# Golden opportunity to pass the FOI bill

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Well over 30 years since a Freedom of Information bill was first filed in Congress, the call has recently gotten louder for the 20th Congress to immediately pass the measure that could become a legacy of the Marcos administration.

No less than Budget Secretary Amenah Pangandaman has added her voice to those urging Congress to act now on the measure long fought for by civil society groups and anti-corruption advocates who believe it would make government more transparent and public servants more accountable.

Pangandaman stressed during the recent celebration of Open Government Week that the FOI bill was urgently needed to uphold citizens’ constitutional right to the information they need on government activities to widen their participation in public affairs.

“The fact remains that we have yet to pass an enabling law that will truly uphold people’s constitutional right to information. This is why I am calling on everyone … to make our clamor for the passage of a law on right of access to information in the 20th Congress even louder and clearer,” Pangandaman said.

Rafael Ongpin, executive director of the influential Makati Business Club, shared Pangandaman’s view, saying that the country’s business community was eagerly looking forward to the measure that will guarantee public access to information and mandate full disclosure of all government transactions.

## Breeding grounds for corruption

The struggle to pass a landmark FOI law started as far back to 1987, in the aftermath of the People Power Revolution when the late Camarines Sur Rep. Raul Roco filed House Bill No. 498.

Since then, the House of Representatives and the Senate passed their own various versions with varying success, with the measure faltering at different stages as vested interests watered it down or outright killed it.

The FOI bill came closest to being passed into law in the late 2000s when the House passed its bill, followed by the Senate in 2009. A reconciled version hammered out by a bicameral conference was then approved by the Senate in 2010 but the House failed to do its part.

Former President Rodrigo Duterte did the next best thing in July 2016 when he signed Executive Order No. 2, granting public access to information by government offices.

But this was far from enough as it was limited to the executive branch and there was no guarantee that the information sought would be issued immediately or completely.

Then the local governments, which can be breeding grounds for corruption given their expanded roles under the Local Government Code and capacity to enter into potentially questionable multibillion contracts, were merely “encouraged to observe and be guided” by the Duterte EO.

## Vested interests

That the bill has faltered after numerous attempts and clear support from the grassroots can be blamed partly on vested interests who prefer that government transactions be kept under wraps and not exposed to rigorous scrutiny lest their good days of corruption come to an end.

Pangandaman, however, is showing clear determination to see it passed with the Department of Budget and Management dedicating time and effort to engage various stakeholders in a series of roundtable discussions to finetune a new version of the FOI bill.

She said the DBM had taken deliberate steps to promote transparency, accountability, and citizen participation as adherence to “open government principles” has been paying dividends.

Under her watch, the Philippines has been cited as Asia’s most fiscally transparent country in the latest Open Budget Survey, which should make both foreign and local financial institutions, potential investors, and multilateral lenders more confident in extending loans and grants to the country, knowing that their money is being put to good use under the cleansing light of transparency and good governance.

## Golden opportunity

More enlightened “champions of transparency” at the local level are seeing the value of openness, with 88 local government units passing their own FOI ordinances even without an enabling national bill.

Stumbling blocks to the bill’s passage remain, such as concerns over the extent of the information that can be disclosed given national security as well as privacy issues, but with a fresh mandate to the newly elected officials and growing and broader support, a golden opportunity has presented itself for the administration to accomplish what previous bodies had failed to do.

Clearly, the momentum is there and the Marcos administration can increase its chances of having the bill passed into law during its remaining years by employing the expertise of the government, private sector, academe, advocates, and legislators to harmonize the current bills and ensure that these align with international standards. With a key member of his economic team endorsing the measure, President Marcos must take the next logical step which is to certify the FOI bill as urgent and secure the commitment of his allies in Congress to pass it during his term.