



For inquiries contact:
Atty. Nepomuceno Malaluan
Co-Convenor and Spokesperson
Right to Know. Right Now! Campaign
Mobile: 0918 927 1501

FOI LAW HANGS IN THE BALANCE CAN SPEAKER NOGRALES PUT HIS HOUSE IN ORDER ON MAY 31?

by

The Right to Know. Right Now! Campaign
08 February 2010

LAST February 2 and 3, the last two days before Congress adjourned for the elections, the House of Representatives failed to take up the ratification of the Bicameral Conference Committee Report on the Freedom of Information Act.

The members of the House of Speaker Prospero Nograles were caught up in conflicts largely partisan and personal, that they could not bother with important and urgent public-interest legislation. Repeatedly, the rival camps questioned the presence of a quorum on both days.

In the end, the ratification of the Freedom of Information Act fell by the wayside, collateral casualty to the little wars of the honorable members of the House.

We had hoped to see that, as promised in his press statements earlier, Speaker Nograles would submit the FOI for ratification by the House before the members adjourn to campaign for the elections. We had hoped to see proof that Speaker Nograles could demonstrate leadership and get his House in order.

For two days, we hoped in earnest that the FOI law and other legislative matters of equal import would not be held hostage to questions over quorum, nor even to a contest over who should sit in one legislative district of Cebu.

The House failed us. We had hoped in vain, leading us to raise doubts now about the sincerity of Speaker Nograles's avowed support for the Freedom of Information Act.

Under Rule X, Section 61 of the Rules of the House of Representatives, **“(T)he consideration of conference committee reports shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any question.”**

In other words, the House should have taken up the ratification of the FOI Bicameral Conference Committee Report ahead of all other business, including the privilege speeches that were allowed last February 2.

This rule derives from one reason: the highly privileged status of a Bicameral Conference Committee Report, which settles the differences of the two chambers and perfects legislation as far as Congress can. A Bicameral Conference Committee Report, in gist, is the legislative business at its nearest completion. A bill so far advanced as to become the subject of a conference report is entitled to priority over other businesses of the Congress in an earlier stage.

This rule is copied from the Rules of the United States House of Representatives (presently in Rule XII, Section 7(a)). Section 246 of Reed's Manual of General Parliamentary Law explains why a conference report “shall be in order at any time”:

A conference report has precedence over any other business, because, being the procedure by which a final agreement is reached between the two Houses, the assent of both, which is essential to legislate on it, must be further advanced than any subject under debate. The courtesy, also, between the two bodies requires that precedence should be given to joint business. Accordingly, in the United States House the conference report is privileged, even against a motion to adjourn, and may be made at any time except while the journal is being read, the roll called, or the House dividing. This is but a declaration of general parliamentary law, except the privilege given as against a motion to adjourn.

But in total disregard for this rule, leaders of the House majority refused to introduce the Bicameral Conference Committee Report on the floor for ratification.

What happened, in fact, on February 2 and 3 to the FOI Act? Was it just a case of a Speaker projecting to the cameras for brownie points, and later forgetting about what he had said he believed in?

We keep our faith: If the House leadership wills it, the Freedom of Information Act can be ratified, and transmitted immediately to the President for enactment into law. For such a good law, the House can and must do it.

Congress resumes session on May 31. The rule giving privileged status to Bicameral Conference Committee Reports in the consideration of business remains applicable to the FOI Act.

The *Right to Know. Right Now! Campaign* has conducted the advocacy for the passage of the Freedom of Information Act in good faith and in the most positive manner.

We ask Speaker Nograles: Convince us that the trust we reposed on your leadership, and your avowed commitment to pass the Freedom of Information Act, will not be betrayed.

We ask Speaker Nograles: Expressly commit to the people that you will put the ratification of the Freedom of Information Act ahead of any business of the House when it resumes session on May 31.

We ask Speaker Nograles: Assure the people that you will lead the House of Representatives in the ratification of the Freedom of Information Act on May 31, and forthwith order its enrollment and transmittal to the President for approval.

The *Right to Know. Right Now! Campaign* will fight on.

We invite all those who wish to join the struggle to claim our Freedom of Information to be with us when we attend mass to be celebrated by Bishop Broderick Pabillo, Auxillary Bishop of Manila, on 14 February, 7 am, at the Sto. Niño de Tondo Parish at 600 L. Chacon St., Tondo, Manila.

We will hold a meeting after the mass to chart the next steps of our struggle.

After 23 years since the ratification of the 1987 Constitution, the passage of the Freedom of Information will finally come.

We will not fail!

Atty. Nepomuceno Malaluan Dr. Florangel Rosario - Braid	Action for Economic Reforms (AER) Asian Institute of Journalism and Communication (AIJC); Member, 1986 Constitutional Commission
Dr. Wilfrido V. Villacorta	Member, 1986 Constitutional Commission; Author of Right to Information on Matters of Public Concern (Art. III, Sec.7, 1987 Constitution)
Dean Antonio La Viña Mr. Red Batario	Ateneo School of Government (ASoG) Center for Community Journalism and Development (CCJD)
Prof. Luis Teodoro	Center for Media Freedom and Responsibility (CMFR)
Atty. Roberto Cadiz Mr. Sonny Fernandez	LIBERTAS National Union of Journalists of the Philippines (NUJP)
Ms. Malou Mangahas	Philippine Center for Investigative Journalism (PCIJ)
Mr. Vincent T. Lazatin	Transparency and Accountability Network (TAN)
Ms. Jenina Joy Chavez	Focus on the Global South – Philippines Program
Ms. Annie Geron	Public Services Labor Independent Confederation (PSLINK)
Ms. Yuen Abana Mr. Joshua Mata Rep. Walden Bello	Partido ng Mangagawa Alliance of Progressive Labor (APL) Akbayan
Atty. Virginia S. Jose Mr. Alberto Lim	Citizens' Battle Against Corruption (CIBAC) Makati Business Club
Ms. Yuen Abana Mr. Isagani Serrano	Partido ng Mangagawa Philippine Rural Reconstruction Movement
Mr. Sixto Donato Macasaet Raul Socrates Banzuela	CODE-NGO PAKISAMA
Ms. Maria Lisa Alano	Alternate Forum for Research in Mindanao (AFRIM), Inc.
Mr. Byron Abadeza	Affiliated Network for Social Accountability in East Asia and the Pacific
Ms. Judy Pasimio	Legal Rights and Natural Resources Center - Kasama sa Kalikasan
Mr. Isagani Serrano Mr. Teody Navea	Philippine Rural Reconstruction Movement Bukluran ng Mangagawang Pilipino (BMP)
Ms. Precy Dagooc	MAKABAYAN
Mr. Joseph Purugganan	Stop the New Round Coalition
Ms. Ana Maria R. Nemenzo; Ms. Mercedes Fabros	WomanHealth Philippines
Ms. Ellene Sana	Center for Migrant Advocacy (CMA)

Mr. Al Alegre	Foundation for Media Alternatives (FMA)
Mr. Ramon Tuazon	Philippines Communication Society
Mr. Alain Pascua	Katipunan ng mga Anak ng Bayan All Filipino Democratic Movement (KAAKBAY)
Mr. Joe Valencia	KASAPI-HELLAS
Mr. Nestor Villanueva	Akbayan Greece
Mr. Jun S. Aguilar	Filipino Migrant Workers Group
Dr. Jose Reuben Alagaran	Philippines Communication Society
Dr. Jose Reuben Alagaran II	Philippines Communication Society
Mr. Nonoy Oplas	Minimal Government Thinkers
Prof. Gigi Francisco	Development Alternatives with Wome for a New Era (Dawn)
Mr. Roby Alampay	Southeast Asian Press Alliance
Ms. Teresita Quintos Deles	International Center on Innovation, Transformation and Excellence in Governance (INCITEGov)
Ms. Maita Gomez	Bantay Kita
Sylvia Estrada Claudio, M.D. PhD.	Center for Women's Studies, University of the Philippines
Dr. J. Prospero E. de Vera III	National College of Public Administration and Governance, University of the Philippines
Ms. Ma. Rita Melecio	Task Force Detainees of the Philippines- Davao Chapter
Mr. Juanito Enriquez	Civil Society Organization Forum for Peace
Ms. Edeliza Hernandez	Medical Action Group
Ms. Laudicia Casana	TF2 - Kilos Damit Inc.; Penn Phils . Inc. Employees Union – FFW; ARWAP (Anda Rural Women Workers Alliance for Progress)
Mr. Gus Miclat	Initiatives for International Dialogue (IID) Asia-Pacific Solidarity Coalition (APSOC)
Mr. Mario Galang	Ms. Hazel Jean Malapit
Mr. Manuel Buencamino	Atty. Frederick Mikhail "Spocky" Farolan
Dr. Madeline B. Quiamco	Mr. Cezar S. Belangel
Ms. Suzette Lazo	Ms. Girlie Sevilla
Prof. Michael Alba	Mr. Roberto Verzola
Ms. Aya Fabros	Ms. Menchie Flores-Obanil
Ms. Mary Ann Manahan	Mr. Filomeno S. Sta Ana III
Dr. Rene Ofreneo	Ms. Jessica Reyes-Cantos
Mr. Francis Joseph Dela Cruz	