# Independent Reporting Mechanism (IRM): South Cotabato (Philippines) Design Report 2018–2020

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# Executive Summary: South Cotabato

South Cotabato's first action plan focuses on thematic areas of importance to the province: open information, open monitoring and evaluation, open contracting, open mining, and open legislation. These commitments reflect the province's rich legacy of transparent, accountable, and participatory governance. While the action plan was developed with collaboration between the government, civil society, and private sector, there remains an opportunity to expand communication and outreach beyond the provincial capital and the multistakeholder forum.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. South Cotabato joined OGP in 2018. This report evaluates the design of South Cotabato's first action plan.

## General overview of action plan

South Cotabato's first action plan leverages the OGP platform to address policy issues aligned with local priorities around transparency and openness. The plan builds on the province's rich legacy of transparent, accountable, and participatory governance to propose five commitments in the areas of access to information, project monitoring, procurement and contracting, governance of mining activities, and legislative information and processes.

Coordinated by the Provincial Planning and Development Office (PPDO), the development of the action plan was a collaborative process centered around deliberations of the multistakeholder South Cotabato Integrity Circle (SCIC), which served as the MSF. The MSF comprised of representatives from the South Cotabato provincial government, civil society, and the private sector. The co-creation of the action plan, and the OGP initiative as a whole, benefitted from the high-level support and involvement of the Governor and Legislative Council through the Vice-Governor, and was institutionalized through a series of ordinances, resolutions, and executive orders.

The SCIC/MSF generally convenes on a quarterly basis but met over four special meetings to co-create the action plan. During these co-creation events, non-governmental stakeholders of the MSF were able to propose and advocate for the inclusion of commitments in thematic areas that aligned both with their own and local priorities. Six thematic areas were shortlisted in this manner and considered against commitment selection criteria outlined by

**Table 1. At a glance**
Participating since: 2018
Action plan under review: 2018–2020
Report type: Design
Number of commitments: 5

**Action plan development**
Is there a multistakeholder forum: Yes
Level of public influence: Collaborate
Acted contrary to OGP process: No

**Action plan design**
Commitments relevant to OGP values: 5 (100%)
Transformative commitments: 0 (0%)
Potentially starred: 0 (0%)

**Action plan implementation**
Starred commitments: *N/A*
Completed commitments: *N/A*
Commitments with Major DIOG*: *N/A*
Commitments with Outstanding DIOG*: *N/A*

*\*DIOG: Did it Open Government?*

the PPDO. Relevance to a priority governance issue and implementation feasibility were key criteria, resulting in stakeholders dropping the open budget thematic area from consideration.

The MSF then conceptualized specific, draft commitments at a closed, yet multi-sectoral, co-creation workshop and allowed participants to comment on these drafts. The PPDO held two rounds of more inclusive consultations with village leaders and invited feedback from the general public. The PPDO then drafted the action plan and presented it to the MSF for adoption.

This process yielded an action plan containing three commitments that are expected to have moderate potential impact, which represent major steps forward in their policy areas. Two commitments will have minor potential impact, i.e., limited yet incremental improvements in their areas. All five commitments were specific enough to be verifiable and all were relevant to OGP values. Reflecting a focus on transparency and openness, all five commitments will improve access to information using technology and innovation.

Going forward, the process will be strengthened from wider and more effective outreach and consultation, premised upon adequate advance notice, and active involvement of stakeholders beyond the MSF in proposing and selecting final commitments.

## Table 2. Noteworthy commitments

| Commitment description | Moving forward | Status at the end of implementation cycle. |
|---|---|---|
| **4. Open Mining Information** <br><br> Increase citizen engagement in mining governance and improve access to related information through online and offline communication. | The Provincial Environmental Management Office (PEMO) could outline mechanisms to ensure that improved opportunities for citizen engagement clearly influence decisions and translate into co-created policies. | *Note: this will be assessed at the end of action plan cycle.* |
| **5. Open Legislation** <br><br> Broaden civic engagement in legislative processes through increased access to related information. | The office of the local legislature, *Sangguniang Panlalawigan*, could supplement online legislative information with extensive offline dissemination to ensure wider reach. | *Note: this will be assessed at the end of action plan cycle.* |

### Recommendations
The IRM's five key recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. They build on the maturity of OGP processes and efforts in the county, as well as findings from the assessment and priorities raised by the stakeholders interviewed for this report.

**Table 3. Five KEY IRM Recommendations**

| |
|---|
| Support non-MSF member CSOs and NGOs to participate in the OGP process through outreach, capacity-building, and stronger mechanisms for accreditation. |
| Enhance efforts to raise awareness of the OGP initiative throughout the development and implementation of the action plan. |
| Pilot subprovincial integrity programs for eventual scaling up and creation of "integrity indices" and metrics to foster competitiveness across the province. |
| Scope and enter into agreements with potential partners who can provide technical assistance, especially for subprovincial initiatives. |
| Enter into formal partnership agreements through MoUs for all five commitments. |

## ABOUT THE AUTHOR

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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 (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

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# I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

South Cotabato joined OGP in 2018. This report covers the development and design of South Cotabato's first action plan for 2018–2020.

The Independent Reporting Mechanism of OGP has partnered with Jose Solomon Cortez, who carried out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit https://www.opengovpartnership.org/about/independent-reporting-mechanism.

## II. Open Government Context in South Cotabato

The Province of South Cotabato in the Philippines joined the first cohort of local governments in the OGP Local Program in 2018,[1] with a rich legacy of, and commitment to, transparent, accountable, and participatory governance. Governed by a national legal and policy framework that institutionalizes such practices, the province has also crafted a raft of complementing local laws and resolutions that strengthen participatory governance. Despite this, the province continues to face challenges in governing the extractives industry and servicing geographically isolated and disadvantaged areas.

The first-class[2] province of South Cotabato is located in one of the primary growth areas of the Philippines, south of the island of Mindanao, and is considered the breadbasket of the south. It was created as an independent province by virtue of Republic Act (RA) 4849 on 18 July 1966.[3] It is composed of one component city, ten municipalities and 199 *barangays* (villages).[4]

South Cotabato's location on the island of Mindanao lends a generally negative perception, owing to long-standing insurgencies and conflicts that have affected the region since pre-colonial times.[5] This perception makes investors and visitors wary and has ultimately affected its economic growth.[6] Nevertheless, local officials have been promoting the agribusiness potential of South Cotabato. It is also very rich in mineral deposits like copper, gold, silver, and coal. More recently, the province has been shifting its economy toward tourism, as it attempts to move away from reliance on mining.[7] Despite inhibitive elements, in 2015, the National Competitiveness Council declared the province as the 3rd most competitive province in the Philippines,[8] eventually climbing up to 2nd place in the same category in 2017.[9]

In terms of security, the overall province has "minimal terroristic and communistic insurgencies"[10] which contrasts with most other areas of Mindanao.[11] An island-wide declaration of martial law in May 2017,[12] which remains in effect,[13] has spared South Cotabato from its negative effects,[14] as the province enjoys relative immunity from military censorship.[15] The provincial government's official publication attributes an increase in tourism to the heightened security measures.[16] These trends indicate a relatively secure and peaceful social landscape. There is also a perception among citizens that the greatest influence in the province's comparatively low levels of crime can be attributed to the peacekeeping efforts of local leaders, who citizens perceive to exhibit a high level of integrity and honesty, and who also address the needs of vulnerable sectors.[17]

Established in 1966, South Cotabato is a relatively young province. It broke away from the larger province of Cotabato, as its citizens felt they were inadequately represented in the local government.[18] This rich legacy of people participating in governance and self-determination was further strengthened under the term of Governor Ismael Sueno (1986−1992) who pursued improved livelihood opportunities in the upland and remote *barangays*; banned illegal logging; engaged in reforestation and environmental programs integrated with livelihood projects; strengthened and organized local associations and cooperatives;[19] and prioritized the development of people-based enterprises. The former governor anchored his legacy on the aim of "building a strong social infrastructure".[20]

Governor Hilario de Pedro, who took over from Governor Sueno, focused on implementing RA 7160, or the Local Government Code, which he authored in Congress in 1991.[21] Decentralizing government became the central theme of his term, empowering citizens to take a more active role in the Local Government Unit's (LGU) decision-making process.[22] The current administration, led by Governor Daisy Avance-Fuentes, who was elected as the first female governor on 30 June 2001, continues this open and democratic legacy. The provincial government has consistently strived to fulfill its mission to "promote participatory, transparent and accountable governance," which is manifested in the leadership's commitment to integrity, policies that ensure integrity, and the allocation of resources to implement these policies. Most of the mechanisms to institutionalize and establish integrity are already in place in the provincial government.[23] While strengthening the

implementation and monitoring of these policies will effect sustained change, there are still other mechanisms needed to strengthen policy implementation and address emerging issues.[24]

South Cotabato sustains its commitment to transparency and accountability primarily through initiatives around integrity. This commitment has even earned the province a number of distinctions including four *Galing Pook*[25] (good community) awards. It is also a recipient of the Seal of Good Financial Housekeeping (GFH),[26] a component of the Seal of Good Governance (formerly known as the Seal of Good Housekeeping)[27] initiated in 2010 by the Department of Interior and Local Government (DILG). It is the only province in Mindanao that is currently piloting the Partnerships for Integrity and Jobs (Project I4J),[28] which aims to develop models of transparent and effective procedures of business registration, promotion of small businesses and investments, and the development of a sustainable business-enabling policy environment.

As it is a subnational government of the Philippines, national policies that institutionalize integrity, transparency, and accountability in governance, as well as deter corruption, also govern South Cotabato. These laws include provisions on full disclosure, freedom of information, public declaration of personal assets, open invitation to public scrutiny, and petitioning the government for redress of grievances.[29] Moreover, the Local Government Code (RA 7160),[30] the national procurement law (RA 9184),[31] and the National Economic and Development Authority (NEDA),[32] all require local governments to deliberately open the governance and decision-making space to local stakeholders by creating local multisectoral councils and facilitating attendance by civil society during critical government activities. Multisectoral council meetings, and provincial legislative sessions (that includes an Indigenous Peoples' Mandatory Representative) are always well-documented and participated in by CSOs.[33] President Rodrigo Duterte also issued Executive Order No. 24 on 16 May 2017 to reorganize the cabinet clusters to integrate good governance and anti-corruption into their policies. This issuance also created the Participatory Governance Cluster to "enhance citizen participation in government processes."[34]

South Cotabato has crafted complementary local laws for government participation. The most recent include: 1) Executive Order (EO) No. 10 series of 2015 (s. 2015): "Creating the South Cotabato Integrity Circle (SCIC);" 2) EO No. 37 (s. 2017): "Reconstituting the SCIC for the Administrative Term 2017-2018;" 3) EO No. 43 (s. 2017): "Creating the *Dangal ng* (Honor of) South Cotabato Council on Integrity Awards and Selection Committee on Employee Integrity Award and Enterprise Integrity Award;" 4) EO No. 6 (s. 2019): "Reconstituting the *Dangal ng* South Cotabato Council;" 5) Provincial Ordinance No. 33 (s. 2015): "Institutionalizing the South Cotabato *Barangay* Governance and Empowerment Committee;" 6) Provincial Development Council (PDC) Resolution No. 2015-08: "Adopting South Cotabato's Integrity Program, iSouth Cotabato, Including its Integrity Model and Mechanisms and the Creation of the SCIC;" and 7) *Sangguninang Panlalawigan*[35] (Provincial Board) Resolution 2017-167: "Adopting the Framework of Good Governance of the Province of South Cotabato."[36]

Despite such progress, South Cotabato struggles with issues related to the extractives industry. The province sits on rich mineral deposits, which are exploited by local small-scale miners, and regularly attract the attention of large-scale mining companies.[37] Mining-related legislation is thus closely monitored by environmental NGOs[38] and have resulted in citizen protests and aggressive anti-mining activities.[39] Local measures, such as the Provincial Environmental Code of South Cotabato, and a provincial ordinance upholding the ban on open-pit mining, have also placed the local government against the national government. The national government is actively revitalizing the country's mining industry, prompting both the LGU and national agencies such as the Department of Environment and Natural Resources and DILG to file separate court cases to determine the prevailing law.[40] Similarly, the servicing of geographically isolated and disadvantaged areas (GIDAs) that lack access to information and health services also remain a challenge for the South Cotabato government.[41]

[1] OGP Support Unit, "Open Government Partnership Adds Five New Local Governments to its Local Program" (OGP, 9 Apr. 2018), https://www.opengovpartnership.org/news/open-government-partnership-adds-five-new-local-governments-to-its-local-program/.

[2] Highest income classification for Philippine provinces that earn more than Php 450 million.

[3] Congress of the Philippines, "An Act Creating the Province of South Cotabato" Republic Act No. 4849 (18 Jul. 1966), https://thecorpusjuris.com/legislative/republic-acts/ra-no-4849.php

[4] https://southcotabato.gov.ph/the-province/

[5] Rizal G. Buendia, "Mindanao Conflict in the Philippines: Ethno-Religious War or Economic Conflict?" in *The Politics of Death: Political Violence in Southeast Asia* (Lit Verlag Berlin, Jan. 2006), https://www.researchgate.net/publication/40614298_Mindanao_Conflict_in_the_Philippines_Ethno-Religious_War_or_Economic_Conflict.

[6] R. S. Sarmiento, "Peace-and-order fears cited as still a key investor turnoff" (*Business World,* 24 May 2011), http://www.bworldonline.com/content.php?section=Economy&title=peace-and-order-fears-cited-as-still-a-key-investor-turnoff&id=31847.

[7] Governor Daisy P. Avance Fuentes, "South Cotabato's Strategies to Tourism Development" presentation to the Japan Council of Local Authorities for International Relations (2015), https://v2v.lga.gov.ph/media/uploads/2/Knowledge%20Exchange/Role%20of%20Local%20Governments/kex2015-7-south_cotabatos_strategies_to_tourism__development.pdf.

[8] Ben O. Tesiorna, "Three Mindanao provinces are among top competitive in PH" (*SunStar Philippines*, 20 Jul. 2016), https://www.sunstar.com.ph/article/87181.

[9] Kukee Munster, "Gov. Daisy Fuentes, South Cotabato win 2nd Most Competitive Province in 2017" (Politiko Mindanao, 14 Feb. 2018), https://mindanao.politics.com.ph/gov-daisy-fuentes-south-cotabato-win-2nd-competitive-province-2017-2/.

[10] South Cotabato 2015 Provincial Ecological Profile, 58.

[11] Joseph J. Capuno, 2017. "Violent conflicts in ARMM: Probing the factors related to local political, identity, and shadow-economy hostilities" in *UP School of Economics Discussion Papers* (Univ. of the Philippines School of Economics, Jul. 2017), https://ideas.repec.org/p/phs/dpaper/201707.html.

[12] Proclamation No. 216 (s. 2017): Declaring a State of Martial Law and Suspending the Privilege of the Writ of Habeas Corpus in the Whole of Mindanao. https://www.officialgazette.gov.ph/downloads/2017/05may/20170523-PROC-216-RRD.pdf

[13] On 5 December 2017, the Supreme Court voted 10-3-1 upholding the implementation of martial law in Mindanao. https://www.pna.gov.ph/articles/1017976

[14] "…since…the declaration of martial law in the whole of Mindanao…there has been a marked increase of human rights violations across different sectors and regions in the island…" according to a network of CSOs who came out with a statement opposing the extension of martial law, citing among others documented cases of fake(d) and forced surrender of insurgents, mass and illegal arrests, and trumped-up charges. Bobby Lagsa, "Rights groups oppose another martial law extension in Mindanao" (Rappler, 8 Dec. 2018), https://www.rappler.com/nation/218518-rights-groups-oppose-another-martial-law-extension-mindanao.

[15] AFP, "Philippine military flags martial law censorship" (Yahoo News, 25 May 2017), https://www.yahoo.com/news/philippine-military-flags-martial-law-censorship-005831854.html.

[16] More tourists experience South Cotabato in 2018. https://web.archive.org/web/20190212212624/https://southcotabato.gov.ph/more-tourists-experience-south-cotabato-in-2018/

[17] "South Cotabato An Overview" (Koronadal, 10 Dec. 2008), http://koronadalsite.blogspot.com/2008/12/south-cotabato-overview.html?m=1.

[18] *Id.*

[19] In 1993, the Coalition of Social Development Organizations of South Cotabato (CSDO-SC) was established as an umbrella network of 21 NGOs and people's organizations that served as a mechanism for coordination, advocacy, and resource mobilization for and among its members. The CSDO-SC was instrumental in laying the foundation for close government and NGO partnership in South Cotabato. Spearheaded by the Mahintana Foundation and South Cotabato Foundation, Inc., it was able to lay down the mechanics, accreditation, selection, and representation in local bodies of CSOs in the province. (Obtained from archived NGO brochures).

[20] *Id.*

[21] Congress of the Philippines, "An Act Providing for a Local Government Code of 1991" Republic Act No. 7160 (10 Oct. 1991), https://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html.

[22] *Id.*

[23] DELGOSEA, "South Cotabato: Presenting a Road Map to Integrity" (11 Nov. 2015), http://www.delgosea.eu/News/South-Cotabato-Presenting-a-Road-Map-to-Integrity

[24] I4J Partnerships for Integrity & Jobs. iSouth Cotabato: A Road Map to Integrity, 2015.

[25] Galing Pook awardees are chosen from a national search of local governance programs, evaluated through a multilevel, rigorous screening process based on positive results and impact, promotion of people's participation and empowerment, innovation, transferability and sustainability, and efficiency of program service delivery. Galing Pook (2020), http://www.galingpook.org/awards.

[26] The GFH considers a local government's compliance with the full disclosure policy of "Local Budget and Finances, Bids and Public Offerings," including annual budget, statement of receipts and expenditures, annual procurement plans and procurement lists. It also considers compliance with "Bids Results on Civil Works, Goods and Services and Consulting Services." http://southcotabato.gov.ph/socot-receives-dilgs-seal-of-good-financial-housekeeping/

[27] OGP, "Philippines: Promoting Good Local Governance through Performance-Based Grants" (Jan. 2001), https://www.opengovpartnership.org/sites/default/files/Inspiring%20Story%20-%20Philippines.pdf.

[28] Project I4J is co-funded by the European Commission and the German Ministry for Economic Cooperation and Development through the Konrad Adenauer Stiftung. Konrad Adenauer Stiftung, "Partnerships for integrity and job creation" (accessed Sept. 2020), https://www.kas.de/web/europaeische-und-internationale-zusammenarbeit/job-creation-philippines-en-.

[29] Philippine laws against graft and corruption can be accessed via the Chan Robles Virtual Law Library: http://www.chanrobles.com/lawsgraftcorruption.htm#.XKw2u88zY6g.

[30] Congress of the Philippines, "An Act Providing for a Local Government Code of 1991" Republic Act No. 7160 (10 Oct. 1991), https://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html.

[31] Congress of the Philippines, "Government Procurement Reform Act Republic Act No. 9184" (22 Jul. 2002), https://www.gppb.gov.ph/laws/laws/RA_9184.pdf.

[32] https://www.neda.gov.ph/wp-content/uploads/2018/11/FAQs_Regional-Development-Council.pdf

[33] Minutes of regular and special meetings are on file with the SCIC/MSF, PDC, and PPMC Secretariats.

[34] https://www.officialgazette.gov.ph/downloads/2017/05may/20170516-EO-24-RRD.pdf

[35] The *Sangguniang Panlalawigan* or Provincial Board, is the Filipino name given to legislatures in Philippine provinces. They are the legislative branch of the province and their powers and responsibilities are defined by the Local Government Code. Along with the provincial governor, the executive branch of the province, they form the province's government.

[36] Sangguniang Panlalawigan Resolution No. 2017-167. https://web.archive.org/web/20190701083944/http://southcotabato.gov.ph/wp-content/uploads/167.pdf

[37] Ma. Aleta C. Nuñez, *Philippines EITI Scoping Study On Small-Scale Metallic Mining* (Philippines EITI, Dec. 2015), https://eiti.org/document/philippines-eiti-scoping-study-on-smallscale-metallic-mining.

[38] Danilo E. Doguiles, "South Cotabato rejects coal mining project in Ned, Lake Sebu" (Philippine Information Agency, 27 Jun. 2018), https://pia.gov.ph/news/articles/1009516.

[39] Tampakan mine operator seeks tighter security due to attacks. https://www.rappler.com/business/special-report/whymining/whymining-latest-stories/9301-tampakan-mine-operator-seeks-tighter-security-due-to-attacks#cxrecs_s

[40] I4J Partnerships for Integrity & Jobs. iSouth Cotabato: A Road Map to Integrity, 2015.

[41] Anna Liza Cabrido, "New anti-poverty convergence for poor sitios" (Philippine News Agency, 31 Aug. 2017), http://www.pna.gov.ph/articles/1008110.

# III. Leadership and Multistakeholder Process

Development of South Cotabato's first action plan was coordinated by the Provincial Planning and Development Office (PPDO),and led by the multistakeholder South Cotabato Integrity Circle (SCIC), which served as the province's OGP multistakeholder forum (MSF). The plan's commitments were derived through collaborative discussions and consultations between the provincial government, SCIC/MSF, and other government and private sector partners. The co-creation process also entailed a consultation with 199 village chiefs and facilitated citizen feedback on draft commitments.

## 3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in South Cotabato.

By signing an Integrity Pledge on 19 November 2014,[1] Governor Daisy Fuentes,[2] set into motion a series of events that launched the local government's own integrity program, the creation of the South Cotabato Integrity Circle (SCIC),[3] and the SCIC's eventual role of the province's multistakeholder forum (MSF) for the local OGP action plan.[4] Attendees of the action plan's co-creation workshop on 21 June 2018 included representatives of the national and local government, members of the SCIC/MSF, local NGOs/CSOs, and other local stakeholders. Attendees, the governor, and vice-governor unanimously voted to make SCIC the OGP multistakeholder forum for South Cotabato.

The PPDO, under the office of the provincial governor, serves as the secretariat of the SCIC/MSF. The PPDO is headed by the Provincial Planning and Development Coordinator, who also functions as the secretary of the SCIC/MSF and OGP Point of Contact (PoC). OGP is lodged under the Special Projects Division of the PPDO and is supported by three staff members, one of which is also given the added role of OGP coordinator. The OGP coordinator ensures coordination with all lead implementers, partners, and SCIC/MSF members, from the co-creation process through to commitment implementation and monitoring. The coordinator works with commitment leads to handle consultations and monitoring activities, and documents and prepares reports for OGP proceedings.

The provincial governor was highly involved in the co-creation process. Together with the vice governor, they both actively participated in the discussions during the co-creation workshop conducted on 21 June 2018, responded to queries from the public, including from the private sector, and provided input, insight and suggestions to enhance the proposed commitments. According to PPDO representatives, the leadership served as the "wind beneath the provincial government's wings," providing inspiration through examples of leadership and good governance, and motivating the public to always adhere to principles of open government and integrity.[5]

On 3 August, a consultation workshop discussed the five proposed commitments and involved the 199 *barangay* captains (village chiefs), representing the general public. The governor personally presented and anchored the province's development framework in OGP and the proposed commitments. During the OGP Asia-Pacific Summit in South Korea (November 2018),[6] the governor again presented on South Cotabato's five open government commitments. The vice-governor is also the lead implementing actor for the "open legislation" commitment. These examples demonstrate the strong involvement of the province's two highest-ranking executives, not just in the co-creation process, but also in their commitment to support and implement the local OGP action plan.

Although the Philippines has been nationally implementing OGP action plans since 2013, local governments have autonomy to decide whether to implement programs within their jurisdiction.[7] In this light, South Cotabato went through the process of adopting OGP independently from the national government. In ensuring sustainability of the project, the OGP initiative is institutionalized in the provincial government through the following ordinances, resolutions, and executive orders from

the Office of the Governor, the Provincial Development Council (PDC), and the *Sangguniang Panlalawigan:*

- A draft EO on Reconstituting the South Cotabato Integrity Circle (OGP MSF) pending deliberation and passage until after the May 2019 elections;
- PDC Resolution No. 2016-18 Adopting the Good Governance Framework of the Province;
- PDC Resolution No. 2018-22 Supporting and Endorsing the Participation of the province of South Cotabato to the Open Government Partnership, passed 19 September 2018;
- *Sangguniang Panlalawigan* Resolution No. 2019-61: Adopting the Open Legislation Commitment, passed 4 March 2019; and
- Provincial Ordinance No. 2018-312 Approving the Annual Budget wherein the amount of PhP 41,300.00 (USD 800.00)[8] is allocated for the implementation of the OGP commitments.[9]

To ensure that these issuances are not dependent on specific leaders, the administration adopted mechanisms to ensure that good governance and OGP initiatives are institutionalized and will be promoted even with changes of leadership.[10]

### 3.2 Multistakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. South Cotabato **did not** act contrary to OGP process.[11]

Please see Annex I for an overview of South Cotabato's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

### Table 3.2: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[12] This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborate."

| Level of public influence | | During development of action plan |
|---|---|---|
| Empower | The government handed decision-making power to members of the public. | |
| Collaborate | There was iterative dialogue AND the public helped set the agenda. | ✔ |
| Involve | The government gave feedback on how public inputs were considered. | |
| Consult | The public could give inputs. | |
| Inform | The government provided the public with information on the action plan. | |
| No Consultation | No consultation | |

### Multistakeholder forum

To institutionalize the province's reforms, the South Cotabato government has continuously worked to improve intra-governmental coordination and multisectoral consultations, especially for the good governance initiatives prior to OGP membership. The South Cotabato's Integrity Program,[13] iSouth Cotabato, and South Cotabato for Integrity and Jobs, as well as the creation of the SCIC, laid the

foundation for the successful adoption of OGP principles. It also prepared the local government unit (LGU) for the effective co-creation of the OGP action plan.

The PPDO identified various transparency, accountability, and ethical issues, which had already been discussed in various consultations with CSOs and the private sector. This helped make the initial list of commitments to be included in the action plan.[14] These forums also included the PDC, SCIC, and the Provincial Project Monitoring Committee, among others. An issue of particular import to the LGU, was inadequate knowledge by government personnel of integrity laws, and "inadequate skills and incompetence of some employees and the inability of certain offices to immediately and sufficiently deliver the mandates of their office."[15]

The SCIC was created in 2015 through Executive Order No. 10, series 2015, during implementation of the Partnership for Integrity and Jobs Project (Project i4J), an initiative funded by the European Union and the Konrad Adenauer Stiftung.[16] SCIC membership was reconstituted in 2017 through E. O. No. 37, series 2017. EO No. 37 is linked to the governor's term. The SCIC drafted a new E.O. reconstituting the SCIC that will officially include its function as the MSF for OGP. Initially, the SCIC met every other month during its first year in 2015. However, this has dropped to quarterly meetings, where all lead implementers from the government and private sector present regular updates on their respective milestones. In addition, the OGP coordinator from the PPDO regularly consults and meets with the lead implementers to monitor and document commitment progress, uploading their status to the South Cotabato OGP webpage and Facebook page.

The SCIC/MSF comprises national, as well as local, CSOs, NGOs, national government agencies and their subnational/regional offices, LGUs, and provincial department heads. The SCIC/MSF is composed of 21 members with equal representation of seven each from the business sector, civil society, and the provincial government. Participants of the forum have significant roles in the development of the province depending on their organization's interests and motivations.

In compliance with the Local Government Code,[17] all LGUs are mandated to accredit CSOs and NGOs, private sector organizations (PSOs), peoples' organizations (POs), and cooperatives, so they may actively participate in provincial governance and development. The PPDO notes, however, that there are also some SCIC/MSF members that are not accredited, such as the Marbel Bankers Association and Provincial Tourism Council of South Cotabato, Inc.

SCIC/MSF meetings are always held in Koronadal City as it is the most accessible venue for MSF members. The SCIC/MSF only convenes every quarter, with decisions being taken by majority consensus, as outlined in the SCIC's operating procedures. In addition to equal representation between government, the business sector, and civil society, the MSF consists of 8 female and 13 male members. This number varies when substitute representatives attend on behalf of an MSF member organization or office. Aside from the quarterly meetings, special multistakeholder meetings were conducted in-person during the development stage on 15 May 2018, 2 August 2018, 29 August 2018 (SCIC/MSF Special Meeting), and 6 November 2018.[18]

### Participation and engagement throughout action plan development

Since there are current local efforts on transparency, monitoring of infrastructure project delivery, improving public procurement processes, and improving data collection on quarrying and mining activities, the local government was able to accomplish the development of the action plan within a short period.[19]

Three out of the five commitments were selected and included, with help from the national OGP secretariat and its partners, during the "OGP Week" celebrations held in Manila in May 2018, and then during the co-creation workshop on 21 June 2018.[20] These were: "open information" assisted by the Presidential Communications Operations Office (PCOO) to provide guidance and facilitate discussions,[21] "open contracting" aided by Hivos Southeast Asia and grantee European Chamber of Commerce of the Philippines (ECCP), and "open mining information" with support from the Philippine Extractive Industries Transparency initiative (PH-EITI) secretariat.

As the co-creation workshop was not included in the previous budget cycle of the LGU, the provincial government relied on the ECCP/Hivos and Mahintana Foundation[22] to support the first co-creation workshop and in identifying the commitments.[23] Throughout the co-creation process, local priorities from ongoing work (e.g., government procurement transparency, monitoring illegal quarrying and mining activities) were aligned with new ideas introduced by OGP national and regional partners.[24] Other priorities that made it into the action plan were the monitoring and evaluation of quality infrastructure (advocated for by the SCIC/MSF) and open legislation (lobbied for by the Mahintana Foundation.)[25]

The main role of the SCIC/MSF was in the identification and prioritization of the proposed thematic areas and commitments, as they link to previous good governance initiatives.[26] The six thematic areas were developed during two general consultations: 1) informal dialogue outside the OGP process about improving transparency and accountability in governing local special bodies (this includes attendance of the LGU during the national OGP Week that attempted to localize NAP commitments), and 2) formal, invitation-only activities organized by the PPDO with the primary purpose of developing the thematic areas, commitments, and deliverables. The six thematic areas included: open information, open monitoring and evaluation, open planning and budgeting, open contracting, open mining, and open auditing.

In order to give stakeholders a reasoned response for considering proposals, the PPDO then prioritized commitments using criteria (e.g., relevance to a priority governance or public issue, ability to be completed within the two-year cycle, and if there were resources available for implementation). Through this process, the themes were narrowed to five by dropping open auditing.

The government and civil society then co-created specific commitments from the remaining themes at a 21 June 2018 workshop, facilitated by the SCIC/MSF. This was followed by a break-out meeting to allow all participants to comment on the draft commitments. An "open planning and budgeting" theme was added during this workshop but later dropped as it was deemed unfeasible to implement; it was replaced by a commitment on open legislation. All participants of the workshop had equal opportunity to influence and even make decisions, especially in identifying and prioritizing the themes and commitments. The PPDO pre-selected workshop participants[27] to ensure multisectoral representation, and invited all members of the SCIC/MSF and provincial officials. National government partners and CSOs focusing on women, health, environment, and governance were also invited. Through this conclave of participants with different backgrounds and expertise, varying insights and viewpoints were integrated into the action plan.

The PPDO held two more rounds of open consultations with village leaders and the general public from which the SCIC/MSF secretariat (i.e., the PPDO) drafted the action plan and presented it to the SCIC/MSF for adoption. Beyond this, the PPDO also attempted to include non-MSF members in the co-creation.[28] The PPDO conducted a community consultation on the six draft commitments on 3 August 2018, which was attended by the 199 village heads. Each village head was requested to vote on their preferred commitments, to ensure high public participation and influence in developing the commitments.[29]

Since the LGU, along with the SCIC/MSF secretariat, had limited time to coordinate the development of the action plan in line with OGP guidelines, the result was a hurried process.[30] Nevertheless, South Cotabato was still able to submit the action plan in time to join the OGP Local Program expansion.[31] The province benefited from a well-connected and well-capacitated government, civil society, and business sector that enabled the action plan to have rich and substantial content.

### Co-creation and participation recommendations throughout development

South Cotabato achieved strong performance in its MSF mandate and composition, having demonstrated a strong legal basis for its establishment and an equitable distribution of representation among government, business, and civil society. The action plan's development also

benefited from technical support from NGOs and government agencies that were either already implementing good governance projects in South Cotabato or were engaging local governments nationwide to promote national OGP commitments.

Although South Cotabato has already made headway in institutionalizing civil society participation and in reaching diverse sectors of society in developing its action plan, areas for improvement are:

- Expanding SCIC/MSF communication outreach to ensure maximum participation of diverse CSOs, and not limiting the development of the action plan to long-standing institutional partners.
- Co-creating an effective strategic communication plan for OGP that will trigger feedback loops, especially among citizens that have no direct access to the LGU, CSOs/NGOs that attend the SCIC/MSF, or other multisectoral councils.
- Linking offline and online information technologies, and building on existing formal and informal community communication networks, especially in GIDAs.
- Integrating the action plan with existing and future projects, especially regarding outreach to remote communities to trigger interest and engagement in the OGP process and initiatives.
- Introducing new means for receiving public feedback throughout the co-creation process to increase public trust in, and reliability of, LGU's capability to address citizen concerns.

In order to improve performance in these areas the IRM suggests that moving forward, the following actions be taken:

- Review the accreditation process for CSOs/NGOs and identify areas for improvement. This review can consider how other non-SCIC/MSF member organizations can eventually become part of the SCIC/MSF. Consider mechanisms to incentivize performance, and set-up grievance and redress mechanisms.
- Integrate OGP commitments in Convergence[32] (the local anti-poverty reduction program), to expand the network of partners that can communicate OGP to project beneficiaries and gather feedback for actionable suggestions.
- Temper over-reliance on website and social media to elicit feedback from citizens and explore alternative channels to enhance current practices (e.g., snail mail, physical feedback like suggestion boxes, and village townhalls). This allows verification and vetting of information and genuine citizen engagement.
- Conduct MSF meetings in other towns across the province and invite, or openly permit, non-MSF member CSOs and NGOs to attend and contribute.

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[1] Integrity Pledge: A Commitment to Ethical Practices and Good Governance. http://logic-philippines.com/wp-content/uploads/2016/03/Integrity-Pledge-South-Cotabato-Province.jpg (See here: https://web.archive.org/web/2018073113085l/http://logic-philippines.com/)

[2] On 13 May 2019, Reynaldo Tamayo Jr. was elected as the new Governor of South Cotabato.

[3] The SCIC was created by Executive Order No. 10 signed by Gov. Fuentes on 19 June 2015, and the Provincial Development Council Resolution No. 2015-08, approved 30 June 2015; the resolution formally adopted the South Cotabato Integrity Program (iSouthCotabato), including its Integrity Model and Mechanisms and created the SCIC. The resolution requires SCIC/MSF composition to come from the provincial government, the business sector, and civil society. The SCIC/MSF is the multistakeholder dialogue platform and consultative body with the primary function of providing advice and regular monitoring of integrity and business promotion mechanisms.

[4] During the SCIC's 2nd Regular Meeting held on 15 May 2018, when the South Cotabato OGP Point of Contact gave updates from the 5th OGP Global Summit, it was decided "that there is no need to create another multi-stakeholder body since the province already has the SCIC. The SCIC will be the prime mover for the OGP."

[5] Jennifer Bretaña and OGP team, (2 April 2019), interview. Op. cit.

[6] Governor Daisy P. Avance Fuentes attends the OGP Asia-Pacific Regional Meeting 2018 in Seoul, South Korea. http://southcotabato.gov.ph/governor-daisy-p-avance-fuentes-attends-the-ogp-asia-pacific-regional-meeting-2018-in-seoul-south-korea/

[7] "No project or program shall be implemented by government authorities unless the consultations…and prior approval of the sanggunian concerned is obtained." Congress of the Philippines, "An Act Providing For A Local Government Code of 1991" Republic Act No. 7160 (10 Oct. 1991) §27, https://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html.

[8] The Oanda exchange rate is Php1.00 = USD 0.02 (22 Apr. 2019).

[9] The 2019 Annual Provincial Budget allocated operational expenses for the OGP secretariat.

[10] Bretaña and OGP team, interview.

[11] "Acting contrary to process:" Country did not meet (1) "involve" during the development or "inform" during implementation of the NAP (2) government fails to collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

[12] "IAP2's Public Participation Spectrum," IAP2, 2014. https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf.

[13] The South Cotabato Integrity Circle (SCIC) is a multistakeholder forum and advisory body created by the South Cotabato Provincial Government to eradicate corruption and promote good governance to reduce poverty. The SCIC was started by the province in 2015 when it was chosen as a pilot LGU of the Partnership for Integrity and Jobs Project (Project i4J), to strengthen integrity and operational transparency. Development Academy of the Philippines "South Cotabato Integrity Circle (GBPR 2018)" (4 Apr. 2019), https://www.dap.edu.ph/coe-psp/innov_initiatives/south-cotabato-integrity-circle-gbpr-2018/.

[14] Bretaña and OGP team, interview.

[15] I4J Partnerships for Integrity & Jobs. iSouth Cotabato: A Road Map to Integrity, 2015.

[16] Development Academy of the Philippines "South Cotabato Integrity Circle (GBPR 2018)."

[17] Legal NGO accreditation is required to participate in multisectoral, government bodies. Dept. of the Interior and Local Government, "Guidelines on accreditation of CSOs and selection of representatives to the local special bodies" Memorandum Circular No. 2019-72 (22 May 2019), https://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-2019527_7cf153a43b.pdf.

[18] Minutes of regular and special meetings are on file with the SCIC/MSF, PDC, and PPMC Secretariats.

[19] Bretaña and OGP team, interview.

[20] Ivygail Ong (Partnerships for Asia Pacific, OGP Support Unit), interview by IRM researcher, 7 Mar. 2019.

[21] The PCOO oversees the implementation and operationalization of the national FOI program pursuant to Mem. Order No. 2016-10 issued by the Ofc. of the Exec. Sec. *See:* https://www.foi.gov.ph/help.

[22] The Mahintana Foundation, an NGO, is an institutional partner of the provincial government and has a long history of partnering on development projects with the LGU. *See:* https://www.mahintana.org/.

[23] South Cotabato - Open Government Partnership, "South Cotabato-Open Government Partnership Action Plan Multi-Stakeholder Co-creation Workshop" (20 Jun. 2018), https://ogpsouthcotabato20.wixsite.com/onlinearchives/news/south-cotabato-open-government-partnership-action-plan-multi-stakeholder-co-creation-workshop?fbclid=IwAR2z40Ss0iLkq2SCKCclHZPq4FlN9nazLyeMhswBwgDjX7jiZRJ05Dr0iTo.

[24] SCIC/MSF regular meeting, 15 May 2018.

[25] Ivygail Ong, interview by IRM researcher, 7 Mar. 2019.

[26] The functions of the SCIC as South Cotabato's MSF (as approved during the 3rd SCIC Regular meeting) are: 1) assist in drafting the OGP Action Plan; 2) monitor the implementation of commitments; 3) make decisions regarding OGP in the province; and 4) promote open government policies to a wide audience. The six identified thematic areas were also presented by the OGP Point of Contact and the top five commitments were ranked and adopted by the SCIC/MSF during the same meeting. Open mining information was ranked last because the SCIC believed it "lacked the necessary requirements that would make it an ambitious and relevant commitment."

[27] The MSF Secretariat selected participants from the LGU list of accredited CSOs; selection criteria included the CSO's track record in partnering with government to provide social services, especially to marginalized sectors. Bretaña, interview.

[28] For this purpose, three formal co-creation activities were held: 1) Co-Creation Workshop with Reasoned Response on 21 June 2018; 2) Online Pigeonhole Voting with the General Public during the Provincial Festival Luncheon attended by the General Public on 12 July 2018; and 3) Public Consultation with Ballot Voting with 199 Village Chiefs of the province on 3 August 2018.

[29] Bretaña and OGP team, interview.

[30] *Id.*

[31] "OGP Adds Five New Local Governments" https://www.opengovpartnership.org/news/open-government-partnership-adds-five-new-local-governments-to-its-local-program/

[32] Anna Liza Cabrido, "New anti-poverty convergence for poor sitios" (Philippine News Agency, 31 Aug. 2017), https://www.pna.gov.ph/articles/1008110.

# IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1] The indicators and method used in the IRM research can be found in the IRM Procedures Manual.[2] A summary of key indicators the IRM assesses is below:

- **Verifiability:**
  - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
  - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
  - Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
  - Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
  - Public Accountability: Will the government create or improve public facing opportunities to hold officials answerable for their actions?
  - Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
  - Identify the social, economic, political, or environmental problem;
  - Establish the status quo at the outset of the action plan; and
  - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report.*

## What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26% of judicial corruption complaints are not processed currently.")?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

**Starred commitments**

One measure, the "starred commitment" (✪), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

## General Overview of the Commitments

The South Cotabato action plan is focused on increasing public access to government information, engaging citizens in monitoring infrastructure projects, publishing mining information, increasing transparency of procurement processes, and broadening the space for co-creating meaningful local legislation.

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[1] "Open Government Partnership: Articles of Governance," OGP, June 2012 (Updated June 2019), https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.
[2] OGP, "IRM Procedures Manual" (16 Sept. 2017), https://www.opengovpartnership.org/documents/irm-procedures-manual.

# Theme 1: Open Information

## 1. Increasing Inclusivity in Public Access to Government Information

**Language of the text as it appears in the action plan:**

The commitment aims to establish both online and offline channels to expand public access to government information, and to enable citizens to give feedback on government programs and services.

More and improved quality of information will be disclosed to include not only those required under the Philippine's Full Disclosure Policy[1] and basic data on the socio-economic profile of the province, but also information on programs/projects/ services and project monitoring reports. It entails the development of an interactive online platform for the general public to access, view, save and print government data and information on programs and services right at their homes free of charge, with a special feature for the general public to provide their feedback on government services and programs. Part of the commitment includes the conduct of workshop to develop a mechanism for responding to feedbacks from the public. To further utilize the information from the processed feedbacks, the commitment shall be expanded in the second cycle for the feedbacks to inform development planning, budgeting and program implementation.

The commitment also entails localizing the national government's Freedom of Information (FOI) policy through a provincial ordinance, institutionalizing the people's right to information.

As an offline mechanism, a direct community participation program shall be launched for communities without access to internet, where the citizens' questions to the Governor will be recorded during the weekly conduct of the Outreach Program to poor and remote communities where the provincial government brings some of its services directly to the communities, and the Governor's responses to these questions will be recorded and aired through the province's official radio program on a weekly basis and on a specified date that will be announced to the community. Capability-building and public engagements shall be conducted to popularize the people's right to information and how to access such information.

**Milestones:**

1. Roll-out of "Chikaha si Gobernadora", an offline transparency initiative where the Governor will regularly respond to recorded questions from the general public especially from remote communities) through the radio as well as through South Cotabato's Facebook Page and OGP Facebook Page.

2. Conduct of workshop on information management and needs for producers, users and custodians

3. Development and operationalization of the Interactive/Web-based Database where the public can access, view, save and print provincial data and information right at their homes. This web-based automated system will be called Interactive Socio-Economic and Programs Profile System (iSEPPS). This shall be the Central Provincial Online Database.

4. Conduct of consultation and updating of provincial government services and programs with the 199 barangay captains through the "Usaping Integridad Kasama si Kap" at least once a year.

5. Enactment/Passage of Provincial Freedom of Information (FOI) Ordinance.

Start Date: 31 August 2018                                              End Date: 31 August 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 1. Overall | | ✔ | ✔ | ✔ | | ✔ | | ✔ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

## Context and Objectives

The "open information" commitment aims to expand public access to government information and enable the local government to effectively respond to people's real needs.[2]

Although South Cotabato is already compliant with the national Department of Interior and Local Government's (DILG) Full Disclosure Policy, the provincial government does not yet have a simplified information disclosure policy. Specific requests for information are generally attended to upon receipt, and there is limited proactive disclosure. The government has established mechanisms (e.g., published guidelines, citizen charter) to receive and act on information requests from the public, and appointed a dedicated Provincial Information Officer (PIO) to manually process and act on those requests. However, in practice, access to information is often determined by the citizen's physical presence and even proximity to the provincial capital where requests are lodged with the PIO, and public billboards are highly visible and strategically located. For information that is not regularly posted at public facilities, or broadcast through print, radio, or television, citizens must write letters to the government agency concerned and wait for an approval decision. Information in response to such requests often must be forwarded from other provincial, regional, or national offices.[3] More recently, many of these requests are channeled through the PIO's Facebook page.

The commitment will improve public access to government data and information, and enable feedback on government programs and services, by establishing online and offline platforms for community dialogue, training workshops on data management, and creating an enabling local law to institutionalize the commitment. For communities that have no or limited internet access,[4] a direct and interactive community engagement program called *Chikaha si Gobernadora* (Talk to the Governor) will record and document what they want to ask the local chief executive. The Local Government Unit (LGU) will then respond to these questions over the radio. The blended application of different media channels is expected to trigger feedback loops that can connect citizens with provincial, municipal and even village officials, and help policymakers craft services that better align with the community's needs.

This commitment is relevant to the OGP values of access to information, civic participation, and technology for transparency. For instance, through the proposed offline (*Chikaha si Gobernadora*) and online (Central Provincial Online Database) transparency initiatives, the commitment will open new, and operationalize existing, avenues for the public to access and engage with government-held information. The passage of the Provincial Freedom of Information Ordinance will strengthen the legal framework for such efforts. The proposed annual consultations with the *barangay* captains will not only be a platform for information disclosure on government programs, but also provide these local citizen representatives an opportunity to participate in government decision-making.

This commitment has a minor potential impact for improving public access to government-held information. Although the commitment represents an incremental but positive step, particularly in

proposing both online and offline channels for information disclosure, the commitment remains limited in several ways. For example, many of the proposed activities reflect a top-down approach, with citizens having limited opportunity to demand, or influence, the information that the government shares. It is also, therefore, unclear what type and extent of information will be disclosed through the proposed channels. Similarly, the consultation platform for *barangay* captains—while a positive initiative—is limited to infrequent, annual consultations, rendering it unclear as to what extent the *barangay* captains will be able to meaningfully influence local government decision-making.

### Next steps

- Assess the efficacy of the LGU's default protocol of preferring physical information-request letters, received at the provincial capital,[5] over posted online social media questions, or through the raising of grievances through scripted radio programs. Consider combining the effective aspects of both manual and electronic processes.

- Map out community "influencers" (e.g., village elders, youth leaders, respected businesspeople, academics) that can be trained and equipped to act as village sources for updated and relevant public information on a wide scope of concerns, e.g., schedules of extension services, disaster warnings, and public advisories.

- Community "influencers" can also be tasked to proactively seek input from their community (such as on an emerging village garbage problems or landslides), solicit concerns, report them to the government, and then return with government responses.

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[1] Dept. of the Interior and Local Government, "Memorandum Circular No. 2012-14" (ordering LGUs and DILG regional offices to report their finances, bids, and public offerings (9 Aug. 2012), https://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/DILG-Memo_Circular-2012813-e4d43e5c47.pdf.
[2] Romar Olivares (Provincial Information Officer), interview by IRM researcher, 2 Apr. 2019.
[3] Olivares, interview.
[4] South Cotabato's 2015 Socio-Ecological Profile (hard-copy) only mentions the internet's popularity in the province for e-mail, social media, and research. It does not mention the use of internet digital payments, processing of government permits etc. Although the report yields data on the number of cellular sites and mobile networks, as well as wireless broadband and internet providers, it only describes the general locations of the service providers and the public's preference for postal services in under-served areas. Based on existing cellular site density and location data, it is assumed that South Cotabato has yet to make internet access available to majority of its population.
[5] Olivares, interview.

# Theme 2: Open Monitoring and Evaluation

## 2. Open and Participatory Monitoring for Quality Infrastructure

**Language of the commitment as it appears in the action plan:**

The commitment involves making the monitoring results of the Provincial Project Monitoring Committee (PPMC) more open and accessible to the general public by posting these for the general public to provide feedback/comment and/or access the monitoring results. This entails posting the monitoring results to the provincial government website the day after the conduct of the quarterly monitoring of the PPMC in order to provide near real-time status of projects to the public. With this, the PPMC shall adopt the Open Data Kit (ODK) or mobile based project monitoring system for near real-time monitoring of projects. The commitment also involves updating the website of the provincial government as well as its Facebook page for posting and/or accessing of project monitoring results by the public for feedback/comment/recommendations. The general public will also have the opportunity to upload pictures of on-going projects in their communities and post status of these projects online. The commitment will also cause the enhancement of the monitoring process and composition of the PPMC to strengthen engagement of the public or the directly impacted communities.

**Milestones:**

1. Conduct Users' Training, install and operationalize the ODK-based project monitoring system

2. Update the website/page or Facebook page of the provincial government/SC-OGP to allow posting and/or accessing of project monitoring results by the public for feedback

3. Conduct ODK-based project monitoring of locally-funded infra projects at least once every quarter

4. Post monitoring results at the provincial government website and/or Facebook page for public access and feedback (online posting of results the day after the conduct of quarterly monitoring inspection)

5. Expand participation of the public to the PPMC through the participation of the *Barangay* Chairman, *Barangay* Development Council (BDC)-Chair of Infra and BDC Private Sector Reps during the monitoring/inspection where the project is located

Start Date: 31 August 2018                              End Date: 31 August 2020

**Context and Objectives**

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 2. Overall | | ✔ | ✔ | ✔ | | ✔ | | | ✔ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

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This commitment aims to make project findings of the Provincial Project Monitoring Committee (PPMC) more open and accessible to the general public, including by posting them for public feedback. The commitment additionally envisions the PPMC adopting the Open Data Kit (ODK),[1] a near real-time, mobile-based project monitoring system.

Milestones cover areas such as training ODK users and involving subprovincial government units in the monitoring and evaluation (M&E) of the provincial government to complement the online mechanisms of the PPMC. The public will be able to access near real-time project monitoring results through an online application, while citizens, especially at the *barangay* or village levels, will be able to provide feedback on the status of infrastructure projects. The findings and recommendations of such initiatives will be published online to increase accountability. Although the precise scope and extent of such interventions are indeterminate, these activities generally contain measurable milestones and are thus specific enough to be verifiable.

The province's infrastructure projects sometimes suffer poor implementation and delayed completion.[2] This affects access to basic social services and can acutely impact isolated communities. Economic interdependencies also necessitate improved links between geographically isolated and disadvantaged areas (GIDAs) to rural and urban centers that have better access to the provincial government.

The commitment is relevant to the OGP values of access to information, civic participation, and technology for transparency as it envisions online disclosure of more information on government-funded projects, and enables a wider set of stakeholders, beyond the PPMC, to monitor projects. It will also allow this wider group of stakeholders to address project implementation gaps, as identified by the PPMC or through citizen feedback.

This commitment has a moderate potential impact for improving the government's M&E process, by strengthening the PPMC's engagement with the public and directly affected communities. These initiatives will be a major step forward in inclusive, project monitoring by the LGU. Currently, monitoring and evaluation reports have to go through time-consuming secretariat processes, which can hamper the PPMC's timely deliberations on critical projects. In contrast, public access to near real-time project monitoring results, as envisioned through this commitment, should significantly reduce poor project implementation. This will be further enhanced with the public being able to proactively provide feedback and comments, and report on infrastructure implementation. Transparency, alongside improved government collaboration with civil society, will address issues encountered at every phase of project implementation.

Despite this, however, the commitment does not go as far as outlining how citizen feedback will be used to inform decision-making around infrastructure projects, nor does it describe mechanisms to disseminate M&E information through offline channels. The commitment remains limited in this scope.

### Next Steps

- Conduct public workshops on government project management systems and processes to raise awareness of the value of M&E among citizens. Different offices can describe their evaluation procedures, best practices, and future plans, thereby enabling inter-office peer learning. The workshops should elicit feedback from participants.

- Adopt community-based participatory M&E tools, especially for impact measurement. These tools can be requested from the NEDA M&E Network[3] and multilateral development organizations (e.g., World Bank, UNDP, ADB).

- With recent recognition by the Development Academy of the Philippines (DAP) of South Cotabato as one of five selected government agencies with best practices,[4] the LGU can share its experience with other local government units through the DAP's learning programs. The LGU can cover topics such as planning, budgeting, procurement, M&E, policy

development, legislation, and how citizens can be involved at each stage while integrating SCIC and OGP mechanisms. The module should be tailored for specific audiences such as government heads and staff, K-12 and university students, and local and foreign investors. The material should be co-designed with the DAP, Local Government Academy,[5] and/or the Union of Local Authorities of the Philippines.[6]

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[1] Martinano Magdolot and Roel Ian Blanker (Mahintana Foundation), interview by IRM researcher, 1 Apr. 2019.

[2] Government of South Cotabato, *South Cotabato Open Government Partnership Action Plan 2018-2020* (OGP, 2018), 19, https://www.opengovpartnership.org/wp-content/uploads/2018/10/South-Cotabato_Action-Plan_2018-2020_Revised.docx.

[3] The Monitoring & Evaluation Network. http://devplan.neda.gov.ph/m&e-network/index.php. See also: https://www.officialgazette.gov.ph/2011/11/29/neda-forms-multisectoral-network-on-monitoring-evaluation-me/

[4] The DAP selected five government agencies for their "exceptional and innovative" practices during the Government Best Practice Recognition (GBPR) deliberations held in line with the DAP's Government Quality Management Program (GQMP). GQMP enhances citizen satisfaction through improved delivery of public services among government agencies by recognizing outstanding, successful, and innovative practices of public sector organizations. DAP, "5 gov't agencies selected by DAP for best practices" (Philippine Information Agency, 10 Mar. 2019), https://pia.gov.ph/news/articles/1019526.

[5] The Local Government Academy has a training center for the local government sector. https://lga.gov.ph/lga-training-center.

[6] See: https://www.ulap.net.ph/.

# Theme 3: Open Contracting

## 3. Enhancing Efficiency and Transparency of the Public Procurement Process

**Language of the commitment as it appears in the action plan:**

The commitment aims to make the public procurement process more efficient and transparent through the development of online and offline open contracting mechanisms, such as:

- tracking system to be made available to the public;
- conduct regular market survey;
- integrated internal process from planning to implementation;
- expansion of accredited CSOs as observers;
- proactive capacity building of CSOs as observers;
- submission of observer's report;
- improvement in publication of procurement documents; and
- feedback desk.

**Milestones:**

1. Conduct capability-building on RA 9184 and consultations with Bids and Awards Committee (BAC) Members, BAC-Technical Working Group (TWG) and CSOs.

2. Develop an internal policy through an Administrative Order that will be an input to the Provincial Procurement Manual to enhance efficiency and transparency in the procurement process.

3. Increase number of CSOs and business sector monitoring the procurement process from planning to implementation.

4. Upload procurement documents from planning to implementation in machine readable format.

Start Date: 31 August 2018                     End Date: 31 August 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 3. Overall | | ✔ | ✔ | ✔ | | ✔ | | ✔ | | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

### Context and Objectives

This commitment aims to make South Cotabato's public procurement process more efficient and transparent by introducing open contract mechanisms. These include building capacity to implement

procurement legislation, developing internal policies, increasing civil society participation in procurement processes, and improving the availability of procurement information.

Public procurement, especially at the local level, frequently suffers a lack of transparency.[1] Prior to this commitment, South Cotabato completed less than 5% of proposed development projects, the majority of which are still ongoing or yet to be started. The local government receives an Internal Revenue Allotment (IRA) from the central government, of which 20% must be used to fund development projects.[2] The lack of transparency surrounding such projects is a key barrier to improving the efficiency and quality of service delivery, as it inhibits public scrutiny and hampers potential users (e.g., academics, NGOs, investors, journalists) from extracting and analyzing data. This is also critical because procurement data can be used to detect contractor misconduct and inefficiencies.[3]

A lack of transparency in procurement processes impacts project completion. Procurement opacity often discourages participation by the best suppliers and contractors in public bidding, which results in poor or delayed work by subpar contractors.[4] The South Cotabato government complies with the Government Procurement Reform Act (RA 9184) and discloses all bidding documents through its website; three conspicuous physical venues for hard copies of documents; and on the Philippine Government Electronic System.[5] However, the online data is not accessible in machine-readable or editable formats.

As indicated in the action plan, the technical documents (e.g., bid calls or manuals) are not presented so that they are engaging or easily comprehensible by the general public. While government stakeholders could not confirm exact figures, the researcher can confirm that only a small number of CSOs and business sector representatives are actively observing the bidding process and monitoring implementation of awarded contracts.[6]

The Bids and Awards Committee (BAC) conducts half-day seminars on RA 9184 for suppliers and bidders.[7] While only one CSO observer has consistently attended the LGU bidding activities, the BAC Secretariat provides this observer all the documents that are required to follow the process, in accordance with the Agency Procurement Compliance and Performance Indicator (APCPI) checklist.[8] As outlined in this commitment, the BAC plans to extend engagement with CSO observers and provide orientation on the procurement law.

This commitment is generally specific enough to be verifiable. However, a number of milestones do not provide adequate detail, preventing a full appraisal of the commitment's scope. For instance, the commitment proposes an internal policy to enhance efficiency and transparency in procurement but does not detail what specific measures this policy will entail, or through which entities and mechanisms it will be operationalized. Similarly, the commitment proposes uploading procurement documents in machine-readable formats but fails to specify the extent of information that will be made available, who will be able to access it, or the precise platform that will be used. The general commitment text also refers to a number of offline and online mechanisms, such as a tracking system and a feedback desk, that are not reflected in the commitment's milestones.

This commitment is relevant to the OGP values of access to information, civic participation, and technology for transparency. The capacity building programs of RA 9184 and, if made publicly accessible, the uploading of procurement documents in machine-readable formats, should increase public access to government-help information by utilizing technology. Similarly, although opportunities to influence decision-making are unclear, the involvement of an increased number of CSOs and the business sector in procurement monitoring will provide better opportunities for civic participation.

Procurement practice continues to rely on complying with existing procurement law. While this has burdened the BAC secretariat with a range of responsibilities, the same legal framework fails to allow for more ambitious and technology-enabled system innovation.[9] Although this commitment stands to improve BAC engagement with CSOs and encourage their review of compliance with the APCPI checklist, the BAC, bidders, their representatives, and CSO observers will still be limited to

physically convening for bidding activities at the provincial capital and handling related documents manually.[10]

This commitment has a minor, but positive, potential impact to increase efficiency and transparency in public procurement. The commitment encourages citizens to provide feedback and participate in government procurement processes, and enhances the government's ability to respond to citizen feedback. However, as the milestones lack sufficient detail to describe how the intended impacts will be achieved, it is difficult to appraise the scope of this commitment. For example, in addition to the aforementioned lack of clarity, capacity-building activities from the national procurement law do directly improve civic participation as only accredited CSOs will be able to observe and access procurement data. Also, uploading procurement documents in a machine-readable format[11] will not improve public utilization if the public is not educated on the value and potential of such information.

**Next Steps**

- Complement capacity-building activities of CSOs and business associations with education on current and future procurement reforms and good governance initiatives that allow citizens to help the government achieve its objectives.

- Machine-readable data from procurement documents can also be demonstrated to other provincial government departments within South Cotabato as well as other regional offices to encourage shifts in data creation and analysis to a more shareable format (both internally and externally).

- Use Constructor's Performance Evaluation System results from the BAC secretariat as criteria for bid eligibility, and consider publishing the results in a machine-readable format. Also consider utilizing the Provincial Engineer's Office Document Tracking System.

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[1] The Risk & Compliance Portal, *The Philippines Corruption Report* (GAN Integrity), https://www.ganintegrity.com/portal/country-profiles/the-philippines/.
[2] The 20% Development Fund is provided for under the Local Government Code of 1991 and requires all Local Government Units to appropriate 20% of their Internal Revenue Allotment from the national government to development projects. Government of South Cotabato, *South Cotabato Open Government Partnership Action Plan 2018-2020* (OGP, 2018), 24, https://www.opengovpartnership.org/wp-content/uploads/2018/10/South-Cotabato_Action-Plan_2018-2020_Revised.docx.
[3] Karol Ilagan and Malou Mangahas, "'Build, build, build' Hits Chokepoint: Top 10 contractors under DU30 run record of fraud, delays, blacklisting" Philippine Center for Investigative Journalism (4 Sept. 2018), https://pcij.org/article/1400/top-10-contractors-under-du30-run-record-of-fraud-delays-blacklisting.
[4] John Magbanua (Provincial Bids and Awards Committee Secretariat), interview by IRM researcher, 4 April 2019.
[5] *See:* https://www.philgeps.gov.ph/.
[6] Government of South Cotabato, *South Cotabato Open Government Partnership Action Plan 2018-2020*, 23.
[7] Magbanua (4 April 2019). Op. cit.
[8] John Magbanua, interview.
[9] *Id.*
[10] *Id.*
[11] South Cotabato Open Contracting Webpage: http://southcotabato.gov.ph/open-contracting/?fbclid=IwAR1k3744hRW8K2XKxtBlxnVo3WOIDLLdd46eUbvmAGLljfqDvMj9D26bVKM.

# Theme 4: Open Mining Information

## 4. Engaging Citizen's Participation by Developing EI-TECh (Extractive Industry Transparency E-system & Channels)

**Language of the commitment as it appears in the action plan:**

The commitment would be focusing on policy development and creation of transparency e-systems and channels (EI-TECh) to further engage citizens to participate in mining governance. Access to mining and quarry information will be developed and enhanced through the website, social media and print ads, among others, to help promote public interaction. Stakeholder consultation will be conducted as to what data are of public interest, relevance and appeal that would need to be disclosed. CSO and general public participation in the Provincial Mining and Regulatory Board (PMRB) will be expanded to include grassroots or impacted community participation. Transparency initiatives, incentives and branding (Compassionate Gold)[1] will be institutionalized through a PMRB Resolution.

**Milestones:**

1. Update Provincial Environment Management Office (PEMO) mining and quarrying reporting and monitoring forms to include relevant transparency information and integrate EITI standards in consultation with key stakeholders.

2. Update and enhance South Cotabato-PEMO software/database in managing information on mining and quarrying operations (mining, quarrying, energy industries) and link/disclose information through the Provincial Online Database.

3. Develop transparency standards and systems in gold trading and institutionalize "compassionate gold" branding through a Provincial Mining Regulatory Board (PMRB) resolution.

4. Conduct stakeholder outreach, dialogue and capacity-building activities for policy development/ improvement to strengthen participation and engagement of impacted grassroots sectors within the PMRB by developing a pool of trained community experts.

5. Institutionalize grassroots participation/engagement in quarrying and mining governance by expanding the membership of the Provincial Mining Regulatory Board (PMRB) to include representatives from the impacted communities from the pool of trained community experts.

Start Date: 31 August 2018                                      End Date: 31 August 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 4. Overall | | ✔ | ✔ | ✔ | | ✔ | | | ✔ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

**Context and Objectives**

This commitment aims to increase citizen engagement in mining governance and improve access to related information through online and offline communication. To do so, this commitment will update the Provincial Environment Management Office's (PEMO) monitoring forms and databases to facilitate greater transparency, introduce new transparency standards around gold trading, conduct outreach to strengthen civic participation in policy development, and institutionalize such engagement by expanding Provincial Mining Regulatory Board (PMRB) membership.[2]

People have deep-seated and often varying views about mining activities in South Cotabato.[3] These views can be attributed to the public either not having access to the right information about mining activities, or not being capable of making critical decisions based on this information. This has caused tension and conflicts[4] within and between communities and even LGUs affected by mining.

Primarily due to pre-existing resource and capacity limitations, the provincial government is unable to adequately inform, monitor, and guide the public on appropriate mining and quarrying procedures in their areas. This is of particular concern when needing the public to report illegal operations. Tangentially, the PMRB, is also limited in its capacity to fulfill its governance role.[5] According to a PEMO representative, this commitment would address these concerns by enabling the PEMO to lobby for additional resources.[6]

This commitment is verifiable. Although certain milestones would benefit from greater clarity in terms of the precise scope of what they set out to do, the proposed activities are measurable. For instance, while a milestone proposes to conduct stakeholder outreach activities to strengthen civic participation, it falls short of specifying the exact nature or extent of such activity.

The commitment is relevant to the OGP values of access to information, civic participation, and technology for transparency. The commitment will increase access to information through, for example, enhancing and updating the provincial online database with mining information, and by integrating EITI transparency standards in reporting on mining activities. It will also facilitate civic participation by increasing and institutionalizing wider community representation in the governance of mining activities.

This commitment has a moderate potential impact on increasing citizen engagement in mining governance and improving access to related information. The use of technology and participatory-driven systems, standards, and branding to increase public awareness and participation is expected to minimize disputes and conflict, improve revenue collection and sharing between provincial and subprovincial units, and promote socio-cultural and environmental protection. Increased PMRB membership, including grassroot participation, will enhance an engagement platform where discussions and concerns can be tackled collaboratively and constructively. Collectively, these initiatives are a major step forward.

However, as the South Cotabato provincial government, and the PEMO in particular, has already put in place processes to facilitate citizen engagement in mining governance, this commitment does not stand to transform "business as usual." For instance, the PEMO regularly conducts visits and dialogues with community stakeholders, even though their capacity to ensure effective results is constrained by limited resources.[7] The commitment also does not outline any mechanism that stands to facilitate public accountability, including a lack of clarity on the manner in, or extent to, which feedback arising from improved citizen participation opportunities will influence or translate into policy decisions.

**Next Steps**

- Co-create long-term solutions that will enable mining-dependent communities to be integrated in mainstream development programs of the province. For example, envisioning workshops can help locals, especially indigenous communities, identify divergent pathways to shift their livelihoods to more sustainable industries.

- Work with partners from other action plan commitments to effectively engage private sector stakeholders in the mining industry. For example, the European Chamber of Commerce of the Philippines could invite a member company to talk about sustainable industry practices or shifting business models in Europe and initiate a call-to-action among participants.

- Utilize OGP as a platform for constructive dialogue among industry stakeholders that includes indigenous communities, large-scale mining companies, and/or the Chamber of Mines.[8]

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[1] Siegfred Flaviano (Provincial Environment Management Officer/PMRB Secretary), interview by IRM researcher, 1 Apr. 2019; Beverly Besmanos (Bantay Kita), Skype interview by IRM researcher, 9 Apr. 2019.

[2] The PMRB is a special local nongovernmental and multisectoral body tasked to resolve conflicts regarding transparency of taxes paid, land disputes, mining, and Indigenous People's rights.

[3] Aquiles Z. Zonio, "Mining main issue in South Cotabato polls" (Inquirer.net, 6 Oct. 2012), https://newsinfo.inquirer.net/284166/mining-main-issue-in-south-cotabato-polls.

[4] Besmannos, interview.

[5] Flaviano, interview.

[6] *Id.*

[7] *Id.*

[8] Besmanos, interview.

# Theme 5: Open Legislation

## 5. Establishing Online Channels to Broaden Civic Engagement and Increase Relevance of Local Legislations

**Language of the commitment as it appears in the action plan:**

**"Establishing Online Channels to Broaden Civic Engagement and Increase Relevance of Local Legislations"**

The commitment aims to create more space for citizen engagement in order to improve the local legislative process through online channels, hence, increase the relevance of local legislation in addressing the people's felt needs and perceived development issues. This can be done by first establishing an automated database for legislations – Legislative Information Technology System (LITS) - that would serve as the central database for all current and on-going legislations that can be easily accessed. Information on the status of on-going legislations will also be viewed through the system. The *Sangguniang Panlalawigan* Office will set-up a computer where researchers and the general public may search, query and access records on existing and on-going legislations. The LITS will serve as a database for legislative records where people can readily search current and on-going/pending policies and ordinances. This legislative database will also be linked to the Provincial Online Database so that this can be accessed by the public anytime online.

Online platforms also include setting-up of an official Facebook page for the *Sangguniang Panlalawigan* of South Cotabato and linking this to South Cotabato's official website and Facebook page where anyone can suggest new policies and ordinances as well as give comments on current or existing policies and ordinances. This will be the platform for the general public to be consulted and propose ideas on new legislations, and provide feedback both on existing and proposed local policies and ordinances that will truly make a difference to their lives. This is in addition to the face-to-face public consultations being currently conducted for legislations that require public consultation.

**Milestones:**

1. Draft and pass ordinance institutionalizing the open legislation mechanism.

2. Establish the Official Facebook Account of the Sangguniang Panlalawigan (SP) of South Cotabato as an online platform for Open Legislation.

3. Form and designate a committee that will review and act on the feedbacks from citizens on proposed legislative actions and ensure online publication of status report of actions taken on the citizens' feedback through the SP Official Facebook Page.

4. Establish the Legislative Information Technology System (LITS), an automated database for the legislative records and processes of the Office of the Sangguniang Panlalawigan that will be linked to the Provincial Online Database for easy access of the public. A desktop computer will also be set up at the Office of the Sangguniang Panlalawigan for walk-in researchers and clients.

5. Livestreaming of the regular sessions of the SP through the Official FB Page of the SP.

Start Date: 31 August 2018                                           End Date: 31 August 2020

| Commitment Overview | Verifiability | | OGP Value Relevance (as written) | | | | Potential Impact | | | | Completion | | | | Did It Open Government? | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Not specific enough to be verifiable | Specific enough to be verifiable | Access to Information | Civic Participation | Public Accountability | Technology & Innovation for Transparency & Accountability | None | Minor | Moderate | Transformative | Not Started | Limited | Substantial | Completed | Worsened | Did Not Change | Marginal | Major | Outstanding |
| 5. Overall | | ✔ | ✔ | ✔ | ✔ | ✔ | | | ✔ | | Assessed at the end of action plan cycle. | | | | Assessed at the end of action plan cycle. | | | | |

## Context and Objectives

This commitment aims to broaden civic engagement through increased access to information on local legislative processes. The commitment will establish online channels for citizens to receive relevant information, including an automated database, Facebook, and livestreams of sessions. These will enable citizens to provide feedback on existing or proposed legislation, ordinances, and policies. It also seeks to constitute a committee to review and follow up on such feedback.

At the time this commitment was designed, not all legislative measures in South Cotabato were subject to public hearing. However, citizen participation in creating local laws often leads to their successful implementation and sustainable enforcement.[1] Legislative information, records, and files are still in the process of being digitized by the *Sangguniang Panlalawigan* (SP, the provincial legislature), and protocol requires that citizens must attend hearings and manually request the documents. Even requests for bills and related documents made electronically through e-mail have to be printed out first, so as to facilitate its physical endorsement and go through official channels and concerned offices.[2]

According to SP representatives, this situation prevents the majority of the local population from actively participating in decision-making during legislative processes, while those who are aware of their right to participate, and have access to legislative information, lose interest due to prolonged wait times. An exception to low public participation is when a mining measure goes through public hearings; citizen groups and the media get involved at every step of its passage.[3] Local mining issues elicit active citizen involvement even if it does not directly impact them, or take place within their own village or municipality. Citizens believe that mining issues are a province-wide concern of which they see themselves a part.[4]

This commitment is verifiable. Passing legislation to institutionalize an open legislation mechanism, livestreaming SP sessions, creating a social media account, appointing a committee to review and act on citizen feedback, and establishing an automated legislative record database are all identifiable and measurable activities. Some milestones, however, could be more specific. For example, the exact composition of the committee to review citizen feedback is not specified, while the nature and extent of information to be disclosed via the automated database is also inconclusive.

The commitment's activities are relevant to all of OGP's core values: improving access to information, citizen participation, public accountability, and technology and innovation. For example, the designation of the committee to review and act on citizen feedback will provide a public-facing mechanism for the local legislature to hold itself accountable to citizens. Similarly, the automated platform to publish legislative records will advance both access to government-held information and leverage technology and innovation to do so.

This commitment has a moderate potential impact on improving civic engagement and access to information in local legislative processes. Since the SP traditionally relies on cumbersome protocols, offline public hearings, and manual procedures to elicit citizen feedback on proposed legislations, the commitment's proposition to provide online platforms for legislative records, and establish social media channels for citizen participation in law-making, represent a major step forward in citizen engagement and access to legislative information.

However, as the majority of the population, particularly in under-served areas, either lack internet access, or prefer postal services (see Commitment 1), this commitment's reliance on online or internet-based platforms means that it remains limited in scope.

**Next Steps**

- Create a more structured approach to engage citizens, especially for gathering input, and use mining-related legislation, an issue that impacts a large proportion of the population in the province, as an example of issues that can elicit active public engagement. An example could be a well-moderated townhall meeting in a neutral venue where all sectors are given space to air concerns and then converge on co-created solutions on how to move forward.

- Explore how multimedia technology (e.g., livestreaming, social media, radio, print) can enhance public consultation and outreach activities, and how government can effectively raise awareness about the local executive-legislative agenda.

- Assess demand for legislative information among different users, e.g., other provincial offices, academic researchers, CSOs, NGOs, advocacy groups, and business associations.

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[1] ParlAmericas, *Toolkit: Citizen Participation in the Legislative Process* (Apr. 2018), https://bit.ly/3gMX9qB.
[2] Gloria Duco (Board Secretary, *Sangguniang Panlalawigan*), interview by IRM researcher, 3 Apr. 2019.
[3] Duco, interview.
[4] *Id.*

# V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

## 5.1 IRM Recommendations

### 1. Support non-MSF member CSOs and NGOs to participate in the OGP process through outreach, capacity-building, and stronger mechanisms for accreditation.

Outreach, targeted capacity building, and stronger accreditation mechanisms will widen the participation of civil society and private sector stakeholders in OGP processes, beyond those already part of the SCIC/MSF. Many stakeholders, especially those outside the provincial capital, do not have the same resources, networks, or influence of groups who already participate in multistakeholder councils such as the SCIC/MSF.

This presents the PPDO, along with the SCIC/MSF, an opportunity to design and implement sub- and intra-provincial training and outreach around OGP values and processes, to introduce and enable wider participation of community organizations. This may be done with the support of other key institutional partners—Mahintana Foundation, South Cotabato Foundation, Inc., ECCP, Bantay Kita etc.—national and regional government offices, and international development organizations.

### 2. Enhance efforts to raise awareness of the OGP initiative throughout the development and implementation of the action plan.

Linked to the inclusion of a wider set of stakeholders, the government could enhance awareness-raising of all aspects of the OGP initiative and South Cotabato's action plan among internal and external stakeholders.

Crucially, the IRM recommends that the PPDO Secretariat, with support of the SCIC/MSF, regularly and proactively disseminate OGP information through the dedicated government webpage. The maintenance of such a repository is in itself a mandatory requirement of OGP's participation and co-creation standards.

In addition to online channels, the government could also leverage offline channels, which will ensure more extensive reach. Further still, the PPDO could identify OGP champions and spokespersons, in addition to the provincial Governor, who could promote the OGP initiative among a wide audience, including diverse stakeholders outside the provincial capital. The PPDO can be supported in such efforts by specific MSF member organizations, particularly those in the private sector (e.g., local chamber, Tourism Council) in partnership with the Provincial Information Officer (PIO) and the local office of the Philippine Information Agency/Tri-media.

Lead implementers, across government and civil society, could also utilize the OGP platform to work closely with one another and leverage opportunities for peer-exchange. The PPDO Secretariat, as the primary coordinating entity, could identify areas where commitment activities can be supported by other government offices, CSOs, or NGOs, especially for subprovincial implementation, and explore synergies. This will ensure strong stakeholder buy-in and help sustain the reform's momentum.

### 3. Pilot subprovincial integrity programs for eventual scaling up and creation of "integrity indices" and metrics to foster competitiveness across the province.

Conduct a survey on subprovincial competitiveness of LGUs including developing indices and mechanisms for measuring the impact of subprovincial integrity initiatives, which can be included as a priority activity of the Provincial Project Monitoring Committee (PPMC). This would entail a design workshop for stakeholders from subprovincial government units and community-based CSOs and POs.

**4. Scope and enter into agreements with potential partners who can provide technical assistance, especially for subprovincial initiatives.**
Establish South Cotabato as a "center for excellence for local governance," especially for other LGUs across Mindanao, and explore means to support its establishment. This may include, for example, partnerships with entities such as other LGUs (local and foreign, particularly in the ASEAN region), the Union of Local Authorities of the Philippines, the Local Government Academy, and the Development Academy of the Philippines.

Since the province already has an integrity program and awards system in place (iSouth Cotabato/*Dangal ng* South Cotabato), it can also foster competitiveness among the different municipalities and villages by expanding the competition to subprovincial categories. The SCIC/MSF can revisit this idea from its 13 September 2017 meeting, and include this as a potential priority project in future sessions, especially on how it can be piloted in specific areas.

Leverage distinctions and awards to attract investments and appropriate industries, and to secure funding to initiate or sustain special projects not programmed in the provincial budget.

**5. Enter into formal partnership agreements through MoUs for all five commitments.**
Establish formal accountability mechanisms for all five commitments and, as a best practice for future partnerships, the MSF should draft terms of partnerships for all collaborative activities. This was done by the lead implementers of the "open contracting" commitment, which has an MoU in place with clear roles and responsibilities agreed upon by all parties.

Since the action plan calls for a number of technology-dependent solutions, the local government should consider backup systems and renewable energy options for running the online platforms. Not only will this allow for 24/7 availability of information, but it will be vital during emergencies when information feedback loops are extremely critical. Partnerships with technology-based organizations and agencies will be crucial towards this end.

**Table 5.1: Five Key Recommendations**

| | |
|---|---|
| 1 | Support non-MSF member CSOs and NGOs to participate in the OGP process through outreach, capacity-building, and stronger mechanisms for accreditation. |
| 2 | Enhance efforts to raise awareness of the OGP initiative throughout the development and implementation of the action plan. |
| 3 | Pilot subprovincial integrity programs for eventual scaling up and creation of "integrity indices" and metrics to foster competitiveness across the province. |
| 4 | Scope and enter into agreements with potential partners who can provide technical assistance, especially for subprovincial initiatives. |
| 5 | Enter into formal partnership agreements through MoUs for all five commitments. |

## 5.2 Response to Previous IRM Key Recommendations

This section does not apply to the current report, as this is South Cotabato's first action plan.

# VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in South Cotabato's OGP repository, website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[1]

## Interviews and stakeholder input

The IRM Researcher conducted desk review of related literature, field interviews, and gathered feedback from both government and nongovernment stakeholder meetings. Initial contact was established with the OGP support unit consultant to determine the scope of the research and identify potential respondents. The South Cotabato PoC was then informed via email of the IRM field visit from 1 to 5 April 2019. The PoC coordinated the itinerary of the researcher and handled the identification of the interview respondents from the government and civil society, particularly members of the SCIC/MSF.

Given the limited timeframe of the field visit, the IRM researcher was not able to observe any OGP event, although on 1 April 2019, a special session was convened by the SCIC/MSF to brief the IRM researcher on the timeline of OGP activities and co-creation process of the action plan.

Follow-up calls and emails were also sent to key informants to augment the information gathered during the field visit.

## About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt

- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

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[1] IRM, *IRM Procedures Manual* version 3 (16 Sept. 2017), https://www.opengovpartnership.org/documents/irm-procedures-manual.

# Annex I. Overview of South Cotabato's performance throughout action plan development

**Key:**
Green= Meets standard
Yellow= In progress (steps have been taken to meet this standard, but standard is not met)
Red= No evidence of action

| Multistakeholder Forum | |
|---|---|
| **1a. Forum established: There is a forum to oversee the OGP process.** | Green |
| 1b. Regularity: The forum meets at least every quarter, in person or remotely. | Green |
| 1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure. | Green |
| 1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page. | Yellow |
| **2a. Multistakeholder: The forum includes both governmental and nongovernment representatives.** | Green |
| 2b. Parity: The forum includes an even balance of governmental and nongovernmental representatives. | Green |
| **2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.** | Green |
| 2d. High-level government representation: The forum includes high-level representatives with decision making authority from government. | Green |
| **3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum.** | Yellow |
| 3e. Remote participation: There are opportunities for remote participation in at least some meetings and events. | Red |
| 3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders. | Yellow |

**Key:**
Green= Meets standard
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Red= No evidence of action

| Action Plan Development | |
|---|---|
| 4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published. | Yellow |
| 4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process. | Yellow |
| 4c. Awareness-raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process. | Yellow |
| 4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity. | Yellow |
| **4e. Reasoned response: The multistakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.** | Green |
| **5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g., links to databases, evidence of meetings, publications).** | Yellow |

***Editorial note****: If a country "meets" the six standards in bold IRM will recognize the country's process as a Starred Process.*