



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF BUDGET AND MANAGEMENT
MALACAÑANG, MANILA

13 February 2013

Dear Members of the OGP Steering Committee

This is in response to the letter of Toby Mendel and Nepomuceno Malaluan on the matter of enacting a Freedom of Information (Fol) Law in the Philippines.

Having been elected on a platform of good governance and anti-corruption, the Aquino Administration has given central importance to improving transparency, accountability and citizen's participation in government.

Our government likewise acknowledges the need to enact an Fol measure, not only to operationalize a democratic principle that is guaranteed by the Philippine Constitution, but also to ensure the irreversibility of transparency reforms introduced by the current Administration. Indeed, we expressed this acknowledgment in the Philippine OGP Action Plan for 2012. However, we must clarify that the government did not explicitly commit to enact the Fol within the Action Plan's period.

In our system of checks and balances, Congress is a separate and independent branch of government from the Executive; and thus we in latter cannot, within reason, make commitments on behalf of a co-equal branch. Despite this, the Administration took important steps in pushing for the enactment of the Fol, including the official transmission to Congress of an Administration version of the bill.

Moreover, given a tight legislative calendar, the Administration deliberately put more effort in pushing for the passage of critical socio-economic measures. These include the Reproductive Health law, which was needed to address serious reversals in maternal health and other Millennium Development Goals; the Sin Tax (excise tax on tobacco and alcohol) Reform measure, to secure urgently needed resources for universal healthcare; and amendments to the Anti-Money Laundering Act (AMLA) to ensure substantial compliance with international anti-money laundering standards.

Moreover, the Administration has taken great strides in ensuring that the principle of transparency is not only reflected in policies but is also practiced by institutions in their day-to-day operations. Many reforms that make information public in an unprecedented way have been undertaken. For instance, for the first time, national agencies have been required by law to disclose their respective agencies' budgets, procurement plans, awarded contracts, status of budget implementation and other such relevant information. We have likewise instituted the same disclosure policy for local government units.

In the end, we believe that the Philippine government cannot be faulted for making “actions that are not in accordance with the norms and expectations of the OGP,” especially given the unprecedented reforms taken so far by the Administration.

Rest assured that our government will continue to work hard towards the enactment of an FoI law within the remaining years of the present Administration. Moreover, recognizing that the Philippines has many well-crafted but poorly-implemented laws, we are committed to work with the FoI advocates in building the foundations for a meaningful access to information.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. E. Moya', with a date '13' written to the right of the signature.

Richard E. Moya
Undersecretary / Chief Information Officer
Department of Budget and Management