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Reading Paper

The Foiled FOI

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The Constitutional Birth of the Right to Information:

Section 7, Article III of the 1987 Constitution provides the fundamental framework for the Filipino people's right to information on matters of public concern. It provides:

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Shortcomings of Section 7, Article III of the 1987 of the Constitution:

The constitutional status of the Right to Information should have projected the Philippines before the international stage as one of the countries with strong adherence to principles of transparency and accountability.

However, despite its inclusion in our Constitution, the public's invocation of the right to information against the government only resulted in frustration and the gradual institutionalization of a culture of impunity and secrecy in government transactions and expenditures of public funds.

This deplorable situation was mainly brought about by a qualification in Section 7, Article III of the Constitution that the right of information is "subject to such limitations as may be provided by law".

Because of this qualification, there is a compelling necessity for the immediate passage of a Freedom-of-Information statute to enable the people to exercise their right to information on matters of public concern.

Corruption thrives because it can be so easily perpetrated in so many ways and can be so conveniently shielded from public scrutiny. The best source of evidence involving graft and corruption are usually records that are kept in the strictest confidence in the hands of government officials who may have participated in the commission of these offenses.

In a few instances, these anomalies are exposed by whistleblowers, such as the recently exposed P10-B Napoles grand scam of the century. By this time, however, a lot of public funds may have already been siphoned off into the pockets and secret bank accounts of corrupt public officials involved. The irony of this is that the government would again have to spend time and money to investigate and prosecute them after they are exposed.

The best way to fight corruption is prevention, which can only be achieved if transparency in government transactions is statutorily enjoined and definitively provided under a Freedom of Information Law.



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"What makes CenPEG's mission significant is that the power it seeks for the people is in the area of governance. Towards this end, it engages in policy studies and research, education, training and advocacy aimed at securing political and electoral changes that would bring hitherto marginalized sectors into active participation in defining and shaping the destiny of our nation."

There can be no doubt, therefore, that if an FOI Bill is signed into law, our government officials, however, inclined they may be to commit malfeasance in office, will think twice before doing so because every step of the way, the people will have access to all information concerning their acts and transactions.

In relation to the Freedom of Information provision of the Constitution, may I share with you some insights from an independent global human rights organization known as Article 19.

According to the London-based Article 19, over 90 countries representing nearly five billion people are now adopting their national laws or national regulations on the Right to Information, or Freedom of Information as we refer to it here in our country.

Article 19 informs that over the past year, new laws on the Right to Information were adopted in Mongolia, Liberia, and Bermuda. Many others have improved their laws on the Right to Information. In Australia, the archaic Freedom of Information Act of 1982 was substantially amended and improved. The Organization of American States adopted a model Right to Information bill for adoption across the Americas and the Carribean. In Uganda, a comprehensive whistle blowing law was adopted.

Lamentably, however, in the Philippines the Freedom of Information bill has remained pending in Congress since 2001, despite urgings of human rights activists, some lawmakers, as well as media organizations for the passage of the long-overdue Freedom of Information bill.

As a result of the seeming lack of determination on the part of the present leadership to push for the enactment of the FOI law, inordinate delays, token compliance with lawful deadlines, disregard for the Constitution's guarantees of the public's right to know, and a general slide to secrecy, not transparency, in most of the bureaucracy, continue to pervade in practically all agencies of the government.

The last automated elections showcased the lack of transparency in the different aspects of the election process. The right to vote was effectively diluted, if not, violated by Comelec. In particular, the automated election system's lack of verification, transparency, security, and other mechanisms have left the voters wondering whether their votes were counted accurately, or whether they were counted at all.

May I now address His Excellency Mr. President kung ang taong bayan ang BOSS mo or if Your Excellency wants those in government to follow your MATUWID NA DAAN, we respectfully and urgently urge you to certify to Congress as a priority measure, without any vacillation, the Right of Information Bill to ensure its early passage.