The Political Face of Poverty: Cases of Human Rights Violations in Pasil, Cebu City

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Abstract: Working within the framework of poverty as a multidimensional condition of limitations (Chambers 2007, 2006, 2005, 1995) and the absence of well-being (Narayan, Chambers and others 2000) this paper focuses on the political dimension of poverty particularly in the area of human rights.

What is thus figuratively referred to as the political face of poverty is neither the economic nor the statistical of depravity but lived-experiences and over-all condition that forms a web of humiliation, manipulation and isolation among others. In this paper, the political face of poverty needs is understood and presented qualitatively within the context of the landscape of power relations concrete in the experiences of human rights violations among the poor. It is, in a profound sense, the gestalt of the narratives of the poor themselves (cf. environment, participants and methodology for an elaboration of this) and their experiences. The depth and concreteness of these narratives constitute the very data subject to analysis and serve as the basis as well for the formulation of the conclusion.

Key words: Political Face, Multi-dimensional Poverty, Barangay, Sitio, Barangay Tanod

1. Introduction

Poverty is political. It is a condition also characterized by specific disadvantages involving those in power and their institutions. Oftentimes, empirical social sciences prefer not to say that power, privileged position, and influence, are associated with the rich and the poor being in a condition that is exactly the opposite. Films have portrayed this stereotype time and again. Not much space has been given to narratives of marginalization, if any, in development

studies oriented to scientific or social scientific research. The study of poverty has and, almost always, must involve demography, economics, statistics etc. Thus we have depictions or pictures of poverty in its very compartments but not as an experience of living individuals in its whole.

2. Framework of Analysis, Environment and Participants of the Study

2.1 Theoretical Framework

Poverty as a condition is not just a specimen or dry fact that social science or science could study, more than just its portrayals: figures, graphs and slopes, it is a condition which any description would always fall short of . To portray the political face of poverty basically means to holistically present the poor's experiences as persons who are subject to the institution/s and its power, authority, laws and policies among others. Poverty's political face is the face of those who are at the bottom of the power structure, the non-elites or even the inarticulate. In this sense, poverty is not just economic in that it limitedly means the absence of money. Already in his landmark work Development as Freedom, Amartya Sen defined poverty as capability deprivation and not merely as low income (1999: 20). Sen, with this definition, goes beyond the minimalist monetary or income approach to poverty and understands the condition as the opposite of the good life which is characterized by the capacity to live. Poverty therefore is always related to certain unfreedoms or deprivations because it does not allow people to life lives more fully and thereby exercise their own volition, interact and consequently influence the world (Sen, 1999: 15). The approached that developed from Sen has now been called the capability approach which defines poverty as a "failure to achieve certain minimal or basic capabilities" that is needed to "satisfy certain crucially important functions up to certain minimally adequate levels" (Sen as cited in Hayati et al 2006, 367 - 368).

Current researchers have recognized the multidimensional character of poverty (Hayati, Karami and Slee, 2006). Among

the staunch adherents of the multi-dimensional approach to poverty is Robert Chambers (2007, 2006, 2005, 2001; Naranyan, Chambers and others 2000; World Development Report 2000/2001). This approach fills in some of the theoretic lacuna of Sen's capability approach, which for some still departs from the bias of the scholar and not the poor him/herself.

Building on top of this theoretical background, this study seeks to present a political face of poverty in Pasil (cf. environment). The focus in this study is the area of human rights; apparently, the very practical limitations of this study prevent a singular presentation of the area's poverty and its political face.

2.2 Environment and Participants

Pasil is a barangay (in the Philippine political structure this is the smallest political unit) in Cebu City, Philippines and is the environment of the study. Mainly inhabited by urban poor, some of whom could be informal settlers, the area is more or less nine (9) hectares with a population of 7, 487 based on the recent data available from the National Statistics Office (NSO). The barangay has eight (8) geographic-political subdivisions called sitios. The means of living of most residents are fish trade, making puso (hanging rice), vending. The whole area has been stereotyped as a slum yet this seems only partly true due to the presence of well-furnished households, three-story buildings households in certain portions in the area. Not everybody in Pasil is poor thus it would be practically inaccurate to say that the whole community is a slum. The net observation is that Pasil is a place where one can see poor people whose daily lives are glaringly in contradiction to the noble and humane vision of politics.

With the abovementioned condition of Pasil as the context the study presupposes that not all residents could be considered and eventually invited as study participants. It is thus methodologically necessary to have proper targeting and selection of participants for the focus group discussion (FGD).

The Political Face of Poverty

Table 1 shows the criteria that were considered in the selection of the participants. Each criterion was rationalized based on the overall characteristic expected of each participant. The reason for this narrowed-down selection process is the exclusion of possible outliers in the FGD. Technically, the criteria set are for the purpose of setting the minimum characteristics.

Table 1. Targeting Criteria for Discussion Participants

Criteria	Targeted Specific Characteristics	
Personal Circumstances	 Age: above eighteen (18) years old Married with children (preferably more than one) 	
Registered Voter	 Must be a registered voter in the area Must have voted in the area in the recent election 	
Resident in the area in the last ten (10 years)	 Must have knowledge or information about the issues and problems in the area 	
Employment status	 Unemployed or seasonal employment; must not be owning a small-medium enterprise If earning through whatever means, the gross monthly income must be below the poverty threshold set by the NSCB 	
Educational attainment	Elementary graduate or level	

Participants are thus homogenous in terms of the registration requirement and employment status. This means that all of them have been registered voters and voted in the recent election. Moreover all of them are earning below the minimum wage and neither do they have other source of fixed income. All of them are Roman Catholics and parishioners of the barangay's parish. Table 2 shows the means of the age, number of children, years of residency and educational attainment of the participants. The data of the discussion participants are grouped based on their sitio/s, i.e. Lawis and Mahayahay.

Table 2. General Profile of Discussion Participants

Criteria	Lawis	Mahayahay	
Age	43.27	31.88	
Number of children	4	3.6	
Residency	40.81	28.5	
Educational attainment	1 st year High School	Fifth Grade	

3. The Political Face of Poverty in Pasil: Human Rights Violations

1. Rethinking the Poor that We Thought – We Know

The poor are not unconscious persons. In the first place, Social Science researchers would not interview or involve (in any research) if they don't know anything. While their comprehension and views of circumstances and realities may not be of the same level with that of academic scholars but this does not mean ignorance and unawareness in their part. This study's participants were aware that living in poverty means being associated to almost anything that is

problematic in society. For example, one FGD participant, whose answer got the rest of the group's assent, said "well, we are poor so we are always viewed as the cause of all problems, especially crimes" (aw, pobre man gyud mi maong tan-aw sa mga tawo namo, kami naka ingon sa mga problema labi na sa kriminalidad).

As far as human rights are concerned, the participants might not have identified the details of their political and legal entitlements and privileges but they did know that the law must be fair and that certain procedures must be observed so that there would be fairness. "Of course we know that the law serves the purpose of protecting us" (o sir oi, nahibaw intawn mi nga angayan nga mo proteher ang balaod sa tawo). Hence, their responses showed something contrary to some commonly unfounded notion about the poor oftentimes labeled as politically apathetic and wanting in terms of the ideal civic virtue. This point is supported by a recent study that has shown that there is little evidence that poor people are passive and fatalistic (Naranyan, Pritchett and Kapoor 2009, p. 64).

Table 3 shows that they are actually aware of what has been going on in their place as far as criminality is concerned. Each group, during the FGD, was consensual in identifying the common crimes in their area. A comparison of the two groups' answers would show easily identifiable commonalities as well (cf. Table 3). As show in the same table, three crimes are common in Pasil: (1) drug use and selling, (2) illegal gambling and (3) gun selling. The use and selling of illegal drugs ranks first in terms of the frequency of mentions with four (4) and six (6) mentions from Lawis and Mahayahay respectively. Terms such as "suyop-suyop", "hit-"adis-adis" hit" (colloquial Cebuano words analogously meaning drug use or sniffing) were recurrent in Illegal gambling particularly the FGD of both groups. mahjong and video carera were identified by the participants during the discussion.

With regard to mahjong, households are required to get a permit from the barangay in order to legally operate its public gaming. There were those who opened gaming areas without the barangay's permit, thus considered an illegal operation. Video carera on the other hand is a game declared illegal by the city of Cebu. All in all, both illegal games were mentioned during the FGD: 4 mentions in Lawis and 2 mentions in Mahayahay. Gun selling which was identified by the participants from Lawis was not mentioned by those from Mahayahay. The discussion participants from Lawis disclosed that the guns are *paltik* (locally made) from Danao City.

Prior to the FGD conducted for the target groups in Lawis and Mahayahay, a mock-FGD was conducted among some fifteen (15) residents from the other areas in the same barangay. Composition wise, the participants were economically better-off than their fellow residents from the two mentioned sitios. Their answers however to the same question would reveal a lot of similarities. In the said FGD the participants identified drug selling and use together with operating mahjong without permit as the common cases that would lead to arrests in Pasil.

Table 3. People's Awareness of the Criminalities of Violations that are Common in their Baranggay

Responses	No. of Mentions		
		Lawis	Mahayahay
Drug Use and Selling	4		6

The Political Face of Poverty

Illegal Gambling Mahjong Video carera	4	2
Gun Selling	1	None

The awareness about their community and its problems sufficiently show the inaccuracy of the caricatures that completely depict the poor as ignoramuses. It is one thing to say that they cannot enumerate the bill of rights or argue the way legalese people do. What is argued here is the fact that they cannot fight for it because of certain limitations that are financial and physical in nature. A grade three student for example who is a son of a rich scion may not also know those rights that are due to him as a citizen of the republic yet the law may be invoked to his protection because his father or family can come to his defense. In certain instances therefore, it is not much a question of information as it is a matter of the accessibility of the law. Being poor is already being violated in one's human right to a dignified life.

2. Experiences of Human Rights Violations among the Poor

It is apparent and understandable from the above data why Pasil is a locus of confrontation between the police and civilians. The area has been the target of raids and surveillance by the local police (i.e. PNP or Philippine National Police). Non-residents who have heard or learned about raids and arrests in Pasil, either through broadcast or the newspaper, get the impression that crimes and police-civilian confrontations are just common and ordinary in the area. On the contrary however things are not that simple to understand, the arrests are not just about ordinary infractions or violations. Pasil has a life-world of its own which is understandable only by analyzing its location in the larger sketch of urban Cebu, among others, the figurative and literal marginality of the people who have been involved in the said illegal activities, the physical structures that

make them vulnerable to the law and their conditions of unemployment and unhealthiness of family members among others, which make them easily subject to the commodification of the big drug traders.

One discussion participant from Mahayahay even shared during the FGD that they have become so familiar with the schedule of the local police's raid in the area. The study participants however reveal that there are a lot of violations that have been committed by the police as they carry out or perform their functions.

While in no way does this study condone the illegal activities in the area, the point here being impressed is that the poor's experience with the law or how the law is implemented to them has been basically twisted. In other words, part of poverty is being powerless and in effect vulnerable to the abuses of those who are in power.

Table 4 presents the participants' observations of the authority's (e.g. PNP) manners and procedures of arrest and search, and their awareness (if there is) of the violations that have been committed (if there are) by some arresting officers. Both groups have observed that policemen sometimes do not bring a warrant and yet they pursue entering houses and arresting persons. It has also been observed that the police/officers use a technique that may justify their warrantless search through the use of a civilian who will enter the house as some kind of an advance party. police will then follow and arrest suspects even without a warrant by simply invoking that what has been done is a citizen's arrest (meaning, it was the civilian who really saw the incident and the police was merely called – under the law this is one of the justifications for a warrantless arrest).

Asked if they are aware of violations committed by the police in incidents of searches and arrests, the residents unanimously answered in the affirmative. There are six explicit and consensual responses to the question but surprisingly it has been repeatedly discussed for twenty-two times (22) all in all in the two separate FGDs. What are presented in the two columns (for Lawis and Mahayahay) in

The Political Face of Poverty

Table 4 are the summative answers; the detailed ones will be quoted in length in this part.

Table 4. Observations and Awareness:
Right to Due Process in Searches and Arrests

Response/s	(Specific) Suppor	rting Statement/s	(No. of Times)
	Lawis	Mahayahay	
Observation: Searches	Warrantless searches of houses	 Police did not bring any warrant Enters and searches households in the absence of the owner Did not coordinate with the barangay Uses civilians in order to search houses Psy-war 	12
Observation: Arrest	 Arrest is done by the police Barangay tanod or councilor is called after, in order to witness, the arrest Suspect is handcuffed 	 Assistance of barangay is sought after the arrest (not before) Warrantless arrests even among standbys 	10
Awareness of Violations of Rights	 Warrantless arrests Physical brutalities: punching the arrested suspect if he resists Planted evidences Miranda rights not mentioned or informed to the person being 	 Warrantless arrests and searches Physical brutalities Does not follow the protocol, i.e. coordinate with the barangay first before performing the operation 	22

arrested

Noticeably however, the main point of the lengthy answers goes back to the observation that the common violations during arrests and searches are warrantless searches and arrests and the failure to comply with the standard operating procedure for raids in a baranggay. To substantiate this discussion here is a quote from one participant in Mahayahay:

"There is drug trade here, but the police have been intruding houses even of those who are not selling. They intimidate and use scare-tactic in order to enter the house without a warrant and immediately arrest some of us."

Another participant from Lawis corroborates this statement, to quote:

"They have targets beforehand. They know whom to arrest. They would proceed searching the person even without a warrant and eventually arrest him. Planted evidences have been common . . . the one being framed-up would go to jail for sure."

The second testimony above gives us a picture of an arbitrary and random selection of suspects. Listening to the participants' sharing, I get to sense that their understanding of the entire search and arrest procedure is that the police have already had a bias or fore-conception that certain areas in Pasil are entirely criminal infested and that all they need to do is to go there and pick up their suspect of the day. One participant from Lawis passionately says the following words: "the police would not catch the big fish, they would go for the smaller ones like us; we are so pitiful."

Non-observance of the standard operating procedure for the conduct of a raid has also been a common violation of the

officer of the law. As a matter of legal compliance, the police should first coordinate with the barangay before conducting any search and arrest. The purpose of this is to ensure that no human right would be violated. However it was divulged by the participants that the barangay is usually by-passed and that its officials are informed of what happened only after the operation. Some barangay tanods (peace keeping force) were in fact asked to sign certain papers that would legitimize the operation, and even affix their signatures as witnesses to an operation they have not truly witnessed. Standard protocol has it that a barangay tanod is not in the position to sign on behalf of the duly commissioned official, i.e. barangay captain or councilors. This lengthy narration by a former barangay tanod who participated in the FGD in Mahayahay elucidates the matter, to quote:

"If there is raid they would not coordinate, they'd immediately proceed [to the house or areal and call a barangay tanod only after the operation. I experienced this twice. In the first instance, I did not sign. . . because I was not a witness to the arrest. But they [police] forced me to sign; they'd like me to assume that I was there and attest that there was no violation of the law nor of human rights when the arrest was done. But I did not sign. Why should I sign, when I was not there during the raid? They really called me it's because I was the one in-charge in the barangay hall that day."

3. Capitalized Criminality

There is one very disturbing revelation from the participants, and that is, the police are making money by using the very system that is meant to protect society. While it may be true that Pasil is home to a number of drug users, nevertheless making money out of searches and arrests is practically a different pathology of and in the system. The topic surfaced when in the course of the interview, the researchers asked in

Cebuano: "kada adlaw man diay naay raid, nganong di man mahurot ang mga kriminal" (i.e. if raid is daily or frequent how come there are still many criminals in this baranggay). Suba-Pasil's Parish Priest also asked the same question, hinting how deep the problem is in his pastoral jurisdiction, during the (key informant) interview: "if they are serious with their arrests, why are the criminals still around? How will you explain the continual existence of the same people; if indeed the police are enforcing the law, the operations should be minimized by now, yet it seems to be happening every night?"

One other participant also shared that a suspect was arrested without a warrant and was brought to a police station. The police released him even before they would arrive at the station because he was able to bribe the police. In the participant's own words, "igo ra siyang gituyok-tuyok sa fuente, gibuhi-an kay naa may bayad" (he was simply toured around the Fuente Osmena circle).

Apparently drug trade and other forms of criminality have become systemic in the area. What makes the matters complicated is that persons in authority have a hand in the perpetuation of these activities. The violations committed against the rights of certain individuals have also been, in effect, systemic and some persons in authority have been part of it. While there is no justification for any crime especially one that has seriously affected the socio-economic life of the city nevertheless one has to approach criminal activities that have become rampant and systemic in a certain area, like that of Pasil, not just from the view point of ordinary law enforcement and prosecution. The fact that the illegal activities and crimes have been an intergenerational activity in the area only goes to show that it must have something to do with the people's condition of depravity, physical and social isolation and vulnerability among others.

4. Vulnerability, Powerlessness and Manipulation

The flesh and blood experiences in Pasil can be very well explained using Chambers (1995) idea of poverty as

connected to vulnerability, powerlessness and humiliation in the web of deprivation. Accordingly, vulnerability is exposure [e.g. to harms] and defenselessness (Chambers, 189), while powerlessness is being "subject to the power of others" thus very "easy to ignore or exploit." Humiliation is intricately linked to such conditions because most often, whenever the poor are exploited and overpowered, their inherent right are violated and this practically means the violation of their being persons as well. As pointed out in the UNDP's Programming for Justice: Access to All, there is a link between access to justice and poverty and this is evident in the fact that

"[G]roups such as the poor and disadvantaged who suffer from discrimination, also often fall victim to criminal and illegal acts including human rights violations. Because of their vulnerability, they are likely to be victims of fraud . . . economic exploitation, violence . . ." (UNDP 2005: 3).

The Bill of Rights of the 1987 Philippine Constitution guarantees certain inviolable rights of the accused person such as the rights to due process of law and equal protection of the law (III, 1), to be secured from unreasonable searches and seizures (III, 2), presumption of innocence (III, 14) and the Miranda rights (III, 12) among others. Nonetheless concrete examples and experiences of violations of these rights have been common and prevalent in Pasil. contrast, one cannot see or hear much of human rights violations in gated communities or middle-class villages in the same city or perhaps even in other parts of the country. For one, it would be difficult for the police to immediately plant (an) evidence in the house of the rich or the middle class. They will have to pass through the layers of humps and gates. The structure of the rich or even the middle class's households would surely necessitate them to present a warrant in the most prim and proper, if not diplomatic fashion, before they can enter and search. Moreover, the rich and the middle class possess the facility of language and the education enough to converse and argue with the arresting officer and even tell them of possible violations of their constitutionally protected rights. Furthermore, the rich or even the middle class have an easier access to the media and not to mention the financial capability to easily call and hire lawyers.

The poor are more prone to abuse by the officers of the law as evidenced by the experiences narrated in this study show. The participants' real life experience reveal a high degree of vulnerability to unjust practices brought about by powerlessness, low level of literacy, joblessness and poor health. Even the material quality of their places of dwelling and the structures of households (e.g. absence of gates, doors, door locks etc) make them more prone to what may be called the predatorial tendency of the officers of the law.

4. Conclusion

A face of an ordinary individual who does not have much in life and is therefore capitalized in the guise of the more formally called constituent representation is poverty's political face, it may be its new name as well. Human rights violations are indicative of poverty's political dimension. Moreover, the degree of human rights violations speak for the political disadvantage that there is in the area, in this case Pasil. This does not mean that only the poor experience human rights violations, the point however is that their vulnerability is obviously higher due to their material and physical conditions. Thus, the disadvantaged position of the poor in the political landscape can only be understood in the context of an integrated reading poverty as a multidimensional reality. Practically, such a condition is one of paralysis in the political level that is rooted in economic or financial depravity, the net effects of which are pathologies in the civil and social dimension of a citizen's life.

There is a nexus between poverty and human rights violations. Power relations hinge the poor's condition of depravity, vulnerability, powerlessness and isolation among others on the one hand and the human rights violations on the other. Admittedly, there is a need for more data to be gathered using methodologies other than what is here

employed in order to give measurable basis for this observation. Precisely, the value of this study is in its ability to lay down the ground on the basis of qualitative and narrative information above the connection between poverty and human rights violations. Social science since its solidification as an autonomous constellation of disciplines has become empirical more than ever before. Technological advancement brought about by human achievement can be accounted for this; studies on society and the polity must be most precise in coming up with analyses and forecasts in order to yield findings that are practically needed in and for policy making. Yet the downside of this has not been hidden for social science remains connected to the life-world of man who is not and will never be a mere technology. Thus, while phenomena observed by the social sciences, such as poverty, are necessarily to be subjected to empirical approaches nevertheless they cannot be fully understood only in terms of quantifications or dry numeric data.

More importantly, despite whatever numeric or quantitative data that may be acquired by research, the presentation of poverty's political face in more experiential terms cannot just be disregarded.

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