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# Bowed, Bent, & Broken: Duterte's Assaults on Civil Society in the Philippines

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## Abstract

The Philippines has historically been known to have one of the most robust and politically active civil societies in the world. With a deep affinity with democracy, civil society became a reliable bulwark against abuses of power and endemic corruption. However, it came under attack under the populist, illiberal Duterte administration (2016–2022) through intimidation, persecution, massive disinformation, and even outright violence. This article examines why Philippine civil society – despite its attempted pushback against democratic erosion – was generally neutralized by Duterte. Apart from its weakened state given polarizing elite conflicts in the 2000s, Duterte engaged in executive assaults against civil society through the four strategies of exploiting divisions within civil society; securitizing public; regulating civic space to weed out opposition voices; and controlling the media environment. This article concludes by examining the implications of a weakened civil society and prospects for its reinvigoration under a restored Marcos dynasty, which won the 2022 Philippine presidential elections.

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## Keywords

Civil society, executive assault, democratic erosion, Duterte, Philippines

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## Introduction

Historically, civil society in the Philippines has been a potent political force that proved capable of extra-constitutionally ousting presidents accused of executive excess, corruption, and authoritarian tendencies. By the sheer force of societal mobilization that precipitated the military to turn on the executive, ‘people power’ movements in the Philippines were internationally famous for ending the Marcos dictatorship in 1986 and ousting the populist Joseph Estrada in 2001 (Mendoza 2009). The Philippines is even dubbed as the ‘Non-Government Organization (NGO) capital of the world’ precisely because of the dense networks of civic organizations, social movements, and even faith-based organizations that operate largely autonomously from the state (Franco 2004). Regardless of one’s views about longstanding debates on whether Philippine civil society has been ‘uncivil’ in forcing political change in ways that undermine constitutional processes, it has historically been an effective bulwark against outright authoritarian rule in a country long afflicted with economic inequality, weak institutions, and predatory political dynasties – factors that normally make electoral democracy impossible (Garrido 2008).

Beyond monitoring the Philippine government to expose and demand sanctions against erring public officials, civil society organizations (CSOs) have offered space for citizens to voice their concerns, advocate for their rights, and actively participate in multiple levels of decision-making. CSOs have also stepped up to become providers of public goods and services to communities, especially given state weakness and incapacity (Racelis 2000; Magadia 2003). Though at times, Philippine CSOs’ actions such as the forced removal of the country’s presidents via massive street protests rather than constitutional procedures have had negative consequences for political stability and institution-building (Arugay and Slater 2019), there is still a broad consensus that the vitality of CSOs is a necessary component in the country’s democratic development, particularly the pursuit of political accountability. While formal accountability mechanisms (i.e. vertical and horizontal) have long existed, their institutional deficits and proneness to executive domineering have generated episodes of delegative democracy in the Philippines (O’Donnell 1994; Arugay 2005).

The presidency of Rodrigo Duterte (2016–2022) is therefore an interesting case study of the role of civil society in preventing democratic backsliding, defined as the ‘state-led debilitation or elimination of the political institutions sustaining an existing democracy’ (Bermeo 2016: 5). Within a democratic regime, these democratic pillars include mechanisms for popular participation, civil-political freedoms, and checks and balances on the government. Duterte’s ‘executive assaults’ on Philippine democracy are well known, including attacking freedom of the press, militaristic governance style, and open disdain for rule of law (Barndt 2010; Dressel and Bonoan 2019). Despite this record, Duterte ended his term as the most popular Philippine president since the country democratized in 1986 – supported by the *vox populi* that supposedly forms part of and is represented by civil society.

Given Philippine civil society’s credentials, track record, and robustness, civil society was expected to be the democratic ‘breakwater’ against Duterte’s excesses. Here, we

essay to explain why this did not come to pass. On the one hand, Duterte led successful executive assaults against civil society and institutions of accountability. *How* he did so is an important issue. On the other hand, civil society is itself an arena of competing interests espoused by leaders and followers, a considerable part of which Duterte effectively co-opted at the outset of his term. The Philippine case illustrates the mutually constitutive and reinforcing relationship between civil society and the quality of democracy.

The puzzle regarding Duterte's multi-pronged assault on Philippine democracy is two-fold. First, why was civil society the proverbial dog that didn't bark, or, at least, that barked unsuccessfully, during a critical period when the Philippines had its first president who unabashedly criticized liberal-democratic politics? Second, what are the consequences for civil society when the nature of democratic backsliding in the Philippines is predominantly an assault on liberal components of democracy rather than on the competitive-electoral dimensions that a Schumpeterian view of democracy emphasizes? Many scholars have argued that the role of civil society in a democracy varies given the tension between democratic ideals of popular inclusion (electoralism) and rule of law (liberalism) (Mettler et al. 2022; Cianetti and Hanley 2021; McCoy et al. 2018; Slater 2013). We argue that the shape and form of Philippine civil society before Duterte's rise played a role in why and how civil society groups themselves have encouraged attacks on liberalism, but not on electoralism per se. In other words, assaults against civil society were more effective as Philippine democracy since 2001 rests upon these distinct principles. Finally, we examine prospects for the future of civil society in the Philippines in the context of widening rifts between liberal and electoral components of democracy.

This article argues that Philippine civil society was effectively immobilized by a combination of structural-historical factors – its shape and form at the time when Duterte took power – and Duterte's executive assaults on Philippine democratic institutions, which are 'interferences by presidents in the freedom of particular individuals or groups to critique the exercise of state power' (Barndt 2010: 14). Duterte empowered some CSOs and marginalized others, all while using his popularity to deny civil society of their lifeblood: political legitimacy and autonomous financing. Eventually, the segments of civil society that supported Duterte were either co-opted in ways that undermined their independence from the state or were set aside. At the same time, to merely say that Duterte attacked Philippine civil society ignores the two preceding decades in which this sector weakened, lost credibility, and gradually lost autonomy from the state – even as civil society continued to enjoy political freedoms under Duterte's predecessor, President Benigno Aquino III.

Duterte reaped historical conditions not of his own making, particularly the phenomenon of the social movement-ization of CSOs in the Philippines (Hedman 2006). Under this process CSOs were actively involved in sustained high-stakes political arbitrage between elites, lobbying, and even co-governing with presidencies that sought their support – all to advance their sociopolitical advocacy initiatives. While this work increases the policy impact of CSOs, it blurred the lines between civil society and political society, making CSOs vulnerable to political crackdowns and crises of legitimacy (Whitehead 2004; della Porta, 2013; della Porta and Steinhilper 2021). This article

proceeds by discussing the main sociopolitical developments in the Philippines since the Duterte's rise to power. We explain the sociopolitical conditions that prevented CSOs from challenging Duterte's power and how his government confronted and assaulted the main pillars of Philippine civil society. By the way of conclusion, this article examines the implications of these assaults on civil society for the country's eroding democracy and weighs the prospects for civil society's renewal as a force for Philippine democratization.

## **Fall from Grace: The Liberal-Democratic Civil Society That Duterte Inherited**

When Duterte came to power in 2016, CSOs were no longer the highly respected and legitimate forces for democracy in the Philippines they once were. This claim is unusual but theoretically important. It is unusual considering that the Aquino III administration saw significant, albeit limited, improvements in Philippine rule of law and bottom-up political participation (Teehankee and Calimbahin 2020). However, three developments set the backdrop of public sentiment toward civil society when Duterte became president. The first was the revived split between the moderate and radical left during the reformist presidency of Benigno Aquino III. The second was the fierce fight within civil society to pass the Reproductive Health Law in 2012, which broke up the historic liberal front between the Philippine Catholic Church – an important CSO – and liberal-reformist CSOs that had been at the vanguard of promoting democratization since the martial law dictatorship (1972–1986). The third was the climate of distrust against CSOs after the exposé of a PHP 6 billion (USD 108 million) ‘pork barrel scam’ in 2013, in which bogus CSOs were able to siphon public funds precisely because of real CSO's institutionalized presence in the Philippine fiscal process and delivery of social services (Arugay 2019).

In the two presidencies before Duterte, the so-called ‘civil society bloc’ became a key political power broker. After taking power via the second People Power Revolution in 2001 with the help of some CSO leaders, President Gloria Macapagal-Arroyo (2001–2010) invited civil society leaders to her ruling coalition as cabinet-rank officials, acknowledging in her memoir that winning over CSOs due to their high public legitimacy was key to the stabilization of the country (Macapagal-Arroyo 2022). Arguably, the Arroyo years were the heydays of CSO moral leadership in the Philippines, especially after Arroyo was embroiled in the 2004 ‘Hello Garci’ electoral fraud scandal amid a tight election race against movie star Fernando Poe Jr., leading to a near-clean break between her and reformist CSO leaders (Hutchcroft 2008). Between 2004 and 2010, Arroyo increasingly turned to the military and traditional political elites to secure her political tenure, which remarkably survived military mutinies, major political protests, corruption scandals, and public contempt (Encarnacion Tadem 2011).

CSOs also placed themselves in a precarious position by participating in several political destabilization attempts against Arroyo. Their doing so embodied a pattern of

‘social movement-ization’ of electoral politics that embroiled civil society in partisan conflicts between warring political elites (Hedman 2006). Arroyo’s heavy-handed crack-down against the opposition also deterred the public from mobilizing under the banner of CSOs, who were portrayed as becoming more politicized actors than objective defenders of democracy (Arugay and Slater 2019). This period came to be known as the Philippines’ ‘lost decade of democracy’ (Arugay 2019: 286) when not only did democratic institutions fail to deepen, but also Philippine society experienced ‘people power fatigue’ amid the perceived inability of civil society to hold political elites accountable. Protests gradually fizzled out, having made little headway in shaping public policy, despite Arroyo’s unpopularity for the entire duration of her second term. That paltry record displayed to many the limits of civil society action in a country suffering from democratic deficits (Clarke 2013).

In 2010, Benigno Aquino III secured the presidency on a platform of anti-corruption, good governance, and public transparency after riding a wave of reformist sentiment following the death of his mother, former president Corazon Aquino, in 1986. There is consensus that the Aquino administration was conducive to civil society dynamism, especially when compared to its predecessor and successor. Aquino’s Liberal Party allied with the moderate left, represented by the *Akbayan* party – a broad coalition of academics, social democrats, civil society leaders, and unionists – given the large overlap between the agendas of the two political blocs. Aquino appointed key *Akbayan* members to high government positions in the Commission on Human Rights, the National Anti-Poverty Commission, the National Youth Commission, and the Office of the Presidential Adviser on Political Affairs. However, as *Akbayan* grew in prominence and in President Aquino’s favour, its ideological differences with the ‘national democratic’ or radical-Marxist left also became more pronounced. The party drew flak for supposedly compromising on its policies on land reform, development financing, and labour issues to align with the more orthodox-centrist Aquino (Juliano 2015; Cay and Nonato 2014). The spectrum of the Philippine left, which had previously been relatively united in its opposition to Arroyo, split during the Aquino presidency, pushing some segments of the radical Left to support Duterte, who initially appeared economically more radical than the Liberal Party, in 2016. Perhaps, too, that support was because of Duterte’s authoritarian-populist rhetoric, as both Duterte and the radical left had criticized Aquino’s governance style as liberal elitism (Thompson 2010).

Another critical development under Aquino was a breakdown in popular trust in CSOs. In July 2013, Philippine media exposed a historic PHP 6.1 billion pork barrel scam in which bogus non-government organizations (NGOs) defrauded the government by siphoning public funds under the Priority Development Assistance Fund (PDAF), a form of pork barrel in which legislators are allocated funds for development projects to be implemented by CSOs (Bollobo 2023). Though the investigative report on the scheme draws from findings between 2007 and 2009, the PDAF continued well into Aquino’s administration and was made possible because of the institutionalized presence of CSOs in the Philippine fiscal process. The 1987 Philippine Constitution had formalized ‘reasonable participation’ of CSOs in government consultative mechanisms

(Article XIII, Section 16) and encouraged their role in promoting the welfare of the nation (Article II, Section 23) (Sidel 2015).

With *Akbayan* backing the Aquino government, the PDAF scandal served to undermine the legitimacy of CSOs in the Philippines, which many Duterte supporters used as a key talking point against both CSOs and the liberal Aquino government during the 2016 campaign and throughout Duterte's term as president (Thompson 2016). The saga raised public discussions about the weak regulation of CSOs in the country and put the issue front and centre in anti-corruption debates. The global outlook on CSOs had already been skeptical since the Global War on Terror in the early 2000s, which saw increased financial scrutiny and government oversight over CSOs on grounds of countering the financing of terrorism and money laundering (CTF-AML) (Arugay 2021). This context provided a pretext for tightening regulations related to civil society. As will be seen in the succeeding section, the Duterte administration leveraged legalistic and even globally accepted anti-terrorism practices to constrict civic space, notably through what the literature calls 'framework' regulation of CSOs: regarding their incorporation, registration, operation, and general life cycle (Rutzen, 2015).

Finally, the Aquino administration also turned a new leaf for Roman Catholicism in the Philippines, not simply because of the long-term decline in church attendance among Filipinos, but also due to the unprecedented defeat of the church hierarchy during bitter campaigns for and against the Reproductive Health (RH) Law in 2011-2012. Presidents prior to Aquino only promoted natural family planning methods and shelved artificial contraception, while Aquino dug in and mobilized significant support among progressive NGOs. Church leadership came in the fight on weak footing, having been discredited in a 2011 scandal wherein bishops were exposed to have received public funds to purchase expensive personal vehicles. The Church also appeared tone deaf, continuing its hardline policy against sex education and contraception, which alienated the population. Surveys showed the public to be increasingly open to artificial forms of contraception and even divorce, which diverged from the Catholic Church's views. The Church's overtly political methods, such as campaigning against politicians supportive of the RH Law, further discredited its leadership (Tanyag 2015).

More importantly, the major actors during heated policy debates and counter-protests were civil society actors, complicating the state-versus-civil society trope that had been common under previous presidencies. Aquino III passed the RH Law in 2012 and outmanoeuvred the Catholic Church – a first in Philippine post-1987 history. Another critical development was the rise in other religious groups in the Philippines, including the *Iglesia ni Cristo* – a Christian group known for bloc voting and supportive of Marcos Sr.'s martial law government, Duterte in 2016, and Marcos Jr. in 2022 – which has continuously expanded its membership since the early 2000s. Meanwhile, Catholic charismatic movements such as *El Shaddai*, which similarly voted as a bloc in the past, have declined in relevance and political influence from their heydays in the late 1990s (Leviste 2016). With the scene among faith-based organizations becoming more

diverse and pluralized, the link between religious groups and Philippine democracy has come increasingly into question.

## **Duterte's Assaults on Philippine Liberal Democracy & Civil Society**

Duterte therefore inherited a weakened civil society: a moderate left that was too closely associated with the outgoing president Benigno Aquino III; a radical left that did not command public support and was opposed by the country's security establishment; and a string of issue based and developmental CSOs that faced public skepticism following the PDAF scandal. Coming into power with a 'get things done' and 'order over law' ethos, juxtaposed against systemic dysfunctions of democracy, Duterte's first order of business was to demonize human rights defenders, whom he portrayed as obstructing justice during his bloody war on drugs and against criminality (Pepinsky 2017). We argue that Duterte did this using four approaches: (1) exploiting divisions within civil society, (2) securitizing public discourse and co-opting CSOs, (3) regulating civic space to weed out opposition voices, and (4) controlling the media environment.

### ***Divide and Conquer***

Duterte's election in 2016 was a political earthquake. His platforms can hardly be neatly categorized along clear ideological lines (Arugay 2017). On the one hand, the economic policies Duterte touted on the campaign trail were considered left-of-centre and pro-poor. His flagship program, 'Build Build Build', was a state-driven infrastructure spending spree that contrasted heavily with his predecessor's snail-paced neoliberal trickle-down economics, which relied on public-private partnerships. The maverick candidate frequently used anti-elite rhetoric during the campaign, lambasting 'oligarchs'. On the other hand, Duterte's law and order policies were decidedly militaristic, as when he said on television, 'I don't care about human rights, believe me' in the context of his war on crime and drugs (Aljazeera 2016). In many ways, Duterte's policies were increasingly perceived to be a set of contradictions, unified by the stubborn drive to change the status quo.

In the early part of his presidency, Duterte further exploited the historical rift between radical and moderate leftist organizations that historically formed the backbone of Philippine CSOs. Communist Party of the Philippines founder Jose Maria Sison praised Duterte for showing 'magnanimity by offering government posts [to the left]'. The CPP and its political wing, the National Democratic Front of the Philippines (NDFP), did not field their own members, but recommended known progressives, whom Duterte appointed to the social welfare, agrarian reform, and anti-poverty cabinet portfolios (Lopez 2016). The seven-member *Makabayan* bloc affiliated with the radical left joined Duterte's majority coalition in the House of Representatives, parting ways only in September 2017, when nominated cabinet secretaries (ministers) from the political left were not confirmed in the legislature by Duterte's other allies –



many of whom were from political dynasties and were oligarchs (Colcol 2017). The bloc initially praised Duterte as the first president to have allowed the left to have a significant role in government in those crucial early months (Viray 2016).

Upon assuming office in 2016, Duterte launched Operational Plan *Tutok Hangyo* (popularly known as Tokhang), an unprecedented national-level, anti-drug campaign that involved house-to-house visits by police officers to individuals the government alleged to be involved in the trade or use of illegal drugs. Under *Tokhang*, local government units submitted a target list to the national government, which the latter then verified using police intelligence units. While many people linked to drugs voluntarily surrendered, others were killed either in police operations or by vigilantes, in equal proportions. In August 2016, Duterte disclosed a ‘drug matrix’ on national television that included politicians, some opposition figures, government personnel, and several civil society groups (Reyes 2016).

In the early days of the drug war, the most vocal critics came from the Liberal Party, such as Senator Leila De Lima and Vice President Maria Leonor Robredo. However, Duterte portrayed the moderate left, which had been affiliated with the Liberal Party since the Aquino administration, as coddlers of criminals. The radical left *Makabayan* bloc initially did not call out Duterte for these blatant attacks on human rights defenders, but did come around after 2018, when it adopted a strategy of forming broader alliances with moderate leftists and other progressives.

Of an estimated 12,000–30,000 drug war-related fatalities, more than a third occurred in Duterte’s first three months, including documented cases of extrajudicial killings, police abuse, and disproportionate targeting of poor communities (ACLED 2022). The political opposition criticized radical left CSOs for their initial muted response to the drug war when public clamour would have made a significant difference (Lozada 2021; Cupin 2017). As one study showed, while mobilization within civil society did not affect the tempo of the drug war, pressure from horizontal accountability mechanisms such as courts was positively related to a de-escalation in the scale of police violence from 2016 to 2021 (Iglesias 2023; Iglesias 2022).

Duterte’s drug war retained majority public support throughout much of his term, while the liberal opposition lost the midterm elections 2019 and presidential race in 2022. While much of the literature has emphasized the Philippines as a polarized society, referring to intense partisan rivalry over existential issues about democracy, what is arguably more relevant is the fact that the ‘illiberal-majoritarian’ coalition under Duterte was much larger than the forces that engaged in activities to defend democracy (Bautista 2020).

### *Counter-Mobilization and Co-Optation*

With the sense of national emergency that Duterte’s penal populism created, some of his supporters conducted counter-mobilization efforts against the opposition (Curato 2016). Most critically, a faction of Duterte’s supporters tried to supposedly protect him from oligarchs by forming a civic network called ‘Kilusang Pagbabago’ (‘KP’, or Movement for

Change). In 2016, the KP mobilized large crowds in Cebu, Cavite, and Manila but would later fizzle out after its organizer, former rebel priest turned cabinet secretary Leoncio 'Jun' Evasco Jr., was pressured out of office in 2018, which coincided with Duterte booting out leftists in his cabinet (Fonbuena 2016).

In the first half of Duterte's presidency though, his administration demobilized progressive elements of civil society while also propping up NGOs that echoed the President's ideological dispositions. Many of these groups were also lured by the prospects of having access to public officials and increased prestige. During the anti-crime campaign for example, the Philippine National Police organized a coalition of 'civilian organizations' that acted as 'advocacy support groups and force multipliers' (Rita 2021). The group Volunteers Against Crime and Corruption (VACC) threw its support behind Duterte, although it pushed back against the president's proposal to arm anti-crime volunteers with guns. The Department of Environment and Natural Resources, under the environmental advocate Regina Lopez, deputized the VACC to investigate the agency's personnel for malfeasance (Philippine News Agency 2017). Its founder later became one of the petitioners against then-Chief Justice Ma. Lourdes Sereno, an Aquino appointee whom Duterte publicly declared as his 'enemy' after the Chief Justice wrote a 4-page letter criticizing Duterte's premature publication of a drug watch list that included court judges (Lorena 2018; Marcelo 2018).

The Duterte administration also never relented in its strategy of perpetual campaigning, supporting government-run or initiated NGOs (GRINGOs), such as the *Kabataan Kontra Droga at Terorismo* (KKDAT) or the Youth Against Drugs and Terrorism. The KKDAT is a project by the Philippine National Police in 2022 'to organize a youth movement that encourages and strengthens the youth's ability in suppressing the illegal drug and terrorism problem in the community' (Aro 2022). Studies on Duterte's counter-terrorism policies have found a broader trend wherein the government 'instrumentalized' public participation by supporting NGOs insofar as they contributed to preventing and countering violent extremism. Under the banner of a 'whole-of-society approach', the government – through its control of financial grants, selectivity in inviting favourable NGOs to consultative processes, and use of its authority to label some groups as illegitimate or dangerous – reshaped the priorities of civil society and fostered a securitized lens in which the government used elements of civil society to help attack other elements (Arugay et al. 2021).

The restriction of civic space picked up pace from 2018. In late 2017, the radical left and Duterte had a dramatic falling out due to the collapse of the peace talks with the CPP-NPA-NDF and mounting pressure by the security establishment against Duterte's ties with progressives. Duterte formed the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) in 2017, which emphasized 'situational awareness and knowledge management' and 'strategic communications' in its lines of effort to target CSOs that the security sector saw as having ties with the CPP-NPA-NDF. In contrast, previous presidents either sidestepped CSOs that they did not agree with (Aquino III from 2010–2016) or were too unpopular to openly restrict civic space (Arroyo from 2001–2010).

The NTF-ELCAC is an illustrative case of co-optation because it sought help from all segments of civil society – a 'whole of nation approach' – and pressured CSOs to

conform with the government by denouncing ties to the CPP-NPA-NDF and inviting them to address the communist insurgency. The body was notorious for ‘red-tagging’, or casting aspersions on and attacking groups by affiliating them or their members with the communist underground, often without proof or subsequent litigation.<sup>1</sup>

### *Regulate and Suffocate*

The Duterte administration was also an important inflection point for civil society in the Philippines because it was the first post-martial law presidency in the country that attacked civic space systematically and not just critics specifically. The Duterte administration undertook what the literature on civil society repression calls ‘framework legislation’, or legislation designed to suffocate civic space by restricting the incorporation, registration, operation, and general life cycle of CSOs (Rutzen 2015).

The first such step was in the early Duterte presidency when the administration withdrew from the US Agency for International Development’s (USAID) Millennial Challenge Corporation (MCC) account due to aid conditionality tied to observance of human rights (Reuters 2017). The president had also railed against CSOs’ ties to foreign governments. The MCC initially deferred the grant to the Philippines, given tensions between the Obama administration and Duterte due to extrajudicial killings in the war on crime and drugs. The decision cut off the funding stream for many development NGOs in the Philippines working on sanitation, agriculture, and social welfare that had historically relied on foreign aid. In this sense, even NGOs not primarily involved in defending human rights and countering democratic erosion became collateral damage in Duterte’s war on criminality. According to a survey, NGOs in the Philippines obtain 70% of their funding from foreign, government, and corporate donors. Only faith-based organizations were more resilient, since 85% of their funding came from membership fees and donations (Asian Development Bank 2013).

Duterte’s heightened perception of terrorism inspired a securitized approach to governance that inevitably extended to civil society. In November 2018, Memorandum Circular #14 of the Securities and Exchange Commission (SEC) empowered the body with ‘unchecked discretion to identify CSOs considered to be at-risk [of terrorist financing and money laundering] based on information provided by government agencies such as the Philippine National Police. The memorandum also gave the SEC and government authorities the power to compel the disclosure of information from CSOs without a court order’ (as cited in CIVICUS 2019). NGO registration is not mandatory in the Philippines but is made practically a necessity since it is required to open bank accounts, effectively interface with donors, enter contracts, and be accredited for social welfare, healthcare, education, and other service-delivery work. While such regulations in themselves are common globally under countering terrorism financing (CTF) frameworks, what made Duterte’s approach problematic was his administration’s haphazard and often unsubstantiated allegations of destabilization plots by civil society leaders and prominent journalists (Lalu 2019; Caliwan 2019).

Another example of such regulation is the passage of the Anti-Terrorism Act (ATA) in 2020, which revised the 2007 Human Security Act, supposedly to prevent the

Philippines' inclusion in the global Financial Action Task Force's grey watch list. The legislation contained provisions granting the Anti-Terrorism Council the power to designate persons or organizations as terrorists for 'the purposes of surveillance and investigations by the Anti-Money Laundering Council (AMLC). Other than probable cause, the ATC has no set criteria for the designation' and is not bound to the advice of constitutional bodies, such as the Commission on Human Rights (UP Department of Political Science 2020). Under the law, members of the ATC are all appointees of the president.

The Duterte government had been interested in preventing terrorist financing because the CPP-NPA-NDF is an internationally designated terrorist organization. It sought to crack down on the organization's alleged wide network of sympathizers in civil society, which the government calls 'front organizations'. However, throughout the Duterte administration, the security establishment was heavily criticized domestically and internationally for reckless 'red-tagging', a tactic which exposed individuals to verbal harassment, public vilification, and death threats (Marasigan 2022). Many of the individuals accused of having ties to the CPP-NPA-NDF denied such links and decried the government for its faulty intelligence (CIVICUS 2019). There were several instances when police stations openly displayed paraphernalia red-tagging minority legislators, civil society leaders, lawyers defending opposition figures, and student leaders for allegedly being 'communist terrorists' (Luna 2022; Philippine Daily Inquirer 2022). The mass paranoia against communism became normalized within public discourse, to the point that the government investigated community organizers distributing food aid during the COVID-19 pandemic for being potential communist sympathizers. Even in social media, red-tagging often became a tool to silence criticism of the government (Ragragio 2021).

To be sure, CSOs during the time of Duterte did not face heightened systematic physical repression that departed from the historic patterns in the Philippines, apart from dozens of arrests of individuals charged with involvement in the communist insurgency. There is even the argument that 'Duterte's damage to CSOs ... [is] skin deep', since many of the challenges civil society faced between 2016–2022 were different in degree, but not character from those in previous years. To put things in perspective, the number of NGOs registered with the Philippine Securities and Exchange Commission continued to rise from the Arroyo to Duterte presidencies, between 2010 and 2022; there are now close to 500,000 registered NGOs in the country. It is also noteworthy that the Philippines rarely prosecuted individuals under the ATA or laws on money laundering and terrorist financing.

However, the Duterte presidency was significant because it laid the groundwork for structural-legal changes that constrained civic space in the Philippines. Many of these measures would have been widely opposed under the unpopular Gloria Macapagal-Arroyo in the early 2000s. The blatant repression through populist rhetoric that discredited civil society leaders and the actual passage of constrictive legislation changed the mobilization calculus of the nature of civil society. CSOs in the Philippines responded to repression withdrawing from political activism and sensitive advocacy work that may attract the security establishment's scrutiny.<sup>2</sup>

### *Manage Perceptions, Win Elections*

The weak pushback by civil society under Duterte was not only due to his enduring popularity, but also his reshaping of civic space – the information ecosystem, the regulatory environment for civic space, and the composition of civil society itself. Duterte's popularity cannot be divorced from the institutional context within which legitimacy and consent are 'manufactured' (Herman and Chomsky 1988). Here, the attacks on civil society were more insidious. Retrospective accounts of the relationship between executive aggrandizement and the Philippine media have pointed out that Duterte's playbook was not simply to curtail the media, but to dominate the information ecosystem (Arugay and Baquisal 2022) – both to immobilize parts of civil society and to promote friendly voices which are crucial to reproducing legitimacy, which, in turn, impacts electoral politics. Support for Duterte catalysed an entire industry of disinformation by social media influencers, which over the years had become a vital part in electoral campaigning in the Philippines (Feldstein 2021).

Duterte's war on crime and his campaign against the local communist insurgency were covered negatively by the Philippine press, which prompted the maverick populist to attack 'traditional media' for their biases and allegedly politically compromised ties. In 2020, Duterte's allies in Congress voted to not renew the franchise of one of the two largest television networks in the country, ABS-CBN. The last time the station had been shut down was when Ferdinand Marcos Sr. declared martial law in 1972 and ruled as dictator until 1986. The chilling effect of this shutdown on other newsrooms was palpable.

More broadly, Duterte also shaped the structure and pattern of information consumption of citizens – an indirect way of eroding democracy by shaping how electoral choices and political beliefs are informed. After the midterm elections in 2019, many online content creators with Facebook pages and YouTube channels supportive of Duterte's campaigns against crime, terrorism, and insurgency rebranded themselves with words such as 'news', 'live' and 'TV' in their usernames, 'signaling an intent to eventually replace traditional media as sources of information' for the ordinary citizen (Arugay and Baquisal 2022). Many of these erstwhile civil society thought leaders maintained online communities of Duterte supporters.

Another strategy of the government was to amplify the rhetoric of pro-administration pundits and, often, national security hardliners. Emerging findings also suggest that public fear of Duterte's use of violence in police operations compromises the truthfulness of public opinion surveys, to the extent that surveys overestimated support for the war on criminality and drugs by 30–40 percentage points, inflating the perception of public support (Iglesias and Cheng 2022). Other studies also confirm an over-reporting of Duterte's popularity due to social desirability bias and preference falsification (Kasuya and Miwa 2023). That said, fear of Duterte is not necessarily antithetical to his popularity, which is reflected in the 60% vote share his daughter, Sara Duterte, won when she ran for vice president in 2022.

It did not help that openly partisan media and content-creation on social media platforms became a lucrative industry. Since views are monetized, generating 'click-bait'

or emotive content has become profitable. Interestingly, these social media networks led to the creation of pro-Duterte non-government associations which, though rarely involved in day-to-day pressure group politics in the streets or in governmental bodies, became gatekeepers of the information diet of an important electoral constituency. Self-proclaimed ‘Diehard Duterte Supporters’ continued to circulate pro-Duterte news and fought in social media against government critics (Ong and Tapsell 2022; Tapsell 2022).

The administration also appointed some known Duterte supporters with social media followings to key positions, creating a pathway for civil society thought leaders who were supportive of the administration to lucrative career prospects. This strategy went beyond disinformation, shifting toward ‘influence operations’ that inundated voters’ news sources with political messages rather than fake news – an approach that is largely legal and more readily considered fair-game (Fallorina 2023; Gaw et al. 2023). Some have also referred to this process as the ‘Fox News-ification’ of Philippine media, since sources of political literacy are increasingly controlled by openly partisan media (Ong et al., 2022). In this vein, during the 2022 presidential election, Ferdinand Marcos Jr. shunned all official debates under the Commission on Elections but granted airtime to Sonshine Media Network International, the broadcasting company of President Duterte’s spiritual adviser, Apollo Quiboloy.

**Civil Society Post-Duterte: Down But Not Out.** As Table 1 indicates, among sectors of civil society, NGOs took the biggest hit in the public’s trust ratings under Duterte, sliding from nearly 60% in 2017 to below 40% in 2019 (EON Group 2021). Trust in NGOs rebounded during the COVID-19 pandemic in 2021, but this was due to the public’s appreciation of NGOs’ involvement in the distribution of social relief programs for the unemployed and underserved communities rather than for the human rights promotion for which Duterte discredited them. However, data on civil society’s trust ratings also reveal that Duterte’s attacks on civil society were not necessarily debilitating. Threats from government agents, harassment from fellow NGOs, and the use of regulatory tools all constricted civic space in the Philippines in ways that were substantive and

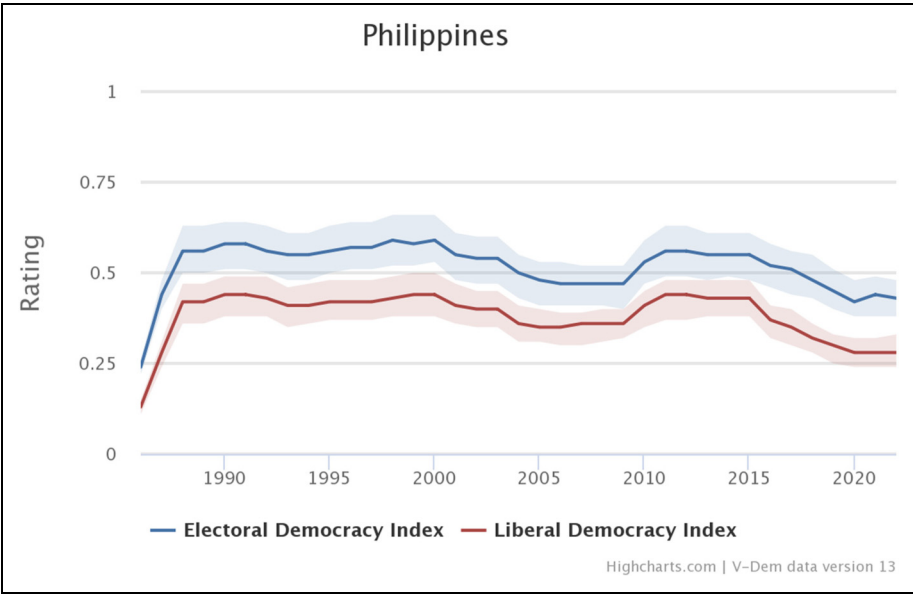
**Table 1.** Trust Rating of Civil Society Sectors in the Philippines, 2017–2021. Source: EON Group 2021.

	Per cent of the population who trusted civil society sectors		
	2017	2019	2021
Non-government organizations	59	37	70
Media	78	69	76
Church	93	90	91
Academe	93	90	90

not just skin deep. However, the still relatively high trust in other sectors of civil society suggests that Duterte did not deliver a knock-out punch either.

Since Duterte himself appears to have won the battle for hegemony *within* civil society and the populace, his supporters have not felt threatened by open shows of opposition mobilizational strength and mass organizing (Thompson 2020). Even during the 2022 presidential elections that determined Duterte’s successor, the opposition was still largely able to conduct mammoth rallies involving hundreds of thousands of their supporters without facing widespread or systemic repression (Baquisal and Arugay 2023). The Philippines’ fate of consolidation under strongman rule under Duterte and Marcos Jr. is a rare case globally at a time when other populists, like Donald Trump and Jair Bolsonaro, have been booted out of office. However, it is precisely because of this favourable domestic environment that Duterte’s attack on Philippine democratic institutions was asymmetric: his administration did more to undo liberal aspects of the country’s democracy – the free press, associational life, and the state’s respect for human rights – than its minimally electoral components, such as the conduct of elections (See Thompson, 2016). Data from the Varieties of Democracy (V-Dem) project (2023a; 2023b; Glass, 2022) show that electoral democracy index ratings for the Philippines under Duterte did not decline as substantially as did liberal democracy index scores (Figure 1).

Most assessments of Philippine democracy concluded that the 2022 presidential election was legitimate and that the public mandate for President Ferdinand Marcos Jr. and Duterte’s daughter, Vice President Sara Duterte, was reflective of public sentiment



**Figure 1.** Comparison of the Dimensions of Philippine Democracy (1986–2022).

(McCargo 2022; Dulay et al. 2023). The tandem has the distinction of being the first in the country's post-1986 democratization period to win an outright majority of nearly 60 per cent of the vote. The decisive electoral advantage the Duterte and Marcos families enjoyed during the 2022 national election campaign may also be the reason why attacks on civil society were calibrated and oriented toward the battle for political hegemony. Still, the political opportunity structure for civil society in the Philippines today, while more hostile than pre-Duterte years, is hard to characterize as closed.

The transition to Duterte marked a shift toward democratic erosion after decades of 'democratic careening' (Slater 2013) – a stage when there is neither democratic deepening nor authoritarian takeover. However, as Ding and Slater (2021) write, 'democracy is not a single institution but a complex assemblage of different institutions'. Mass participation and respect for human rights are distinct components of liberal-democratic systems (Arugay and Baquisal 2022). It is worthwhile to analyse the Duterte administration's impact on civil society role in promoting liberal-democratic norms.

Given political polarization in the Philippines, to speak of backlash against civil society is misleading because civil society was deeply fragmented under Duterte. Groups that worked to defend democracy – locally known as those 'holding the line' – were clearly in the minority. That said, the Duterte years also rekindled collaboration among far and moderate left CSOs, as well as middle-class cause-oriented groups. These groups framed democratic erosion under Duterte as a common threat.

Democratic backsliding in the Philippines under Duterte is undoubtedly a textbook case of a multi-pronged assault on institutions of accountability that sustain distinct institutional pillars of liberal democracy: civil-political liberties and limits on executive power (See Bermeo 2016; Haggard and Kaufman 2016; Waldener and Lust 2018). Moreover, given a consistent practice in the Philippines of politicians' switching to the party of the president after elections, Duterte had little trouble forming a congressional majority under the *Partido Demokratiko Pilipino-Laban* (PDP-Laban) and pushing the bounds of his executive authority. At the same time, Duterte had little incentive to overtly manipulate elections, given his popularity, though the preceding discussion shows the more covert ways in which Philippine elections became more hostile to opposition voices, such as massive disinformation and intimidation campaigns. Unsurprisingly, Duterte 'ended his six-year presidential term in June 2022 with the highest late-term approval rating among Philippine presidents in recent history' and sustained majority support *throughout* his term (Parmanand 2023: 105).

**Conclusion: Civil Society Under the Marcos Restoration.** After more than a year in office, Ferdinand Marcos Jr. has surprised both supporters and critics alike. Marcos has openly spoken about law enforcement 'abuses' in the Philippine drug war, even as deadly drug raids continue, albeit at a slower tempo (Gregorio 2023; Human Rights Watch 2023). He has not been particularly hands-on with the anti-insurgency body, the NTF-ELCAC, nor has he appointed individuals known for inflammatory and divisive rhetoric against the opposition. Be that as it may, Philippine civil society will likely take



years to recover from Duterte's executive assaults and will continue to face a significantly different domestic political environment. The Philippines' 2022 Civil Society Organization Sustainability Index found deteriorating sustainability of CSOs in the country, particularly given the more restrictive legal environment, institutionalized harassment by security forces, regulatory scrutiny over funding sources, and the crackdown on free media (Ocampo 2022). All these factors made it harder to garner public support for advocacy efforts.

First, Philippine civil society in the post-Duterte period has lost its diffusion potential, or its capacity to spread and maintain political contention through protest activities (Tarrow 2011). Duterte's popularization of illiberal CSOs exposed the diversity of voices within Philippine civil society. Significant intra-civil society political bickering will likely characterize the post-Duterte era. In addition, there is also tremendous potential for a further weakening of civil society's importance in Philippine politics. The overwhelming popularity of Duterte and current president Marcos Jr. demonstrates that Philippine presidents can credibly challenge the legitimacy of the civil society leaders and organizations that hold them to account. While the Duterte years were undoubtedly a period of crisis for liberal-democratic institutions, they also proved to be so for civil society actors' legitimacy and relationship with the voting public.

The opposition rallied in the 2022 presidential election, coalescing around former Vice President Maria Leonor 'Leni' Robredo, unlike in 2016, when the moderate and radical left supported different candidates. Although unsuccessful in rolling back democratic erosion, this opposition bloc conducted new initiatives, such as fact-checking and digital literacy efforts, human rights awareness campaigns, and discussions about executive aggrandizement (Freedom House, 2022). However, parallel to this coordinated campaign was the proliferation of pro-Marcos, pro-Duterte CSOs.

The second important theme discussed in this article is that structural factors governing civil society in the Philippines, notably the regulatory and informational environments that are crucial to associational vibrancy, have taken a turn for the worse. It will take years again to reshape dominant ideas in civil society. It remains an open question whether these changes amount to a strategic reshaping of the electoral environment in favour of the incumbent executive (Haggard and Kaufman 2021), which is pivotal. At present, the Philippines is more likely to gradually slide into electoral authoritarianism than to experience an outright autocratic reversal.

Third, Duterte's executive assaults on democratic institutions co-opted elements from civil society. The administration selectively weaponized CSOs, subordinating them into executive policies, but also sometimes using CSOs as an extra-institutional force to intimidate opposition *within* the government. Being a populist, Duterte approached civil society as a space to conquer and dominate rather than as a collaborative partner. In the final analysis, recent developments on both sides of the political divide reinforce the trend toward the 'social movement-ization' of civil society in the Philippines (Arugay 2019) or blurring the line between civil and political societies and escalating threat perceptions between factions of civil society who view the political struggle as an existential matter. This turn may make social actors more amenable to conflictual forms of resistance.

The security establishment has historically distrusted Philippine civil society for the presence of alleged communist fronts – an important theme that Duterte himself used to justify the regulation of CSOs and one that finds safe-haven in counter-terrorism regulations, post 9/11. Because non-violent parliamentary politics has never been definitively settled as ‘the only game in town’ among Philippine CSOs, civil society has historically been susceptible to direct executive assaults, especially by presidents who make little distinction between the moderate and far left (see Linz and Stepan 1996). Support for the communist struggle in the Philippines has been low. And not only is support lukewarm, but there is also active opposition to the CPP *within* civil society (Quimpo 2005).

What is different today, however, is that the Philippines has not seen a return to the ‘civil society coups’ of the Estrada and Arroyo presidencies, when CSOs openly called for a social movement to remove the incumbent chief executive (Arugay 2013). Leni Robredo proved to be an effective campaigner and steadily increased her vote share from 8% in December 2021 to nearly 30% on polling day. Robredo was able to field political rallies of up to half a million people and conducted genuinely grassroots house-to-house campaigns, organized largely by volunteer groups. These numbers suggest that liberalism and defending democracy still matter to a significant proportion of the electorate. The puzzle, therefore, is not simply why civil society did not try to oust Duterte via people power. Rather, it is why liberal-oriented CSOs in the Philippines have primarily abided by parliamentary politics even as they have seen executive aggrandizement as an existential threat to the political order. In the end, the fate of Philippine democracy remains inexorably intertwined with the ability of its civil society to organize its highly plural components to be legitimate representatives of the people and, at the same time, effectively to hold political leaders to account.

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### **Notes**

1. Interestingly, this body outlasted Duterte’s term and even secured the participation of the Catholic Bishop’s Conference of the Philippines, further adding to liberal-reformist groups’ skepticism of the Church’s stance on human rights protection. In ‘CBCP confirms office to join NTF-ELCAC to “raise social, church issues” in gov’t’, *CNN*, 1 September 2023, <https://www.cnnphilippines.com/news/2023/9/1/cbcp-joins-ntf-elcac.html>.

2. As one activist said, ‘killings have continued, yet he [Duterte] is so popular [...]. How do you confront an administration like Duterte[s] who continues to have [...] overwhelming support [...]?’ And that means a lot in terms of whether civil society organizations [can] still connect with the issues and the concerns of the greater population’ (Lorch 2021: 92).

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