

Freedom of information bill, a solution to end corruption



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The House of Representatives miserably failed to ratify the Freedom of Information bill, would-be law 15 years in the making, because of the purported lack of a quorum to put the bill to a vote in the Lower House session hall. A month before that, then presidential candidate Benigno Aquino III promised that the FOI bill would be a priority if he became President. An FOI law, after all, would concretize his vision to stamp out government corruption by making the records of public transactions accessible to the public, especially the press (Dalangin-Fernandez, 2011).

On May 2010, Benigno Simeon “Noy” Cojuangco Aquino III was sworn as the country’s 15th President before millions of Filipinos at the Quirino Grandstand in Manila, vowing to deliver the nation from poverty and wiping corruption that grip the administration of his predecessor, Gloria Macapagal-Arroyo. During the historic event, Aquino disclosed that on top of his priorities is to tend the culture of bad governance and for him to set a good example in getting rid of corrupt practices in public administration (Mabasa, 2010). A good speech, however, does not yet make a good presidency, and Aquino’s first appointments and policy decisions were awaited eagerly. Soon after the inauguration the administration announced an executive order fleshing out the constitutional guarantee on the people’s right to information.

Aruna Roy, an Indian woman expressed support for the fourteen year advocacy to pass the bill in the Philippines. She shared that it also took India 13 years to pass the same bill but through the persistence of peasants and workers. She said “ If this congress passes the bill, there’s an image of trust, honesty and integrity. It’s done India a lot of good even if there’s as much corruption in India as there is in the Philippines.” India’s right to know

movement got its slogan from a woman who attended a press conference on the law. The press asked her, 'What does this have to do with you?' She said, 'When I send my son to the market with money and he comes back, I ask for accounts. This government spends billions of rupees in my name, won't I ask for accounts?' (Macaraig, 2010)

This paper will present some arguments on why the Freedom Information Bill (FOI) of the Philippines is not the solution in ending corruption. First, we will have to discuss some concepts and terms that will later be presented in this paper.

The "new" proposed Aquino's version of the bill

Freedom of information laws by country detail legislation that gives access by the general public to data held by national governments. More than 90 countries around the world had implanted some form of freedom of information legislation. It seems like the Philippines is following the trend and failed to do so for the 15th year postponement. Cabacungan and Bordadora (2012) quoted Abad who had said "President Aquino believes that we can curb corruption more successfully and strengthen public institutions if citizens are given greater access to official information". Aquino was elected on the year 2010 yet 2012 had come and still the FOI is still undergoing congress reading. The bill is not yet enacted for the president has prepared a Malacañang version of the Freedom of Information (FOI) bill.

The said bill had already undergone numerous changes but President Aquino announced on February 3, 2012 a proposed Freedom of Information bill that was transmitted by the Secretary of Budget and Management to

administration coalition allies in the House of Representatives. This proposed bill is an integral element of the Aquino Good Governance and Anti-Corruption Plan of 2012-2016. According to the palace, there are some changes that would be advantage compare to the prior bills in the congress. It expanded access to financial information such as SALNs of government officials and access to other kinds of information such as transactions by incorporating a provision making the posting or publication mandatory. The public is spared from the tedious work of trying to access information from different agencies when the information is made available in one portal, the Official Gazette website (www.gov.ph) being the official publication. The bill asks government agencies to translate key information into major Filipino languages and present them in popular form and means (Malalis, 2012).

All government agencies are required to prepare a Freedom of Information Manual that will contain details and procedures and serve as a guide on the matter. Moreover, freedom of information will empower the people to hold their leaders accountable and get actively involved in governance. Addressing questions on whether the administration would include the FOI bill as a priority measure that it wants Congress to pass, Manuel Quezon III said the wording of Abad's letter already indicated how fast the administration wanted the measure to pass. Quezon said that the president wants this bill to be the legacy of his administration (Cabacungan & Bordadora, 2012). Statements of assets, liabilities and net worth (SALNs) of top government officials will no longer require a subpoena for the public to be informed on bureaucrats' finances if President Benigno Aquino III's version of the Freedom of Information (FOI) Bill is passed by Congress.

Meanwhile, Casiño, principal author of one of the FOI bills filed in the House of Representatives, said the Palace did not offer any new provisions that would strengthen the measure, which is intended to ensure the public's right to government information. He cited for example a provision on the publication of the statement of assets, liabilities and net worth (SALN) of all public officials that was already provided for in House Bill No. 133 which he authored and filed on the first day of the 15th Congress in July 2010. Also, this provision, along with another on the mandatory posting on the Web sites of government agencies of all documents of public interest and concern, was already included in the FOI bills pending in the House committee on public information chaired by Eastern Samar Rep. Ben Evardone (Balana, 2012).

The bill is toothless

Bayan Muna Rep, Casiño expressed concern that the Palace version may still contain too many exceptions that would render the law ineffective and toothless. Quezon explained that the exceptions to the mandatory-disclosure provision were those " recognized by law and jurisprudence (on information that) would harm the ability of the state to protect peace and order or would harm our diplomatic relations with other countries" (Olea, 2012). The lawmaker also said that in the Palace version, information relating to law enforcement and defense had six exceptions, giving police and defense officials very wide leeway in hiding information on violations of human rights and international humanitarian law (Balana, 2012). Luis Teodoro, deputy director of the Center for Media Freedom and Responsibility (CMFR), said: " A scan of the administration bill reveals a focus on restrictions rather than the right to information. The administration bill expands the list of information

exempted from public disclosure, and through that alone already restricts the right to information.”

Among the exceptions stated on the bill are “ the records of minutes and advice given and opinions expressed during decision-making or policy formulation as part of the Chief Executive’s deliberative process. Once policy has been formulated and decisions made, minutes and research data may be made available for disclosure unless it is made in executive session.” Teodoro, also said the provision forbidding the release of information on policy discussions until the adoption of a policy is “ antithetical to the principle of citizen participation in the making of state policy.” The Palace version also replaced “ national defense” with “ national security” in the Congress versions of the bill as grounds for invoking exceptions.

How lawmakers utilize their Priority Development Assistance Fund (PDAF) or pork barrel isn’t on the list of public interest documents required to be disclosed on the Aquino administration’s version of the Freedom of Information (FOI) bill. Budget Secretary Florencio Abad, a member of the good governance cluster of the Cabinet, said this was because the Department of Budget and Management (DBM) was already disclosing PDAF-related information of House members on its website (Bordadora, 2012). Again, in his paper, Teodoro said this provides government agencies the same catch-all excuse for withholding information that has in the past been used to justify government secrecy and even the commission of human rights violations (Olea, 2012).

The bill as a public stunt

Bayan Muna Rep. Teodoro Casiño is unimpressed by what he considered a mere “ publicity stunt.” He argued that there is already a superior version of the FOI bill at the committee level in Congress and there is no need for another version from Malacañang. He added that what is really needed is the political will and push from President Aquino or Speaker Feliciano Belmonte to pass the bill. He said that the truth is the President does not want this bill to be pass and added it was only for a show. The Palace version is watering down the FOI for the congress waited for one year and seven months. Worst, The Palace draft had been sent with a great deal of media hype (Cabacungan & Bordadora, 2012).

Conclusion

Even though there are uproars that the Freedom of Information (FOI) Bill could be the key or solution to end corruption and anomalies in the government once and for all, my opinion would still be no. For how it can end corruption and anomalies in the government if the government itself is the one who controls the public documents to be publicized and could choose which one to be exposed and obscured. Hearing the news and the reading the newspapers, we can observe on how PNoy had promoted the FOI Bill during his candidacy. After he was elected, he was precluding on the process of enacting the bill. This year, 2012, he proposed the Palace version of the bill with added exceptions and is now eager again in the enactment of the bill.

The form of government or leader would not matter for the government will still seek its self-protection from being scrutinize and led by the hands of the civil society. This will lead the government to be ruled by anarchy. One <https://assignbuster.com/freedom-of-information-bill-a-solution-to-end-corruption/>

acceptable excuse of the government was to guard itself against unscrupulous inquiries of unknown civilian who are requesting for public documents. In this case, they would only provide which the government personally deem for public disposal and conceal most of it. Numerous fear of the government like the destabilized national security or defense, espionage form other countries, secret terrorist attack imply loudly that this bill is not the key to end fraud or corruption in the government. Obviously, it is not the solution but the key for upcoming more problems to be face.

Filipinos are indeed insensitive that the president will not be bias and will open every government agencies and departments to the public. Unless, PNoy is foolish enough to risk the National Security of the Philippines, the perfect version of the bill dreamed by the people will not be enacted. Actually, the present administration have already modified this bill according to some reports that do not suits the desires of those who advocates it but rather that will suits the interest of the government itself which is the national security of the government.