

INDEPENDENT REPORTING MECHANISM (IRM):

# THE PHILIPPINES END-OF-TERM REPORT 2013–2015

IRM Staff  
First End-of-Term Report





# INDEPENDENT REPORTING MECHANISM (IRM): THE PHILIPPINES END-OF-TERM REPORT 2013-2015

**While the content and implementation of the Philippines' second action plan demonstrated significant improvement over the first action plan, the government made little progress on commitments. Action plan implementation stalled after the mid-term review; key concerns are the absence of both a fundamental freedom of information law and whistleblower protection.**

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP participating country. This report summarizes the results of the period 1 January 2013 to 31 December 2015 and includes some relevant developments through June 2016.

The Steering Committee, made up of representatives from government, civil society, and the business community, leads the OGP in the Philippines. The Steering Committee serves as the consultation and coordination forum on the status and implementation of action plan commitments.

The Good Governance and Anti-Corruption Cluster (GGACC) of the President's Cabinet is the coordination unit responsible for OGP activities in the Philippines. The GGACC Secretariat is housed in the Department of Budget and Management, which also serves as the Secretariat of the Steering Committee and is responsible for coordinating commitment implementation and served as the communication center for the Steering Committee.

In September 2015, the government presented its third OGP action plan and began implementation in October 2015. Editorial Note: due to the shift in the action plan implementation calendar, there is a three-month overlap period between the end of implementation for the second action plan and the start of implementation for the third action plan. Since many of the commitments from the second action plan recur in the third action plan, the IRM has included relevant information on progress through 31 December 2015.

## TABLE 1: AT A GLANCE

NUMBER OF COMMITMENTS: 9

NUMBER OF MILESTONES: 19

### LEVEL OF COMPLETION

	MID-TERM	END-OF-TERM
COMPLETED:	2	2
SUBSTANTIAL:	5	5
LIMITED:	2	2
NOT STARTED:	0	0

### NUMBER OF COMMITMENTS WITH:

CLEAR RELEVANCE TO OGP VALUES:	9	9
TRANSFORMATIVE POTENTIAL IMPACT	2	2
SUBSTANTIAL OR COMPLETE IMPLEMENTATION	7	7
<b>ALL THREE (★):</b>	2	2

### DID IT OPEN GOVERNMENT

MAJOR	N/A	2
OUTSTANDING	N/A	1

### MOVING FORWARD

COMMITMENTS CARRIED OVER TO NEXT ACTION PLAN:	8
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## CONSULTATION WITH CIVIL SOCIETY DURING IMPLEMENTATION

Countries participating in the OGP follow a process for consultation during the development and implementation of their OGP action plan. Overall, the Government improved its public consultation practices since their first action plan, though stakeholder awareness of the OGP process remains limited. The multi-stakeholder OGP Steering Committee was the primary forum for development of the action plan. While participation in Steering Committee meetings was by invitation only, participants are elected representatives of the sectors. During the implementation period, stakeholders could participate in Good Governance Dialogue events, quarterly consultation workshops, and post comments on the cluster’s website (GGACC ).<sup>1</sup> Many of these events were invitation-only, and participants mostly consisted of representatives from public agencies, civil society organizations (CSOs), and business groups already engaged in open government activities. However, stakeholders who attended consultation activities without an invitation were also allowed to participate in the workshops. CSOs recognized the need to cap the size of events but recommended the government publicize and regulate its criteria for selection and consider how else to expand participation to new players.<sup>2</sup>

**Table 2: Action Plan Consultation Process**

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT
During Implementation	Regular forum for consultation during implementation?	Yes
	Consultations: Open or Invitation-only?	Invitation-only
	Consultations on IAP2 spectrum <sup>5</sup> ?	Consult

## PROGRESS IN COMMITMENT IMPLEMENTATION

All indicators and methods used in the IRM research are found in the IRM Procedures Manual, available at <http://www.opengovpartnership.org/about/about-irm>. One measure deserves further explanation, due to its particular interest for readers and efficacy in encouraging positive competition between OGP-participating countries: the “starred commitment” (★). These exemplary OGP commitments meet several criteria:

1. The commitment must be specific enough that a judgment can be made about its potential impact. Starred commitments will have “medium” or “high” specificity.
2. The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values (Access to Information, Civic Participation, or Public Accountability).
3. The commitment has a potentially “transformative” impact if implemented completely.
4. Finally, the commitment must see significant execution, receiving a ranking of “substantial” or “complete” implementation.

Based on these criteria, the Philippines action plan contained two starred commitments at the Mid-term Report. At the end of term, there was no change in the number of starred commitments.

Commitments assessed as star commitments in the midterm report can lose their starred status if their completion falls short of “substantial” or “full” at the end of the action plan implementation cycle. IRM assesses the commitment progress across the entire term.

Finally, the graphs presented in this section are only an excerpt of the data collected by IRM. The full dataset is accessible on the OGP Explorer ([www.opengovpartnership.org/explorer](http://www.opengovpartnership.org/explorer)).

## ABOUT “DID IT OPEN GOVERNMENT?”

Often, OGP commitments are vaguely worded or not clearly related to opening government, but they actually achieve significant political reforms. Other times, commitments may appear relevant and ambitious and see significant progress, yet fail the overall goal of opening government. IRM captures these subtleties through a new variable in End-of-Term Reports: “Did it open government?” This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice changed as a result of the commitment’s implementation. This can be contrasted to the IRM’s “Starred commitments” which describe potential impact.

IRM Researchers assess “Did it open government?” by examining each of the OGP values relevant to the commitment. We ask, “Did it stretch the government practice beyond business as usual?” The scale for assessment is as follows:

- Worsened: worsened government openness as a result of the measures taken by commitment;
- Did not change: did not change status quo of government practice;
- Marginal: some change, but minor in terms of its impact over level of openness;
- Major: a step forward for government openness in the relevant policy area, but remained limited in scope or scale; and
- Outstanding: a reform that transformed ‘business as usual’ in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes as *implemented* for changes in government openness.

Readers should keep in mind limitations. IRM End-of-Term Reports are prepared only a few months after the implementation cycle is completed. This new variable focuses on outcomes that can be observed of government openness at the end of the two-year implementation period. Readers should not use the report and this variable as a comprehensive impact assessment, given the complex methodological implications and the timing of the report.

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<sup>1</sup>Cabinet Cluster on Good Governance and AntiCorruption (GGACC), “News, Events, Blogs,” [www.gov.ph/governance/news-and-events/](http://www.gov.ph/governance/news-and-events/).

<sup>2</sup>Malou Mangahas, *Independent Reporting Mechanism: The Philippines Progress Report 2013-2015*, (Open Government Partnership, 2016), [www.opengovpartnership.org/sites/default/files/Philippines%202nd%20IRM%20Report.pdf](http://www.opengovpartnership.org/sites/default/files/Philippines%202nd%20IRM%20Report.pdf).

**Table 3: Overview: Assessment of Progress by Commitment**

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
1. Transparency in national government plans and budgets				X	X		X	X							X			X			
2. Support legislation on access to information and whistleblower protection			X		X	X	X		X				X					X			
3. Engage civil society in public audit				X	X	X	X			X					X					X	
4. Enhance performance benchmarks for local governance			X		X	X			X						X				X		
5. Enhance government procurement system (PHILGEPS)			X		X		X			X			X					X			
6. Strengthen grassroots participation in local planning and budgeting		X			X	X	X	X		X					X					X	
7. Provide government data in single portal and open format			X		X	X	X			X						X			X		

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
8. Initiative fiscal transparency in the extractive industry			X		X	X					X					X					X
9. Improve the ease of doing business				X	X	X					X				X		X				

## GENERAL OVERVIEW OF COMMITMENTS

As part of OGP, countries are required to make commitments in a two-year action plan. End-of-term reports assess an additional metric, “Did it open government?” The tables below summarize the completion level at the end of term and progress on this metric. Note for commitments that were already complete at the mid-term, the report only provides an analysis of “Did it open government?” For additional information on previously completed commitments, please see the second Philippines IRM mid-term progress report.<sup>1</sup>

The second OGP action plan includes nine commitments, down from nineteen in the first action plan. This represents an increased focus and simplification of OGP content. The majority of the commitments are pre-existing and part of a larger Good Governance and Anti-Corruption program led by the Aquino administration. While considerable progress was made on these commitments during the first year of implementation, momentum flagged during the second year of implementation as more politically challenging commitments such as passing the freedom of information law were met with resistance. Given that the Aquino Administration was elected on an anti-corruption platform, and that the OGP commitments were derived from the Administration’s pre-existing program, the low level of completion calls into question whether the OGP process in the Philippines ‘stretched’ government practice.

The first action plan included a wide variety of OGP commitments, ranging from budgeting to decision-making in the legislature and local governments, and from extractive industries to improving business environment. The second action plan is more precise and targeted.

<sup>1</sup> Malou Mangahas, *Independent Reporting Mechanism: The Philippines Progress Report 2013-2015*, (Open Government Partnership, 2016), [www.opengovpartnership.org/sites/default/files/Philippines%202nd%20IRM%20Report.pdf](http://www.opengovpartnership.org/sites/default/files/Philippines%202nd%20IRM%20Report.pdf).



# 1 | TRANSPARENCY IN NATIONAL GOVERNMENT PLANS AND BUDGETS

## Commitment Text:

The 100% compliance rate of departments in the Executive Branch to the disclosure of their approved budgets and plans in their websites will be sustained. The disclosure is through the department’s respective websites under the Transparency Seal (2013-2015).

Performance Targets: 100% of national government departments fully complying with the Transparency Seal (2013-2015).

Responsible institution: Department of Budget and Management

Supporting institution(s): National Government Agencies, Government-owned and controlled corporations, State Universities and Colleges

Start Date: April 2012

End Date: June 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END-OF-TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X		X	X							X			X			
															X						

## COMMITMENT AIM

This commitment aims to increase transparency and public awareness of key budget information by continuing the Transparency Seal award program for National Government Agencies (NGAs) and expanding the Full Disclosure Policy (FDP) to the local government level. In the first action plan, 100% of NGAs met the Transparency Seal requirements according to the government self-assessment report. In the second action plan, the government focused on mandating the disclosure of budgets and plans in open, machine-readable format and making the formatting of the disclosed documents more user-friendly.

## STATUS

### **Mid-term: Substantial**

This commitment aims to maintain the status quo of reporting on budget data. However, it did not achieve these aims, with a decline in disclosure by NGAs from 100% to 97% according to the government's self-assessment report. It is important to note that the government self-assessment report did not offer a baseline for compliance before the start of the action plan implementation cycle; it is hard to determine whether compliance improved or more institutions were subject to disclosure requirements during this period. For more information please see the 2013-2015 mid-term progress report.

### **End-of-term: Substantial**

The IRM staff could not find any publicly available evidence of further progress by the government since the Mid-term Report. The October 2015 government self-assessment report notes a slight increase in the average Transparency Seal compliance rate to 98% for NGAs while the average compliance rate for the Full Disclosure Policy is 78.1% for local government units.<sup>1</sup> CSOs confirmed that NGAs are compliant with the budgetary disclosure requirements but that the information disclosed is not always current and lacks quality.<sup>2</sup> CSOs also confirmed that not all local governments comply with the FDP, though they note that some local governments lack websites to display the budgetary data. While a centralized disclosure portal exists<sup>3</sup>, data displayed is either not updated in real time or is displayed on a bulletin board in the local government office rather than online.<sup>4</sup>

## DID IT OPEN GOVERNMENT?

### **Access to information: Did not change**

This commitment is part of a pre-existing and on-going effort by the Aquino administration to improve budgetary transparency through disclosure of information. At the start of this implementation cycle, the government had already achieved a high level of participation in the Transparency Seal program and Full Disclosure Policy by making compliance a pre-requisite for government recognition. This recognition includes performance based bonuses at the national level while local governments can earn the Local Seal of Good Governance and maintain eligibility in the Bottom-Up Budgeting program. Therefore, the IRM researcher found this commitment had no potential impact.

The government practice of improving access to information did not change. Most CSOs stated there was no translation of data into meaningful information and the average citizen would have difficulty understanding how the data disclosed impacts them.<sup>5</sup> The Results Based Performance Management System website, which the government self-assessment report cites for its 98% compliance figure, offers current and historical (since 2012) compliance scorecards for all NGAs.<sup>6</sup> However, the information is provided in PDF rather than open format and is highly technical in nature. Accessibility is further hindered at the local level where rural areas can lack internet access and the disclosure requirements offer no incentive to make the data relatable.<sup>7</sup> While sustaining compliance with data disclosure requirements is important for transparency purposes, there is little evidence of the government improving the quality, usefulness, and useability of the information disclosed to the public during this implementation period.

## CARRIED FORWARD?

This commitment is carried forward partially in the next action plan. Full compliance with the Transparency Seal at the national level is not included in the third action plan. However, the third action plan includes Implementation of the Full Disclosure Policy at the local level in its second commitment. The government commits to increase the number of local governance units in full compliance with the Full Disclosure Policy and set targets for documents uploaded to the FDP portal in open data format. For this commitment, the government has partnered with a CSO, the Budget Advocacy Group, who will be responsible for producing regionally-focused data visualizations in the FDP portal.

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<sup>1</sup> *Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report*, (October 2015), [www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf), [http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf).

<sup>2</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>3</sup> [fdpp.blgs.gov.ph](http://fdpp.blgs.gov.ph)

<sup>4</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

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

<sup>6</sup> Development Academy of the Philippines, "Results-Based Performance Management System," [www.dap.edu.ph/rbpm/](http://www.dap.edu.ph/rbpm/).

<sup>7</sup> CSO Roundtable, 2016.



# 2 | SUPPORT LEGISLATION ON ACCESS TO INFORMATION AND WHISTLEBLOWER PROTECTION

## Commitment Text:

The government commits to include in the priority legislation of the Executive two bills that promote access to information and protection of whistleblowers. Parallel activities will be conducted by civil society advocates to support the passage of the two priority bills.

Performance Targets: Freedom of Information and Whistleblowers Protection Bills included in the priority legislative agenda of the Executive (2015).

Responsible institution(s): Presidential Communications Development and Strategic Planning Office (Milestone 2.1), Department of Justice (Milestone 2.2)

Supporting institution(s): The Congress of the Philippines, The Technical Working Group for the Administration Bill

Start Date: Not Specified

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding
<b>2. Overall</b>			X		X	X	X			X				X				X			
2.1. Legislation on Access to Information			X		X		X			X				X				X			
2.2. Legislation on Whistleblower protection			X		X	X	X			X			X					X			

## COMMITMENT AIM

Under this two-part commitment, the executive branch has pledged to support legislation on access to information and whistleblower protection. The proposed Freedom of Information (FOI) Act will institutionalize transparency by mandating the disclosure of public documents, outlining exceptions for public disclosure and providing the procedure for accessing public documents. The proposed whistleblower protection bill will hold public officials accountable by introducing a new independent Whistle Blower Protection Council to be chaired by the overall deputy ombudsman. The Council will aid in the prosecution of corrupt and erring public officials and employees.

## STATUS

### **Mid-term: Limited**

As of September 2015, the proposed laws on access to information and whistleblower protection were both pending at the House of Representatives, the lower chamber of the Philippines Congress. Please see the 2013-2015 mid-term progress report for more information.

### **End-of-term: Limited**

As noted in the Mid-term Report, since the Executive was responsible for implementation of this commitment, the commitment language is very narrow and only requires that the President work to “fast track” the legislation. The March,<sup>1</sup> June,<sup>2</sup> and October 2015<sup>3</sup> government self-assessment reports all note that the bills were included in the Priority Legislative Agenda of the 16th Congress. Furthermore, President Aquino pushed for the passage of the FOI bill in his “Budget Message for 2016” speech. The October 2015 government self-assessment report included no new evidence of progress since the March 2015 report. The consensus whistleblower bill remained pending in the Committee on Appropriations and the date for plenary debate on the FOI bill was still unconfirmed.<sup>4</sup> The IRM staff was unable to find any publicly available evidence of further progress on implementation since the Mid-term Report. CSOs insist that the legislation was “blocked” by the Executive branch due to politicians’ fears of retribution.<sup>5</sup> Neither bill had passed the Legislature by the end of the implementation period. Therefore, IRM staff found this commitment had limited overall completion.

Update: After the May 2016 presidential elections, CSOs reported that President Duterte promised an executive order on FOI<sup>6</sup>. While some CSOs view the use of an Executive Order as “an opportunity for government to see if an FOI would actually be beneficial” they also express concerns that the creation of a FOI Executive Order would be an excuse for not passing the FOI law.<sup>7</sup> Further analysis of the FOI bill, including the 24 July 2016 FOI Executive Order, will be included in the IRM Mid-term Report on the third action plan.<sup>8</sup>

## DID IT OPEN GOVERNMENT?

**Access to information: Did not change**

**Civic participation: Did not change**

**Public accountability: Did not change**

The passage of the FOI bill was a key campaign promise of the Aquino administration and was included in the first OGP action plan.<sup>9,10</sup> The failure of the bill to pass during the previous (15th) congressional session led many CSOs to criticize the Aquino administration as “disingenuous” in his support for freedom of information legislation.<sup>11</sup> The government intended the proposed whistleblower protection bill to strengthen the current whistleblower protection act, e.g. shielding witnesses from retaliatory tactics and encouraging witnesses to come forward by protecting them from being charged for the crime they are reporting.<sup>12</sup> While the passage of these bills would have a transformative potential impact, the scope of this commitment is very narrow and only requires that the President *support* their passage. Therefore, the previous IRM researcher found this commitment to have minor potential impact.

There is strong support within the Filipino CSO community for the passage of the FOI and Whistleblower laws.<sup>13</sup> However, since these bills failed to pass the Legislature, there has been no change in opening government practice in this area.

## CARRIED FORWARD?

This commitment was carried forward in part in the next action plan. Commitment 1 of the third action plan commits to roundtable discussions and workshops on implementing the FOI bill. It also establishes a pilot project for select government agencies to implement the substantive provisions of the FOI bill as a confidence building and 'mainstreaming' activity.<sup>14</sup>

The whistleblower protection bill was not included in the next action plan. CSOs point out that there is no strong CSO coalition advocating for a whistleblower law. CSOs also say a whistleblower bill may be controversial given the increase in extra-judicial killings under the Duterte administration.<sup>15</sup>

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<sup>1</sup>Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report, (March 2015), [www.gov.ph/governance/wp-content/uploads/2015/11/Phl-OGP-2nd-plan\\_assessment-report\\_0330.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/Phl-OGP-2nd-plan_assessment-report_0330.pdf).

<sup>2</sup>Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report, (June 2015), [www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-June-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-June-2015_v2.pdf).

<sup>3</sup>Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report, (October 2015), [http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf).

<sup>4</sup>Ibid.

<sup>5</sup>CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>6</sup>From the government Point of Contact: "Within a month after his assumption of office, President Rodrigo Duterte issued last July 24, 2016, Executive Order No. 02, s. 2016, "Operationalizing in the Executive Branch the People's Constitutional Right to Information". Currently, the Presidential Communications Office (PCO) is developing the Freedom of Information Manual to support the implementation EO on FOI as well as the rest of the national agencies and government corporations. The target launch of the FOI model manual is within November 2016."

<sup>7</sup>Ibid.

<sup>8</sup>Roxas, Joseph, "President Duterte signs EO on FOI," (GMA News Online, 24 July 2016), [www.gmanetwork.com/news/story/574866/news/nation/president-duterte-signs-foi-on-foi](http://www.gmanetwork.com/news/story/574866/news/nation/president-duterte-signs-foi-on-foi).

<sup>9</sup>Abella, Jerrie, "Noynoy vows to make FOI bill his administration's priority," (GMA News Online, 6 June 2010), [www.gmanetwork.com/news/story/192799/news/nation/noynoy-vows-to-make-foi-bill-his-administration-s-priority](http://www.gmanetwork.com/news/story/192799/news/nation/noynoy-vows-to-make-foi-bill-his-administration-s-priority).

<sup>10</sup>Open Government Partnership, "Philippines 2014-2015 Action Plan Documents," [www.opengovpartnership.org/country/philippines/action-plan](http://www.opengovpartnership.org/country/philippines/action-plan).

<sup>11</sup>Freedominfo.org, "Aquino Blamed for Failure to Pass Philippines FOI Bill," (6 February 2013), [www.freedominfo.org/2013/02/aquino-blamed-for-failure-to-pass-philippines-foi-bill/](http://www.freedominfo.org/2013/02/aquino-blamed-for-failure-to-pass-philippines-foi-bill/).

<sup>12</sup>GMA News Online, "What is the Whistleblowers Protection Bill?" (27 September 2012), [www.gmanetwork.com/news/story/275917/newstv/bawalangpasaway/what-is-the-whistleblowers-protection-bill](http://www.gmanetwork.com/news/story/275917/newstv/bawalangpasaway/what-is-the-whistleblowers-protection-bill).

<sup>13</sup>CSO Roundtable, 2016.

<sup>14</sup>Cabinet Cluster on Good Governance and AntiCorruption, "Philippine Open Government Partnership (PH-OGP) National Action Plan 2015-2017," [www.gov.ph/governance/?post\\_type=resources&p=4403&doing\\_wp\\_cron=1476242976.8023769855499267578125](http://www.gov.ph/governance/?post_type=resources&p=4403&doing_wp_cron=1476242976.8023769855499267578125).

<sup>15</sup>CSO Roundtable, 2016. See also Gascon, Jose, Chairman of the Philippine Commission on Human Rights, Interview with David Greene, (Morning Edition, 26 August 2016), <http://www.npr.org/2016/08/26/491452700/under-new-philippine-president-hundreds-have-died-in-extrajudicial-killings>.



# 3 | ENGAGE CIVIL SOCIETY IN PUBLIC AUDIT

## Commitment Text:

The Commission on Audit will create an internal unit as a mode to institutionalize the engagement of civil society organizations in conducting participatory audits of government projects. For 2014, the Commission will jointly conduct four pilot audits of infrastructure projects with partner civil society organizations.

Performance targets: 4 participatory audits conducted and audit reports published (2014).

Responsible Institution: Commission on Audit (COA)

Supporting Institution(s): None

Start Date: 2012

End Date: 2014

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
<b>3. Overall</b>				X	X	X	X			X					X					X	
3.1. Four pilot audits conducted				X	X	X	X			X						X				X	
3.2. Four audit reports published				X	X	X	X			X					X					X	

## COMMITMENT AIM

The commitment seeks to strengthen the Citizens Participatory Audit (CPA) Project and envisages creation of an internal unit within the Commission of Audit (COA). These measures will institutionalize civil society engagement in audits of government projects. The commitment seeks to conduct four special audits of select infrastructure projects by the COA and CSOs, covering the creation of systems, tools, and processes to institutionalize participatory auditing.

## STATUS

### **Mid-term: Substantial**

As of March 2015, one out of the four audit reports had not been released due to continued consultation on some sensitive findings of the audit team. The unreleased report analyzed public contracts to build schools. Three reports have been published, including a CAMANAVA flood control project, the Quezon City solid waste management program, and a health center project. Please see the 2013-2015 mid-term progress report for more information.

### **End-of-term: Substantial**

As indicated in the IRM Mid-term Report, the government published three out of the four audit reports. The fourth report on public-private partnerships to build schools uncovered potentially fraudulent activity and was elevated to a formal auditing team. CSOs reported that the government had not published the formal audit report on the fourth pilot project by the end of the implementation cycle.<sup>1</sup> The October 2015 government self-assessment report does not indicate when the audit will be made public.

Update: CSOs note that since the Mid-term Report, the government published an additional two CPA audits (farm-to-market road and flood control project).<sup>2</sup> The third action plan will include further analysis of these audit reports and phase two of the CPA program.

## DID IT OPEN GOVERNMENT?

### **Access to information: Major**

### **Civic participation: Major**

### **Public accountability: Minor**

This commitment is pre-existing and part of a long-term project started by the Commission on Audit. This project aimed to increase citizen awareness of and participation in monitoring public service delivery projects. Though this commitment builds on activities that had started well before the launch of the Philippines' second action plan, the commitment language includes important CSO capacity building activities to improve their participation in the CPA process, which the previous IRM researcher found to have moderate potential impact.

CSO stakeholders found that early results of this commitment include a change in citizens' perception of the value of their participation in government audits. A second result is a more collaborative relationship between the audit office and CSOs.<sup>3</sup> Though CSO participants were required to sign non-disclosure agreements, stakeholders endorsed the process as carried out with meaningful contributions from CSOs and the public, stating that they were able to access previously confidential documents as part of their participation in the process.<sup>4</sup> Stakeholders noted, however, that the audits as implemented did not include any coercive powers to hold public officials accountable for their actions and could not yet claim any specific impact that the audits had on public service delivery.<sup>5</sup> Yet, CSOs argue that the publication of the reports is an important impact in itself.<sup>6</sup> Therefore, IRM found this commitment had an overall major impact on opening government practice in this policy area.

## CARRIED FORWARD?

This commitment is carried forward to the next action plan. With this commitment, the government commits to continue conducting and publishing CPA audit reports. The government will also engage in capacity-building activities by training CSOs to participate in CPA projects.

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<sup>1</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

# 4 | ENHANCE BENCHMARKS FOR LOCAL GOVERNANCE

## Commitment Text:

The Department of the Interior and Local Government through the Seal of Good Local Governance (SGLG) will enhance the existing performance review of local government units and expand benchmarks beyond financial practices. In 2014, all local governments will be assessed on five performance areas: (1) Good Financial Housekeeping; (2) Disaster Preparedness; (3) Social Protection for the Basic Sectors; (4) Business-Friendly Environment and Competitiveness; (5) Environmental Compliance; and (6) Law & Order and Public Safety.

Performance Targets: Additional performance benchmarks on accountable, transparent, and participatory governance, and frontline service performance implemented (2014-2015).

Responsible institution: Depart of the Interior and Local Government (DILG)

Supporting institution(s): Local Government Units (LGUs)

Start Date: 2014

End Date: 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
<b>4. Overall</b>			X		X		X			X					X					X		
4.1. Develop performance benchmarks for LGUs			X		X		X		X							X					X	
4.2. National roll-out of SGLG			X		X		X			X		Unclear								X		
4.3. Percentage of LGUs assessed for SGLG				X	X		X			X						X		X				

## COMMITMENT AIM

This commitment involves the conferral of a Seal to Local Government Units (LGUs) that adhere to performance criteria on any of the following areas: good financial housekeeping, disaster preparedness, social protection for the basic sector, business friendliness, and competitiveness, environmental management, law and order and public safety. As in the first Action Plan, this scaled-up commitment builds on the Seal of Good Housekeeping program started by the late Secretary Jesse Robredo.

## STATUS

### **Mid-term: Substantial**

The government self-assessment rated this commitment on track. Milestone 1 has been completed with the development of SGLG indicators and the issuance of implementation guidelines (Joint Memorandum Circular No. 2014-39), though the government self-assessment report did not offer baseline numbers or benchmarks. Milestone 4.2, the national rollout of the local governance seal, has largely taken place, though there remains some questions regarding the exact number of LGUs covered. The government has reported that it has assessed 100% or 1,675 local government units for SGLG, therefore completing Milestone 3. Please see the 2013-2015 mid-term progress report for more information.

### **End-of-term: Substantial**

As described above, Milestones 4.1 and 4.3 were completed at the Mid-term Report while the completion of Milestone 4.2. was unclear. The October 2015 government self-assessment reported this commitment substantially completed and noted that the results of the SGLG assessment would be released in the second quarter of 2015.<sup>1</sup> In a report<sup>2</sup> released by the government after the October 2015 self-assessment report, the government noted that 254 LGUs were awarded the SGLG. When asked for further clarification on the completion of Milestone 4.2, CSOs clarified that while there is not full assessment or completion of the SGLG program by LGUs, 100% of LGUs at the subnational level are *participating* in the program.<sup>3</sup> Therefore, the IRM staff found that this commitment remains substantially completed.

## DID IT OPEN GOVERNMENT?

### **Access to information: Major**

### **Public accountability: Did not change**

This commitment builds on a similar government program included in the Philippines' first action plan called the Seal of Good Housekeeping (SGH). The SGH mandated that local government units post public finance and budget documents online. In response to feedback from stakeholders and the first IRM report, this program was amended to encourage local governments to make information publicly available on five additional policy areas and improve on core assessment areas. Effective LGUs are offered incentives including access to budget support from the Performance Challenge Fund and stakeholders note that the SGLG has evolved to serve as a validation function similar to an ISO certification.

There are numerous reports on the LGUs that have passed the SGLG but the commitment activities do not include the publication of specific reports on the results or findings of the assessment teams, which undermines the potential impact of this commitment (Department of the Interior and Local Government ).<sup>4</sup> Government has acknowledged that this program lacks a good monitoring and evaluation component but did not address this issue in the commitment activities. Therefore, the previous IRM researcher found the potential impact of this commitment to be minor.

The SGLG program does contribute to changing government practice by incentivizing the online publication of important public information held by local government units. Stakeholders also praised the SGLG stating that the program has gone beyond providing access to information by creating an ideal for local governments to aspire to and then encouraging them to achieve it.<sup>5</sup> However, there are no mechanisms for citizen validation nor is there a government assessment of the integrity, completeness, and responsiveness of the same documents to citizens. Therefore, it is unclear how the commitment has produced significant results in terms of promoting public

accountability or the delivery of basic services. While compliance with this commitment by local government units involves posting required documents online, it does not include mechanisms for validation of the integrity or completeness of the documents posted. Therefore, the IRM staff found this commitment to be an overall marginal step towards opening government practice at the local government level.

## CARRIED FORWARD?

This commitment is carried forward in the next action plan. In the third action plan, the government commits to regular assessment of the SGLG and plans to collaborate with CSO representatives during the assessment. CSOs stressed that the SGLG is a good program that should continue but also requested new standards to prevent corruption and increase the accountability aspect of the program.<sup>6</sup>

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<sup>1</sup> *Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report*, (October 2015), [http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf).

<sup>2</sup> [http://dilg.gov.ph/PDF\\_File/reports\\_resources/dilg-reports-resources-2015915\\_f05b70a93d.pdf](http://dilg.gov.ph/PDF_File/reports_resources/dilg-reports-resources-2015915_f05b70a93d.pdf)

<sup>3</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>4</sup> Department of the Interior and Local Government, "Seal of Good Local Governance: 2015 Awardees," [dilg.gov.ph/PDF\\_File/reports\\_resources/dilg-reports-resources-2015915\\_f05b70a93d.pdf](http://dilg.gov.ph/PDF_File/reports_resources/dilg-reports-resources-2015915_f05b70a93d.pdf)

<sup>5</sup> CSORoundtable, 2016.

<sup>6</sup> *Ibid.*



# 5 | ENHANCE GOVERNMENT PROCUREMENT SYSTEM (PHILGEPS)

## Commitment Text:

The current government electronic procurement system will be enhanced to include additional functionalities by 2014, such as facilities for uploading of bid document, electronic payment, and uploading of annual procurement plans. Registration of all national government agencies, state universities and colleges, and local government units in the government procurement system is targeted by 2014.

Performance Targets 1. 100% registration of national government agencies, state universities and colleges, and LGUs in PhilGEPS (2014-2015) 2. Additional functionalities such as e-payment, e-bidding, and uploading of procurement plans installed in PhilGEPS (2015).

Responsible institution: Department of Budget and Management

Supporting institution(s): Philippine Government Electronic Procurement System (PhilGEPS)

Start Date: April 2013

End Date: December 2013

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?					
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete	Worsens	Did not change	Marginal	Major	Outstanding	
<b>5. Overall</b>			X		X			X			X			X				X				
5.1. 100% registration in procurement system			X		X			X	X					X				X				
5.2. E-payment, e-bidding, and uploading of procurement documents				X	X			X			X			X				X				

## COMMITMENT AIM

This initiative aims to install additional functionalities in the current state electronic procurement system, such as e-bidding, uploading of agencies' procurement plans and e-payment functions. The commitment envisages public disclosure of this information.

## STATUS

### **Mid-term: Limited**

The first milestone aimed to expand coverage of official institutions using PhilGEPS. With the exception of the Autonomous Region of Muslim Mindanao (ARMM), the 100% target had already been reached before the PhilGEPS Software Modernization commitment was included in the OGP action plan. The second milestone focused on growing key functions of the PhilGEPS. There is some debate about the meaning of the milestone language. A plain language reading, however, seems to suggest that there should be greater implementation. According to the latest status report, the government completed studies of both user assessment of existing systems and new system requirements. However, installment of the additional functionalities, originally planned for April 2015, was delayed. Please see the 2013-2015 mid-term progress report for more information.

### **End-of-term: Limited**

The October 2015 government self-assessment reported delays in the bidding process. Despite this, the government reported data migration, installation of functionalities for e-bidding, and user acceptance testing would be conducted in the 3rd quarter of 2015. Training of government agencies to use the system was to take place between October and December 2015. However, the IRM was unable to find publicly available evidence that these activities took place during the implementation period. CSOs state that the PhilGEPS portal was not updated during the action plan implementation period.

## DID IT OPEN GOVERNMENT?

### **Access to information: Did not change**

At the time of implementation of this commitment, the current PhilGEPS system was designed to serve as a transparency and public oversight mechanism. However, this system was considered largely ineffective due to artificial barriers to use, the large volume of e-procurement transactions, and the high levels of manual work required to effectively monitor the procurements.<sup>1</sup> This commitment is the first step in a three-phase plan to overhaul the existing PhilGEPS system; it focuses on increasing registration and improving basic functions. If fully implemented, the improvement of basic functions such as e-payment and uploading of procurement plans would have a significant potential impact on e-procurement systems in the Philippines.

While internal improvements may have been made to PhilGEPS, CSOs note that critical procurement information, such as bidding documentation, continues to not be easily and freely accessible to the public.<sup>2</sup> As implemented, this commitment did not change existing government practice in e-procurement.

## CARRIED FORWARD?

This commitment was carried forward in the next action plan. CSOs recommend continuing PhilGEPS improvements. CSOs also recommend expanding the focus of the commitment to publish documents on PhilGEPS in open data format and further align any PhilGEPS reforms with open contracting best practices.<sup>3</sup>

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<sup>1</sup>Furnas, Alexander, "Transparency Case Study: Public Procurement in the Philippines," (Sunlight Foundation, 7 October 2013), [sunlightfoundation.com/blog/2013/10/07/case-study-public-procurement-in-the-philippines/](http://sunlightfoundation.com/blog/2013/10/07/case-study-public-procurement-in-the-philippines/).

<sup>2</sup>CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>3</sup>CSO Roundtable, 2016.

# 6 | STRENGTHEN GRASSROOTS PARTICIPATION IN LOCAL PLANNING AND BUDGETING

## Commitment Text:

By 2014, 90% of all local government units have engaged grassroots organizations in the local planning and budgeting process, and their identified priority projects are funded in the national budget. These local government units will have identified priority projects geared towards poverty reduction. By 2015, at least 70% of these projects would have been completed.

Performance Targets: 1. 90% of total LGUs with identified priority poverty reduction projects (2014-2015) 2. 70% of projects completed.

Responsible institution: Department of the Interior and Local Government, Department of Budget and Management, National Anti-Poverty Commission, Department of Social Welfare and Development, National Economic and Development Authority

Supporting institution(s): Targeted Local Government Units (LGUs)

Start Date: January 2012

End Date: December 2015

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
<b>6. Overall</b>		X			X	X	X	X			X				X					X	
6.1. 90% of participating LGUs with Local Poverty Reduction Action Plans			X		X	X	X			X						X					X
6.2. 70% of completed projects		X			X	X	X	X		X				X					X		

## COMMITMENT AIM

This Commitment focuses on involving grassroots organizations and local government units in identifying priority poverty reduction projects to be funded by national government agencies. Citizens can use the openBUB portal ([www.openbub.gov.ph](http://www.openbub.gov.ph)) to search by municipality or by project for updates on the status of implementation of BuB projects. This commitment builds upon a similar Commitment included in the 2012 OGP Action Plan (bottom-up budgeting).

## STATUS

### **Mid-term: Substantial**

The Government has given an “average” rating to the implementation of this Commitment. The first milestone has been completed with 100% of local government units reporting development of their Local Poverty Reduction Action Plans (LPRAPs) for 2015 budget preparation. However, this statistic is misleading as it excludes units in the Autonomous Region in Muslim Mindanao. The progress on the second milestone is limited as only 23% of projects started in 2013 and only 1% of projects started in 2014 were completed. Additionally, only 25% of the projects started in 2013 and only 4% of projects from 2014 are ongoing, which indicates a high attrition rate for these projects. A CSO network has also developed a comprehensive manual guiding civil society participation in the project. Please see the 2013-2015 mid-term progress report for more information.

### **End-of-term: Substantial**

At the end of the implementation period, CSOs reported that all cities and municipalities, including the Autonomous Region in Muslim Mindanao were “covered” under the LPRAPs.<sup>1</sup> The October 2015 government self-assessment report found that as of August 2015, “around 10,629 [BUB] projects had been completed, 5,844 are ongoing while the rest are either under procurement/bidding or completing the requirements.”<sup>2</sup> Some of the completed projects include the construction and rehabilitation of a sea wall in the region devastated by Typhoon Haiyan/Yolanda in 2013,<sup>3</sup> a sustainable livelihood program outside the capital region,<sup>4</sup> and construction and outfitting of barangay (neighborhood) health stations to serve the local population.<sup>5</sup> This is a significant increase from the figures reported in the June 2015 government self-assessment report, which found that as of December 2014, “around 2,169 projects had been completed, 5,354 are ongoing while the rest are either under procurement/bidding or completing the requirements.”<sup>6</sup> However, in both self-assessment reports, the total number of BUB projects is not listed which makes measuring the 70% completed projects benchmark difficult. Additionally, an April 2015 assessment of the BUB process conducted by the Philippine Institute for Development Studies found that in the four regionally and socio-economically diverse case study sites selected for review, progress was “generally slow” with the majority of projects from FY 2013 still being implemented as of March 2014 (one year later than scheduled).<sup>7</sup> Therefore, while significant continued progress continued on implementation between the Mid-term Report and end of term, the IRM staff found this commitment remained overall substantially completed.

## DID IT OPEN GOVERNMENT?

**Access to information: Major**

**Civic participation: Outstanding**

**Public accountability: Marginal**

The BUB program was started in 2012 with the objective of increasing citizens’ access to local service delivery and better involvement of grassroots organizations and LGUs in the identification of priority poverty reduction projects through demand-driven planning and budgeting processes. The previous IRM researcher found that, if fully implemented, the BUB program would have significant potential impact on addressing poverty in the country. However, the initial exclusion of ARMM, the poorest region in the country, from 100% coverage of LPRAP budget preparation kept this commitment from having a transformative potential impact.

Overall, this commitment demonstrated a major step forward in opening up government practice in budgeting and planning. As noted in the above status section, as implemented, full compliance with LPRAP budget preparation included ARMM. The October 2015 government self-assessment report notes that included in the monitoring and evaluation system is a portal for citizens to track project status and view other information relevant to project implementation.<sup>8</sup> CSOs found that the BUB program “opened the space for participation” citing the participation of non-accredited organizations such as farmers’ groups and fishermen. CSOs also acknowledged

the requirements for 50% CSO membership in planning committees, safeguards for meaningful CSO involvement, and clear grievance mechanisms.<sup>9</sup> This commitment, as implemented, has significantly improved civic participation. However, the low rate of completion for BUB projects and lack of accountability measures for public officials undercuts the ability of citizens to hold governments accountable for implementing demand-driven planning and budgeting processes.<sup>10</sup>

## CARRIED FORWARD?

This commitment was carried forward in the next action plan. In the third action plan, the government commits to ongoing preparation of LPRAPs for FY 2016-2018 and quarterly status reports on establishing feedback and monitoring mechanisms for project implementation.<sup>11</sup> The commitment also seeks to involve civil society by holding two dialogues with legislators on the status of the Citizen Participation in the Budget bill and conducting a study on BUB participation mechanisms in each region. CSOs welcome this continued progress on improving the BUB program but also note that the size of the program requires a more robust collection of data and point to a need for CSOs “to be capacitated on local budgeting processes.”<sup>12</sup>

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<sup>1</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>2</sup> *Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report*, (October 2015),

[www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf).

<sup>3</sup> OpenBub.gov.ph, “Construction/Rehabilitation of Sea Wall,” (9 August 2016), [www.openbub.gov.ph/node/1180897](http://www.openbub.gov.ph/node/1180897).

<sup>4</sup> OpenBub.gov.ph, “Sustainable livelihood Program,” (1 June 2016), <http://www.openbub.gov.ph/node/1177448>.

<sup>5</sup> OpenBub.gov.ph, “Construction of Barangay Health Stations and Providing Equipments and Instruments for OPB and DOTS,” (9 August 2016), <http://www.openbub.gov.ph/node/1175550>.

<sup>6</sup> *Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report*, (June 2015),

[www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-June-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-June-2015_v2.pdf).

<sup>7</sup> Manasan, Rosario, “Assessment of the Bottom-up Budgeting Process for FY 2015,” (Philippine Institute for Development Studies, April 2015), [dirp3.pids.gov.ph/webportal/CDN/PUBLICATIONS/pidsdps1525.pdf](http://dirp3.pids.gov.ph/webportal/CDN/PUBLICATIONS/pidsdps1525.pdf).

<sup>8</sup> *Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report*, October 2015.

<sup>9</sup> CSO Roundtable, 2016.

<sup>10</sup> Manasan, 2015.

<sup>11</sup> Cabinet Cluster on Good Governance and AntiCorruption, “Philippine Open Government Partnership (PH-OGP) National Action Plan 2015-2017,”

[www.gov.ph/governance/?post\\_type=resources&p=4403&doing\\_wp\\_cron=1476242976.8023769855499267578125](http://www.gov.ph/governance/?post_type=resources&p=4403&doing_wp_cron=1476242976.8023769855499267578125).

<sup>12</sup> CSO Roundtable, 2016.



# 7 | PROVIDE GOVERNMENT DATA IN SINGLE PORTAL AND OPEN FORMAT

## Commitment Text:

An Open Data portal is launched that features 350 datasets and 70 dashboards and visualizations on selected government data presented in a more understandable and open format.<sup>1</sup> An Open Data portal will be launched that will feature dashboards and visualizations on selected government data presented in a more understandable format. Datasets available in the portal shall adopt open data standards.

Performance targets: 1. Open Data portal launched (2013) 2. 300 data sets uploaded.

Editorial Note: The national action plan published to the OGP website and the action plan published on the Philippines OGP Scribd website list two different performance target numbers -350 and 300 data sets uploaded respectively. Both numbers have been included in the commitment text above, though the 350 datasets performance target in the version of the action plan on the OGP website is the metric used to evaluate completion of this milestone.

Responsible institution: Department of Budget and Management, Presidential Communications and Development Strategic Planning Office, Office of the Presidential Spokesman

Supporting institution(s): National Government Agencies that are content producers of datasets and databases that will be features in the Open Data Portal

Start Date: May 2013

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	END OF TERM	Worsens	Did not change	Marginal	Major	Outstanding
																Complete					
<b>7. Overall</b>			X		X	X	X			X						X			X		
7.1. Launching of Open Data Portal				X	X		X			X						X			X		
7.2. Publication of data sets				X	X		X		X							X	X				
7.3. Percentage of published data sets in open format			X		X		X			X						X			X		
7.4. Creation of dashboards and visualization			X		X		X			X						X			X		

## COMMITMENT AIM

This commitment aims to develop a single data portal (data.gov.ph). The portal brings together data that had already been developed, produced and posted online by various national agencies on their respective websites. The data will be made accessible in open and machine-readable formats.

## STATUS

### **Mid-term: Complete**

According to the Government, it has exceeded the targets set for this commitment. The Open Data Portal was launched in January 2014 at a conference in Manila. The launch was preceded by online dissemination of its Open Data Road Map. According to the Government 1,237 datasets were published, surpassing the target of 350 datasets. The target for publishing these datasets in open format was 80%; in actuality, the government published 90% datasets in open format. Thirteen dashboards and 87 visualizations were created, surpassing the total target of 70. In addition, the government conducted further activities under this commitment such as two hackathons, conducting data masterclasses, and launching transparency portals. Please see the 2013-2015 IRM mid-term progress report for more information.

## DID IT OPEN GOVERNMENT?

### **Access to information: Marginal**

### **Public accountability: Did not change**

Before implementation of this commitment, key datasets were stored on individual government agencies' webpages and available data was not necessarily published in open data format. This commitment sought to enhance access to information and accountability by centralizing existing government-produced datasets and making them more useable by publishing them in open data format. Therefore, the previous IRM researcher found this commitment to be of moderate potential impact.

As implemented, this commitment demonstrated marginal movement towards opening up government data sets. CSOs found the data in the Portal to be "useful but not complete." Stakeholders have used the data on the Portal "as the need arises" and found the data visualizations useful but argue that one still needs to go to the specific agency's website in order to get the most complete and timely information. Stakeholders also reported that policy-oriented NGOs have a "high awareness" of the Portal but awareness by the general public remains low. Since there was some progress in terms of centralizing, standardizing, and visualizing government-held data, IRM found this commitment to be a marginal step towards greater access to information.

However, in terms of greater public accountability, IRM found this commitment, as implemented, did not open up government practice. As implemented, the Portal did not include a feedback loop or any clear mechanism for holding public officials accountable, neither for publishing complete and timely datasets nor for citizens to report discrepancies in information. Stakeholders reported that there is "no natural culture of updating" and that CSOs did not understand the mechanism for updating the Portal. Stakeholders argue this confusion contributed to the delay between information updated on agencies' websites and its publication to the portal.<sup>2</sup> As indicated in the Mid-term Report, while a large number of datasets were published to the Portal, critical datasets from other branches of the government such as Congress, the Judiciary, and the Armed Forces were missing. Stakeholders also pointed out the need for the inclusion of more "public interest" information and a process for the government to consult the public on what kind of information they would like displayed on the portal.<sup>3</sup>

## CARRIED FORWARD?

This commitment was carried forward to the next action plan. In the third action plan, the government commits to increasing the total number of data files on the Open Data Portal. Additionally, the government will enhance the open data environment by increasing the number of dedicated open data teams within government agencies and by hosting events for stakeholders to showcase their use of the Open Data Portal. Stakeholders stated that the adoption of the FOI bill could contribute to making the Portal more useful for the general public.<sup>4</sup>

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<sup>1</sup> The government listed these four milestones under this Commitment: Launching of Open Data Portal, Publication of data sets, percentage of published data sets in open format, creation of dashboards and visualizations

<http://data.gov.ph/>

<http://data.gov.ph/catalogue/dataset>

<http://data.gov.ph/apps/budgetbooth>

<http://data.gov.ph/apps/budget-badger>

<http://data.gov.ph/apps/trip-barker>

<http://data.gov.ph/apps/sakayph>

<https://groups.drupal.org/node/438033>

[http://www.scribd.com/doc/232408714/Q1-OGP-Commitments \(OGP status report\) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607](http://www.scribd.com/doc/232408714/Q1-OGP-Commitments-(OGP-status-report)-NO-DATE-of-posting,-with-sign-in/log-in-button,-80-views-for-scribd-homepage-of-mfabian0607)

[http://www.gov.ph/governance/?page\\_id=81](http://www.gov.ph/governance/?page_id=81) (Detailed Status of Initiatives, 2012-Q1 2014)

<sup>2</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.



## 8 | INITIATE FISCAL TRANSPARENCY IN THE EXTRACTIVE INDUSTRY

### Commitment Text:

A report discussing the revenues of extractive industries and government revenues from these industries will be published by December 2014.<sup>1</sup> Policies that will institutionalize fiscal transparency in the extractive industries will be enacted by 2014. The government also commits to publish a report disclosing the revenues of extractive industries and government revenues from these industries by May 2015.

Performance Targets: 1. Policy to institutionalize transparency in the extractive industries adopted (2014) 2. Extractive industries transparency report published (2015).

Responsible institution: Department of Finance

Supporting institution(s): None

Start Date: 2013

End Date: Not Specified

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
<b>8. Overall</b>			X		X		X					X									X
8.1. Adoption of a policy to institutionalize EITI		X										X									X
8.2. Publication of EITI report				X	X		X					X									X

### COMMITMENT AIM

Under this commitment, the Government envisaged publication of a report disclosing the revenues of the extractive industries and government revenue from these industries by December 2014. Previously extractive revenue in the Philippines had not been subject to adequate transparency measures. This commitment is a tripartite initiative between government, civil society, and business and also aimed to institutionalize transparency measures in the extractive industry.

## STATUS

### **Mid-term: Complete**

The government completed both milestones constituting the commitment. Under the first milestone, the Philippine Extractives Industry Transparency Initiative (EITI) effort was organized via Executive Order (EO) no. 147 signed on 26 November 2013. The Government also conducted training on the reporting template, on the new EITI standards and on EITI for government, industries, CSOs and media. In addition, the government developed the EITI website, conducted a forum on revenue management in September, 2014, and published mining, oil and gas contracts on data.gov.ph. Under the second milestone, the government publicly launched the EITI report at a press conference on 3 February 2015 and it was posted on the Open Data portal (<http://www.ph-eiti.org/>) on 11 February 2015. However, the government did not institutionalize reporting processes which in turn fails to both mandate funding and remove all legal barriers to implementation. Please see the 2013-2015 mid-term progress report for more information.

The second Philippines EITI report was published as scheduled in December 2015.<sup>2</sup> Analysis of EITI progress as well of this second report will be included in the IRM Mid-term Report for the third action plan. For more information on the first Philippines EITI report, please see the 2013-2015 IRM mid-term progress report.

## DID IT OPEN GOVERNMENT?

**Access to information: Outstanding**

**Public accountability: Outstanding**

Before the start of this implementation cycle, the Philippines had already made significant internal progress towards implementing EITI regulations and submitted its application for EITI Candidate Country status in April 2013.<sup>3</sup> This commitment sought to continue the government's commitment to EITI; the commitment asked the government to publish the first EITI report and publicize previously withheld information on extractive industries' revenue. The previous IRM researcher, therefore, found this commitment to have a transformative potential impact.

The publication of the first EITI report (December 2014) included comprehensive extractive industry data disclosure requirements<sup>4</sup>. This represented an outstanding step toward opening government practice with regards to access to information. For the first time, critical datasets on extractive industries were publicly available and in reusable open data format, thereby significantly improving the quantity and quality of extractives' information disclosed to the public.<sup>5</sup>

IRM found the government, by implementing this commitment, greatly improved transparency and public accountability regarding extractive industry. The publication of the EITI report is itself an accountability moment. However, the EITI-mandated government, civil society, and private sector co-creation and collaboration process during the development and publication of the EITI report creates opportunities to hold officials answerable to their actions.

## CARRIED FORWARD?

This commitment was carried over to the next action plan. In the third action plan, the government commits to the regular and timely publication of EITI reports in order for the Philippines to be declared an EITI compliant country. Next steps also include drafting an EITI bill to further institutionalize EITI in the Philippines.

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<sup>1</sup>In official publications and reports about its OGP and Good Governance Initiatives, the government described the milestones/deliverables under this Commitment thus: "A tripartite initiative between government, civil society, and business to ensure greater transparency in revenues from extractive industries, specifically through the publication of a report that compares government and industry figures on government revenues in mining, oil and gas. This publication is verified by an independent and internationally accredited auditor." The Government described this Commitment under its report on : "Validated 2014 Status of Initiative" that it posted on its Scribd page.

<http://www.gov.ph/2013/11/26/executive-order-no-147-s-2013/>

<http://www.gov.ph/2012/07/06/executive-order-no-79-s-2012/>

<http://www.ph-eiti.org/#/>

<https://eiti.org/Philippines>

<http://www.ph-eiti.org/#/EITI-Report/First-Country-Report>

<https://eiti.org/news/new-insights-extractives-sector-philippines>

<http://www.ph-eiti.org/#/News/News-and-Events/EITI-compliance-bid-on-track-for-Feb-2016>

[http://www.gov.ph/governance/?page\\_id=81](http://www.gov.ph/governance/?page_id=81) (Detailed Status of Initiatives, 2012-Q1 2014)

<http://www.scribd.com/doc/232408714/Q1-OGP-Commitments> (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607

Validated 2014 Status of Initiatives (Government report posted online)

<sup>2</sup>Philippine Extractive Industries Transparency Initiative, "Elevating transparency: The 2nd PH-EITI Report (FY2013)", (December 2015),

[https://eiti.org/sites/default/files/migrated\\_files/volume-i-of-the-ph-eiti-country-report-2015.pdf](https://eiti.org/sites/default/files/migrated_files/volume-i-of-the-ph-eiti-country-report-2015.pdf).

<sup>3</sup>Philippine Extractive Industries Transparency Initiative, "Philippines," <https://eiti.org/implementing-country/2#implementation->

<sup>4</sup>Philippine Extractive Industries Transparency Initiative, "First Country Report," <http://ph-eiti.org/app/EITI-Report/#/First-Country-Report>.

<sup>5</sup>Gordy, Alex, "Philippines - Momentum despite headwinds," (Philippine Extractive Industries Transparency Initiative, 18 January 2016), <https://eiti.org/node/4472>.



# 9 | IMPROVE THE EASE OF DOING BUSINESS

## Commitment Text:

By 2014, key indicators for ease of doing business would have improved. By 2016, the target is to bring the Philippines from the bottom-third in Doing Business Report to the top-third rank. By 2014, key indicators for ease of doing business would have improved. These include reducing the number of processing steps and days for starting a business, securing construction permits, getting electricity, registering property, paying taxes, trading across borders, enforcing contracts, and resolving insolvency. By 2016, the target is to bring the Philippines from the bottom-third of the rankings in the Doing Business Report to the top-third rank.

Responsible institution: National Competitiveness Council (NCC)

Supporting institution(s): None

Start Date: April 2012

End Date: 2016

COMMITMENT OVERVIEW	SPECIFICITY				OGP VALUE RELEVANCE (as written)				POTENTIAL IMPACT				COMPLETION		MID-TERM		DID IT OPEN GOVERNMENT?				
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	END OF TERM		Worsens	Did not change	Marginal	Major	Outstanding
															Substantial	Complete					
				X	X		X				X				X		X				

## COMMITMENT AIM

Under this commitment, the Government pledged to improve the ease of doing business (EODB) in the country. Specifically, the commitment seeks to reduce cycle times for common business processes. This commitment also promised to improve key indicators for ease of doing business by 2014 and bring the Philippines from the bottom third of the ranking in the Doing Business Report to the top-third rank by 2016.

## STATUS

### Mid-term: Substantial

According to the government, slight progress in reducing the wait time was noted in the following areas: starting a business, dealing with construction permits, getting electricity, and registering property. The Government also reported "76% of targeted Local Government Units (LGUs) are now complying with the prescribed standards" while 68 LGUs have been trained on streamlining the Business Permit and Licensing System. This compliance rate was achieved through a related Good Governance initiative, the Business Permit and Licensing System (BPLS) of the Department of the Interior and Local Government and Department of Trade and Industry. Please see the 2013-2015 mid-term progress report for more information.

## **End of term: Substantial**

The June<sup>1</sup> and October<sup>2</sup> 2015 government self-assessment reports note slight overall improvements over the March 2015 report in the ten business processes evaluated under the Doing Business Report criteria. However, according to the 2016 Doing Business Report<sup>3</sup> released in October 2015 (based on June 2015 data<sup>4</sup>), the Philippines has dropped in its ranking from 97<sup>th</sup> to 103<sup>rd</sup>. Stakeholders note that the national government consulted some local government units and government agencies on improving the ease of doing business but that “there is much more to be done”.<sup>5</sup> Stakeholders also noted concerns from the Securities and Exchange Commission that cutting down on regulations, especially outside the capitol, has led to an increase in scams.<sup>6</sup> The National Competitiveness Council, the agency responsible for implementing this commitment, criticized changes in the Doing Business Report methodology stating, “the report has undergone methodological changes in four of the last five years which made it confusing and unreliable for measuring change.”<sup>7</sup> While there was a decline in ranking between the 2015 and 2016 reports, there has been significant progress since the start of this action plan’s implementation cycle.<sup>8</sup> Therefore, IRM staff found that this commitment remains substantial in completion.

Additional analysis of the Doing Business Report ranking, including the 2017 report on June 2016 data, will be included in the IRM Mid-term Report on the third action plan.

## **DID IT OPEN GOVERNMENT?**

### **Access to information: Did not change**

Prior to the implementation of this commitment, the Philippines had demonstrated significant improvement in reducing restrictions on doing business as demonstrated by their change in rank from 138 out of 189 in 2013 to 108 in 2014. The previous IRM researcher found this commitment to be of transformative potential impact because the Doing Business Report rankings are a well-respected international benchmark for foreign direct investment and, if fully implemented, such a rapid improvement in the ranking would indicate a transformation of the status quo for doing business in the Philippines. However, there is little evidence that this commitment, as implemented, actually improves the disclosure of information or the quality of information disclosed. The majority indicators used to determine the overall ranking evaluate the number of steps required to complete select business processes and measure stakeholder perceptions of the ease of starting a business.<sup>9</sup> While the survey data collected for the Doing Business Report may increase the quality of information on changes in government practice in this policy area, the methodology does not focus on specific activities undertaken by the government to improve the release of government held information to the public in order to ease business processes. While stakeholders did indicate that there has been more public-private dialogue and consultation as a result of this larger initiative, the IRM staff found that this commitment as implemented does not change government practice as related to improving access to information.<sup>10</sup>

## **CARRIED FORWARD?**

This commitment was carried over to the next action plan. In the third action plan, the government continues to commit to raising the Philippines’ ranking to the top third in the Doing Business Survey. In the action plan text, the government also identifies “institutionalizing efficiency in the business processes in the country” as one of the key ambitions with this commitment, though the text does not include any specific milestones to achieve this ambition.

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<sup>1</sup> Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report, (June 2015),

[www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf)  
[http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-June-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-June-2015_v2.pdf)

<sup>2</sup> Philippines Self-Assessment Report: National Action Plan 2013-2015: Year 1 Report, (October 2015),

[www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf)  
[http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan\\_assessment-report\\_as-of-October-2015\\_v2.pdf](http://www.gov.ph/governance/wp-content/uploads/2015/11/PHL-OGP-2nd-plan_assessment-report_as-of-October-2015_v2.pdf)

<sup>3</sup> World Bank Group, "Philippines," [www.doingbusiness.org/data/exploreeconomies/philippines](http://www.doingbusiness.org/data/exploreeconomies/philippines).

<sup>4</sup> World Bank Group, "Doing Business 2016, 13th Edition," 2016, [www.doingbusiness.org/-/media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB16-Full-Report.pdf](http://www.doingbusiness.org/-/media/GIAWB/Doing%20Business/Documents/Annual-Reports/English/DB16-Full-Report.pdf).

<sup>5</sup> CSORoundtable hosted by Asian Development Bank, 20-21 July 2016.

<sup>6</sup> Ibid.

<sup>7</sup> Mercurio, Richmond, "Philippines slips in World Bank ranking on doing business," (The Philippine Star, 29 October 2015),

[www.philstar.com/business/2015/10/29/1515861/philippines-slips-world-bank-ranking-doing-business](http://www.philstar.com/business/2015/10/29/1515861/philippines-slips-world-bank-ranking-doing-business).

<sup>8</sup> Note: A change in rankings could also be the result of other countries improving rather than the Philippines declining. However, the government decided to tie their definition of success in implementing this commitment to this relative ranking rather than a series of concrete changes. Therefore, the IRM staff has included these rankings as a reference point but does not use the numerical ranking as the basis for evaluating whether government practice has been opened in this area.

<sup>9</sup> World Bank Group, "Methodology," [www.doingbusiness.org/methodology](http://www.doingbusiness.org/methodology).

<sup>10</sup> CSO Roundtable, 2016.



## METHODOLOGICAL NOTE

This report is based on a desk review by IRM of government agency websites and programs, draft laws and regulations, a review of government self-assessment reports from March, June and October, 2015, analysis of the commitments, as well as on monitoring the process of implementation of the second Action Plan. IRM staff also conducted in-person interviews with CSO representatives in metropolitan area of Manila on 18-20 July 2016. IRM also relied upon written correspondence with the OGP government Point of Contact and his staff and reports from the Filipino and international media to evaluate completion of the Action Plan.



The Open Government Partnership (OGP) aims to secure concrete commitments from

governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



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