

Independent Reporting Mechanism

Results Report:
The Philippines 2019–2022

Open
Government
Partnership



Independent
Reporting
Mechanism

Executive Summary

The Philippines’ fifth action plan improved access to civil society–government town hall meetings and to local government information. Its design process widened public participation in OGP, but this momentum was not sustained during implementation.

Early Results:

Five of the action plan’s eleven commitments achieved early results, producing fewer open government results than the last plan. Commitment 6 made major progress on freedom of information (FOI), as 61 local governments passed relevant ordinances during the implementation period. Commitment 1A also achieved early results, widening access to civil society–government town hall meetings (Dagyaw) and institutionalizing a capacity-building program for civil society organizations (CSOs) in local special bodies of local government units. Other commitments made marginal improvements to public information on extractives, Tripartite Industrial Peace Council diversity, and indigenous people’s representation in local decision-making bodies (Commitments 5, 7, and 9).

IMPLEMENTATION AT A

LEVEL OF

3/11

Complete or substantially complete commitments

EARLY

5/11

Commitments with early results

1/11

Commitments with major or outstanding early results

COMPLIANCE WITH MINIMUM

Acting according to OGP process.

Completion:

Three of the action plan’s ten commitments were substantially implemented (Commitments 1A, 5, and 10), which was a lower implementation rate than the previous plan (in which 9 of 13 commitments were substantially or completely implemented). This progress was mainly due to the commitments being situated as critical work programs and deliverables in their respective lead agencies. These commitments were also facilitated by regular interfacing with the Steering Committee, as well as monitoring. For the other commitments, limited implementation was largely the result of disruptions related to COVID-19 and the May 2022 national elections. The action plan’s noteworthy commitments also encountered implementation hurdles: Commitment 4’s Project DIME was terminated by its implementing agency; Commitment 6’s national FOI bill remained stalled by the legislature; and local government units were slow to agree to Commitment 8’s participatory research on nutritional and reproductive health.

Participation and Co-Creation:

Broad participation in the design phase of the action plan decreased during implementation. The Philippine OGP Steering Committee—composed of a government steering committee and a nongovernment steering committee—is the multistakeholder forum that oversaw this process. Stakeholders noted that the combination of the committees’ independence and collaboration was a major strength of the process’ governance. For the first time, the Philippines adopted a bottom-up approach to co-creation, developing the action plan commitments from a Citizen’s Agenda. Of the eleven priorities in the Citizen’s Agenda,¹ six became bases for commitments in the action plan. The consultations achieved wider reach than the previous action plan by

utilizing Dagyaw town hall meetings (which were subsequently expanded in Commitment 1A), with grants provided to the Caucus of Development NGO Networks by multilateral development agencies. New government participants in OGP took up commitments: the Department of Education, the Department of Labor and Employment, the Department of Social Welfare and Development, and the National Commission on Indigenous Peoples. During implementation, the Steering Committee piloted a complementary government-CSO monitoring process with quarterly status reports from responsible agencies and monitoring reports on select commitments from CSO groups (CSO monitoring was discontinued after 2020). However, apart from those directly involved in commitment activities, wider CSO and public engagement decreased over the course of implementation. With no strategic follow-up engagements, especially with local governments and local CSO networks, the momentum of public participation from the design phase stalled. Shrinking civic space² also limited CSO-government collaboration, as reported by a number of CSO commitment leads.

Implementation in Context:

The implementation period was initially planned for 2019–2021 and was extended to August 2022 because of the COVID-19 pandemic. The pandemic reduced political and agency focus on some of the action plan's initiatives and was a major obstacle to in-person activities. For initiatives like the civil society–government town hall meetings (Commitment 1A), the shift to online access increased participation, especially from the regions. However, this also limited participation to those with better connectivity and technical capability. IRM research found positive collaboration between civil society and government within the open government process against the backdrop of shrinking civic space in the Philippines. At present, CIVICUS defines the Philippines' civic space as repressed,³ given increasing incidents of red-tagging⁴ and limitations to civil society's operational space. The 2022 national and local elections also halted a number of activities, particularly for commitments involving local governments, with officials engaged in campaigns and post-election leadership transitions. Moving forward, the impact of local governments' commitments will be magnified by implementation of the Mandanas-Garcia ruling of the Supreme Court, which will further devolve the national budget and public service delivery.

¹ The themes involved in the Citizens' Agenda were: CSO and active citizen engagement, disaster risk reduction and management and climate change adaptation (DRRM-CCA), access to reliable government information, natural resource governance, solid waste management, public finance and resource allocation, agri-ecotourism through organic agriculture and fishery, the regulation and institutionalization of Talakayan in local government units, citizen participation in the Bangsamoro government, institutionalization of social dialogue in the public sector, and promoting participatory government in the Marawi rehabilitation efforts.

² "Philippines," CIVICUS, last modified November 15, 2022, <https://monitor.civicus.org/country/philippines/>.

³ "Philippines," CIVICUS.

⁴ Red-tagging refers to the act of labelling and accusing individuals and organizations of being left-leaning, subversives, communists, or terrorists by government stakeholders, particularly law enforcement agencies and the military, as a strategy against those perceived to be 'threats' or 'enemies of the State.'

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Section I: Key Observations

This action plan addressed IRM feedback on previous cycles by shifting from a government-driven process to a co-owned plan by government and nongovernment stakeholders; addressing gaps in multistakeholder inputs, skills, and tools through targeted capacity-building assistance and interventions; and going beyond the usual circles to consciously involve women, youth, indigenous peoples, and other sectors in strategic conversations and governance positions. This section highlights five key observations from the implementation process.

Observation 1: The OGP platform can protect civil society–government

collaboration. IRM research found positive collaboration between civil society and government within the open government process against the backdrop of shrinking civic space in the Philippines. At present, CIVICUS defines the Philippines’ civic space as repressed,¹ but both government and civil society stakeholders noted that the OGP process has protected some dialogue and joint planning across the public, private, and civil society sectors. The majority of the commitments provided CSOs and the public with opportunities to either co-create, enhance, or jointly monitor progress on civic engagement in governance. For example, online town hall meetings opened opportunities for CSOs to engage with government decision makers, providing a platform for dialogue on a range of policy issues, including civic space restrictions (Commitment 1A). However, civil society organizations reported that a restrictive operating environment and red-tagging impacted their wider work on extractives and human rights. Protecting civic space is an important policy area for the Philippines’ open government process. The next action plan offers the opportunity to introduce commitments that directly address violations of civic freedoms and extrajudicial killings, in collaboration with CSOs.

Observation 2: Gaps in OGP institutionalization impact the level of implementation.

This action plan saw a lower implementation rate than the previous action plan. COVID-19 restrictions and the 2022 elections were key obstacles, but the level of impact these had on implementation reflected gaps in the institutionalization of OGP in the Philippines. Without an executive order on open government to rally whole of government support for the action plan, or a systematic third-party monitoring and evaluation framework, many commitments were not completed. Among the commitments that were substantially implemented (Commitments 1A, 5, and 10), progress was mainly due to those commitments being situated as critical work programs and deliverables of their respective lead agencies. To improve future implementation, the Philippines can work to institutionalize OGP at the national and local government levels and implement a systematic monitoring and evaluation framework that actively engages CSOs or citizen monitors. This could improve accountability to the public on implementation goals and strengthen the multi-stakeholder forum’s ability to offer guidance on implementation obstacles. The next action plan cycle can also reinvigorate the process through new mechanisms to bolster co-implementation, such as commitment working groups.

Observation 3: Gender and inclusion influenced commitment design more than implementation.

After the agenda-setting phase of the co-creation process, CARE International facilitated participation by women’s rights organizations, which added gender and inclusion components to commitments but did not add gender-specific commitments.² The focus on gender and inclusion thinned over the course of implementation, and efforts were not pursued to deepen women’s rights organizations’ engagement in the commitments. This was

contextualized by a lower level of citizen engagement after the co-creation process. Some initial progress was made, for example, through producing a report on women's involvement in the extractives sector (Commitment 5); formally appointing women, youth, and informal workers' representatives to tripartite councils (Commitment 7); and engaging women, the LGBTQIA+ community, persons with disability, and senior citizens in FOI meetings (Commitment 6). However, across commitments, the level of participation and the impact of reforms on women and marginalized groups were not deliberately tracked during implementation. For the next action plan, PH OGP could consider involving a wider set of organizations focused on women and marginalized groups in the agenda-setting phase of the co-creation process³ and in the implementation of commitments. The Steering Committee could also consider more systematic gender and inclusion evaluation mechanisms across commitments.

Observation 4: When national legislative actions stall, local solutions can address gaps. During implementation, commitments attempted to pass bills on budget modernization, freedom of information, and the Extractive Industries Transparency Initiative (EITI), but each bill stalled. These efforts have been focal to a number of commitments across the Philippines' action plans. They have faced a lack of sustained political leadership and shifting legislative priorities as governments change. Since the Philippines joined OGP, the open government process has gained traction among national agencies, but legislator buy-in has been slower. This action plan's co-creation process did not proactively engage legislators. A number of national agencies and CSOs continue to be invested in lobbying for people-centered legislation, but momentum is not carried within the houses of Congress. In this action plan, although national FOI legislation was not passed, Commitment 6 initiated 61 local FOI ordinances. This illustrates an opportunity to further commitment objectives despite shifting national legislative priorities. Civil society stakeholders expressed the intent to pursue this strategy of localization in future action plan cycles.⁴

Observation 5: Government portals need a user-centric approach. This action plan included seven commitments on government-managed websites or portals. Most intended to improve access to information on government projects and public monitoring. Major gaps in the process for developing these portals were meaningful consultation with the public on the portals' features and usability and human resources for data management and sharing. Consequently, implementers often focused on technical needs assessments and specification requirements and made only initial attempts to engage with targeted users. As an illustration, the Department of Finance centralized EITI-related information in a portal, but catered to a limited audience, as the format of the information was too technical for small industry players or the general public. Apart from hardware and software, user uptake is a critical factor for the success of government portals and open data initiatives. Digitalization of government data and files has also not been systematic across agencies because of the lack of data management protocols, guidelines, and structures. Given that e-governance is a priority of the current administration, agencies could craft a stakeholder map for such initiatives, mobilizing resources for getting buy-in, building users' capacity, and developing a plug-and-play ecosystem of contributors and users for these projects.

¹ "Philippines," CIVICUS, last modified November 15, 2022, <https://monitor.civicus.org/country/philippines/>.

² "Philippines IRM Design Report 2019-2021," Open Government Partnership, accessed February 6, 2022, <https://www.opengovpartnership.org/documents/philippines-design-report-2019-2021/>; Rebecca Haines, Tam O'Neil, and Kara Medina, *Opening Open Government: Women's Rights Organisations and the Open Government Partnership*

in the Philippines, 2020, <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/60702/IDL%20-%2060702.pdf?sequence=2&isAllowed=y>.

³ Rebecca Haines, Tam O'Neil, and Kara Medina, *Opening Open Government: Women's Rights Organisations and the Open Government Partnership in the Philippines*, 2020, <https://idl-bnc-idrc.dspacedirect.org/bitstream/handle/10625/60702/IDL%20-%2060702.pdf?sequence=2&isAllowed=y>.

⁴ Interview with Chadwick Llanos (Administration Director), Sectoral Transparency Alliance for Natural Resource Governance in Cebu (STANCE), July 5, 2022, via Zoom meeting; PH-OGP Nongovernment Steering Committee and Nongovernment Secretariat: Interview with Patricia Sarenas (Chairperson, MINCODE), Jennifer de Belen (former Program Manager, CODE-NGO) and Mhafe del Mundo (former Project Officer, CODE-NGO), August 5, 2022, via Zoom meeting.

Section II: Implementation and Early Results

The following section looks at the two commitments that the IRM identified as having the strongest results from implementation. To assess early results, the IRM referred to commitments identified as promising in the Design Report as a starting point. After verification of completion evidence, the IRM also took into account commitments that were not determined as promising but that, as implemented, yielded significant results.

Commitment 1A: Local Government Fiscal Openness (Department of the Interior and Local Government, Department of Budget and Management, and Philippine Partnership for the Development of Human Resources in Rural Areas)

Context and Objectives

This commitment aimed to strengthen civic participation by passing a national policy on participation in the budgeting process, holding civil society–government town hall meetings (Dagyaw), and introducing an online CSO desk at the Department of Budget and Management (DBM) for participation in the budget process. The commitment also planned to increase CSO engagement in local special bodies (LSBs) and participatory budgeting processes as well as introduce a government project monitoring app (DevLive). These initiatives built on efforts by the Department of the Interior and Local Government (DILG) and the DBM to mainstream participatory governance as chairs of the Participatory Governance Cluster of the Cabinet.¹ They were contextualized by a backdrop of shrinking civic space. CIVICUS defines the Philippines' civic space as repressed,² given increasing incidents of red-tagging and limitations to civil society's operational space.

The commitment made particular progress on Dagyaw and participation in LSBs. Dagyaw were introduced in 2018 to allow government to seek a public audience and citizens to ask questions or provide feedback on specific government policies, programs, or projects. However, before the implementation period, Dagyaw followed a top-down approach. The meetings' topics were determined by an all-government working group, drawn from surveys. The Caucus of Development NGO Networks (CODE-NGO) was involved in implementation of the town halls,³ but the sessions were limited by government representatives' travel availability.⁴ In terms of local special bodies, the Local Government Code mandates participation for health, peace and order, and education.⁵ A 2017 assessment found that some local government units only engaged civil society as a box-ticking exercise while others only worked with CSOs who agreed with their agenda. In addition, CSOs highlighted capacity constraints as an obstacle to meaningful participation.⁶

Did It Open Government? Marginal

Through this commitment, the DILG continued the Dagyaw town hall meetings' positive trajectory, improving the quality of participation and holding more than 110 meetings in 2019–2021.⁷ When the pandemic hit in 2020, the DILG pushed for the government to continue participatory governance measures. The Dagyaw improved accessibility by transitioning from in-person to virtual sessions and played a critical role in facilitating national and regional dialogues on COVID-19 issues (e.g., herd immunity, vaccine hesitancy, and public mobility). The International Budget Partnership cited the Dagyaw as a good practice for including public input

in decision-making on the COVID-19 response.⁸ The Kaabag sa Sugbo Foundation, a Visayas-based network of CSOs, reported that Dagyaw made it easier to monitor implementation of government programs and solicit direct government responses to issues raised by CSOs during the sessions. However, government bodies did not always take action on these issues following the sessions.⁹ In terms of collaboration, the commitment also introduced civil society–government co-creation in the design and implementation of the sessions through new national- and regional-level technical working groups. Additionally, documentation and reporting protocols were strengthened. The Dagyaw began to be officially livestreamed by RVTM,¹⁰ the presidential broadcasting network, which was linked to the PH OGP Facebook page and Facebook pages of other government agencies. The DILG produced reports on the sessions, documenting CSO comments and government responses.¹¹ According to the DILG and the Kaabag sa Sugbo Foundation, the Dagyaw instilled a greater interest in collaboration for both government and CSO participants.¹² It also proved to be an agile platform and provided evidence to inform future iterations.¹³

Another component of the commitment that exceeded its initial scope was capacity building for CSOs in local special bodies of local government units. Informed by a baseline study,¹⁴ the DILG, the Caucus of Development NGO Networks (CODE-NGO), Zuellig Family Foundation, and Synergeia Foundation developed a full training program for these CSOs to improve their performance within the local special bodies and their rates of accreditation by local government units.¹⁵ The implementers designed training modules and piloted the program in eight regions. In 2022, the DILG issued a Memorandum Circular (DILG MC 2022-083) with a provision on the capacity-building program. Following the implementation period, the DILG is set for a full program roll-out targeting 28,000 CSOs in local special bodies nationwide and has committed to run the training regularly. According to the Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA), a CSO commitment lead, this program helped take CSO engagement a step further, improving their ability to be full participants in local special bodies.¹⁶

The other initiatives under this commitment only achieved partial results. The United Nations Development Programme developed the DevLive application, which was pilot-tested by the DILG with PhilDHRRA; however, CSOs only used it to monitor government projects in one of the six targeted provinces due to technical bugs and insufficient project data on the app. Because of these technical issues, PhilDHRRA switched to the KOBO platform, which compared to DevLive, was customizable to user needs.¹⁷ The DBM CSO desk was not operationalized during the implementation period. Two versions of the Budget Modernization Bill (House Bill 9239¹⁸ and House Bill 418¹⁹) were filed in Congress but not passed. CSO consultations informed the amendments to the bill, particularly provisions mandating access to public financial information, the people's budget, and a participatory budget process.²⁰ DBM divisions worked in parallel to enable these measures, but the bill would have mainstreamed them across the bureaucracy and ensured continuity across administrations. Finally, there was no information available on intended gender-responsive and inclusive implementation of the commitment.

Looking Ahead

The DILG is considering expanding from end-of-year Dagyaw sessions to year-round offerings and localizing Dagyaw further through sessions at the provincial, city/municipality, and barangay levels. The impact of the Dagyaw sessions could be improved by reassessing CSO partnership roles in the technical working groups; providing ample lead time before sessions for

better CSO engagement; checking the adequacy of resources for CSOs and citizens to participate; improving the reporting process and disclosure of relevant documents; ensuring more balanced representation of government and nongovernment resource persons in the panels; and introducing mechanisms to track and report government responses after the sessions.²¹

The DILG will not continue using DevLive but intends to work with the Department of Information and Communications Technology to produce a similar app.²² As of February 2023, DILG was in the conceptualization and planning process for this app.²³ Moving forward, to deepen citizen engagement and track government responsiveness to citizen feedback, the DILG proposes promotion and adoption of participatory government metrics.

The current administration identified the Budget Modernization Bill as a priority legislative measure.²⁴ Once passed, the DBM expects to incorporate CSO input on the bill's implementing rules and regulations. Beyond the bill, the agency intends to continue capacity building and partnering with CSOs to improve budget monitoring, especially at the local level, in light of the Mandanas-Garcia ruling's upcoming increase of the local government share of national tax revenue and responsibility for executive agency functions.²⁵ Similar to the DILG's proposal, the DBM would also like to put in place a citizen feedback and budget accountability mechanism across government agencies, mandating reasoned response to budget proposal submissions. This would complement the mandated "Annual Budget Call," which is a budget preparation requirement to solicit CSO input on spending projects.

Commitment 6: Freedom of Information Law and Local Freedom of Information Program (Presidential Communications Operations Office-Freedom of Information Project Management Office, and Youth Alliance for Freedom of Information)

Context and Objectives

This commitment aimed to pass the Freedom of Information (FOI) Bill and 50 local-level FOI ordinances, coupled with civil society monitoring and development of a COVID-19 FOI portal. Efforts to pass this bill have spanned the last three national action plans, with numerous versions filed since 1987. The government's first FOI directive was issued in 2016,²⁶ setting in motion public disclosure from the executive branch, with major exceptions.²⁷ During the implementation period, the bill stalled in the 18th Congress. In the absence of this legislation, administrations have made increasing attempts to block public scrutiny of documents such as officials' Statements of Assets, Liabilities, and Net Worth; anomalous government transactions; and contentious state programs and projects.²⁸ However, during the implementation period, local government units began their first concerted effort to pass FOI ordinances.

Did It Open Government? Major

The Freedom of Information–Project Management Office (FOI-PMO) engaged local governments to provide a contingency measure for institutionalizing FOI. The number of local governments that had passed an FOI ordinance or executive order has tripled since the beginning of the implementation period, rising from 20²⁹ to 61 governments (14 provinces, 25 municipalities, and 22 cities), exceeding the commitment's target. These new ordinances represent major progress on opening access to information in the Philippines. This is the first

time a concerted effort to pass local FOI ordinances has been undertaken.³⁰ This strategy offers an alternative approach to providing access to information rights in the Philippines in the continued absence of national legislation. As the FOI-PMO expressed, the information most needed by the people in these regions often comes from their local governments.³¹ Local governments have access to the e-FOI portal and can directly respond to citizen requests via the portal.³²

The FOI-PMO provided support for local governments through technical workshops on crafting the ordinance and promotion and use of the e-FOI portal. These sessions helped broaden understanding of FOI as a right and a process and built champions and constituencies within local governments, beyond executive agencies at the national level. This effort complemented existing civil society efforts to engage local governments, such as Action for Economic Reforms' ongoing project to enhance Pasig City's existing FOI ordinance using global Right to Information indicators.³³ It also inspired new programs for local governments. The Makati Business Club plans to work further with local governments on FOI legislation that connects to ease of doing business and benefits local economies³⁴.

The implementation of the ordinances, however, was not tracked by the FOI-PMO or by civil society. During the implementation period, the Youth Alliance for Freedom of Information (YAFOI) was not able to formally organize an FOI youth network or monitor local government implementation of FOI ordinances. COVID-19 lockdowns significantly decreased the organization's activities and membership (composed of school and non-school-based youth organizations), and the transition to online meetings was a major difficulty due to internet connectivity problems in the provinces.³⁵

Anecdotally, some of the ordinances have begun to shift government transparency practices. When Cebu passed its FOI ordinance, the Cebu Citizens-Press Council commended this progress as essential to institutionalizing access to information.³⁶ In Laoag City, a city councilor commented that a major motivator for their new ordinance was city funds that had gone missing. He reflected that if the ordinance had already been in place, these discrepancies could have been uncovered earlier.³⁷ In Liloy Town in Zamboanga Del Norte, the local government combined the ordinance with an online platform to allow easy access to copies of local policies, ordinances, attendance records, and performance indicators of Sanggunian Council members. For some, implementation of FOI ordinances faced initial challenges. One CSO reported a circuitous process for requesting a public policy in Antique that was incorrectly marked confidential. When this challenge was shared at a workshop, a representative of the Antique government expressed the intention to ameliorate this issue.³⁸

In terms of the campaign for the national FOI bill, more than 100 CSOs were engaged in raising awareness and building capacity for FOI, but the bill was not passed. The breadth and depth of information sessions and civil society consultations gave credence to the draft House bill³⁹ and counterpart Senate bill,⁴⁰ according to Right to Know Right Now, Action for Economic Reforms, and the Makati Business Club. These civil society participants reflected that compared with previous drafting processes, this one benefitted from business sector engagement and effective mediation by the Technical Working Group formed by the FOI-PMO.⁴¹ However, a number of key factors set back passage of the bill, particularly in the Lower House. These factors included a lack of political mapping of key players prior to lobbying and hearings; prolonged technical working group discussion of provision proposals from various groups; deprioritization following

the pandemic; and prolonged committee hearing debates for provisions that lawmakers were concerned could be “used against government.”⁴² These provisions included the disclosure of Statements of Assets, Liabilities, and Net Worth (which was already mandated by an existing bill, Republic Act 6713⁴³); the right to a reply from government within a prescribed number of days; and exemptions (e.g., matters of security, diplomatic relations, and privileged discussions). Compared to the 17th Congress, where the FOI bill reached the third reading, this bill only reached the initial committee review and hearings. The Makati Business Club observed that while the Senate showed more support for the bill, especially the minority bloc, it adopted a wait-and-see stance while deliberations in the Lower House stalled.⁴⁴

Additionally, the Presidential Communications Operations Office (PCOO) did not create a COVID-19 dashboard as planned. The dashboard was considered redundant because PCOO also established the “Laging Handa” portal for the Interagency Task Force on COVID-19. YAFOI was also not able to launch their proposed tracker for public officials’ Statement of Assets, Liabilities, and Net Worth.

Looking Ahead

In 2023, the Philippine Information Agency (PIA) plans to continue work on FOI at the local level, including plans for a local government FOI conference.⁴⁵ In regions that have yet to pass FOI ordinances, residents are left to request information on their local government transactions from the national government, often without success. For example, OpinYon Laguna journalists referenced lack of a local FOI ordinance as a main factor enabling San Pedro City to withhold information on mismanagement of community water infrastructure.⁴⁶ The IRM recommends continuing to pursue passage and implementation of local FOI ordinances and executive orders. The League of Municipalities of the Philippines may also be able to help share recommendations on this effort to new provinces, municipalities, and cities. It is also essential to provide feedback channels, capacity building, and monitoring to support effective implementation of local FOI ordinances.

Both government and nongovernment stakeholders noted that the draft of the national FOI bill produced under this commitment was deemed the most comprehensive to date, largely due to more open engagement with a greater number of sectoral representatives. The FOI-PMO and CSO partners are still committed to continue partnerships and advocacy work. However, recent developments increased uncertainties: FOI was not mentioned as a priority legislative measure in the current president’s State of the Nation Address (SONA), and the PCOO was reorganized via Executive Order No. 2 of 2022.⁴⁷ This order transferred the FOI-PMO to the PIA, the Palace’s chief information and public relations arm, which reports directly to the Office of the President and is perceived as a less independent unit than the former PCOO. This reorganization effectively reset the relationships and dynamics established under this action plan, and CSO advocates had to set introductory and exploratory meetings with the new Press Secretary and director of the PIA.

Next steps will depend on the receptiveness of the current leadership; CSOs can further explore ways to integrate FOI in the e-governance and e-government agendas that were identified as priorities of this administration. If the FOI-PMO under the PIA and CSO advocates under the current administration attempt to refile the FOI bill, closer coordination with the Presidential Legislative Liaison Office and deepening engagement with legislators in both houses of Congress will be crucial.

- ¹ Exec. Order No. 24, by the President of the Philippines, May 16, 2017, <https://www.officialgazette.gov.ph/downloads/2017/05may/20170516-EO-24-RRD.pdf>.
- ² “Philippines,” CIVICUS, last modified November 15, 2022, <https://monitor.civicus.org/country/philippines/>.
- ³ The IRM received this information from the Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau during the pre-publication review period (February 24, 2023).
- ⁴ Czarina Medina-Guce, *Dagyaw Virtual Townhalls 2020: Accentuating Lessons to Boost Open and Inclusive Government-Citizen Dialogues* (Policy Paper), United Nations Development Programme and Department of Interior and Local Government, July 31, 2021, <https://drive.google.com/file/d/19OXVZ5yV-ioI1TqgDPvpD2g7xiEoPKN6/view>.
- ⁵ Czarina Medina-Guce and Ana Martha Galindes, “A Review of Citizen Participation Issues, Responses, and Prospects for Reform in Local Development Councils,” *Philippine Journal of Public Administration* 61, no. 1 & 2 (January–December 2017): 51–56.
- ⁶ CIVICUS and International Center for Not-for-Profit Law, *Assessment of the Enabling Environment for Civil Society Organizations in the Philippines*, September 2017, https://www.civicus.org/images/EENA_Philippines_En.pdf.
- ⁷ DILG. *Project Status Report as of August 31, 2022*. 2022. <https://drive.google.com/drive/folders/1Qn1E2PvAL2mkKDrcMp1FMBHf2WysvUji>.
- ⁸ International Budget Partnership, *Managing COVID funds: the accountability gap*, May 2021: 8, https://internationalbudget.org/covid/wp-content/uploads/2021/05/Report_English-2.pdf.
- ⁹ Interview with Catherine Ruiz (Network Coordinator), Kaabag sa Sugbo Foundation, August 29, 2022, via Zoom meeting.
- ¹⁰ RVTM. *Dagyaw 2020: Open Government Townhall Meeting*, November 2020, https://www.facebook.com/watch/live/?ref=watch_permalink&v=129294008692873.
- ¹¹ Interview with James Nigel Panganiban (Support for Local Governance Program-PMO), Glenn Miranda (Assistant Head, Support for Local Governance Program-PMO), Richard Villacorte (Project Manager II, Support for Local Governance Program-PMO), and Jennifer de Belen (Development Management Officer V, Support for Local Governance Program-PMO), Department of the Interior and Local Government (DILG), July 8, 2022, via Zoom meeting.
- ¹² Panganiban, Miranda, Villacorte, and de Belen, interview; interview with Catherine Ruiz (Network Coordinator), Kaabag sa Sugbo Foundation, August 29, 2022, via Zoom meeting.
- ¹³ Medina-Guce, *Dagyaw Virtual Townhalls 2020*.
- ¹⁴ Support for the Local Governance Program—Project Management Office, *Baseline Report: CSO Accreditation and Membership in Local Government Councils and Special Bodies*, November 9, 2020, <https://drive.google.com/file/d/1T14imW2X3hUx6xuqk0JbNMwZyQHZLb-/view>.
- ¹⁵ <https://drive.google.com/drive/folders/1uD2purvlnVytQgrJCSkp4tZOBTRfpOX>, p. 8
- ¹⁶ Interview with Katlea Zairra Itong (Program Manager), Philippine Partnership for Development of Human Resource in Rural Asia (PhilDHRRA), 29 July 2022 via Zoom meeting.
- ¹⁷ Itong, interview.
- ¹⁸ House Bill 9239, 18th Cong., Republic of the Philippines (2021), https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB09239.pdf.
- ¹⁹ House Bill 418, 19th Cong., Republic of the Philippines (2022), https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_19/HB00418.pdf.
- ²⁰ House Bill 418, Sections 53–56.
- ²¹ Medina-Guce, *Dagyaw Virtual Townhalls 2020*.
- ²² Interview with Richard Villacorte (Project Manager II, Support for Local Governance Program-PMO), James Nigel Panganiban (Support for Local Governance Program-PMO), Glenn Miranda (Assistant Head, Support for Local Governance Program-PMO), and Jennifer de Belen (Development Management Officer V, Support for Local Governance Program-PMO), Department of the Interior and Local Government (DILG), July 8, 2022, via Zoom meeting.
- ²³ The IRM received this information from the Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau during the pre-publication review period (February 24, 2023).
- ²⁴ Bea Cupin, “Summary: The Marcos administration’s priority bills,” Rappler, published July 25, 2022, <https://www.rappler.com/nation/summary-marcos-jr-administration-priority-bills/>.
- ²⁵ “Mandanas ruling provides opportunities for improving service delivery through enhanced decentralization,” World Bank, published June 10, 2021, <https://www.worldbank.org/en/news/press-release/2021/06/10/philippines-mandanas-ruling-provides-opportunities-for-improving-service-delivery-through-enhanced-decentralization>.
- ²⁶ Exec. Order No. 2, s. 20167, by the President of the Philippines, July 23, 2016, <https://www.officialgazette.gov.ph/2016/07/23/executive-order-no-02-s-2016/>.
- ²⁷ “Philippines,” Freedom House, accessed February 8, 2023, <https://freedomhouse.org/country/philippines/freedom-world/2022>.

- ²⁸ Interview with Vino Lucero (Convenor), Youth Alliance for Freedom of Information (YA4FOI), July 29, 2022, via Zoom meeting.
- ²⁹ Open Government Partnership, "Philippines Action Plan 2019–2022," published December 16, 2019, <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.
- ³⁰ Joint Memorandum Circular No. 2018, October 9, 2018, <https://www.foi.gov.ph/downloads/diig-jointcircular-20181009.pdf>.
- ³¹ Philippine News Agency, "FOI goes on full blast in Pasig City," published September 2, 2019, <https://www.pna.gov.ph/articles/1079354>.
- ³² Sample information request and LGU response in the e-FOI portal: <https://www.foi.gov.ph/requests/aglzfmVmb2ktcGhyHqsSB0NvbnRlbnQiEVVtQVAtMjE1NzYzMDYzNzgzDA>.
- ³³ Action for Economic Reforms, "Four LGUs celebrate wins in data-driven policymaking in FOI, UHC, and DRRM," published December 6, 2022, <https://aer.ph/four-lgus-celebrate-wins-in-data-driven-policymaking-in-foi-uhc-and-drrm/>.
- ³⁴ LinkedIn post on Makati Business Club meeting with Pasig City Mayor Vico Sotto. Accessed September 2022. https://www.linkedin.com/posts/makati-business-club_mbcdigitaldemocracy-digitaldemocracy-passfoinow-activity-6978923715946328064-ILrw?utm_source=li_share&utm_content=feedcontent&utm_medium=g_dt_web&utm_campaign=copy.
- ³⁵ Lucero, interview.
- ³⁶ Lorraine Ecarma, "Cebu City mayor signs FOI ordinance," The Rattler, published July 28, 2022, <https://www.rappler.com/nation/visayas/cebu-city-mayor-signs-foi-ordinance/>.
- ³⁷ Denis Agcaoili, "Laoag City council approves FOI ordinance, ABS-CBN News, published May 18, 2017, <https://news.abs-cbn.com/news/05/18/17/laoag-city-council-approves-foi-ordinance>.
- ³⁸ Sharra Elep, "Zamboanga Del Norte town approves FOI ordinance," Philippines Center for Investigative Journalism, published July 8, 2021, <https://pcij.org/blog/2133/zamboanga-del-norte-town-approves-foi-ordinance>.
- ³⁹ House Bill No. 5776, 18th Cong., Republic of the Philippines (2019), https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HB05776.pdf.
- ⁴⁰ House Bill No. 5776.
- ⁴¹ Interview with Patrick Acupan (Project Associate), Action for Economic Reforms, 2 August 2022 via Zoom meeting; Interview with Alex Panaguiton (Senior Project Manager), Bern Bautista (Budget transparency advocacy manager), and Jazen Abawag (Project Officer), Makati Business Club, August 5, 2022, via Zoom meeting.
- ⁴² Direct quote from interviews with AER and MBC.
- ⁴³ House Bill No. 5776.
- ⁴⁴ Abawag, interview.
- ⁴⁵ April Grace Padilla, "FOI drive underpins public access to information," Philippine Information Agency, published December 29, 2022. <https://pia.gov.ph/news/2022/12/29/foi-drive-underpins-public-access-to-information>.
- ⁴⁶ "Flawed System: Loopholes in FOI law bared," published December 18, 2022. <https://opinyon.net/national/flawed-system-loopholes-in-foi-law-bared>.
- ⁴⁷ Exec. Order No. 2, by the President of the Philippines, June 30, 2022, <https://www.officialgazette.gov.ph/downloads/2022/07jul/20220630-EO-2-FRM.pdf>.

Section III. Participation and Co-Creation

Participation of civil society organizations (CSOs) and the public broadened during design of the action plan, with a Citizen's Agenda informing the commitments. Joint government and nongovernment steering committees provided complementary leadership. The pandemic, however, caused major disruptions that scaled down meaningful participation in commitment implementation.

The Philippine OGP Steering Committee is co-chaired by the Department of Budget and Management (DBM) and the Mindanao Coalition of Development NGO Networks. It includes an equal number of government and nongovernment members (eight government and eight nongovernment members). Government agencies are permanent members,¹ and nongovernment members are nominated and elected by civil society organizations each cycle.² The committee is supported by a government secretariat under the Governance Reforms and Fiscal Transparency Division of the DBM and a nongovernment secretariat under the Caucus of Development NGO Networks. The OGP Steering Committee convened on a quarterly basis, with special sessions as needed and separate meetings of the government and nongovernment steering committees.³ Over the course of implementation, attendance from agency secretaries and undersecretaries dwindled (with the exception of the DBM, Department of the Interior and Local Government, and National Economic and Development Authority); for some agencies, only division or unit managers were represented, which delayed deliberations and decision-making. The steering committee sessions were not open to the public. The committee is governed by a Terms of Reference,⁴ but it is not institutionalized by an executive order or legislation. This contributed to a resource gap where government committee members have secured budgets for OGP commitments but civil society members often need external funding. This was exacerbated by reallocation of budgets in response to the pandemic. Government agencies covered the costs for convening committee meetings and activities.

Stakeholders noted that the secretariats' combination of independence and coordination was a strength.⁵ Nongovernment secretariat members considered themselves to be on equal footing with their governmental colleagues and described steering committee interactions marked by constructive critical engagement and mutual respect. A number of members have been involved since the first action plan, which contributed to consistency in the steering committee's work. The two secretariats also worked closely in ensuring consistent engagement with the government and nongovernment commitment holders during implementation and in monitoring progress and accomplishments. The committees reviewed project status reports and held advisory meetings with implementers as needed in response to any major delays or concerns flagged.

The co-creation process adopted a bottom-up approach to produce a Citizens' Agenda, which was the basis for crafting the commitments. The nongovernment steering committee led this process. It extended public involvement by using the existing platform of Dagyaw town hall meetings⁶ and financial support from the World Bank's Multi-Donor Trust Fund, the United States Agency for International Development, and the United Nations Development Programme. Of the eleven priorities in the Citizens' Agenda,⁷ six became bases for commitments in the action plan. Compared with previous action plans, the co-creation process held a record number

of regional consultations—16 regional workshops, with more than 1,000 participants—which gave greater legitimacy to the Citizen’s Agenda and the resulting commitments.

However, apart from those directly involved in commitments, wider public engagement decreased during implementation. With no strategic follow-up, especially with local governments and local CSO networks, the momentum of the co-creation process was not maximized. Shrinking safe civic spaces became barriers to sustaining and deepening OGP engagement of CSOs and the public. Additionally, CSO co-commitment holders noted that the shift to online meetings and activities during the pandemic had a detrimental effect on network and constituency building and largely limited access to those with the necessary technology, know-how, and stable internet connection, which was impacted by the regional digital divide.⁸ However, to some extent, the use of online channels widened the audience of and facilitated real-time question-and-answer sessions with participants and public users through the chat box or comments section during livestreamed meetings or activities.

In terms of monitoring implementation, the two secretariats employed a complementary approach. Direct oversight and guidance provided by the Steering Committee and the secretariats to the commitment holders helped cut red tape and move many commitment milestones to completion.⁹ The government secretariat required quarterly project status report submissions by the commitment holders.¹⁰ The nongovernment secretariat piloted third-party commitment monitoring groups, through which CSOs monitored Commitments 1A, 1B, and 3 during 2020 (the pilot was discontinued during the pandemic). This mechanism was meant to improve the previous action plan’s progress rating process and to provide yearly interim monitoring reports and recommendations to commitment holders and the Steering Committee, mirroring the IRM Results Report. For the next action plan, the Steering Committee co-created and approved a monitoring and evaluation (M&E) framework, which is expected to strengthen commitment M&E and overall governance of PH OGP initiatives in future action plan cycles.

The OGP portal was impacted by human resource constraints within the government secretariat. Centralized management of the portal by this secretariat limited commitment holders’ contributions to its content. The portal serves as an adequate repository of PH-OGP news and of basic resource materials, but, according to the PH-OGP secretariat members, regular and timely updating of the portal will further improve its efficacy as an OGP engagement platform.¹¹ Alternatively, the PH-OGP Facebook page was noted as a more interactive channel.

In future action plan cycles, the Philippines can take further steps to strengthen its co-creation process. By February 2023, an executive order was being finalized to institutionalize PH-OGP.¹² The Steering Committee’s composition could benefit from greater participation by department secretaries and representatives from the private sector, academia, and diverse CSOs. Operationalizing and adopting an M&E framework will also be critical for strengthening the advisory role of the Steering Committee, providing more regular feedback to implementers, and improving commitment completion and outcomes.

Compliance with the Minimum Requirements

The IRM assesses whether member countries met the minimum requirements under OGP’s Participation and Co-Creation Standards for the purposes of procedural review.¹³ During co-creation, the Philippines acted according to the OGP process. The two minimum requirements

listed below must achieve at least the level of “in progress” for a country to have acted according to OGP process.

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

Acted according to OGP process during the implementation period?	
The government maintained an OGP repository that is online, is updated at least once during the action plan cycle, and contains evidence of development and implementation of the action plan. ¹⁴	Green
The government provided the public with information on the action plan during the implementation period. ¹⁵	Green

¹ Open Government Partnership, “Republic of the Philippines,” accessed February 8, 2023, <https://ogp.dbm.gov.ph/>

² PH-OGP, “Philippine Open Government Partnership (PH-OGP) Steering Committee Non-Government Representatives Terms of Reference,” 2020, https://drive.google.com/file/d/1--qPdWgZ44vV2YQTgONcCYPof_71csQv/view.

³ Open Government Partnership, “Republic of the Philippines,” accessed February 8, 2023, <https://ogp.dbm.gov.ph/>

⁴ <https://drive.google.com/drive/folders/1Wvxh69Znr0ZOU5BOLxAjSZp5rVIIOf->

⁵ PH-OGP Steering Committee and Lead Secretariat under the Department of Budget and Management (DBM): Interview with Usec. Rolando Toledo (head, PH-OGP Steering Committee), and secretariat team members from the Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau (Clarissa Bautista, Robin Gumasing, Ericka Blas, and Kathleen Faye Nagales), July 26, 2022, via Zoom meeting. PH-OGP Non-government Steering Committee and Non-government Secretariat: Interview with Patricia Sarenas (Chairperson, MINCODE), Jennifer de Belen (former Program Manager, CODE-NGO) and Mhafe del Mundo (former Project Officer, CODE-NGO), August 5, 2022, via Zoom meeting.

⁶ The *Dagyaw* townhall meetings are regular national and regional CSO-government dialogues facilitated by the Department of the Interior and Local Government (DILG).

⁷ The themes involved in the Citizens’ Agenda were: CSO and active citizen engagement, disaster risk reduction and management and climate change adaptation (DRRM-CCA), access to reliable government information, natural resource governance, solid waste management, public finance and resource allocation, agri-ecotourism through organic agriculture and fishery, the regulation and institutionalization of Talakayan in local government units, citizen participation in the Bangsamoro government, institutionalization of social dialogue in the public sector, and promoting participatory government in the Marawi rehabilitation efforts.

⁸ Interview with Vino Lucero (Convenor), Youth Alliance for Freedom of Information (YA4FOI), July 29, 2022, via Zoom meeting; Interview with Katlea Zairra Itong (Program Manager), Philippine Partnership for Development of Human Resource in Rural Asia (PhilDHRRA), July 29, 2022, via Zoom meeting.

⁹ Interview with PH-OGP non-government steering committee head and secretariat: Patricia Sarenas (Chairperson, MINCODE), Jennifer de Belen (former Program Manager, CODE-NGO) and Mhafe del Mundo (former Project Officer, CODE-NGO), August 5, 2022, via Zoom meeting.

¹⁰ PH-OGP Repository, 5th NAP Project Status Report, accessed August 2022, <https://drive.google.com/drive/folders/17joUguEW5nc2MDIWTjmmXq12X6HVMv7e>.

¹¹ Interview with PH-OGP government secretariat: Clarissa Bautista (Supervising Budget and Management Specialist), Robin Gumasing, Ericka Blas, and Kathleen Faye Nagales from Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau, Department of Budget and Management (DBM), July 26, 2022, via Zoom meeting.

¹² The IRM received this information from the Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau during the pre-publication review period (February 24, 2023).

¹³ Please note that future IRM assessment will focus on compliance with the updated OGP Co-Creation and Participation Standards that came into effect on 1 January 2022: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>.

¹⁴ PH-OGP Repository and Action Plan Dashboard, accessed August 2022, <https://ogp.dbm.gov.ph/index.php/repository>, <https://ogp.dbm.gov.ph/index.php/action-plan>.

¹⁵ PH-OGP Repository and Action Plan Dashboard.

Section IV. Methodology and IRM Indicators

This report supports members' accountability and learning through assessment of (i) the level of completion for commitments' implementation, (ii) early results for commitments with a high level of completion identified as promising or that yielded significant results through implementation, and (iii) participation and co-creation practices throughout the action plan cycle.¹ The IRM commenced the research process after the first year of implementation of the action plan with the development of a research plan, preliminary desk research, and verification of evidence provided in the country's OGP repository.²

In 2022, OGP launched a consultation process to co-create a new strategy for 2023–2028.³ The IRM will revisit its products, process, and indicators once the strategy co-creation is complete. Until then, Results Reports continue to assess the same indicators as previous IRM reports:

Completion

The IRM assesses the level of completion for each commitment in the action plan, including commitments clustered in the Action Plan Review.⁴ The level of completion for all commitments is assessed as one of the following:

- *No evidence available*
- *Not started*
- *Limited*
- *Substantial*
- *Complete*

Did It Open Government?

The IRM assesses changes to government practices that are relevant to OGP values, as defined in the OGP Articles of Governance, under the "Did it open government?" indicator.⁵ To assess evidence of early results, the IRM refers to commitments or clusters identified as promising in the Action Plan Review as a starting point. The IRM also takes into account commitments or clusters with a high level of completion that may not have been determined as "promising" but that, as implemented, yielded significant results. For commitments that are clustered, the assessment of "Did it open government?" is conducted at the cluster level rather than the individual commitment level. Commitments or clusters without sufficient evidence of early results at the time of assessment are designated as "no early results to report yet." For commitments or clusters with evidence of early results, the IRM assesses "Did it open government?" as one of the following:

- *Marginal*: Some change, but minor in terms of its effect on level of openness
- *Major*: A step forward for government openness in the relevant policy area but remains limited in scope or scale
- *Outstanding*: A reform that has transformed "business as usual" in the relevant policy area by opening government

This report was prepared by the IRM in collaboration with Grace Santos and was reviewed by Brendan Halloran, IRM external expert. The IRM methodology, quality of IRM products, and

review process is overseen by the IRM’s International Experts Panel (IEP). The current IEP membership includes:

- Snjezana Bokulic
- César Cruz-Rubio
- Mary Francoli
- Maha Jweid
- Rocio Moreno Lopez

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual⁶ and in the Philippines Design Report 2019–2021. For more information, refer to the “IRM Overview” section of the OGP website.⁷ A glossary on IRM and OGP terms is available on the OGP website.

¹ For definitions of OGP terms, such as co-creation and promising commitments, see “OGP Glossary,” <https://www.opengovpartnership.org/glossary/>.

² PH-OGP Repository and Action Plan Dashboard, accessed August 2022, <https://ogp.dbm.gov.ph/index.php/repository>, <https://ogp.dbm.gov.ph/index.php/action-plan>.

³ See OGP, “Creating OGP’s Future Together: Strategic Planning 2023–2028,” <https://www.opengovpartnership.org/creating-ogps-future-together/>.

⁴ The IRM clusters commitments that share a common policy objective during the Action Plan Review process. In these instances, the IRM assesses “potential for results” and “did it open government?” at the cluster level. The level of completion is assessed at the commitment level. For more information on how the IRM clusters commitments, see Section IV on Methodology and IRM Indicators of the Action Plan Review.

⁵ See OGP, *Open Government Partnership Articles of Governance*, published June 17, 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf.

⁶ Independent Reporting Mechanism, *IRM Procedures Manual, V.3*, September 16, 2017, <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

⁷ Open Government Partnership, *Independent Reporting Mechanism Overview*, accessed February 8, 2023, <https://www.opengovpartnership.org/irm-guidance-overview/>.

Annex I. Commitment Data¹

Commitment 1A: Local Government Fiscal Openness

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Moderate

- **Completion:** Substantial
- **Did it open government?** Marginal

This commitment is assessed in Section II above.

Commitment 1B: Local Government Transparency in the Tourism Industry

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Moderate

- **Completion:** Limited
- **Did it open government?** No early results to report yet

This commitment made progress on only one of its milestones. As of October 2022, the latest draft of a Joint Memorandum Circular of the Department of Tourism (DOT) and the Department of the Interior and Local Government was undergoing a department-level review. This circular will encourage local government units to involve a wider range of civil society organizations (CSOs) in local tourism development planning and local tourism councils—particularly those representing marginalized populations. Its guidelines will not be binding for local government units. Implementation of the remainder of the commitment was hampered by a prolonged revision process for the circular, DOT personnel turnover, limited consultation with CSOs, and the need for re-approval of this project by the newly appointed secretary of tourism. Moving forward, the DOT notes that the pending local tourism governance provisions of the new National Tourism Development Plan could fast-track adoption of the Joint Memorandum Circular,² and the Mandanas-Garcia ruling will provide local government units with a bigger role in local development and basic services financing.³

Commitment 2: Participatory Monitoring of Last Mile Schools

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Moderate

- **Completion:** Limited
- **Did it open government?** No early results to report yet

Of more than 9,000 Last Mile Schools (disadvantaged schools identified by the Department of Education [DepEd]), this commitment targeted 44 as pilot sites for local CSO monitoring of

education service delivery. This monitoring, however, did not take place, with the draft of the necessary departmental order still under review as of October 2022. The DepEd and the CSO Education Cluster led by E-Net Philippines made initial progress on two of the commitment’s milestones, signing an agreement and beginning efforts to close the schools’ physical needs gap.⁴ However, as of June 2022, only 77 of the intended 165 classrooms (54%) had been built in 24 schools, and there was no internal tracking of ICT package delivery, with slow contracting of logistics providers. Overall, the program experienced administrative delays, breakdown in coordination between the DepEd and CSO partners, and reduction of the Last Mile Schools Program’s earmarked budget from PhP 6 billion to 1 billion with the onset of the pandemic⁵. In recent developments, there were indications of strengthening sustainability of the program: Congress allocated a budget for the program in 2022, and members of the CSO Education Cluster reported the intention to continue monitoring education service delivery and utilization of the DepEd Special Education Fund.⁶

Commitment 3: Expand and Improve the Open Data Philippines Portal

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Minor

- **Completion:** Limited
- **Did it open government?** No early results to report yet

Under this commitment, the Department of Information and Communications Technology (DICT) completed only two of five milestones: publishing open data materials for government agencies, and enhancing the user interface of the national government and open data portals (<https://gov.ph> and <https://data.gov.ph>) that were relaunched in July and August 2022. The robustness, security, and usability of these enhanced portals have yet to be tested with government agencies and the wider public. The implementation of other commitment milestones, according to the DICT, fell short because of the lack of a general mandate and standards for open data sharing among government agencies and the lack of incentives for agencies to contribute datasets to a central repository.⁷ By the end of the implementation period, the Joint Memorandum Circular among the DICT, Presidential Communications Operations Office (PCOO), and other agencies to institutionalize open data standards was still under review; agencies had not yet been onboarded to <https://data.gov.ph>; only one training with the Philippines Extractive Industries Transparency Initiative (PH-EITI) team of the Department of Finance was documented; and dialogues with CSOs and marginalized populations did not happen because of pandemic lockdowns and reallocation of government resources to COVID-19 response and recovery.⁸ The DICT hopes to revitalize efforts to promote and mainstream the use of these portals, with the E-Governance Act identified as a legislative priority of the current administration. Review and finalization of the act was underway in February 2023.⁹

Commitment 4: Participatory Infrastructure Monitoring

<p>Verifiable: Yes Does it have an open government lens? Yes Potential for results: Minor</p>	<ul style="list-style-type: none"> • Completion: Limited • Did it open government? No early results to report yet
<p>The Department of Budget and Management (DBM) and the Caucus of Development NGO Networks (CODE-NGO) worked to engage CSOs in using the Project DIME portal,¹⁰ a platform that was intended to present data and visual images on selected big-ticket government infrastructure projects until it was discontinued in November 2021. CODE-NGO, with support from Hivos, trained 5 CSOs, which then monitored 20 projects (mostly farm-to-market roads) in 5 provinces (Rizal, Palawan, Oriental Mindoro, Mountain Province, and Camarines Norte). They were not able to rely on DIME data for this monitoring because of gaps in data provided by implementing agencies. CODE-NGO submitted a policy paper to the DBM on the results of these monitoring activities, with recommendations for DIME platform improvements. Before the project was discontinued, the DBM initially presented to CSO partners a redesigned DIME platform (which did not go public) and drafted a business process manual and technical document for DIME, which have yet to be approved. DIME was severely hampered by insufficient funding, agencies’ noncompliance with data publication, and lack of third-party monitoring protocols.¹¹ DIME’s transition from an internal monitoring mechanism to a public mechanism stalled, and the project was discontinued following a change in leadership at the DBM. To date, the new administration is not considering reviving Project DIME.</p>	
<p>Commitment 5: Extractive Sector Transparency and Accountability</p>	
<p>Verifiable: Yes Does it have an open government lens? Yes Potential for results: Moderate</p>	<ul style="list-style-type: none"> • Completion: Substantial • Did it open government? Marginal
<p>This commitment was substantially completed, although the bill to institutionalize EITI was not passed (two House and two Senate bills were filed) and the contracts portal did not integrate beneficial ownership.¹² Beyond the intended milestone, in 2021, PH-EITI launched a beneficial ownership registry on its website.¹³ While 39 companies partially or fully disclosed beneficial ownership information, the registry is not yet comprehensive – For instance, this offered disclosures from 36 of the Philippines’ 278 mining companies (13%).¹⁴ In terms of the commitment’s other milestones, the Department of Finance (DOF) centralized publicly available extractives information, linking EITI databases to the portal¹⁵ and sharing EITI-related datasets in the old, deactivated Open Data PH portal. It also added a public feedback form to the PH-EITI portal,¹⁶ although this was not widely used.¹⁷ To support uptake, the DOF conducted awareness-raising efforts with national government agencies, private companies, and CSOs. However, in terms of usability, the reports and data in the EITI portal were not available in forms interpretable to local stakeholders or small mining industry players.¹⁸ The Department also added gender and employment data fields to the company reporting template for the 7th PH-EITI reporting cycle and published studies on women employed in large-scale mining companies¹⁹ and the feasibility of mainstreaming EITI data.²⁰ However, there was no evidence of action taken in response to these data and studies during the</p>	

implementation period. Additionally, the Sectoral Transparency Alliance on Natural Resource Governance in Cebu, Inc. (STANCE) convened an Extractive Industries Transparency Forum for Cebu (one of the Philippines’ 81 provinces). The local government of the municipality of San Fernando made verbal commitments for a municipal-level extractives transparency initiative, which did not move beyond the initial stage during the implementation period. STANCE also conducted community-based trainings on EITI and natural resource governance as well as a scoping study of small-scale extractives in Cebu. However, STANCE noted that overall, impact was limited by lack of support from the provincial government for relevant executive or legislative action and by gaps in understanding of the extractive industry and EITI. Civil society organizations reported that a restrictive operating environment and red-tagging impacted their wider work on extractives and human rights, and the resulting reputational damage was an obstacle to engaging with local stakeholders. They also reported a need for greater financial support and capacity building.²¹ In terms of overall engagement with EITI, the Philippines had a hiatus from the initiative in early 2022.²²

Commitment 6: Freedom of Information Law and Local Freedom of Information Program

<p>Verifiable: Yes Does it have an open government lens? Yes Potential for results: Transformative</p>	<ul style="list-style-type: none"> • Completion: Limited • Did it open government? Major
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This commitment is assessed in Section II above.

Commitment 7: Inclusive Participatory Review of Labor and Employment Policies

<p>Verifiable: Yes Does it have an open government lens? Yes Potential for results: Moderate</p>	<ul style="list-style-type: none"> • Completion: Limited • Did it open government? Marginal
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Only one of the commitment’s five milestones was fully completed. To widen the composition of the National and Regional Tripartite Industrial Peace Councils (NTIPC and RTIPC) beyond existing labor representation, the Department of Labor and Employment introduced migrant, youth, women’s representatives as well as representatives from the public, formal, and informal sectors (9 new representatives in the NTIPC and 271 in all 16 RTIPCs). Originally, these councils were mainly composed of workers’ and employers’ federation representatives (20 representatives each for the worker and employer sectors for the NTIPC),²³ with representatives from government agencies directly involved in labor-related and specific industry issues. The milestones on sectoral engagement in OGP activities and deliberation by RTIPCs were ongoing by the end of the implementation period, with delays in the reporting of

RTIPC resolutions. The Department reported that NTIPC reviewed at least 16 labor relation policies, but it is unclear whether this resulted in amendments to the policies.²⁴ The commitment did not result in the intended executive order institutionalizing social dialogue in the public sector, and PSLINK-PUBLIK was not able to schedule the necessary dialogues with the Office of the President on the issuance of an executive order and with the DBM because of the agencies' unresponsiveness. However, PSLINK-PUBLIK conducted 15 learning fora and dialogues with public sector unions and facilitated two public- and private-sector surveys on alternative work arrangements and support for health workers.²⁵ Beyond the commitment, PSLINK-PUBLIK reported involvement in deliberations for bills on Public Service Labor Relations²⁶ and the Magna Carta for Non-uniformed Personnel as well as for a local government ordinance on social dialogue.

Commitment 8: Nutrition and Reproductive Health Participatory Action Research

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Moderate

- **Completion:** Limited

- **Did it open government?** No early results to report yet

During the implementation period, the Department of Social Welfare and Development was not able to conduct planned participatory research involving beneficiaries of the Pantawid Pamilyang Pilipino Program (4Ps), its conditional cash transfer program. By August 2022, only preparatory activities had begun. The department completed its research design, workplan, training module development, and training of trainers and research planning teams. Unang Hakbang Foundation notes that these activities targeted participation from women and youth of both genders.²⁷ Over the course of the action plan cycle, initial CSO partners and local government units backed out of the initiative. Of the four targeted local government units, only Cabusao, Camarines Sur and Zamboanga City, Zamboanga del Sur agreed to join the project, and only one training was held in Cabusao for 4Ps parents and youth volunteers on malnutrition and teenage pregnancy. According to the 4Ps research chief, progress on the commitment was limited by lockdown restrictions, reallocation of funds for pandemic response, and turnover related to the 2022 national and local elections.²⁸

Commitment 9: Indigenous Peoples' Mandatory Representation at the Local Level

Verifiable: Yes

Does it have an open government lens?

Yes

Potential for results: Moderate

- **Completion:** Limited

- **Did it open government?** Marginal

Indigenous Peoples' Mandatory Representations (IPMRs) are seats for indigenous people in local decision-making bodies that have been mandated by the Indigenous Peoples' Rights Act since 1997. The National Commission for Indigenous Peoples reported that 10 IPMRs (in 2

provinces, 1 city, and 8 municipalities) were selected to participate under this commitment and that 50 online meetings, with indigenous peoples’ representatives, were facilitated to discuss IPMR issues in 2021. The percentage of provinces, cities, and municipalities with IPMRs in place rose from 7% to 27.9%, which fell below the commitment’s target of 78%.²⁹ This increase marginally improved representation for indigenous people in local decision-making bodies, as IPMRs have had varying levels of impact on local legislation and policies.³⁰ The commission has not begun the milestones to publish reports on IPMR implementation (Ulat Katutubo) and the general situation of indigenous peoples or to submit government responses to documented issues for indigenous people. The agency also was not able to re-institutionalize indigenous people consultative bodies. Reportedly, an obstacle to implementation was the revision of the guidelines and procedures for IPMR reporting. The commission did not reply to IRM requests for interview and information regarding this commitment.³¹

Commitment 10: Public Procurement Transparency and Participation through PhilGEPS

Verifiable: Yes

Does it have an open government lens?
Yes

Potential for results: Moderate

- **Completion:** Substantial
- **Did it open government?** No early results to report yet

This commitment was substantially implemented, but delays in updating the Philippine Government Electronic Procurement System (PhilGEPS) meant that it did not improve civil society’s ability to monitor contracting data. The PhilGEPS redesign process faced third-party contracting and service delivery issues. The updated portal was not launched by the end of the implementation period, although preparation for the portal was undertaken. For instance, PhilGEPS and the Commission on Audit (COA) worked with public auditors and other public, private, and civil society stakeholders to identify contracting data needs that were meant to be subjected to mandatory disclosure by procuring entities on the updated portal through a Government Procurement Policy Board issuance. In the meantime, the old PhilGEPS portal was linked to the old Open Data PH portal. In terms of participation in public procurement, the agencies trained COA auditors, national government agencies, private sector representatives, and CSOs on the use of the old PhilGEPS portal and data.³² With CODE-NGO support, CSOs monitored Project DIME procurement but could not make use of PhilGEPS because of the limited data available in the old portal.³³ Additionally, the activities with the PCOO’s FOI-Project Management Office (student caravans) were accomplished only near the end of the implementation period.³⁴ Overall, COA and CODE-NGO noted that through participation in this commitment, CSOs and state auditors gained a better understanding of the public procurement process. However, to achieve effective public monitoring, they called for technical capacity building and retraining on the updated PhilGEPS portal once it is launched.³⁵

¹ Editorial notes:

1. Commitments' short titles may have been edited for brevity. For the complete text of commitments, please see the Philippines Action Plan 2019–2022: <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.
2. For more information on the assessment of the commitments' design, see the Philippines Design Report 2019–2021: <https://www.opengovpartnership.org/documents/philippines-design-report-2019-2021/>.
- ² Interview with Ramil Basuel (OIC, Tourism Development Division) and Ramon Tiongco Jr. (Tourism Operations Officer), Department of Tourism (DOT), July 11, 2022, via Zoom meeting.
- ³ World Bank. "Mandanas ruling provides opportunities for improving service delivery through enhanced decentralization," June 10, 2021, <https://www.worldbank.org/en/news/press-release/2021/06/10/philippines-mandanas-ruling-provides-opportunities-for-improving-service-delivery-through-enhanced-decentralization>.
- ⁴ "DepEd, CSO seal partnership for Open Government Partnership," September 27, 2021, <https://www.manilatimes.net/2021/09/27/public-square/deped-cso-seal-partnership-for-open-government-partnership/1816171>.
- ⁵ Interview with Engr Annabelle Pangan (Chief of the Education Facilities Division, Abram Abanil (Director, Information and Communications Technology Service), and Haydee Lyn Toledo (Financial Management Reforms Committee), Department of Education (DepEd), July 15, 2022, via Zoom meeting.
- ⁶ Interview with Prof. Flora Arellano (President, E-NET Philippines), Olie Lucas (President, Unang Hakbang Foundation), and other members of the CSO Education Cluster, July 22, 2022, via Zoom meeting.
- ⁷ Interview with Sylvia Florence Posadas (Project Manager, National Government Portal) and the NGP Project Management Team: Sharmaine Parugrug, Jean Dominique Fortin, Annabelle Dela Cruz, and Niza Uy, Department of Information and Communications Technology (12 July 2022) via Zoom meeting.
- ⁸ Gelo Gonzales, "Digital services tax, digital government services: Tech priorities from SONA 2022, Rappler, July 25, 2022, <https://www.rappler.com/nation/digital-services-tax-government-services-technology-sona-2022/>.
- ⁹ The IRM received this information from the Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau during the pre-publication review period (February 24, 2023).
- ¹⁰ Department of Budget and Management, Republic of the Philippines, <https://www.dime.gov.ph/>.
- ¹¹ Interview with Allen Dale Sapungen, Joshua Reyes, Carl Angelo Ginez (former Project DIME team members from the Information and Communications Technology Systems Service), Department of Budget and Management (DBM), July 20, 2022, via Zoom meeting.
- ¹² Interview with Anna Leigh Anillo (PH-EITI Systematic Disclosure Specialist and OPG Point Person), Eastword Manlises (PH-EITI National Coordinator), Jane Baldago (PH-EITI Outreach Manager), and Mary Ann Dizon-Rodolfo (PH-EITI Grants and Procurement Specialist), Department of Finance (DOF), July 15, 2022, via Zoom meeting.
- ¹³ PH-EITI, "Beneficial Ownership Registry," <https://pheiti.dof.gov.ph/boregistry/#>.
- ¹⁴ Philippine Statistics Authority, "2018 Census of Philippine Business and Industry: Mining and Quarrying," November 16, 2020, <https://psa.gov.ph/content/2018-census-philippine-business-and-industry-mining-and-quarrying-0>.
- ¹⁵ Contracts Portal (<https://contractspheti.dof.gov.ph/>), Beneficial Ownership Registry (<https://pheiti.dof.gov.ph/boregistry/>), Extractives Data Generator (<https://pheiti.dof.gov.ph/edge/>), and Online Reporting in the Extractives Tool (<https://orepheti.dof.gov.ph/#/login>).
- ¹⁶ PH-EITI, <https://pheiti.dof.gov.ph/>.
- ¹⁷ Anillo, Manlises, Baldago, and Dizon-Rodolfo, interview.
- ¹⁸ Interview with Chadwick Llanos (Administration Director), Sectoral Transparency Alliance for Natural Resource Governance in Cebu (STANCE), July 5, 2022, via Zoom meeting.
- ¹⁹ Evalyn G. Ursua, Anna May V. Baquirin, Mary Jane N. Real, Maria Angela DLC Vallalba, *Women & Large-scale Mining in the Philippines: A Scoping Study*, Philippine Extractive Industries Transparency Initiative, October 2020, <http://pheiti.dof.gov.ph/download/women-and-large-scale-miningin-the-philippines-a-scoping-study/?wpdmdl=891>.
- ²⁰ *Feasibility Study: Mainstreaming EITI Data in the Philippines*, Philippine Extractive Industries Transparency Initiative, <https://pheiti.dof.gov.ph/download/feasibility-studyon-mainstreaming-eiti-data-in-thephilippines/?wpdmdl=1380&refresh=6051c5f71fdb1615971831>.
- ²¹ Lannos, interview.
- ²² "Marcos admin commits to transparency and good governance in the extractive industries," September 9, 2022, Department of Finance, <https://www.dof.gov.ph/marcos-admin-commits-to-transparency-and-good-governance-in-the-extractive-industries/>.
- ²³ Bureau of Labor Relations, Department of Labor and Employment, <https://blr.dole.gov.ph/wp-content/uploads/2017/10/tripartismandsocialdialogues.pdf>, <https://blr.dole.gov.ph/2014/12/11/tripartite-industrial-peace-council-members/>.
- ²⁴ Accomplished IRM questionnaire by the Policy and Program Development Division of the Department of Labor and Employment (DOLE), received via e-mail August 8, 2022.
- ²⁵ Interview with Dr. Annie Enriquez-Geron (President), Public Services Labor Independent Confederation–National Public Workers Congress (PSLINK-PUBLIK), July 21, 2022, via Zoom meeting.

²⁶ This bill institutionalizes Convention 151 of the International Labor Organization (ILO):

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312296

²⁷ The IRM received this information from the Governance Reforms and Fiscal Transparency Division, Fiscal Planning and Reforms Bureau during the pre-publication review period (February 24, 2023).

²⁸ Interview with Ma. Sylvia Alegre (Project Development Officer III, Policy Development and Planning Bureau and OGP focal person), Joy Tadeo (Project Development Officer IV, Planning, Monitoring and Evaluation Division, 4Ps Program) and Ms Mellanie Yubia (Research Chief, Planning, Monitoring and Evaluation Division, 4Ps Program), Department of Social Welfare and Development (DSWD), July 22, 2022, via Zoom meeting.

²⁹ NCIP Project Status Report as of January 31, 2022,

https://drive.google.com/drive/folders/1RLIY27vAyFXnEM8_sAq2NUZPA8NcHhhP.

³⁰ Sonny N. Domingo and Arvie Joy A. Manejar, *Review of Indigenous Peoples Policy and Institutional Grounding*, Philippine Institute for Development Studies, July 2020,

<https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps2020.pdf>.

³¹ IRM and the PH Secretariat contacted the NCIP on June 17, July 26, August 10, and September 5 but failed to secure an interview or get the accomplished Results Report questionnaire.

³² Interview with Rosa Maria Clemente (PhilGEPS Director) and team, June 29, 2022, via Zoom meeting.

³³ Interview with Sandino Soliman (Program Officer for Advocacy) and Jennifer de Belen (OGP Program Manager), Caucus of Development NGO Networks (CODE-NGO), July 19, 2022, via Zoom meeting.

³⁴ Clemente and team, interview.

³⁵ Interview with Marites Odtojan (State Auditor V, Officer-in-Charge), Jennifer Andrea Imperial (Chief Administrative Officer), and Maria Ramona Jimenez (Supervising Administrative Officer), Commission on Audit (COA), July 6, 2022, via Zoom meeting.