

THE FREEDOM OF INFORMATION BILL

What is the FOI Bill?

- A proposed legislation that will concretize what has been enshrined in the Constitution regarding the people's right to have access to records, documents, and all other official acts of government as guaranteed in Sec. 7 of our Bill of Rights

Specifically:

1. The proposed law hopes to clarify and identify what information may be withheld from us, as the spirit of the proposed law makes it a general rule that all information must be made accessible to the public.
2. The law shall also lay down the procedure for the retrieval of the information
3. It will also provide for the process by which one can seek redress in case a request for information from a government office has been denied.
4. The law imposes sanctions – administrative, civil and criminal to those public officers and employees who fail to abide by the provisions of the law
5. The law also introduces record keeping standards and other mechanisms as would promote transparency in Government

Why care about the FOI bill?

1. Aside from putting into an enabling law our constitutional right, it also makes real the concept of "Accountability" of our government that operates under a "representative" or democratic system – a government that works for the people.
2. It promotes "transparency" in public office – a crucial component in the war against corruption.
3. As educators, our knowledge of how things work in government – from day to day transactions (i.e. procurement contracts), to the complete list of all Presidential appointees, to other vital documents (i.e. private sector participation agreements or contracts in infrastructure and development projects like the PIATCO, and other development projects, contracts like the FTAA or MPSAs which becomes the tool for the exploitation our natural resources) --- enables us to impart to our students a more realistic, truthful, fact-based instruction on issues involving the state of our government.

Why is it significant NOW?

1. The FOI law is a law that has long been awaited... 26 years after the EDSA revolution which heralded a new constitution enshrining state policies of transparency and accountability in the conduct of all public officials, we have yet to fully realize this vision.

2. Pres. Noynoy Aquino's presidential campaign has been all about the "daang matuwid" and the call for transparency and accountability. The ouster of former SC CJ Corona was all about the clamor of the people for members of the judiciary to be transparent in the declaration of their assets and liabilities. The key appointments made by Pres Pnoy all rests on the idea of having people in office who the people can trust – this law simply expands what the platform of the current administration is all about.
3. That the Executive branch of government has also submitted their version of the FOI manifests their commitment to put into reality this long awaited piece of legislation. They have been quoted as saying "the ball is in their court" (referring of course to Congress.)
4. With the 2013 elections coming up, issues about a politician's assets or of being "beholden" to a particular person or company would become even more relevant. The FOI campaign must take on a more active mode, pushing that it be included for deliberations before Congress adjourns in 2013.

Legislative Updates

1. 12 bills in the Senate, 12 in the House
2. The only controversial versions are those filed by Rep. Nograles (non-retroactivity provision); Rep. Romualdo (broader exceptions than the 10 provided by the Executive version), and the new bill filed by Rep. Antonino that inserts a Right of Reply provision
3. Senate held its first hearing in 14 October 2010; the House on 23 November 2010
4. House prepared its draft consolidated version and submitted it to the committee on Feb 2010 (per TWG Chair, Rep. Erin Tanada)
5. Executive also prepares its version; Malacanang study stalled the legislative efforts, Rep. Tanada dialogues with the Exec,'s group.
6. Senate conducted hearing last August 18 where study group submitted its latest version without Pres. Aquino's endorsement.
7. Pres. Aquino endorses study group's amendments in January 2012, and transmits to House and Senate in Feb 2012. Rep. Tanada submits new proposed consolidated bill with Malacanang amendments.
8. House conducted hearing on March 13 2012.
9. Senate Committee chaired by Sen. Honasan submits their committee report on 23 May 2012 with substitute SB 3208 now awaiting plenary interpellation.
10. August 2012- the second proposed hearing at the House was cancelled by House Committee on public information Chairman Rep. Evardone, allegedly because the leaders of the House wanted to take up the bill, in a caucus of members of the majority coalition. (this cancellation took place about a week before the media celebrated FOI day on August 15 2012.)