



COUNTRY AWAITS FREEDOM OF INFORMATION LAW

On 12 May 2008, the House of Representatives passed on third reading House Bill 3732, or the Freedom of Information Act. On 14 December 2009, the Senate completed its action on the measure with the passage on third reading of Senate Bill 3308. After close to 23 years since the ratification of the 1987 Constitution, Congress is finally close to addressing the lack of legislation that has allowed the routine violation by government agencies of the people's right to information.

We, representatives of over 100 organizations and coalitions comprising public-interest groups, environmental protection advocates, independent media groups, print and broadcast journalists, farmers organizations and support groups, women's organizations, private and public sector labor unions, migrant workers, businessmen, academic institutions, and student and youth organizations, await with anticipation the day when the Freedom of Information Act finally becomes law.

We fully support the recommendation made by Representatives Erin Tañada and Joel Villanueva for a full adoption by the House of Representatives of S. No. 3308. We share their evaluation that S. No. 3308 is as much a House version as it is a Senate version. Having actively participated in the House and Senate legislative processes on the measure, we confirm their observation that the Senate Committee on Public Information chaired by Senator Alan Peter Cayetano adopted H. No. 3732 as starting point for their work. The amendments introduced by the Senate address remaining legitimate concerns raised by stakeholders and by Senators.

When passed into law, the Freedom of Information Act will provide the much needed substantive and procedural details that will make fully operational the Constitutional right of the people to information and the state policy of full public disclosure of all its transactions involving public interest.

First, it will provide a standard and definite procedure in dealing with requests for information. Requests, submitted personally, by mail, or through

electronic means, need to be complied with by government agencies in seven days.

Second, requests may be denied only when the information falls under exceptions narrowly defined and clearly specifying the legitimate public interest in keeping them secret. These exceptions pertain to national defense, foreign affairs, law enforcement, personal privacy, trade secrets, Congressional executive sessions, drafts of adjudicatory decisions, privileged information in legal proceedings, and such other information exempted by law or the Constitution.

Third, in cases of denial of access, citizens are given the right to appeal administratively, or to ask for review by the Ombudsman or by the Courts. Where the denial appears to be valid, the Act gives citizens the opportunity to prove a greater or overriding public interest in disclosure. Where the denial is illegal, the citizen concerned may file the appropriate criminal or administrative complaint.

Fourth, it will provide implementing mechanics for disclosure to the public, without need of request from anyone, of government transactions of utmost public interest such as procurement and infrastructure contracts, concession agreements, loans, and international agreements.

Fifth, it will provide numerous mechanisms for the active promotion of openness in government, such as the introduction of standards for the keeping of records, the obligation to publish important organizational information of agencies, and the requirement for government agencies to prepare a Freedom of Information Manual to guide citizens' access to information.

The Freedom of Information law will empower all of us to plant the seeds of strategic and irreversible governance reform in the country. Only the cynical and the forces of unaccountable and rapacious governance will stand in the way of its passage.

With only nine session days left for the 14th Congress to finish legislation from the time it resumes session on January 18 up to the time it adjourns for the elections on February 5, we keep faith that our Senate and House of Representatives will deliver.

With the Senate having named its delegates to the bicameral conference committee and transmitted the Freedom of Information bill to the Lower House, the ball shifts back to the court of the Lower House to do its part. We appeal to Speaker Prospero Nograles to respond to the people's clamor, and on January 18 to lead the House in concurring with S. No. 3308, or at the very least in naming

its representatives to the bicameral conference committee and immediately convening the same.

As we have done in the Senate during the most crucial session days last year, we will march to the House of Representatives when it resumes session on January 18 to claim our freedom of information. Right to know. Right now!

11 January 2010.

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| 13. Mr. Alberto Lim | Makati Business Club |
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