large corporations. These NGOs have the potential to include poor individuals in these meetings, directly elevating their voices to a volume that can be heard by those in power. The capacity to effectively bring the poor into elite conversations may vary by NGO. The AHCR, for instance, has a history of reaching out to its own networks when looking for members of a target group to include in consultations. In reality, members of the AHRC, most of whom attended Ateneo Law School, are themselves part of the social elite, even as they work to combat human rights abuses committed against the marginalized. An organization such as HLAF may have more success. HLAF has many programs that engage directly with ex-convicts and vulnerable members of society. Thus, the organization has connections with those directly impacted by anti-tambay and anti-begging legislation with whom they could partner in bringing their concerns to decision-makers.

---

<sup>147</sup> *Supra* note 123 at xii.

<sup>148</sup> *Supra* note 82 at 137.

Once partnerships are established, they must be sustained. Including representatives from poor communities in the occasional consultation will not be sufficient to create enduring systemic change. On this point, NGOs are challenged to ensure that representation is authentic and does not devolve to tokenism. For meaningful change to occur, the poor must be also partner with decision-makers on policies that are less obviously “poor-focused”. Otherwise, laws may be passed that indirectly target the poor, such as the present anti-tambay legislation. Certain NGOs may be better poised to assume this work than others, depending on their mandate. For instance, the AHRC frequently engages in high-level meetings, making it a suitable organization to include the poor among its ranks. Moreover, the poor are not a passive, anonymous mass, but may also use their agency to form autonomous organizations that advocate for their own rights. Some of the dangers of such a movement include co-optation, clientelism, and patronage, if absorbed and re-directed by those in power.<sup>149</sup> Thus, there is a tension between “milking the dysfunctional system to make life in urban poor communities a bit more livable in the short term, and building more autonomous movements for future change”.<sup>150</sup> Organizations that truly seek to empower the poor and pursue a path of alternative lawyering may train individuals to form independent movements, while also ensuring that they avoid the pitfalls of caving to elite pressure to focus on only short-term gains.

Despite the stumbling blocks that anti-poor legislation presents to alternative lawyers, there are opportunities for NGOs to work with the poor on initiatives that would mitigate their individual exposure to penalization measures and enhance their capacity to participate in institutional and policy change. Each NGO varies in its ability to adopt these strategies. Despite their individual limitations, the coalition of NGOs that form the Alternative Law Groups constitute a platform for information sharing, which may enable the strengths of one organization to bolster the weaknesses of another. Only by working together can NGOs and the poor in the Philippines adopt an effective approach with the ability to combat institutional discrimination and marginalization that deprives one-fifth of society from

---

<sup>149</sup> *Supra* note 28 at 118; *Disallowed supra* note 32 at 867.

<sup>150</sup> *Supra* note 28 at 118.

accessing its socioeconomic rights.<sup>151</sup> Working together, of course, is the very basis of Legal Empowerment of the Poor.

## Conclusion

The prevalence of poverty in the Philippines represents the failure of the state to ensure that the socioeconomic rights of all its citizens are fulfilled. However, the causes of poverty are more nuanced than simple deprivation of income. It is also exacerbated by criminalization of the poor, illustrated through anti-tambay ordinances and Presidential Decree No. 1563. The stigmatization that results from conflating crime, poverty, and drugs segregates poor and elite segments of society socially, not just economically. Strategies that address these penalization measures must not only find ways to prevent the poor from having abusive encounters with law enforcement, but also narrow the divide between the rich and poor to bring the marginalized into political discussions.

It should be noted that defending the poor from human rights abuses in the Philippines is not easy, nor is it always safe. Activists and human rights defenders in the country “who attempt to challenge an undemocratic and repressive status quo are routinely harassed and even killed”.<sup>152</sup> Those who stand up for impoverished groups need to be recognized for the personal safety they are sacrificing in pursuit of a more just society. The Alternative Law Groups face a challenging opponent in President Duterte, who is skilled in distracting the public from his anti-poor initiatives. Mobilization of NGOs takes time, and it is possible that once efforts have been put into developing strategies to combat these specific laws, that the President will have already begun another initiative that targets the poor, or another vulnerable group. Nonetheless, the importance of individual empowerment will always be central to attainment of individual rights, and participation at the policy-making level is important as a sustained project, not just to repeal a certain segment of laws. As Amartya Sen notes, “there is strong evidence that economic and political freedoms help to reinforce one another, rather than being hostile to one another”.<sup>153</sup> Enriching the capabilities available to the poor, including their involvement in political discussions as well as their access to economic opportunities, ensures that these individuals have a tool-kit with which to freely build their own lives,

---

<sup>151</sup> *Supra* note 1.

<sup>152</sup> [Supra note 95 at 7.](#)

<sup>153</sup> *Supra* note 123 at xxi.



unconstrained by the “unfreedoms” currently present in Filipino law.<sup>154</sup>

---

<sup>154</sup> *Supra* note 123 at 8.

## Bibliography

### LEGISLATION

City of San Juan, *City Ordinance No. 8 Series of 2013*, CO-08 (2013), online:  
<<https://www.sanjuancitycouncil.com.ph/Visitor/LegislationDetails.aspx?Id=1083>>.

*Ordinance No. 17-070, An Ordinance Prohibiting the Act of Being Topless or Going Half-Naked in Public Places within the Territorial Jurisdiction of the City of Muntinlupa and Providing Penalties for Violation Thereof*, City of Muntinlupa (2017), online:  
<<http://www.muntinlupacity.gov.ph/wp-content/uploads/2017/07/no.-17-070.pdf>>.

*Presidential Decree No. 1563: Establishing an Integrated System for the Control and Eradication of Mendicancy, Providing Penalties, Appropriating Funds Therefor, and for Other Purposes*, 11 June 1978, online:  
<<http://www.chanrobles.com/presidentialdecrees/presidentialdecreeno1563.html#.W-XgmpNKg2w>>.

*Republic Act No. 6735, An Act Providing for a System of Initiative and Referendum and Appropriating Fund Therefor*, Congress of the Philippines, 8th Congress, 1989.

*The Constitution of the Republic of the Philippines*, 1987.

### INTERNATIONAL TREATIES

*Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS (entered into force 2 September 1990).

*International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

UNGA, *Universal Declaration of Human Rights*, UN Doc A/810 (1948).

## SECONDARY MATERIALS

### *Articles & Books*

Abellanos, Rhoderick John S. "The Political Face of Poverty: Cases of Human Rights Violations in Pasil, Cebu City" (2011) 2:2 J of Asia Pacific Studies 132.

Asian Development Bank, *Poverty in the Philippines: Causes, Constraints, and Opportunities*, (Mandaluyong City: Asian Development Bank, 2009).

Banik, Dan. "Legal Empowerment as a Conceptual and Operational Tool in Poverty Eradication" (2009) 1:1 Hague J on the Rule of L 117.

Bayudan-Dacuycuy, Connie & Josteph Anthony Lim. "Chronic and Transient Poverty and Vulnerability to Poverty in the Philippines: Evidence Using a Simple Spells Approach" (2014) 118:389-413 Social Indicators Research 389.

Carmona, Magdalena Sepulveda & Kate Donald. "Beyond legal empowerment: improving access to justice from the human rights perspective", *Int J of Human Rights* (2015) 19:3 242.

Castaneda, Anna Leah Fidelis T. "Philippine Elections: The Right to Political Participation in an Elite Democracy" (1997) 41:2 Ateneo LJ 314.

Constantino-David, Karina. "Unsustainable development: The Philippine experience" (2001) 11:2-3 Development in Practice 232.

Gerard Clarke & Marites Sison, "Voices from the Top of the Pile: Elite Perceptions of Poverty and the Poor in the Philippines" (2003) 34:2 Development and Change 215.

Golub, Stephen. "The Commission on Legal Empowerment of the Poor: One Big Step Forward and A Few Steps Back for Development Policy and Practice" (2009) 1:1 Hague J on the Rule of L 101.

Gustafson, Kaaryn. "The Criminalization of Poverty" (2009) 99:3 J of Criminal L and Criminology 643.

Hutchinson, Jane. "The 'Disallowed' Political Participation of Manila's Urban Poor" (2007) 14:5 Democratization 853.

Mendoza, Ronald U et al. "Political dynasties and poverty: measurement and evidence of linkages in the Philippines" (2016) 44:2 Oxford Development Studies 189.

Porio, Emma & Christine Crisol. "Property rights, security of tenure and the urban poor in Metro Manila" (2004) Habitat International 203.

Reid, Ben. "Poverty Alleviation and Participatory Development in the Philippines" (2005) 35:1 J of Contemporary Asia 29.

Schneider, Jane & Peter Schneider. "The Anthropology of Crime and Criminalization" (2008) 37:1 Annual Review of Anthropology 351.

Sen, Amartya. Development as Freedom, (New York: Oxford University Press, 1999).

Sen, Amartya. "Human Rights and Capabilities" (2006) 6:2 J of Human Development, 151.

Velasco, Djorina. "Marginalized Groups and Political Participation: Perspectives from the Philippines" (2007) 50:1 Development 117.

World Bank, "Community Based Paralegalism in the Philippines: From Social Movements to Democratization", *Justice & Development Working Paper Series*, (2014) at 7, online:

<<http://documents.worldbank.org/curated/en/735621468334143438/pdf/860000NWPOCo-mm00Box382162B00PUBLIC0.pdf>>.

#### Other

ABS-CBN News, "Cops won't shelve 'tambay' crackdown amid abuse allegations", ABS-CBN News (21 June 2018), online: <<https://news.abs-cbn.com/news/06/21/18/cops-wont-shelve-tambay-crackdown-amid-abuse-allegations>>.

Anjo Bagaoisan, "Goodbye tambay? What people say about Duterte's order against loitering", ABS-CBN News (15 June 2018), online: <<https://news.abs-cbn.com/focus/06/15/18/goodbye-tambay-what-people-say-about-dutertes-order-against-loitering>>.

Ateneo Human Rights Center, "What We Do: Training and Education" AHRC, online: <<http://ahrc.org.ph/what-we-do/>>.

Attorney Manuel, *Training Manual for Paralegals* (Manila: Ateneo Human Rights Center, 2010).

Barnaby Philips, "Begging for Life: From Manila to Malmo", Al Jazeera (26 Jan 2016), online: <<https://www.aljazeera.com/programmes/peopleandpower/2016/01/begging-life-160126130424263.html>>.

Bienvenido S Oplas Jr, "Anti-reason of Duterte's anti-tambay order" *Business World* (21 June 2018), online: <<https://www.bworldonline.com/anti-reason-of-dutertes-anti-tambay-order/>>.

Commission on Legal Empowerment of the Poor, "Making the Law Work for Everyone", *United Nations* (New York: United Nations Development Programme, 2008).

Ethnologue, "Philippines", (2018), *Ethnologue*, online: <<https://www.ethnologue.com/country/PH>>.

Humanitarian Legal Assistance Foundation In. (HLAF), Focus Reintegration of Ex-Detainees, (18 Oct 2017), online: <<http://home.hlaf.org.ph/index.php/about-us/programs/jail-decongestion/151-focused-reintegration-of-ex-detainees>>.

Humanitarian Legal Assistance Foundation In. (HLAF), HLAF and Other Childs Rights NGOs Seek CHR's Support to Oppose the Lowering of MACR (2 Aug 2016), online: <<http://home.hlaf.org.ph/index.php/stories/advocacy/51-hlaf-and-other-child-rights-ngos-seek-chr-s-support-to-oppose-the-lowering-of-macr>>.

Humanitarian Legal Assistance Foundation In. (HLAF), Implementers gather to provide inputs to strengthen the Juvenile Justice Law; Holds Juvenile Justice implementers

conference (5 June 2017), online:  
<<http://home.hlaf.org.ph/index.php/stories/advocacy/113-implementers-gather-to-provide-inputs-to-strengthen-the-juvenile-justice-law-holds-juvenile-justice-implementers-congress>>.

Humanitarian Legal Assistance Foundation Inc. (HLAF), Jail Decongestion, (18 Oct 2018), online:  
<<http://home.hlaf.org.ph/index.php/about-us/programs/jail-decongestion/149-jail-decongestion>>.

Humanitarian Legal Assistance Foundation Inc. (HLAF), Quezon City Mayor Discusses Prison Conditions with HLAF (2 Aug 2016), online:  
<<http://home.hlaf.org.ph/index.php/stories/advocacy/49-quezon-city-mayor-discusses-prison-conditions-with-hlaf>>.

Humanitarian Legal Assistance Foundation Inc. (HLAF), Vision, Mission, Goal (5 June 2016), online:  
<<http://home.hlaf.org.ph/index.php/about-us/v-m-g>>.

Human Rights Watch, "Philippines: 'Anti-Loitering' Arrests Target Poor", *Human Rights Watch* (26 June 2018), online:  
<<https://www.hrw.org/news/2018/06/26/philippines-anti-loitering-arrests-target-poor>>.

Lourdes V Homecillo, "Profile of the Poor in NCR: An Analysis", *Philippine Statistics Authority* (2013), online:  
<[http://nap.psa.gov.ph/ncs/12thncs/papers/INVITED/IPS-17%20Housing%20and%20Urban%20Poor%20Statistics/IPS-17\\_3%20Profile%20of%20the%20Poor%20in%20NCR%20An%20Analysis.pdf](http://nap.psa.gov.ph/ncs/12thncs/papers/INVITED/IPS-17%20Housing%20and%20Urban%20Poor%20Statistics/IPS-17_3%20Profile%20of%20the%20Poor%20in%20NCR%20An%20Analysis.pdf)>.

Namati, "Namati: Innovations in Legal Empowerment" (2018), online: <<https://namati.org/>>.

Panos Mourdoukoutas, "Corruption is Still a Big Problem in the Philippines", *Forbes* (21 February 2018), online:  
<<https://www.forbes.com/sites/panosmourdoukoutas/2018/02/21/the-philippines-is-getting-more-corrupt-under-duterte/#6fb4b98256a1>>.

Ralf Rivas, "Inflation hits poorest Filipinos hard in Q2 2018", *Rappler* (1 August 2018), online:

<https://www.rappler.com/business/208624-inflation-effects-poorest-filipinos-q2-2018>>.

Rambo Talabong, "Exclusive: Photos, death certificate show Genesis 'Tisoy' Argoncillo beaten to death", *Rappler* (21 June 2018), online: <https://www.rappler.com/nation/205449-exclusive-arrested-tambay-genesis-argoncillo-death-certificate-photos>>.

Rambo Talabong, "Tambay by the thousands: The war on loiterers in numbers", *Rappler* (30 July 2018), online: <https://www.rappler.com/newsbreak/iq/208443-numbers-statistics-anti-tambay-loiterers-campaign-philippines>>.

Rambo Talabong, "What you should know: Duterte administration's crackdown on 'tambays'", *Rappler* (18 June 2018), online: <https://www.rappler.com/newsbreak/iq/205229-things-to-know-anti-loitering-campaign-duterte-administration>>.

Ruth Abbey Gita, "Anti-tambay drive not targeting homeless, Palace says", *SunStar Philippines* (28 June 2018), online: <https://www.sunstar.com.ph/article/1750168>>.

UNESCO, 25th Sess, UN Doc E/C.12/2001/10 (2001).

UNGA, 66th Sess, UN Doc A/66/265 (2011).

United Nations, "Chapter IV: Human Rights, 3. International Covenant on Economic, Social and Cultural Rights", *United Nations Treaty Collection*, online: [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtsg\\_no=iv-3&chapter=4&clang=en](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtsg_no=iv-3&chapter=4&clang=en)>.

United Nations Office for the Coordination of Humanitarian Affairs, "Ending Protracted Internal Displacement: Case Studies", online: <https://www.unocha.org/ending-protracted-internal-displacement/case-studies>>.

University of Minnesota, "Ratification of International Human Rights Treaties – Philippines", *Human Rights Library*, online at: <http://hrlibrary.umn.edu/research/ratification-philippines.html>>.

World Bank, "GDP Growth (annual %)", *World Bank*,  
online:

<<https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=PH>>.

World Bank, "Philippines' Poverty Rate Declines; More  
Well-Paying Jobs and Opportunities Needed" (30 May  
2018), *The World Bank*, online:

<<https://www.worldbank.org/en/news/press-release/2018/05/30/philippines-poverty-rate-declines-more-well-paying-jobs-and-opportunities-needed>>.