

# Independent Reporting Mechanism (IRM): The Philippines Design Report 2019–2021

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This report was prepared in collaboration with Wadel S. Cabrera III, an independent researcher.

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## Executive Summary: The Philippines

The Philippines' fifth action plan contains a strong focus on citizen participation, from public monitoring of schools and infrastructure to increased participation in local governance. Admirably, a highly collaborative, bottom-up co-creation process led to a Citizens' Agenda that informed action plan design. While individually, most commitments are not ambitious, the action plan's focus on participation may be a foundation to address civic space issues more broadly in future action plans.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. The Philippines joined OGP in 2011 as one of the co-founding members. Since, the Philippines has implemented four action plans. This report evaluates the design of the Philippines' fifth action plan. Please note that the Philippines' submitted a revised action plan in response to the COVID-19 pandemic. The revised action plan includes updated commitment milestones and extends the implementation period until 2022. This report reviews the original action plan submitted in December 2019.

<p><b>Table 1. At a Glance</b>          Participating since 2011          Action plan under review: Fifth          Report type: Design          Number of commitments: 11</p> <p><b>Action plan development</b>          Is there a multistakeholder forum: Yes          Level of public influence: Collaborate          Acted contrary to OGP process: No</p> <p><b>Action plan design</b>          Commitments relevant to OGP values: 11 (100%)          Transformative commitments: 1 (9%)          Potentially starred commitments: 1 (9%)</p>
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### General overview of action plan

The Philippines' fifth action plan seeks to deepen and further institutionalize citizen participation in government processes, local development and planning, and other areas of government. Despite evidence of shrinking civic space and threats toward civil liberties brought about by the government's anti-drug campaign, the PH-OGP platform created a safe, productive space for government and nongovernment partners to forge a collaborative and meaningful partnership in developing the action plan.

For the first time since its participation in the OGP, the Philippines adopted a bottom-up approach to identify commitments. NGO Steering Committee members ensured that public feedback on past commitments and current government programs were collected to build the OGP Citizens' Agenda. The forum was also able to extend participation to include multiple sectoral and regional consultations due to grants awarded to the Caucus of Development NGO Networks by the World Bank's Multi-Donor Trust Fund, United States Agency for International Development, and the United Nations Development Program. Moving forward, broad consultations should be balanced with expert technical review to ensure that citizen priorities translate to ambitious commitments that have a strong alignment between the policy problem, activities, and proposed solution.

This action plan marks the first participation of several organizations and government agencies, including the Department of Education, Department of Labor and Employment, the Department of Social Welfare and Development, and the National Commission on Indigenous Peoples. In the previous action plan cycle, some agencies were involved in the co-creation

process, but expanded outreach enabled by donors and heightened government participation allowed for participants beyond the usual suspects.

All 11 commitments included in the action plan are relevant to, and consistent with, the OGP value of citizen participation, cross cutting different sectors, organizations, and policy areas. It is also important to note that all commitments were deliberately designed with gender-sensitive programming and an emphasis on inclusivity. This materializes through activities such as ensuring participation of disadvantaged groups, publishing gender-disaggregated government data, and introducing gender audit tools in monitoring and evaluating government data and activities.

Potentially starred commitments have transformative potential, are relevant, and verifiable. According to these criteria, the Philippines' has one potentially starred commitment:

- Commitment 6: Freedom of Information Law and Local Freedom of Information Program

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
Commitment 4. Participatory Infrastructure Monitoring: DBM will use citizen feedback submitted through the Project DIME portal to validate large infrastructure projects	The Department of Budget and Management could use Project DIME as a benchmark for participatory monitoring of government projects and replicate it in other policy areas and/or expand the scope to include infrastructure beyond big-ticket projects.	<i>Note: this will be assessed at the end of the action plan cycle.</i>
Commitment 6. Freedom of Information Law and Local Freedom of Information Program: Pass the FOI Bill, conduct outreach, and support FOI implementation at the local level	The Presidential Communications Operations Office could develop an evidence-based report on implementing the Freedom of Information Executive Order to respond to privacy and personal information security concerns with the FOI law as well as to mobilize public and political support for the bill.	<i>Note: this will be assessed at the end of the action plan cycle.</i>
Commitment 8. Nutrition and Sexual Health Participatory Action Research: <i>Pantawid Pamilyang Pilipino</i> recipients will use PAR to engage local government and shape nutrition and teen pregnancy programming	Revisit existing regulations regarding the <i>Pantawid Pamilyang</i> program and identify how the same participatory research could be institutionalized and replicated for issues beyond malnutrition and teenage pregnancy to guarantee local government action.	<i>Note: this will be assessed at the end of the action plan cycle.</i>

## Recommendations

IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan. Please refer to Section V: General Recommendations for more details on each of the below recommendations.

Table 3. Five Key IRM Recommendations

Improve the policy design of commitments to align better with the solution to the public problem identified
Hold workshops and/or create guidelines to gather experiences, best practices, and challenges from locally focused commitments
Incorporate a strategy to engage legislators to pass the Freedom of Information Bill
Collaborate with civil society to ensure civic participation is deepened and sustained across government beyond commitment implementation
Enhance commitments with a focus on government responsiveness to citizen input

## ABOUT THE IRM

OGP's Independent Reporting Mechanism (IRM) assesses the development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.

**Wadel S. Cabrera III** collaborated with the IRM to conduct desk research and interviews to inform the findings in this report.



## I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments complete commitments. Civil society and government leaders use these evaluations to reflect on their own progress and determine if actions have impacted people's lives.

The Philippines joined OGP in 2011. This report covers the development and design of the Philippine fifth action plan for 2019–2021.

The Independent Reporting Mechanism of OGP collaborated with Wadel S. Cabrera III, an independent researcher, to conduct desk research, interviews, and the initial draft for this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments and action plans. For a full description of the IRM's methodology, please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

## II. Open Government Context in the Philippines

The Philippines provides a dynamic context with the promise for significant open government reforms. Despite recent gains in extractive sector transparency and anticorruption efforts, major concerns surround the protection of human rights, particularly indigenous peoples' and workers' rights. Legislative open government reforms, such as passing the Freedom of Information Bill, would radically improve Philippines' open government landscape.

The Philippines' fifth OGP action plan came on the heels of the 2019 midterm elections, in which allies of President Rodrigo Duterte were given renewed mandates. Freedom House reported that the elections were generally perceived as credible, despite allegations of vote buying, some election-related violence, technical glitches, and procurement discrepancies.<sup>1</sup> Meanwhile, the 2019 Democracy Index categorizes the Philippines as a flawed democracy, ranking 54 out of 167 countries.<sup>2</sup>

According to the World Bank, the Philippines is one of the most dynamic economies in the Southeast Asian region. With an average annual economic growth of 6.4% between 2010 and 2019, the Philippines was expected to transition from lower-middle income to an upper-middle income economy. About 16.6% of the population live below the poverty line, according to 2018 data, which may worsen due to the negative impact of the ongoing COVID-19 pandemic on economic growth worldwide.<sup>3</sup>

### Transparency and access to information

The Global Right to Information (RTI) Index ranks the Philippines 124 out of 128 countries due to the limited realization of the constitutional right to information.<sup>4</sup> Building on efforts accumulated in the previous action plan cycles, Commitment 6 in the current action plan aims to pass the Freedom of Information (FOI) Law. The first FOI bill was introduced in the 8<sup>th</sup> Philippine Congress in 1987.<sup>5</sup> The current draft FOI bill was presented during the 12<sup>th</sup> Congress (2001–2004) and is still pending, which prompted President Duterte to issue an Executive Order (EO) in 2016 on Freedom of Information. The Presidential Communications Operations Office (PCOO) is tasked with the implementation of the EO. In March 2020, amid the COVID-19 pandemic, the president's office suspended the normal 15-day period for resolving FOI requests for offices in enhanced community quarantine.<sup>6</sup>

The Philippines has adopted the Open Data Charter and was ranked 22 out of 114 countries in the 2016 Open Data Barometer.<sup>7</sup> In 2017, most government datasets were available online free of charge, with the exception of land ownership and detailed government spending data. However, only one-third of these datasets were updated regularly, including detailed census data, detailed government budgets, legislation documents, international trade data, and public contracts. Most are not yet openly licensed, with the exception of detailed census data and national election results.<sup>8</sup> In addition to the eFOI portal, citizens can also access government datasets through the Philippine Government Electronic Procurement System (PhilGEPS) portal at [philgeps.gov.ph](http://philgeps.gov.ph), the Open Data Philippines (ODPh) portal at [data.gov.ph](http://data.gov.ph), and the full disclosure policy (FDP) portal at [fdpp.dilg.gov.ph](http://fdpp.dilg.gov.ph), among other platforms. Commitments 3 and 10 of the current action plan aim to enhance public access to the ODPh and PhilGEPS data.

### Civil liberties and civic space

The Civicus Monitor classifies civic space in the Philippines as obstructed.<sup>9</sup> Freedoms of expression, assembly, and association are protected under the Bill of Rights, the Civil Code, and the 1991 Local Government Code, but have been constricted by the president's anti-drug and anti-terror campaigns, according to the International Centre for Not-For-Profit Law (ICNL).<sup>10</sup> The anti-drug campaign has killed at least 8,663 people since 2016. Likewise, since 2015, 208 human rights defenders, journalists, and trade unionists have been killed.<sup>11</sup> In 2019,

the government labeled a number of indigenous organizations as communist terrorist groups and subjected them to extrajudicial killings.<sup>12</sup> United Nations (UN) human rights experts note that there has been no accountability for human rights and humanitarian law violations in the Philippines, while independent investigations by local institutions are thwarted and many in the opposition are silenced. The COVID-19 pandemic has further exacerbated restrictions on civic space, with quarantine enforced through arbitrary use of violence and lethal force.<sup>13</sup> Online and offline dissent has been stifled by problematic COVID-19 related laws and issuances. For example, the Bayanihan to Heal as One Act and the Mandatory Reporting of Notifiable Disease and Health Events of Public Health Concern Act was used by law enforcement to stifle dissent until it was allowed to expire in June 2020. The 2000 Anti-Terrorism Act broadened the definition of a terrorist and vastly increased the government's surveillance and detention powers. There are currently multiple petitions before the Supreme Court challenging the Anti-Terrorism Act's constitutionality.<sup>14</sup>

Freedom of expression has also deteriorated in the Philippines. Freedom House calls the Philippines "one of the most dangerous places in the world for journalists"<sup>15</sup> while Reporters without Borders (RSF) ranks the Philippines 136<sup>th</sup> out of 180 countries in its 2020 World Press Freedom Index. In 2019, local politicians had three journalists killed, while the president and his supporters perpetrated judicial harassment, online harassment, and cyber-attacks against critical news networks.<sup>16</sup> In July 2020, an overwhelming majority in Congress voted to shut down ABS-CBN, the largest Philippine broadcast network, which had been critical of the government's policies.<sup>17</sup> Critics have also noted shrinking media freedom in the country following continued criminalization of renowned journalist Maria Ressa, a vocal critic of the Philippine government.<sup>18</sup>

The current action plan includes four commitments to increase citizen participation in government processes. Commitment 1 aims to introduce a national policy on civil society participation in local and fiscal governance and to provide civil society organizations (CSOs) with the opportunity to participate in local tourism development planning. Commitment 7 intends to diversify the Tripartite Industrial Peace Council (TPIC) at the national and regional levels by including workers and employers beyond formal organizations. Commitment 8 plans to conduct participatory action research on malnutrition and teenage pregnancy. Finally, Commitment 9 will enhance indigenous people's representation in local legislative councils and policy-making bodies.

### **Accountability and anticorruption**

From 2018 to 2019, the Philippine ranking in the Corruption Perceptions Index (CPI) dropped from 99<sup>th</sup> to 113<sup>th</sup> out of 198 countries—its lowest ranking since 2012.<sup>19</sup> Since stepping into office, President Duterte has fired more than 30 cabinet members and government officials over allegations of corruption. However, there remains a high rate of corruption, particularly in civil service and police ranks, presenting a significant obstacle for private investment.<sup>20</sup>

According to the Global Economic Crime and Fraud Survey 2020 conducted by the PricewaterhouseCoopers (PwC), 21% of businesses in the Philippines reported being asked to pay a bribe, while 14% believed they had lost business to a competitor who paid bribes.<sup>21</sup> In the extractive sector, the Philippines has made considerable progress on accountability since joining the Extractive Industries Transparency Initiative (EITI) in 2013,<sup>22</sup> becoming the first country to have achieved satisfactory progress against the 2016 EITI Standards.<sup>23</sup>

Under the current action plan, Commitment 5 continues to mainstream implementation of EITI while piloting local level implementation. Meanwhile, public service delivery improvement is found in Commitment 2 (monitoring public school service delivery) and Commitment 4 (monitoring big-ticket government infrastructure projects).

### **Budget Transparency**

The International Budget Partnership (IBP) 2019 Open Budget Survey ranked the Philippines 10 out of 117 countries with a score of 76 out of 100—a 28-point movement up since 2012. The



IBP noted improved budget transparency regarding timely online publication of the mid-year review, increased information on the enacted budget, and the addition of an executive summary to the audit report. However, public participation opportunities in the formation and implementation of the budget remain limited.<sup>24</sup>

In terms of budget oversight, a key commitment implemented during the previous action plan cycle facilitated the institutionalization of a citizen participatory audit. As a result, CSOs now sometimes participate in compliance and performance audits, a function that was previously exclusive to state auditors only. When citizen participatory audits occur, CSOs also participate in forming recommendations and actions responding to audit findings.

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<sup>1</sup> Freedom House, “Freedom in the World 2020: Philippines” (2020), <https://freedomhouse.org/country/philippines/freedom-world/2020>.

<sup>2</sup> See [https://www.eiu.com/public/topical\\_report.aspx?campaignid=democracyindex2019](https://www.eiu.com/public/topical_report.aspx?campaignid=democracyindex2019).

<sup>3</sup> The World Bank, “The World Bank in the Philippines” (Apr. 2020), <https://www.worldbank.org/en/country/philippines/overview>.

<sup>4</sup> See <https://www.rti-rating.org/country-data/>.

<sup>5</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021. Patrick P. Chua, “FOI: Institutionalizing Reform, Enhancing Competitiveness, Empowering the People” (2015), [shorturl.at/qEKNX](http://shorturl.at/qEKNX)

<sup>6</sup> See <https://www.rti-rating.org/covid-19-tracker/>.

<sup>7</sup> See [https://opendatabarometer.org/4thedition/?\\_year=2016&indicator=ODB](https://opendatabarometer.org/4thedition/?_year=2016&indicator=ODB).

<sup>8</sup> See [https://opendatabarometer.org/country-detail/?\\_year=2017&indicator=ODB&detail=PHL](https://opendatabarometer.org/country-detail/?_year=2017&indicator=ODB&detail=PHL).

<sup>9</sup> See <https://monitor.civicus.org/>.

<sup>10</sup> International Center for Not-for-Profit Law, “Civic Freedom Monitor: Philippines” (24 Jul. 2020), <https://www.icnl.org/resources/civic-freedom-monitor/philippines>.

<sup>11</sup> United Nations Human Rights Office of the High Commissioner, “Philippines: UN Human Rights Experts Renew Call for an on-the-Ground Independent, Impartial Investigation” (25 Jun. 2020), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>.

<sup>12</sup> International Work Group for Indigenous Affairs, “Indigenous peoples in Philippines” (11 May 2020), <https://www.iwgia.org/en/philippines/3608-iw-2020-philippines.html>.

<sup>13</sup> UN Human Rights Ofc. of the High Commissioner, “Philippines: UN Human Rights Experts Renew Call.”

<sup>14</sup> International Center for Not-for-Profit Law, “Civic Freedom Monitor: Philippines.”

<sup>15</sup> Freedom House, “Freedom in the World 2020: Philippines.”

<sup>16</sup> Reporters without Borders, “Philippines” (2020), <https://rsf.org/en/philippines>.

<sup>17</sup> Jason Gutierrez, “Philippine Congress Officially Shuts Down Leading Broadcaster” (New York Times, 10 Jul. 2020), <https://www.nytimes.com/2020/07/10/world/asia/philippines-congress-media-duterte-abs-cbn.html>.

<sup>18</sup> First Post, “Rappler CEO Faces up to Six Years in Jail as Questions Emerge about Freedom of Media in Philippines” (16 Jun. 2020), <https://www.firstpost.com/world/rappler-ceo-maria-ressa-faces-upto-six-years-in-jail-as-questions-emerge-about-freedom-of-media-in-philippines-8488011.html>.

<sup>19</sup> Transparency International, “Corruption Perception Index 2018” (2019), <https://www.transparency.org/en/cpi/2018>; Transparency International, “Corruption Perception Index 2019” (2020), <https://www.transparency.org/en/cpi/2019>.

<sup>20</sup> BTI Transformation Index, “Philippines Country Report 2020” (Bertelsmann Stiftung, 2020), <https://www.bti-project.org/en/reports/country-report-PHL-2020.html>.

<sup>21</sup> PriceWaterhouseCoopers, “Fraud and Economic Crime: Are we prepared enough for a new decade?” (accessed 4 Aug. 2021), <https://www.pwc.com/ph/en/consulting/consulting-publications/fraud-and-economic-crime-survey.html>.

<sup>22</sup> CitizEngage, “Philippines: Escaping the Resource Curse” (Open Government Partnership, 11 Jul. 2018), [https://www.ogpstories.org/impact\\_story/philippines-escaping-the-resource-curse/](https://www.ogpstories.org/impact_story/philippines-escaping-the-resource-curse/).

<sup>23</sup> Extractive Industries Transparency Initiative, “The Philippines recognised as the first country to achieve satisfactory progress against the EITI Standard” (5 Oct. 2017), <https://eiti.org/news/philippines-recognised-as-first-country-to-achieve-satisfactory-progress-against-eiti-standard>.

<sup>24</sup> International Budget Partnership, “Open Budget Survey 2019: Philippines” (2019), <https://www.internationalbudget.org/open-budget-survey/country-results/2019/philippines>.



### **III. Leadership and Multistakeholder Process**

The Philippine OGP Steering Committee oversaw a bottom-up co-creation process grounded in consultations with nongovernmental representatives. These regional and sectoral workshops resulted in an OGP Citizens' Agenda. This agenda formed the basis for civil society-led discussions with government agencies to design the Philippines' fifth action plan.

#### **3.1 Leadership**

This subsection describes the OGP leadership and institutional context for OGP in the Philippines.

The Philippine OGP process is overseen and guided by the Philippine OGP (PH-OGP) Steering Committee which meets every quarter and comprises an equal number of government and nongovernment members. Chaired by the Department of Budget and Management (DBM) and co-chaired by the Mindanao Coalition of Development NGO Networks (MINCODE), the Steering Committee is supported by both government and nongovernment secretariats. The government secretariat is lodged within the Office of the Assistant Secretary for Budget Policy and Strategy at the DBM, while the non-government secretariat functions transitioned from the International Center for Innovation, Transformation, and Excellence in Governance (INCITEGov) to the Caucus of Development NGO Networks (CODE-NGO).

As approved by the Steering Committee members themselves, their primary functions consist of setting the policies and trajectory of the Philippine OGP and promoting OGP through advocacy and outreach activities.

<sup>1</sup> Government representatives within the Steering Committee include the DBM as Chair and Co-Chair of the Participatory Governance Cluster of the Cabinet (PGC), the Department of Social Welfare and Development (DSWD), the Department of the Interior and Local Government (DILG), the Office of the Cabinet Secretary, the National Economic and Development Authority (NEDA), Union of Local Authorities of the Philippines (ULAP), a representative from the House of Representatives, and a representative from the Senate. From the non-government's end, the Steering Committee members included a private sector representative, four civil society representatives, an academic, and a government unions/associations representative.<sup>2</sup>

As of the fourth action plan, the Philippine engagement in OGP process is now incorporated in the Philippine Development Plan (PDP) 2017–2022, particularly under Chapter 5: Ensuring People-Centered, Clean, and Efficient Governance. During the action plan development, then-Secretary of Budget and Management Benjamin Diokno was appointed to the Bangko Sentral ng Pilipinas (Philippines Central Bank)<sup>3</sup> and replaced by Secretary Wendel Avisado who assumed the post while the DBM was about to submit the budget proposal to the Congress in August 2019.<sup>4</sup> Despite the transition, Secretary Avisado was able to preside over the Steering Committee meeting for the final approval of the fifth action plan.

#### **3.2 Action plan co-creation process**

The Philippine fifth action plan was developed according to the principles and standards contained in the OGP toolkit and, in some respects, went beyond basic expectations of the toolkit. Unlike the development of the previous action plan, this plan is considered to have had the widest geographical and sectoral reach, with the co-creation process co-facilitated by the PH-OGP government secretariat and the non-government secretariat.

Through the Caucus of Development NGO Networks (CODE-NGO), the non-government secretariat received a grant from World Bank Multi-Donor Trust Fund (MDTF). In addition, the United States Agency for International Development (USAID) provided support in convening CSOs for the development of the Citizens' Agenda in 2018. The same support was

also provided by the United Nations Development Programme (UNDP) in 2019 to the nongovernment sector, which expanded the consultation process to a greater number of nongovernment representatives from across the country.<sup>5</sup> OGP consultations built on the government's existing Dagyaw / Town Hall meeting initiative to reach participants across regions and sectors.<sup>6</sup>

An innovative and unique process was introduced during the co-creation process; four sectoral and sixteen regional workshops were conducted between November 2018 and November 2019.<sup>7</sup> These workshops enabled stakeholders to solicit public feedback on current government programs and input on areas to prioritize in the next action plan. While previous action plans were developed in a top-down manner, the workshops and town hall meetings allowed the current plan's process to be more bottom-up, with greater inclusivity of stakeholders at the grassroots level.

Each regional dialogue gathered at least 170 representatives from local organizations (local CSOs, public sector unions, academia, private sector, and government contractors and suppliers) and was attended by government and nongovernment resource persons in order to achieve the following objectives:

1. Craft a local advocacy agenda to the national government for inclusion in the OGP action plan for 2019–2021;
2. Identify and promote national government programs that can be adopted at the local level;
3. Update nongovernment participants on the status of the national government programs prioritized by the OGP; and
4. Identify convergence OGP action plan development and implementation activities.

Feedback received during sectoral and regional consultations were then used by the nongovernment counterpart of the PH-OGP Secretariat to develop the OGP Citizens' Agenda.<sup>8</sup> This included eleven priority themes that the CSO assembly presented to the government counterpart, as well as proposed commitments for the new action plan.<sup>9</sup> Government agencies could then respond to the proposals and determine strategic and programmatic actions regarding the priorities of the Citizens' Agenda.

Of the eleven priorities in the Citizens' Agenda, six became bases for commitments in the action plan. One was immediately enacted, and therefore did not need to be included in the action plan.<sup>10</sup> Two commitments were a direct result of CSO discussions with the relevant government agency.<sup>11</sup> Three priorities did not generate commitments because the agencies felt there were already sufficient mechanisms to respond to the issues raised, while one proposal did receive a response from the relevant agency.<sup>12</sup> Proposed commitments related to the environment were also not picked up by the government.<sup>13</sup> However, the PH-OGP Secretariat reports the suggested commitment to improve the Enhanced National Greening Program and establish an Environmental Impact Statement System, under the Department of Environmental and Natural Resources, will be reconsidered for inclusion during the midterm action plan update.<sup>14</sup>

The final action plan was then subjected to another round of sectoral and regional consultations. Inputs from the workshops were consolidated and used in drafting the action plan through a process mainly led by nongovernment counterparts. The draft action plan was then published on the PH-OGP website<sup>15</sup> and Facebook page<sup>16</sup> for public comment.

The consultation stage was complimented by a participatory action research project conducted by CARE International. The research project investigated the participation and influence of women's rights organizations (WROs) in the fifth national action plan. Researchers facilitated the participation of nine WROs at four regional consultations and the final consolidation workshop. A three-day workshop on gender and OGP was convened for 26 women's rights activists. The project took place after the Citizens' Agenda had been drafted, limiting WROs' ability to influence the content of the action plan. However, WROs' input led to the addition of gender components in Commitments 1, 2, and 8. Based on its findings, the

report recommends actively inviting WROs to participate, particularly in the agenda-setting phase of the co-creation process. The researchers also recommend adding gender and social inclusion prompts into guiding questions for consultations.<sup>17</sup>

Following a technical review of the draft action plan by the PH-OGP secretariat and the Steering Committee, it was then presented to and approved by the Steering Committee on 8 November 2019. However, the nongovernment counterparts of the Steering Committee felt that the approval process could have benefited from more substantive discussion on the outputs of the co-creation process and deliberation on the responses of government agencies toward proposals collected from the public. Beyond perfunctorily and ministerially going through the motions of approval, the non-government Steering Committee members believed a healthy exchange of ideas between government and nongovernment counterparts in the committee would have enriched the action plan and served as a model for future action plans.<sup>18</sup>

CODE-NGO maximized regional consultations and town hall meetings to serve their purpose. As convener of the CSO assemblies, CODE-NGO used the OGP platform as a positive and healthy avenue for critical and strategic collaboration with government, despite the reservations and discomfort with certain government policies and actions. CODE-NGO leveraged its national network and deepened partnerships with local CSOs in the process. A major achievement in this regard includes the participation of indigenous peoples, persons with disability, and other marginalized groups in the co-creation process. The consultations were effective in capturing the voices and concerns of stakeholders beyond the usual suspects through the development of the OGP Citizens’ Agenda.<sup>19</sup> Particularly, a proposal suggested by representatives of indigenous groups was included in the final version of the action plan (Commitment 9) and also another suggested by representatives of the labor sector (Commitment 7). However, Oli Lucas notes that a lack of donor support limited some CSOs’ ability to engage in the final stages of commitment drafting and implementation. For example, CSOs working with DepEd, DSWD, and NCIP did not receive funding. Resource constraints meant that most CSOs who participated in the final co-creation stages were from the National Capital Region. Additionally, Commitment 9 does not include indigenous peoples’ organizations as co-implementors with NCIP due to a lack of logistical support.<sup>20</sup>

**Table 4. Level of Public Influence**

The IRM has adapted the International Association for Public Participation’s (IAP2) “Spectrum of Participation” to apply to OGP.<sup>21</sup> This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
<b>Empower</b>	The government handed decision-making power to members of the public.	
<b>Collaborate</b>	There was iterative dialogue AND the public helped set the agenda.	✓
<b>Involve</b>	The government gave feedback on how public input was considered.	
<b>Consult</b>	The public could give input.	
<b>Inform</b>	The government provided the public with information on the action plan.	
<b>No Consultation</b>	No consultation	

## OGP Participation and Co-Creation Standards

In 2017, OGP adopted the OGP Participation and Co-Creation Standards to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

The following table provides an overview of Philippine performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Key:

Green: Meets standard

Yellow: In progress (steps have been taken, but standard is not met)

Red: No evidence of action

Table 5. Multistakeholder Forum

Multistakeholder Forum	Status
<b>1a. Forum established: The multistakeholder forum oversees the OGP process in coordination with the government and nongovernment secretariats of the Philippine Open Government Partnership (PH-OGP).</b>	Green
1b. Regularity: The OGP National Steering Committee met five times from the beginning to the end of the co-creation process.	Green
1c. Collaborative mandate development: The Terms of Reference (TOR) for the PH-OGP Steering Committee were developed collaboratively between government and nongovernment members and outlines the functions, composition, term limits, and decision-making powers of its members.	Green
1d. Mandate public: Information of the forum's remit, membership, and governance structure is available on the PH-OGP online repository.	Green
<b>2a. Multistakeholder: The forum included representatives from the government, civil society, private sector, and academia.</b>	Green
2b. Parity: The forum's composition is made up of eight government representatives and eight nongovernment representatives with a co-chair from each side presiding over the forum.	Green
<b>2c. Transparent selection: Members of the forum from the private sector, academia, civil society, and government unions were chosen by their peers during the sectoral and nongovernment assemblies.</b>	Green
2d. High-level government representation: High-level representatives with decision-making authority actively participated in the forum, particularly from the DBM, the DILG, and the PCOO.	Green
<b>3a. Openness: The forum created opportunities for public input and representation in the action plan process. The draft action plan was shared publicly on the PH-OGP website and Facebook page as well as via email to non-participating civil society stakeholders.</b>	Green

<p>3b. Remote participation: The forum could accommodate remote participation, but no evidence of remote participation (video conference, teleconference, or other online, indirect mechanisms) can be found in this action plan's co-creation process.</p>	<p>Yellow</p>
<p>3c. Minutes: The forum proactively communicated and reported back on its decisions, activities, and results to wider government and civil society stakeholders via email and published on the repository (but not accessible to the public or stakeholders, as of August 2020).</p>	<p>Green</p>

Table 6. Action Plan Development

Action Plan Development	Status
4a. Process transparency: The PH-OGP team maintains an official website hosted on the DBM's government domain at <a href="http://ogp.dbm.gov.ph/index.php">http://ogp.dbm.gov.ph/index.php</a> .	Green
4b. Documentation in advance: A composite of government and non-government members shared information about OGP to stakeholders in advance of the co-creation to inform participants throughout all stages of the process with links for file access in invitation letters and other publicly accessible portals.	Green
4c. Awareness-raising: Public events, roadshows, and online campaigns were conducted to reach out to stakeholders and raise awareness of the OGP process.	Green
4d. Communication channels: The government facilitated direct communication with stakeholders to respond to action plan process questions (particularly during times of intense OGP activity before, during, and after the sectoral and regional workshops) through emails and text messages as well as post-workshop feedback collection using online surveys.	Green
<b>4e. Reasoned response: The forum published its reasoning for decisions and responded to major categories of public comment, in accordance with the supplementary guidance, through a publicly accessible Google-drive link sent to members of the forum, staff of the secretariats, development partners, and also posted on the OGP-PH Facebook page for public comments.</b>	Green
<b>5a. Repository: The government documented, collected, and published information and documents on an online repository at <a href="http://ogp.dbm.gov.ph/index.php/repository">http://ogp.dbm.gov.ph/index.php/repository</a>.</b>	Green

<sup>1</sup> Philippine Open Government Partnership, The Philippine Open Government Partnership (PH-OGP) National Action Plan (NAP) 2019–2021 (30 Nov. 2019), [https://www.opengovpartnership.org/wp-content/uploads/2019/12/Philippines\\_Action-Plan\\_2019-2021.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/12/Philippines_Action-Plan_2019-2021.pdf).

<sup>2</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021.

<sup>3</sup> Aika Rey, “Duterte Appoints Diokno as Bangko Sentral Governor” (Rappler, 4 Mar. 2019), <https://rappler.com/business/duterte-appoints-benjamin-diokno-bangko-sentral-pilipinas-governor>.

<sup>4</sup> Dept. of Budget and Mgmt. of the Republic of the Philippines, “DBM Welcomes New Acting Secretary” (30 Aug. 2019), <https://www.dbm.gov.ph/index.php/secretary-s-corner/press-releases/list-of-press-releases/1484-dbm-welcomes-new-acting-secretary>.

<sup>5</sup> Philippine Open Government Partnership, The Philippine Open Government Partnership (PH-OGP) National Action Plan (NAP) 2019–2021; Government of the Philippines, interview.

<sup>6</sup> Lucas Oil Philippines, interview by IRM researcher, 28 Apr. 2021.

<sup>7</sup> Philippine Open Government Partnership, The Philippine Open Government Partnership (PH-OGP) National Action Plan (NAP) 2019–2021.

<sup>8</sup> Andrea Maria Patricia Sarenas (Mindanao Coalition of Development NGO Networks), interview by IRM researcher, 26 May 2020.

<sup>9</sup> The themes involved in the Citizens' Agenda are: CSO and active citizen engagement, disaster risk reduction and management and climate change adaptation (DRRM-CCA), access to reliable government information, natural resource governance, solid waste management, public finance and resource allocation, agri-ecotourism through organic agriculture and fishery, the regulation and institutionalization of Talakayan in local government units, citizen participation in the Bangsamoro government, institutionalization of social dialogue in the public sector, and promoting participatory government in the Marawi rehabilitation efforts.

<sup>10</sup> In response to the Citizens' Agenda proposal to institutionalize Talakayan in local government units, the DILG issued Memorandum Circular No. 2019-56 on the conduct of quarterly town hall meetings in local government units to supplement existing mechanisms for open government. Commitment 1a contains a milestone to carry out the town halls.

<sup>11</sup> Lucas Oil Philippines, interview.

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<sup>12</sup> The PH-OGP Secretariats did not receive any official response from the Housing and Urban Development Coordinating Council (HUDCC) regarding the CSO proposal to promote participatory governance in the Marawi Rehabilitation efforts.

<sup>13</sup> Roselle Rasay (Asian Development Bank), Mhafe del Mundo (Caucus of Development NGO Networks), and Jennifer de Belen (Caucus of Development NGO Networks), interview by IRM researcher, 26 May 2020.

<sup>14</sup> Government of the Philippines, interview.

<sup>15</sup> See <http://ogp.dbm.gov.ph/index.php/repository>.

<sup>16</sup> See [https://www.facebook.com/opengovPH/posts/1460764240746235?\\_\\_tn\\_\\_=-R](https://www.facebook.com/opengovPH/posts/1460764240746235?__tn__=-R).

<sup>17</sup> Rebecca Haines, Tam O’Neil and Kara Medina, “Opening Open Government: Women’s Rights Organisations and the Open Government Partnership in the Philippines” (working paper) (CARE International, 2021).

<sup>18</sup> Sarenas, interview; Roselle Rasay (Asian Development Bank), Mhafe del Mundo (Caucus of Development NGO Networks), and Jennifer de Belen (Caucus of Development NGO Networks), interview by IRM researcher, 26 May 2020.

<sup>19</sup> Id.

<sup>20</sup> Lucas Oil Philippines, interview

<sup>21</sup> IAP2, “IAP2’s Public Participation Spectrum” (2014), <https://www.iap2.org/page/pillars>



## IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values detailed in the *OGP Articles of Governance* and the *Open Government Declaration* signed by all OGP-participating countries.<sup>1</sup> Indicators and methods used in the IRM research can be found in the *IRM Procedures Manual*.<sup>2</sup> A summary of key indicators the IRM assesses can be found in the Annex of this report.

### General Overview of the Commitments

The 11 commitments<sup>3</sup> included in the Philippines' fifth action plan align with the mandate of the Participatory Governance Cluster of the Cabinet to promote participatory governance by issuing relevant policies, mandating accreditation and engagement of CSOs, implementing projects in partnership with civil society, and promoting civic technology.

Commitments were mostly drawn from the formation of a public agenda by civil society. In an inclusive process, government agencies were challenged to take action on issues and concerns from national, regional, and sectoral participants with a focus on improving public services through more active and engaged participation of citizens and civil society.

Please note that the Philippines' submitted a revised action plan in response to the COVID-19 pandemic. The revised action plan includes updated commitment milestones and extends the implementation period until 2022. This report reviews the original action plan submitted in December 2019.<sup>4</sup>

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<sup>1</sup> OGP, "Articles of Governance" (17 Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance>.

<sup>2</sup> OGP, "IRM Procedures Manual" (16 Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

<sup>3</sup> For the purpose of IRM reporting, Commitments IA and IB in the Philippine fifth action plan are regarded as two separate commitments that are assessed and coded separately in accordance with IRM guidelines. As such, the report recognizes 11 commitments in the action plan, not 10 as written in the action plan document.

<sup>4</sup> Please find both versions of the action plan here: <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

## I A. Local Government Fiscal Openness

"The commitment is mainly to strengthen citizen participation in governmental process. This shall be attained through the various initiatives on improving local governance and fiscal openness program being implemented under the Department of the Interior and Local Government (DILG) and the Department of Budget and Management (DBM)."

### Main Objective

"In particular, the commitment shall contribute to addressing the public problem identified above by way of the following:

1. Issuance and implementation of National policy on civil society participation in governance;
2. Implementation of Civic Technology for Governance Innovations through Citizen Feedback System (Development Live);
3. Conduct of Town Hall Meetings (Regional, Provincial and Municipal Level); and
4. Oversee local governments in promoting the establishment and operation of people's and non-governmental organizations."

### Milestones

1. National policy on civil society participation in governance is issued and implemented.
2. Conduct of Town hall meetings.
3. Oversee local governments in promoting the establishment and operation of people's and non-governmental organizations.
4. Implementation of Civic Technology for Governance Innovations through citizen feedback system (Development Live).
5. Ensure gender-responsive and inclusive implementation of commitment activities.
6. Established partnership with DILG and TFPLG on citizen-led monitoring using Development Live (DevLive).
7. Capacity-building on citizen-led monitoring using DevLive.
8. Actual citizen monitoring of DILG/LGU projects in 18 municipalities using DevLive platform implemented.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation, Public Accountability
<b>Potential impact:</b>	Moderate

### Commitment analysis

This commitment seeks to strengthen citizen participation in local governance through the generation and provision of citizen feedback. Using a technology application of the citizen feedback system, Development Live (DevLive), local government units (LGUs) can become aware of and take action on challenges to implementing nationally funded programs and public service improvement. This requires revisiting and issuing appropriate national policy for civil society participation, deploying DevLive as a citizen- feedback system, and conducting town hall meetings across regional, provincial, and municipal levels to promote citizen participation in local governance.

The Philippine constitution has several provisions for citizen participation, especially at local levels. Beyond the constitution, Republic Act (RA) 7160, or the Local Government Code, specifically mandates and supports participation through Local Development Councils (LDCs)

and Local Special Bodies (LSBs) for health, peace and order, and education. However, despite these measures, there is a major gap in the disclosure of, access to, and capacity for utilizing local governance data for more meaningful engagement by civil society representatives and citizens at large.<sup>1</sup>

A National Policy on Civil Society Participation (Milestone 1) will strengthen an already robust framework for CSO-participation in governance. In 2019, 11,000 CSOs were registered as members of local development councils. CSOs generally provide disaster preparedness and response, social protection, and monitor government projects.<sup>2</sup> However, past experience suggests that even-implementation of the policy across government might be challenging. A 2017 assessment found that some local government units only engage civil society as a box-ticking exercise while others only work with CSOs who agree with their agenda. A perception survey of CSOs rated relations between local government and CSOs at 3.37, where 3 is undecided and 4 is good. In addition to local government exclusion, CSOs highlighted capacity constraints as an obstacle to meaningful participation.<sup>3</sup>

Currently, CSOs must register with one of four government agencies to become a legal entity. Most CSOs register and annually update their registration with the Securities and Exchange Commission. As of 2019, administrative burdens for CSO operations increased with additional requirements to disclose funding and programming.<sup>4</sup> DILG issued memoranda on the accreditation and membership of NGOs at the barangay and local levels.<sup>5</sup> The intention of Milestone 3 is unclear. However, if this milestone eases CSOs' registration and participation at subnational levels of government, it may improve civil society's overall operating environment.

Initiatives to promote and increase information disclosure at the subnational level have been a recurring commitment in the Philippine OGP national action plans. Under Philippines' 2015–2017 action plan, provinces, cities, and municipalities increased disclosure of financial transactions through the full disclosure policy (FDP) portal ([fdpp.dilg.gov.ph](http://fdpp.dilg.gov.ph)).<sup>6</sup> However, documents on the portal are not machine-readable and there are no mechanisms for soliciting and processing feedback from the users.<sup>7</sup> Under Commitment 1 in the 2017–2019 action plan, the government established an Assistance to Disadvantaged Municipalities portal that collates all OPDS locally funded infrastructure projects.<sup>8</sup> This portal allows citizens to submit comments and concerns.<sup>9</sup> DevLive is a continuation of these local governance transparency efforts that aim to provide a more citizen-friendly monitoring and reporting system.

Feedback from the DevLive portal will alert the national Project Management Office of the DILG to LGUs' actions and performance. They could then use this for on-ground validation, and prompt any warranted action against local chief executives and mayors. DevLive is also expected to have a feedback loop that will inform the sender about the progress and action taken regarding their feedback. DILG conducted a pilot study in almost 50 municipalities, with one province per region. The study found that while most feedback was a “layman's appreciation of the projects,”<sup>10</sup> it provided DILG with clear information to monitor LGUs' use of grants and funding. Noncompliance and non-resolutions of the submitted feedback through DevLive are expected to result in the issuance of show-cause orders, filing of administrative or criminal cases (through the Bantay-Corruption Program, also run by the DILG), or the disqualification from the Assistance to Municipalities program's support in the following year.

This commitment is relevant to OGP values of access to information, civic participation, and public accountability. Through the publication of government programs, citizens and citizen groups could become aware of their LGU's funds and programs, as well as monitor and provide feedback on their implementation. This could elicit both national and local governance units to take action and make services and programs under the DILG more responsive to their constituencies. To ensure that the government responds to citizen feedback, the commitment also includes a milestone for the DILG to establish operational guidelines in support of the system.

If fully implemented, this commitment carries moderate potential impact. The DevLive portal significantly complements capacity growth for local development planning and local service delivery. However, the coverage and scope remain limited to programs that are funded by and downloaded from the DILG budget.<sup>11</sup> AM-funded projects, while relevant, only represent a small fraction of decisions and allocations being implemented and utilized by LGUs. Besides the limited scope of disclosed funding, this commitment will need to overcome the challenges of limited rural internet connectivity and limited awareness of the initiative. Regardless, some civil society representatives think that the DevLive portal could simplify the data gathering and feedback process required to engage with local governments.<sup>12</sup>

The national policy on civil society participation in governance aims to clarify existing guidelines and channels for CSO engagement with government.<sup>13</sup> This is important to ensure consistent treatment and participation channels for CSOs across the Philippines. However, the milestone does not seek to expand government-CSO engagement, but rather to standardize and clarify existing policy. Therefore, the potential impact of this commitment is moderate. However, if the policy broadens civic space by making it easier for CSOs to operate and engage with government, then this commitment may yield significant results in opening up government.

Additionally, it is important to acknowledge the inclusion of consultation with vulnerable groups (gender and sexual minorities, persons with disabilities, and youth) as well as the publication of gender disaggregated data of citizen feedback in the commitment's milestones. Specific targeting of disadvantaged groups in commitment implementation could further expose the gaps in public service delivery and identify how government programs and funding could close those gaps.

### Next Steps

The portal is a strategic first step to make information available to civil society and the public who seek to be involved in local-level decision making. While it is important to monitor and gather public feedback on nationally funded projects, a bigger proportion of the LGU budget comes from their share of the Internal Revenue Allotment (IRA) and locally generated income. In future action plans, it would be productive to consider:

- Link DevLive with local government datasets and disclosure mechanisms, such as the FDP portal, to contextualize data within the broader financial context; and
- Expand the scope of DevLive to solicit feedback not only on major DILG-funded projects, but on other National Government Agency (NGA) and locally funded projects as well.<sup>14</sup>

The IRM recommends DILG and DBM consider the following in regard to the other activities under this commitment:

- Consult civil society when drafting the national policy on civil society participation in governance and provide opportunity for public comment;
- Consult CSOs on the procedures for local government units to approve and aid CSOs. In particular, CSOs could provide insight and suggestions related to any obstacles faced around registration, operation, and funding;
- Ensure there is procedural transparency for CSO registration and related processes at the local government unit level;
- Actively seek out and invite marginalized communities to town hall meetings and provide an alternative communication channel for those who may feel uncomfortable to speak publicly; and
- Document and publish attendance, discussion, and decisions reached at town hall meetings.

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<sup>1</sup> Czarina Medina-Guce and Ana Martha Galindes, "A Review of Citizen Participation Issues, Responses, and Prospects for Reform in Local Development Councils" *Philippine Journal of Public Administration* 61, no. 1 & 2 (Jan.–Dec. 2017), pp. 51–56.

<sup>2</sup> USAID, 2019 Civil Society Organization Sustainability Index For Asia, 6th ed. (Dec. 2020), <https://www.fhi360.org/sites/default/files/media/documents/csosi-asia-2019-report.pdf>.

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- <sup>3</sup> CIVICUS and ICNL, Assessment of the Enabling Environment for Civil Society Organizations in the Philippines. (Sept. 2017), [https://www.civicus.org/images/EENA\\_Philippines\\_En.pdf](https://www.civicus.org/images/EENA_Philippines_En.pdf).
- <sup>4</sup> USAID, 2019 Civil Society Organization Sustainability Index For Asia.
- <sup>5</sup> DILG, "Accreditation of Barangay-Based Non-Governmental Organizations (NGOs) and their Membership in the Barangay-Based Institutions (BBIS)" MC2018-146 (3 Sep. 2018), <https://dilg.gov.ph/issuances/mc/Accreditation-of-Barangay-Based-Non-Governmental-Organizations-NGOs-and-their-Membership-in-the-Barangay-Based-Institutions-BBIS/2798>; DILG, "Guidelines on accreditation of civil society organizations and selection of representatives to the local special bodies" (27 May 2019), <https://dilg.gov.ph/issuances/mc/Guidelines-on-accreditaion-of-civil-society-organizations-and-selection-of-representatives-to-the-local-special-bodies/2975>.
- <sup>6</sup> Joy Acheron, Independent Reporting Mechanism (IRM): The Philippines End of Term Report 2015–2017 (OGP, Jun. 2018), 15, [https://www.opengovpartnership.org/wp-content/uploads/2018/10/Philippines\\_End-of-Term\\_Report\\_2015-2017.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/10/Philippines_End-of-Term_Report_2015-2017.pdf).
- <sup>7</sup> Richard Villacorte (Dept. of the Interior and Local Gov. of the Republic of the Philippines), interview by IRM researcher, 3 Jun. 2020.
- <sup>8</sup> Available at: <https://subaybayan.dilg.gov.ph/>.
- <sup>9</sup> Independent Reporting Mechanism (IRM): The Philippines 2017-2019 Design and Implementation Report (OGP, publication forthcoming).
- <sup>10</sup> Villacorte, interview.
- <sup>11</sup> Id.
- <sup>12</sup> Katlea Zairra Itong (Philippine Partnership for the Development of Human Resources in Rural Areas), interview by IRM researcher, 25 Jun. 2020.
- <sup>13</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021.
- <sup>14</sup> Itong, interview.

## 1B. Local Government Transparency in the Tourism Industry

"The DOT, jointly with the DILG and DBM, commit to review and harmonize existing guidelines, and issue an updated Joint Memorandum Circular, which shall: (1) clarify the roles of Civil Society Organizations (CSOs) in the entire planning-investment programming continuum, and (2) provide the mechanisms for meaningful participation, particularly in local tourism development."

### Main Objective

"The commitment shall provide policy support for more inclusive local tourism development planning and investment programming, within the context of the LDC, by:

1. Delineating the roles of CSOs in the entire local tourism development planning and investment programming – from formulation of the local tourism development plan to its integration in the duly approved local development plans and investment programs; and
2. Providing the mechanisms by which CSOs can meaningfully participate in designing and prioritizing programs geared towards sustainable tourism development – going beyond mere representation in the local planning bodies but gaining and exercising both voice and vote, where appropriate, in the entire process."

### Milestones

1. Issuance of Update Joint Memorandum Circular: (1) clarifying the roles of Civil Society Organizations (CSOs) in the entire planning-investment programming continuum; and (2) providing the mechanisms for meaningful citizen participation, particularly in local tourism development.
2. Conduct of capacity-building activities to local government units, and non-government stakeholders with regard to the policy issuance on CSO participation and local tourism development planning.
3. Monitoring and reporting on the status of policy enforcement.
4. Ensure representation of relevant sectors in OGP commitment activities.
5. Development/Formulation of Monitoring and Evaluation Framework.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Civic Participation
<b>Potential impact:</b>	Moderate

### Commitment analysis

This commitment aims at strengthening CSO participation in local tourism development. To do this, the Department of Tourism will review, harmonize, and update the guidelines that govern how CSOs can contribute to the planning, investment, and programming of local tourism development. Through this commitment, the government hopes to facilitate application of the 2016–2022 National Tourism Development Plan (NTDP)<sup>1</sup> and the 2013–2022 National Ecotourism Strategy and Action Plan (NESAP)<sup>2</sup> to the local level.

By virtue of Republic Act (RA) No. 7160 (the “Local Government Code”), local government units (LGUs) are responsible for providing basic services and facilities, including tourism development and promotion, tourism facilities, and other tourist attractions.<sup>3</sup> The RA also requires LGUs to convene local development councils (LDCs) at the provincial, city, and municipal level to form socioeconomic development plans and policies, public investment

programs, and local investment incentives. LDCs can influence local development and tourism as private sector and nongovernmental organizations operate in the locality represented in the LDCs.<sup>4</sup> However, the LDCs rely mainly on administrative and process-based provisions, without other policy provisions to promote their effectiveness.

CSOs have also faced some hurdles in meaningfully contributing to local development or sectoral planning. Pertinent issues include LGUs' limited technical capacity and human resources as well as CSOs' limited technical and political capacities.<sup>5</sup> Through the capacity-building activities of this commitment, CSOs can improve their ability to engage local government, particularly regarding local tourism development.

This commitment is relevant to the OGP value of civic participation. The inclusion of local tourism development in priority areas for civil society participation will expand local community organizations' ability to influence decision-making and programming. By localizing the implementation of the NTDP and the NESAP, plans for local tourism growth and development can be more attuned to affected localities and more effectively contribute to generating livelihoods that the communities have identified through their LDC. By using civil society representation in LDCs, the commitment has significant potential for mobilizing local CSOs to take part in local tourism planning and development. The issuance of the Joint Memorandum Circular will not only help clarify roles and responsibilities that CSOs can hold, but more importantly, will minimize the lack of guidance on how LDCs can operate for the benefit of local governments and the communities. By building local CSOs' capacities, non-traditional stakeholders in the tourism sector will be better equipped to engage in local development planning.

### Next Steps

Going forward, stakeholders could consider:

- Conducting roundtables with LGUs and CSOs to identify capacity-building priorities and tailor capacity-building activities;
- Involving the local school board (LSB) of each locality in monitoring the governance of local tourism along with the LDCs; and
- Introducing the Seal of Good Local Governance (SGLG) award for active public participation in local tourism development as an incentive.

Additionally, the DILG has included steps to strengthen LDCs through commitment IA, which is a strategy for meaningful participation in local decision-making and monitoring across different sectors; DILG could also benefit the implementation of this commitment simultaneously.

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<sup>1</sup> See <http://www.tourism.gov.ph/NTDP.aspx>.

<sup>2</sup> See <https://bmb.gov.ph/index.php/e-library/publications/action-plans>.

<sup>3</sup> Republic of the Philippines Eight Congress, "An Act Providing for a Local Government Code of 1991" RA No. 7160 (10 Oct. 1991), [https://www.lawphil.net/statutes/repacts/ra1991/ra\\_7160\\_1991.html](https://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html).

<sup>4</sup> Aser B. Javier and Dulce B. Elazigue, "Opportunities and Challenges in Tourism Development Roles of Local Government Units in the Philippines" (Paper Presentation at the 3<sup>rd</sup> Annual Conference of the Academic Network of Development Studies in Asia, 5–7 Mar. 2011), <https://www2.gsid.nagoya-u.ac.jp/blog/anda/files/2011/08/5-rolesjaviere38080.pdf>.

<sup>5</sup> Czarina Medina-Guce, "Policy Note on Improving Assessments of Local Development Councils and Local Development Investment Programs" (Dept. of the Interior and Local Gov. of the Republic of the Philippines, 2018), [https://www.academia.edu/37796471/Policy\\_Note\\_-\\_Improving\\_Assessments\\_of\\_Local\\_Development\\_Councils\\_and\\_Local\\_Development\\_Investment\\_Programs](https://www.academia.edu/37796471/Policy_Note_-_Improving_Assessments_of_Local_Development_Councils_and_Local_Development_Investment_Programs).



## 2. Participatory Monitoring of Last Mile Schools

"The Department of Education (DepEd) commits to adopt a participatory monitoring and evaluation platform, through the participation of community stakeholders and civil society organizations (CSOs) to complement the work of DepEd in ensuring the needs and gaps in delivering basic education inputs are better addressed."

### Main Objective

"The commitment contributes to solve the problem by providing an open participatory platform for public sharing of education inputs information, and mobilization of civil society or community volunteers in the monitoring process, which will serve as basis for identifying gaps in resources and educational inputs in schools. It facilitates collaborative action to resolve gaps and unmet needs.

More importantly, this commitment to participatory mechanism strengthens the work of DepEd's Planning Service, Budget Division, ICTS, AS-EFD, Regional Offices, Division Offices and Schools, among others by strengthening the ability to monitor and account for investments made in terms of whether they reached the rightful recipient public schools, matched the actual needs on the ground, and served the intended learning outcomes.

Whenever applicable, DepEd may enter into a Memorandum of Agreement with appropriate government agency in the implementation of LMSP. Likewise, the Local Government Units (LGUs) concerned will also be engaged as necessary.

The use of participatory platforms democratizes access to information on school needs and department programs, which removes any impression of abuse of discretion in decision making in favor of needy schools. If public calls for assistance are backed by clear and verified information, brave implementers can proactively respond to schools' needs despite possible non-inclusion in current programs."

### Milestones

1. Issuance of DepEd Order on adoption of participatory monitoring and evaluation platform on adequate of basic education inputs to identify "Last Mile Schools" for DepEd as an OGP commitment.
2. Social preparation, mobilization, and capacity-building/training for the rollout of the Participatory Monitoring Platform.
3. Online publication of basic education inputs data: SY 2019-2020; SY 2020-2021.
4. Respond to service gaps identified in 50% of the physical target based on approved budget.
5. Conduct of LMS Partners Forum.
6. Ensure representation of relevant sectors in OGP commitment activities.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation, Public Accountability
Potential impact:	Moderate

### Commitment analysis

This commitment adopts participatory monitoring and evaluation (M&E) in delivering basic education resources to Last Mile Schools (LMS) identified by the Department of Education (DepEd). Through a technology platform, community stakeholders and CSOs will be able to

secure feedback on the delivery of services and the LMS program. Education service providers will use information from stakeholder input and feedback to proactively respond to the demands and needs of service recipients.

The LMS is a new program under President Duterte's administration that seeks to address the needs of learners, teachers, and schools in geographically isolated and disadvantaged areas (GIDAs). Regular DepEd budgeting and programming does not account for the circumstances of GIDA schools, and puts them at a greater disadvantage as resources are allocated mainly on a per capita student basis instead of on specific needs for desired learning outcomes.<sup>1</sup> While LMS is a new program title, targeted intervention for under-resourced schools is not new in the Philippines. Likewise, the DepEd uses participatory M&E in programs like Check-My-School.<sup>2</sup> Therefore, this commitment offers a new pairing of participatory M&E with a focus on Last Mile Schools to promote improved education service delivery.

LMS schools have less than five teachers, less than four classrooms, and around 100 learners.<sup>3</sup> They usually do not have electricity, have not been allocated funds for repairs or construction projects in the last four years, require long distance in difficult terrain, have multi-grade classes, and often have indigenous people as more than 75% of the learners. Secretary of Education Leonor Briones sought to focus budget allocation and nongovernment partnerships on these schools by providing a specific line item for LMS through DepEd Memorandum Order No. 59 ("Prioritizing the Development of the Last Mile Schools in 2020–2021: Reaching Out and Closing the Gap") in May 2019. The memorandum states the DepEd will i) provide solar panels to schools without electricity; ii) deliver DepEd computerization packages; and iii) connect schools to the DepEd network and internet.<sup>4</sup>

Under this commitment, participatory M&E of the LMS program will complement the Education Programs Delivery Unit (EPDU). The monitoring will use a blended approach of both participatory data gathering and on- and offline submissions. DepEd and CSO partners will work together to develop this monitoring, which DepEd then aims to institutionalize within the agency's standard procedures.<sup>5</sup> Through a mobile application developed specifically for LMS monitoring, CSOs and local communities will be able to monitor and report on education resources and whether they have been implemented as planned and allocated for in the most disadvantaged schools and communities.<sup>6</sup>

This M&E will ensure that specific DepEd budget line items are executed and disbursed according to physical and financial targets for the year. Having tagged specific schools as part of the LMS program, the DepEd can exact accountability from units or agencies responsible for education resources (e.g., school buildings, furniture, and sanitation facilities), which has been absent from the regular programming and delivery of services for schools. Tagging and focusing on LMS also allows the DepEd to mobilize support from CSOs to fill unmet needs and gaps that affect learning.<sup>7</sup> Resource planning is often based on two-year-old data. Therefore, CSOs can provide more real-time information.<sup>8</sup>

This commitment is relevant to OGP values in terms of increasing access to information through the publication of basic education data, mobilizing civic participation through the participatory monitoring platform, and enhancing public accountability through the aim of responding to gaps in education service delivery identified through citizen feedback.

This commitment has a moderate potential impact for participatory monitoring of education services. Milestones outline a highly participatory approach that include CSOs in both the design and implementation of monitoring processes. Importantly, DepEd has signaled that this commitment aims to institutionalize participatory monitoring rather than engage CSOs in a one-time project. Additionally, the commitment's focus on LMS resulted in a greater budget allocation to address gaps identified through public monitoring.<sup>9</sup> However, a lack of internet and phone connectivity in rural and marginalized communities presents a challenge to implementation.<sup>10</sup> As of 2019, only 43% of the population in the Philippines had internet access.<sup>11</sup> A 2019 report found that 70% of barangays do not have access to fiber-optic cables and 64% lack cell towers. Therefore, DepEd's application of a blended monitoring approach

that permits both on- and offline data submission will be central to this commitment's potential impact.

Despite this challenge, the commitment takes important incremental steps toward improved service delivery for Last Mile Schools. The commitment will address a policy gap and clearly identify a service delivery monitoring mechanism. Agency sponsor Undersecretary Annalyn Sevilla also recognizes that institutionalization might be a challenge to achieve, but trusts that a bottom-up approach, from school-level experience, will help facilitate the development and issuance of relevant policies for participatory M&E.<sup>12</sup> CSO representative Redempto Parafina notes that the DepEd has a rich history of working with CSOs. However, collaboration is generally confined to a specific project rather than institutionalized.<sup>13</sup>

### Next Steps

The DepEd and CSOs' positive relationship and previous collaborative experience bring promise to this commitment.<sup>14</sup> Designing the monitoring platform to account for weak internet and mobile connectivity in rural areas would significantly strengthen this commitment.

Besides connectivity, the two main challenges to successful implementation are sufficient financial resources and institutionalizing the commitment beyond a one-off program. The formalization of this commitment through a memorandum order will aid in making the program sustainable. To advance institutionalization, implementers should prioritize orienting DepEd's processes and employees to normalize ongoing engagement with CSO partners. Positively, in this vein, this commitment calls for mapping community needs versus the presence of CSO partners.<sup>15</sup> Implementors should also seek buy-in from across all relevant DepEd Units. Funding may also present an obstacle to implementation. Civil society reported that the government reduced the education budget for monitoring as a result of the COVID-19 pandemic.<sup>16</sup> Additionally, funding was not provided for training CSO monitors.<sup>17</sup> Financial assistance for CSOs' monitoring efforts would increase the likelihood of successful implementation. DepEd states that it deemed it more appropriate to not provide direct funding to CSO partners in order to maintain their objectivity and independence during the monitoring process.<sup>18</sup>

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<sup>1</sup> Annalyn Sevilla (Dept. of Education, Philippines), interview by IRM researcher, 17 Jun. 2020.

<sup>2</sup> See Check My School: <https://www.checkmyschool.org/>.

<sup>3</sup> Sevilla, interview.

<sup>4</sup> Dept. of Education, Philippines, "Prioritizing the Development of the Last Mile Schools in 2020–2021: Reaching Out and Closing the Gap" Memorandum Order No. 59, s. 2019, (May 2019), <https://www.deped.gov.ph/2019/05/22/may-22-2019-dm-059-s-2019-prioritizing-the-development-of-the-last-mile-schools-in-2020-2021-reaching-out-and-closing-the-gap/>.

<sup>5</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021.

<sup>6</sup> Redempto Parafina (Affiliated Network for Social Accountability in East Asia and the Pacific), interview by IRM researcher, 27 May 2020.

<sup>7</sup> Sevilla, interview.

<sup>8</sup> Parafina, interview.

<sup>9</sup> Government of the Philippines, interview.

<sup>10</sup> David Nedescu, "In the Philippines, the urban-rural 4G Availability divide varies by region" (OpenSignal, 29 Oct. 2019), <https://www.opensignal.com/2019/10/29/in-the-philippines-the-urban-rural-4g-availability-divide-varies-by-region/>; Lorenz Marasigan, "ITU flags connectivity gaps, Internet access in Philippines, other nations" (Business Mirror, Dec. 2020), <https://businessmirror.com.ph/2020/12/01/itu-flags-connectivity-gaps-internet-access-in-philippines-other-nations/>.

<sup>11</sup> The World Bank, "Individuals using the Internet (% of population) - Philippines" (2019), <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=PH>.

<sup>12</sup> Id.

<sup>13</sup> Parafina, interview.

<sup>14</sup> See Check My School (<https://www.checkmyschool.org/>) and Ateno School of Government, Bayanihang Eskwela Manual: A Guide to Citizen Monitoring of School Building Construction Projects (UNDP and CSC, 2010), <https://www.ombudsman.gov.ph/UNDP4/bayanihang-eskwela-manual-a-guide-to-citizen-monitoring-of-school-building-construction-projects/index.html>.

<sup>15</sup> Flora Arellano (Civil Society Network for Education Reforms (E-Net) Philippines) interview by IRM researcher, (10 Jun. 2020).

<sup>16</sup> Id.

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<sup>17</sup> Parafina, interview.

<sup>18</sup> Government of the Philippines, interview.

### 3. Expand and Improve the Open Data Philippines Portal

"The commitment is to increase availability and utilization of government data that will pave the way toward data-driven government (for the government), and data-driven innovation and development (for the general public). In order to do so, the supply and demand sides of the government data have to be heightened simultaneously.

The commitment will also focus on implementing policies, standards, and best practices that will mandate agencies to contribute open data and information."

#### Main Objective

"The commitment is the key and measurable end goal to achieve data-driven governance and policies. Specifically, the commitment will address the three specific public problems identified through the following:

1. The commitment will address issues on low data utilization as the use of the portal can be enhanced through data analytics that can measure the number of users and most downloaded data in the ODPH;
2. By having standardized content, the marketing of the portal can become easier. Moreover, consistent data and online content will foster more consumption in terms of data analysis, wherein the general public can use the data for statistics and baseline studies; and
3. The implementation of policies, standards, and best practices will improve government systems and processes that will lead to interoperability to achieve ease of doing business and citizen transactions."

#### Milestones

1. Release of signed policies and guidelines to institutionalize the Open Data Philippines.
2. ODPH Awareness campaigns to all stakeholders including government agencies, local government, CSOs and Filipino citizens in general.
3. Dialogues or Forum with CSOs to determine priority and "most requested data."
4. 100% increase of baseline number of government agencies to contribute data in the ODPH portal.
5. System enhancement of ODPH and GovPH portal features, user interface (UI), and user experience (UX).
6. Presence of gender-aggregated data of ODPH portal users, and feedback results.
7. Compliance with the Accessibility guidelines as prescribed by DICT MC No. 2017-004 entitled "Prescribing Web Accessibility Policy and Adopting for the Purpose of ISO/IEC 40500:2012 Information Technology - W3C Web Content accessibility Guidelines (WCAG 2.0) as the Philippine Standard for Making Web Content More Accessible to a Wider Range of People with Disabilities.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Minor

#### Commitment analysis

This commitment seeks to increase the availability and use of government data in an open data format. The Open Data Philippines (ODPH) office will centralize and standardize the hosting of

and access to government data. Government agencies and CSO partners will collaborate to identify and prioritize the data and information that will be published through the ODPH.

The Constitution recognizes the vital role of communication and information in nation-building. Further affirmed in Republic Act (RA) 10844 (the “Department of Information and Communications Technology (DICT) Act of 2015”), the government must provide strategic, reliable, cost-efficient, and citizen-centric information and communication technology infrastructure, systems, and resources as instruments of good governance and global competitiveness.<sup>1</sup>

At present, however, despite Executive Order (EO) No. 2 (the Freedom of Information (FOI) EO), government data are still hosted separately by each respective agency in their own portals, websites, and archiving mechanisms.<sup>2</sup> CSOs and citizens must search various sources to find information and make a FOI request when the information is unavailable. Other centralized disclosure mechanisms include the Philippine Government Electronic Procurement System (PhilGEPS) for procurement-related information, the former Open Data Initiative and Project Digital Imaging for Monitoring & Evaluation of the of the Department of Budget and Management, and the full disclosure policy portal of the Department of the Interior and Local Government.<sup>3</sup>

Beginning development in 2015, the ODPH portal was envisioned as a one-stop shop for online government services, operational infrastructure, and public information. With ODPH functioning as the national government portal, citizens will no longer need to physically visit a government office or navigate through different government agency websites to perform basic transactions, such as applying for a driver’s license, filing taxes, and renewing a passport.<sup>4</sup>

This commitment is relevant to the OGP values of access to information and civic participation. Civil society will help to prioritize government data to be published through the ODPH portal. CSO partners will also help shape process and content requirements.

The Philippines sought to improve the Open Data Portal under the 2015–2017 action plan.<sup>5</sup> There were some training and orientation sessions for government agencies. However, the initiative faced both institutional and technical challenges. Agencies resisted new procedures and lacked incentives to upload data. Some agencies were not aware of the requirement and others did not feel data sharing to be important. Therefore, agency adoption of the open data portal was slow, which limited the data available to the public. Technical challenges included differing data formats and websites across agencies and lack of a feeder system or automatic process.<sup>6</sup>

According to the DICT, the commitment of agency management to open data determines whether an agency participates in the portal.<sup>7</sup> Legislation would require the DICT to establish an E-Government Master Plan. This would include an interoperability framework to guide basic technical interoperability of ICT systems across government agencies, the archiving and record management system, and the government’s online payment system.<sup>8</sup>

This commitment has a minor potential impact. The activities included address gradual but positive steps toward a robust ODPH portal. Plans to closely partner with CSOs to prioritize and publish data is commendable. Milestones on agency guidance and awareness raising may address obstacles that hindered the Philippines’ 2015 open data commitment. However, there are still significant obstacles to overcome, such as unifying the various existing portals and open data policies.

From the civil society side, CSOs note that the government needs to first delineate the ODPH portal’s role against that of the Presidential Communications Operations Office (PCOO) which operates and maintains the FOI portal.<sup>9</sup> By virtue of Section 6 I-a of RA 10844, the DICT must form, recommend, and implement national policies, programs, and guidelines that will promote the development and use of ICT with due consideration to the advantages of convergence and emerging technologies. Meanwhile, by virtue of the FOI EO, the PCOO is

tasked to fulfill the people's constitutional right to information and support the state policies on full public disclosure and transparency in public service delivery.

As the Philippine Congress continues to debate the E-Government Bill, the DICT can make a strong case for it by leveraging the ODP portal. However, stakeholders would need to navigate the maze of institutional arrangements for hosting government data through different mechanisms such as the PhilGEPS and the FOI portals. It is also important to note that the national government portal has spent several years in development but has not generated as much support and enthusiasm, which could indicate a real problem in the implementation of this commitment.

### Next Steps

Given the ensuing confusion between the mandates and functions of the ODP and the FOI portals, the PCOO and the DICT need to revisit their mandates to clarify and delineate their respective roles.<sup>10</sup> Otherwise, the overlap could stunt this commitment's implementation. For example, the distinction could be that the ODP portal would publish government data proactively based on information stored by individual agencies, while the FOI portal manages and responds to information requests filed by citizens.

Previous IRM reports suggest that agencies' hesitancy and obstacles to upload data was a major challenge to a comprehensive Open Data Portal. Therefore, the IRM recommends prioritizing cross-government understanding, buy-in, and incentives to facilitate agency participation.<sup>11</sup>

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<sup>1</sup> Philippines' Dept. of Information and Communications Technology, "Republic Act No. 10844" (23 May 2016), <https://dict.gov.ph/about-us/republic-act-no-10844/>.

<sup>2</sup> Aida Yuvienco (Department of Information and Communications Technology of the Republic of the Philippines), interview by IRM researcher, 5 Jun. 2020.

<sup>3</sup> Sandino Soliman (Program Officer for Advocacy, CODE-NGO), interview by IRM researcher, 29 May 2020.

<sup>4</sup> See <https://i.gov.ph/ngp1/>.

<sup>5</sup> Joy Acheron, Independent Reporting Mechanism (IRM): Philippines End-of-Term Report 2015-2017 (OGP, 29 Jun. 2018), <https://www.opengovpartnership.org/documents/philippines-end-of-term-report-2015-2017-year-2/>.

<sup>6</sup> Yuvienco, interview.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Vivien Suerte-Cortez (Hivos Southeast Asia), interview by IRM researcher, 25 May 2020.

<sup>10</sup> Soliman, interview.

<sup>11</sup> Acheron, Independent Reporting Mechanism (IRM): Philippines End-of-Term Report 2015-2017.



## 4. Participatory Infrastructure Monitoring

"The DBM commits to establish an efficient, effective, and participatory monitoring, validation and reporting mechanism for selected government infrastructure programs and projects (DPWH, DA, DepEd, NIA) through an interactive transparency website."

### Main Objective

1. "Regular monitoring and reporting will facilitate the generation of timely and relevant information on the performance of government programs/projects, and the problems that delay the implementation. Detection of potential problems at an early stage will enable the implementing agencies (IAs) concerned, to undertake necessary steps/actions for their immediate and proper resolution;
2. The feedback mechanism of the transparency website will enable the citizens to be involved in the monitoring of selected infrastructure programs and projects at their localities, and for the DBM and IAs to address/respond to the issues/concerns raised; and
3. Validation using science-based methodologies and tools"

### Milestones

1. Drafting the Functional and Technical documents with the following sections: (A) Functional Requirements Document. Functional manual specifies the function that a component of the Department must perform in relation to M&E. It focuses on what the other stakeholders might achieve in response to the function and defines the requirements to be implemented by DIME. (B) Technical Requirements Document. A technical requirement document defines the functionality, features and purpose of the tool. It includes those related to navigation, content, management, design, security and more: a) Section on Transparency and CSO participation in Project DIME, and b) Section on Utilization and Response to Citizen Feedback submitted through Project DIME.
2. Refinement and Finalization of the business process manual.
3. Launch of the Interactive DIME Transparency website.
4. Conduct capacity-building activities for Project DIME Task Force, national government agency representatives, and civil society stakeholders on the Business Process Manual and Project DIME website.
5. Established partnership with DBM/DIME PMO on posting and usage of contracting information for monitoring.
6. Training of 10 CSOs (from 5 organizations) on monitoring of projects covered by DIME.
7. 5 Re-entry plans on monitoring projects under DIME crafted by trained CSOs.
8. Submitted policy paper to DBM/DIME PMO based on results from the monitoring.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation, Public Accountability
<b>Potential impact:</b>	Minor

### Commitment analysis

This commitment seeks to establish a participatory monitoring, validation, and reporting mechanism for selected government infrastructure programs and projects. The platform, Project Digital Imaging for Monitoring and Evaluation (DIME), has been piloted since 2018. Through the Project DIME portal, the Department of Budget and Management (DBM) will

disclose information on big-ticket infrastructure projects and secure citizen feedback on the status of projects' implementation. The DBM will then use this feedback for validating the financial and physical accomplishments of the projects as reported by the implementing agencies.<sup>1</sup>

Apart from making the transparency portal more interactive with stakeholders outside of the DBM, the commitment will expand Project DIME by partnering with the Caucus of Development Non-Governmental Organizations (CODE-NGO) and building the capacity of stakeholders on the technical and functional requirements for DIME technology.

Project DIME was initiated by the DBM in 2018 as an effort to use existing technologies such as satellites, drones, and geotagging in monitoring the progress of big-ticket government projects. As a mechanism to oversee government projects in areas where physical inspection is challenging, the project depends on technology to ensure that government money is spent well and according to the specified timeline and standards for which it was procured.<sup>2</sup>

Historically, DBM focused on budgeting and primarily monitored projects through paper review. Project DIME allows more advanced monitoring of government-funded projects. It was initiated as an internal reporting mechanism to complement financial reporting on disbursements and appropriations to agencies. However, past reports lacked information on actual implementation and the DBM had no means to understand these delays, which were reportedly often beyond the control of the implementing agency.<sup>3</sup> It then evolved into a government decision-making tool and a platform for other agencies to check the status of their own projects, involving a feedback loop and negotiation between DBM and the related agency.

The technical team at DBM assesses and monitors priority projects according to selection criteria consisting of program prioritization, funding magnitude, weak performance, reach and impact, adverse findings from the Commission on Audit, and others. After analyzing government programs, Project DIME settled on 13 priority government programs starting in 2018. The Project Management Team of Project Dime reports to the Office of the Chief Information Officer, which has technical staff hired purposely for the project. Additionally, they support the composite Project DIME Task Force and regional DIME units to help identify and coordinate with agencies and ensure the timely data submission. All of these efforts had been carried out prior to this action plan.

After the first year of its initial implementation as a pilot project, Project DIME has allowed the DBM to investigate project implementation issues that are otherwise not explained or readily available in reports. Reports generated from satellite images, drones, and geotagged information have become the basis for dialogue with government agencies in order to clarify discrepancies and delays. Upon notice, the government agency or project implementer will then resolve the issues.<sup>4</sup> To ensure that there is a standard procedure in the process, this commitment will develop technical, functional, and business manual documents.

At the moment, the main users of the report are the Chief Information Officer and the bureaus at the DBM who monitor programs run by the 12 priority agencies. Through this commitment, CSOs will be trained to participate in monitoring programs under Project DIME. They will help populate information and reports through an interactive website to validate projects' implementation, especially in remote areas. They recognize that the public is active in monitoring and reporting on government projects, especially via social media, but that the information does not reach proper authorities. This commitment equips the Project DIME website ([dime.gov.ph](http://dime.gov.ph)) with a reporting feature to allow DBM and relevant agencies to consider citizen reports when evaluating implementation of priority programs.<sup>5</sup>

This commitment is relevant to OGP values in terms of access to information, civic participation, and public accountability. Transparency and access to information will be improved through the publication of information on key government infrastructure projects, which then can become the basis for feedback from civil society. Using this input, the DBM can then exact accountability from the implementing agencies should any discrepancies be found.

The three standard documents to be developed will be the guidelines for the DBM and other government agencies to respond to the feedback.

This commitment has a minor potential impact on participatory monitoring for government projects. Harnessing citizen input to monitor government infrastructure projects is a notable departure from standard practice. Additionally, the website's improved interactivity and monitoring feature will give citizens a more accessible platform to channel their feedback. However, this commitment is limited to setting up modest monitoring infrastructure, such as training only five CSOs. This commitment could have greater impact if it expands the public monitoring system to focus on widespread monitoring as well as government responsiveness to public input. An increased government focus on successful integration of citizen input will provide an effective template for utilizing public feedback to strengthen accountability.

### Next Steps

Vitaly, this commitment begins to open up the Department of Budget and Management's monitoring processes and harness the benefits of civic participation. A greater focus on ensuring government accountability in response to public input will strengthen the open government impact of this commitment. Lessons from Mongolia's 2016 commitment to increase participatory monitoring for health and education services include:<sup>6</sup>

- Provide online materials on social accountability alongside government project information from the start;
- Use capacity-building workshops as an opportunity to gather CSOs' consensus on which projects to monitor;
- Create incentives and conduct targeted outreach to ensure that poor and marginalized groups are engaged in monitoring efforts; and
- Publish CSOs' final audits and consider an overarching report on the commitment's sustainability and effectiveness.

As a result of these efforts, the government came to see the public and civil society as critical partners in decision making and collaborative problem solving.

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<sup>1</sup> Jhoana Rull (Project DIME (DBM)), interview by IRM researcher, 6 Jul. 2020.

<sup>2</sup> Philippines Dept. of Budget and Mgmt., "Project DIME Technical Report for Hard Projects 2018" (2018), <https://www.dime.gov.ph/pdf/INFOGRAPH%20-%20OVERALL.pdf>.

<sup>3</sup> Rull, interview.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> National Council of OGP Mongolia, "Improve Provision and Quality of Education and Health Services (MN0023)" in Open Government Partnership National Action Plan - II 2016-18 Mongolia (OGP, 17 Jul. 2016), <https://www.opengovpartnership.org/members/mongolia/commitments/mn0023/>.

## 5. Extractive Sector Transparency and Accountability

"The DOF commits to institutionalize transparency and accountability in the extractive industries by mainstreaming of EITI in the Philippines. Mainstreaming EITI entails the creation and issuance of policies, and development of web-based systems that will effective systematic disclosure (to replace traditional publication) of data and information about the extractive industries in the country (mining, oil, and gas). Extractives['] data include requirements under the 2019 EITI Standard such as contract transparency, company payments to government, beneficial ownership, and data on environment and gender, among others.

In addition, mainstreaming seeks to enhance the role and sustain the operations and activities (data analyses, research, creation of policy recommendations, outreach, and communications) of the Multistakeholder Group."

### Main Objective

"The commitment will reduce the cost of EITI reporting while strengthening the role of the MSG in the public discourse on and development of policies pertaining to extractives. With reduced cost, systematic disclosure, and strengthened multi-stakeholder participation, transparency and accountability in the extractives will be more sustainable."

### Milestones

1. Systematic disclosure of extractives information through an integrated (centralized) network of independent databases and web portals.
2. Public register of beneficial owners of extractive companies.
3. Standardized gender audit tool for extractive companies.
4. Establishment of a local multistakeholder forum or council for data disclosure and analysis.
5. Community-based training on PH-EITI vis-à-vis natural resource governance.
6. Enhancement of local, provincial extractives data including social and environmental payments.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation, Public Accountability, Technology and Innovation for Transparency and Accountability
<b>Potential impact:</b>	Moderate

### Commitment analysis

This commitment will mainstream the Extractive Industries Transparency Initiative (EITI) in a key province in the Philippines. By following standards and protocols set by the EITI, the Philippine government, and the local provincial government in particular, will be able to ensure transparency and accountability through systematic disclosure of information, promote community participation through dialogues via the multistakeholder forum, and encourage adoption of sustainable practices among mining companies.

This commitment builds on extractive-sector transparency reforms in previous action plans. Commitment 4 in the 2015–2017 action plan and commitment 8 in the 2017–2019 action plan resulted in the creation of an active EITI multistakeholder group, annual EITI country reports, and online and in-person efforts to connect affected communities with extractive-sector data.<sup>1</sup>

Mining is a priority sector for the Philippine government. As enshrined in the medium- and long-term development visions of the country, the extractive sector is expected to bring in revenue and employment needed to drive continuous growth and development.<sup>2</sup> It is governed by laws in compliance with the mandate of the Philippine constitution, Republic Act No. 7942 (the “1995 Mining Act”), and Administrative Order (AO) No. 2010-21 of the Department of Environment and Natural Resources (DENR).

Participation in the Extractive Industries Transparency Initiative (EITI) was first initiated through Executive Order (EO) No. 79, s. 2012, to commit to international standards of transparency and accountability in the extractive sector and in the government. Through EO No. 147, s. 2013, the government then instituted the Philippine Extractive Industries Transparency Initiative (PH-EITI). The Mining Industry Coordinating Council (MICC) established a multistakeholder group (MSG) as required by EITI guidelines and EO 147. The MSG is composed of representatives from government (DOF, DENR, DOE, DILG, and ULAP), industry (Chamber of Mines of the Philippines, and Petroleum Association of the Philippines), and civil society (Bantay Kita of Publish What You Pay Philippines). The Department of Finance chairs the MSG.<sup>3</sup>

Considered as the third pillar of EITI implementation in the Philippines, the MSG regularly conducts training orientation and roadshows for their stakeholders.<sup>4</sup> As a result, CSOs and communities are more aware of and capable to participate in the natural resource governance process. The PH-EITI has also been able to conduct outreach to target and assist specific stakeholders with a focus on informing and building capacity regarding the EITI process.<sup>5</sup> Through this commitment, the awareness-raising and capacity-building initiatives will be continued and expanded to include stakeholders at the local level, whereas the MSG will continue as a forum for cross-sectoral representatives to negotiate and discuss plans for extractive sector transparency moving forward.

The Sixth PH-EITI Report (FY 2018), published in December 2020 and updated in March 2021, has a chapter devoted to the discussion of beneficial ownership transparency in the extractives sector. The report also published beneficial ownership information of 29 companies and projects. PH-EITI requested that companies voluntarily consent to beneficial ownership disclosure.<sup>6</sup> The information is also accessible in open format online.<sup>7</sup>

This commitment is relevant to all four OGP values. In regard to access to information, the extractive sector must report on their operations in a more systematic manner in order to comply with EITI standards. Through systematic and regular disclosure, civil society can monitor mining operations, while affected communities can track and secure access to information, which can be used to demand accountability from regulatory agencies for any environmental or social wrongdoings. Further enhancements integration of the websites, in particular the addition of a portal for stakeholders to raise concerns and for the government to publish action taken in response to such concerns make this commitment relevant to the values of public accountability as well as technology and innovation for transparency and accountability.

This commitment has a moderate potential impact. Several milestones are a continuation of ongoing resource governance reforms in the Philippines. At the time of writing in 2021, the PH-EITI website provided centralized extractive economic, environmental, operational, payment, and social data through the Extractives Data Generator (EDGE) (Milestone 1).<sup>8</sup> PH-EITI also already undertakes community-based training on natural resource governance (Milestone 5).<sup>9</sup> Similarly, some non-fiscal data on social and environmental payments are available online.<sup>10</sup> According to Dr. Glenn Pajares, Chair of Sectoral Transparency Alliance on Natural Resource Governance in Cebu (STANCe), the scope of fiscal and non-fiscal reports has expanded over recent years to cover close to 90% of extractive data. However, some notable companies continue to resist disclosure.<sup>11</sup>

The remaining milestones represent new steps toward extractive sector transparency. A public register of beneficial owners (Milestone 2) could integrate extractive sector beneficial

ownership information, contracts, and extractives information into a publicly available portal for the first time. This milestone builds on SEC Memorandum Circular Number 15, which established the requirement for SEC-registered corporations to disclose beneficial ownership information in 2019. According to PH-EITI, progress on disclosure of beneficial ownership information could decrease tax evasion and money laundering within the extractives sector.<sup>12</sup>

The efforts to further localize EITI (Milestones 4 and 6), especially in areas most affected by extractive activities, could also offer an important model for extractive-sector transparency. Establishment of a local multistakeholder forum for data disclosure and analysis, capacity building, and enhancement of local and provincial extractives data in Cebu could complement previous efforts. Dr. Glenn Pajares also notes that gender reporting (Milestone 3) is another important frontier for comprehensive extractive sector transparency in the Philippines.

### Next Steps

Localizing EITI in provinces where mining operations actually occur brings the issue closer to where people and communities can actually participate, air their aspirations and concerns, and monitor compliance to existing regulations. The experience in the province of Cebu could pave the way for talks on developing a new national policy or encourage the DENR to revisit relevant, existing rules and regulations.<sup>13</sup> PH-EITI websites and reports disclose important extractive information. However, the next challenge is to ensure the reports inform government and community decision making.<sup>14</sup> Creating local natural resource governance could help close this gap.

Even as the Philippine government continues to maintain compliance to the EITI standards, participation at the national level is still mostly represented by organized business and civil society groups. As such, this commitment could actually establish a new model for how citizens can directly participate in safeguarding extractive sector transparency. However, this will require the government to create strong legal frameworks and extensive assistance to ensure that local communities are aware of their rights and can engage the different parties within the industry.

Importantly, restricted civic space in the Philippines threatens to undermine commitments that rely on civic engagement. CIVICUS' civic space monitor currently rates the Philippines as "repressed."<sup>15</sup> Government crackdowns on free speech and the media inhibits journalists and communities' ability to use extractive data to hold the government accountable. The IRM recommends that the Philippines consider how to continue to address these cross-cutting issues in the next action plan.<sup>16</sup>

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<sup>1</sup> Joy Aceron, Independent Reporting Mechanism (IRM): Philippines End-of-Term Report 2015-2017 (OGP, 29 Jun. 2018), <https://www.opengovpartnership.org/documents/philippines-end-of-term-report-2015-2017-year-2/>; Independent Reporting Mechanism (IRM): The Philippines 2017-2019 Design and Implementation Report (OGP, publication forthcoming).

<sup>2</sup> Philippine Extractive Industries Transparency Initiative, Forging New Frontiers, the Fifth PH-EITI Report (FY 2017) (31 Dec. 2018), [https://eiti.org/files/documents/philippines\\_2017\\_eiti\\_report\\_-\\_fy\\_2017.pdf](https://eiti.org/files/documents/philippines_2017_eiti_report_-_fy_2017.pdf).

<sup>3</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021.

<sup>4</sup> Philippine Extractive Industry Transparency Initiative, "PH-EITI Events" (accessed 5 Aug. 2021), <http://ph-eiti.dof.gov.ph/>.

<sup>5</sup> Philippine Extractive Industries Transparency Initiative, Forging New Frontiers, the Fifth PH-EITI Report.

<sup>6</sup> Government of the Philippines, interview.

<sup>7</sup> See PH-EITI Beneficial Ownership Registry: <https://pheiti.dof.gov.ph/boregistry/>.

<sup>8</sup> See <https://pheiti.dof.gov.ph/extractive-data-generator/>. Additionally, the PH-EITI Contracts Portal provides access to mining, oil, and gas contracts: <https://contractsph-eiti.dof.gov.ph/>.

<sup>9</sup> Philippine Extractive Industry Transparency Initiative, "PH-EITI Events."

<sup>10</sup> EITI, "Social and economic contribution" (8 Jun. 2020), <https://eiti.org/philippines#social-and-economic-contribution->.

<sup>11</sup> Dr. Glenn Pajares (Chair of Sectoral Transparency Alliance on Natural Resource Governance (STANCe)), interview by IRM researcher, 4 Jun. 2020.

<sup>12</sup> EITI, "Overview" (8 Jun. 2020), <https://eiti.org/philippines>.

<sup>13</sup> Dr. Glenn Pajares, "Learning Experience from the Cebu EITI MSG localization" (Bantay Kita, 24 Oct. 2020), <http://www.bantaykita.ph/updates/learning-experience-from-the-cebu-eiti-msg-localization>.

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<sup>14</sup> Pajares, interview.

<sup>15</sup> CIVICUS, “Philippines” in CIVICUS Monitor (accessed 5 Aug. 2021),  
<https://monitor.civicus.org/country/philippines/>.

<sup>16</sup> CIVICUS, “Attacks, red-tagging of activists in the Philippines persist as UN fails to support investigation” (29 Oct. 2020),  
<https://monitor.civicus.org/updates/2020/10/29/attacks-red-tagging-activists-philippines-persist-un-fails-support-investigation/>.

## 6. Freedom of Information Law and Local Freedom of Information Program

"To have Congress pass a legislation on access to information which will mandate the disclosure of government information-from all three branches to the general public. In the interim, to sustain and expand the reach of the EO2, the PCOO will strengthen its efforts on implementing access to information at the local level."

### Main Objective

"The passage of a Freedom of Information Law is crucial for Filipino citizens to exercise their right to access government-held information. It empowers citizen participation in demanding for transparency and accountability from the government. The Law will mandate all branches of the government to disclose all documents as well as the procedures for accessing these documents."

### Milestones

1. Draft an administration version of the FOI Bill and lobby to FOI Champions in the senate and the House of Representatives.
2. Certification of the FOI as an urgent legislative measure by the Office of the President of the inclusion of the FOI as part of the President's Legislative Agenda.
3. Conduct four (4) public consultation activities to gather feedback on the FOI Bill.
4. Lobby the issuance of fifty (50) local FOI ordinances through a local FOI Acceleration Program.
5. Conduct ten (10) capacity-building/consultation activities for local government units (LGUs) and local government champions.
6. Conduct four (4) sector-specific capacity-building/engagement activities: The Feminist Agenda in FOI; FOI for the LGBT Community; FOI for PWDs; FOI for Ips.
7. Support the organizing of network of CSO advocates for FOI.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation
<b>Potential impact:</b>	Transformative

### Commitment analysis

This commitment aims to have the Philippine Congress pass legislation on freedom of information (FOI). The proposed bill is expected to mandate the disclosure of government information to the public from across all branches of government. The FOI bill will be informed by government experience implementing Executive Order (EO) No. 2, s. 2016. The Presidential Communications Operations Office (PCOO) will have the FOI bill certified as an urgent legislative measure by the president's office and lobby for local FOI ordinances through the FOI Acceleration Program.

The FOI bill was first included in the Philippines' third NAP but is still pending in Congress. Although CSO advocacy for the FOI bill dates back to the 1990s in the time of then-president Fidel V. Ramos, previous proposals never went beyond committee hearings (second reading) in the House of Representatives and plenary discussions (third reading) in the Senate.<sup>1</sup> According to CSO advocates from the Right to Know, Right Now! Coalition, opposition from legislators has been mainly due to concerns regarding privacy and personal information protection.<sup>2</sup> During the term of former president Benigno Aquino III, stronger civil society lobbying also



failed to achieve sufficient support on the floor due to lack of political commitment.<sup>3</sup> In the 16<sup>th</sup> Congress, the bill remained pending because of legislators' demands for a right-of-reply provision, which would require the media to offer equal space or airtime to those who wanted to reply to critical reports.<sup>4</sup>

Unlike Commitment 5 in Philippines' previous action plan, this iteration explicitly includes lobbying FOI champions in the House and Senate under Milestone 1. Furthermore, Milestone 2 calls for the president to establish the FOI Bill as an "urgent legislative measure." These activities may help to address the legislature's hesitancy to pass the bill. Favorably, President Duterte has two years left to fulfill his campaign promise of a FOI Bill, and a FOI EO has established the infrastructure and awareness needed to make the FOI Bill more feasible.<sup>5</sup> Regardless, this commitment still faces some political opposition as well as being overshadowed by the COVID-19 pandemic.

During the third and fourth action plans, the PH-OGP, particularly through the PCOO, lobbied for a FOI law while simultaneously spearheading the practice of FOI by virtue of EO No. 2 s.2016, which established a mechanism for citizens to file public information requests. While not flawless, the EO allows stakeholders to experience a FOI program and its requirements for effective implementation. Ideally, advocates can now leverage these FOI structures to demonstrate to Congress the benefits and importance of a national FOI law. Currently, the EO is limited and excludes the legislative and judicial branches, and local government units due to their local autonomy.<sup>6</sup> Moreover, the EO provides no penalty beyond administrative sanction and can be superseded by a future administration.<sup>7</sup>

The FOI EO mandates executive branch agencies to develop FOI manuals, designate information officers, and launch an FOI portal ([foi.gov.ph](http://foi.gov.ph)). Outside of the executive branch, the PCOO introduced FOI mechanisms to the Commission on Audit, the Office of the Ombudsman, the Civil Service Commission and the judiciary branch through the Supreme Court's access to court information policy. The PCOO achieved a 100% compliance rate for FOI manuals among national government agencies, 90% among state universities and colleges as well as government-owned or controlled corporations, and 42% among water districts, owing largely to having included this as a requirement for the performance-based bonus for the mentioned agencies.<sup>8</sup>

To date, 28 local government units (LGUs) have implemented FOI ordinances. By June 2020, the PCOO reported that FOI requests had increased by 40%, with a total of 31,827 FOI requests filed to the 487 government agencies integrated in the FOI portal. Of those, 45% were processed and 32% denied, while the remaining were still being verified or processed. The Philippine Statistics Authority, the Department of Health, the Department of Education, the Department of Social Welfare and Development, the Department of Labor and Employment, the Department of Transportation, and the Department of Public Works and Highways received the highest number of requests.<sup>9</sup>

Civil society emphasizes the EO and manuals are insufficient to realize FOI. Even with the EO and Republic Act 6713 (the Statement of Assets, Liability and Net Worth (SALN) Law), civil society faces increasing difficulties to obtain information on the assets, liability, and net worth of public officials, including the president, senators, and members of congress. The Philippine Center for Investigative Journalism, for instance, finds it more difficult to access SALN documents of public officials.<sup>10</sup> Information officers usually cite privacy concerns, invoking RA 10173 (the 2012 Data Privacy Law) to deny information requests by civil society groups.<sup>11</sup> As a result, while the PCOO has started to get the FOI bill developed and passed, civil society has yet to form a consensus on which version of the FOI bill to support.

The PCOO submitted the current FOI bill to Congress with three key features. The first mandates that when information requests are lodged with the wrong agency, the receiving agency must refer them rather than reject. The second feature creates an independent commission to oversee FOI implementation and handle appeals. At present, the main powers

of the PCOO are monitoring and capacity building, without any provisions for appeals or agency denials. The third feature is to maintain a transparent record-management system.<sup>12</sup>

This commitment is relevant to OGP values in terms of access to information and civic participation. If the bill is successfully passed, citizens would have a stronger legal framework to demand proactive information disclosure from the government. Furthermore, the commitment mandates that the legislation process include a public consultation period, which could create opportunities for both civil society groups and citizens to influence how the bill is built and then enforced.

This commitment has transformative potential impact to increase Filipinos' access to government-held information. Implementation would vastly broaden and strengthen access to information in the Philippines. Currently, only 28 LGUs have FOI ordinances in a country with 1,488 municipalities and 42,046 barangays.<sup>13</sup> This commitment would extend these laws across agencies and levels of government. A FOI bill would also permanently enshrine the right to information into law, able to withstand changes in administration. Moreover, information officers would have less ground to deny requests and FOI requests lodged with the wrong agency would still be answered. Furthermore, the FOI Bill would create an independent agency with the ability to process appeals and maintain a transparent record system. Finally, this commitment incorporates several opportunities for public consultation and capacity building, with specific outreach to women, the LGBTQ community, persons with disabilities, and indigenous people. The commitment's focus on vastly broadening and deepening institutionalization of the FOI regime across government, as well as public consultations, promises to significantly improve citizens' access to information.

### Next Steps

The FOI bill should be seen as important, strategic legislation by both government and nongovernment stakeholders. With 2022 being an election year, 2020 is likely to be the most timely opportunity to push for the bill to be passed, especially considering that the FOI bill was one of President Duterte's campaign promises. While COVID-19 has forced the government to focus on crisis management, it revealed the critical importance of timely access to information to LGUs and politicians. Finally, PCOO has found that only 6% of FOI requests related to public officials' personal information. Therefore, implementation of the FOI EO demonstrates that legislators' privacy fears are disproportionate. These unique circumstances may facilitate the passage of the FOI bill unachieved in previous action plans.

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<sup>1</sup> Vino Lucero (Youth Alliance for Freedom of Information), interview by IRM researcher, 29 May 2020.

<sup>2</sup> Joy Chavez (Right to Know, Right Now! Coalition), interview by IRM researcher, 9 Jun. 2020.

<sup>3</sup> Id.

<sup>4</sup> Camille Elemia, "Freedom of Information law: will it pass under Duterte?" (Rappler, 3 Aug. 2016), <https://www.rappler.com/newsbreak/in-depth/freedom-of-information-law-duterte>.

<sup>5</sup> Lucero, interview.

<sup>6</sup> Joy Acheron, Independent Reporting Mechanism (IRM): Philippines End-of-Term Report 2015-2017 (OGP, 29 Jun. 2018), <https://www.opengovpartnership.org/documents/philippines-end-of-term-report-2015-2017-year-2/>.

<sup>7</sup> Chavez, interview.

<sup>8</sup> Kris Ablan (Presidential Communication Operations Office of the Republic of the Philippines), interview by IRM researcher, 9 Jun. 2020.

<sup>9</sup> Samuel P. Medenilla, "FOI Data Requests Rose 40% to 31,827 from March to June—PCOO Official" (Business Mirror, 17 Jul. 2020), <https://businessmirror.com.ph/2020/07/17/foi-data-requests-rose-40-to-31827-from-march-to-june-pcoo-official/>.

<sup>10</sup> Lucero, interview.

<sup>11</sup> Chavez, interview.

<sup>12</sup> Iris Pearl Clemente (FOI Engagement Officer, FOI Project Management Office), interview by IRM researcher, 9 Jun. 2020; Marinella Ricafranca (FOI Engagement Officer, PCOO), interview by IRM researcher, 9 Jun. 2020; Ablan, interview.

<sup>13</sup> Philippines Dept. of the Interior and Local Gov., "Regional and Provincial Summary - Number of Provinces, Cities, Municipalities and Barangays as of 30 September 2020" (4 Dec. 2020), <https://www.dilg.gov.ph/facts-and-figures/Regional-and-Provincial-Summary-Number-of-Provinces-Cities-Municipalities-and-Barangays-as-of-30-September-2020/32>.

## 7. Inclusive Participatory Review of Labor and Employment Policies

"Considered as [a] key instrument in the attainment and maintenance of industrial peace, Tripartism in labor relations is declared a State policy. Towards this end, the Department shall ensure Tripartism and social dialogue, which entails that workers and employers are, as far as practicable, represented in decision and policy-making bodies of government, particularly in the National and Regional Tripartite Industrial Peace Councils.

The Department shall further ensure that representations in these tripartite councils are inclusive by reconstituting the tripartite councils and expanding labor representations in these councils to include most representative organizations in sectors of workers other than the formal labor. This is a deviation from the usual tripartite councils wherein labor representation is traditionally comprised of representatives of the formal labor. Through this commitment, the Department aims to have a more proactive engagement with the labor and employer sector, which signifies that their voices and inputs are heard and considered in the review of labor laws and other policies affecting their rights, duties, and welfare."

### Main Objective

"Inclusive and proactive participation of workers and employers in policy-making ensure that their concerns and inputs are being considered in the process, thereby promoting greater integration of objectives and circulation and processing of information. This would most likely result in more responsive policies that would truly address the needs and/or concerns of their respective sectors. Moreover, their participation in policy-making would also develop democratic ownership over policies, thus helping ensure acceptability and feasibility. It increases the possibility of the acceptance of outcomes and minimizes the possibilities for conflict."

### Milestones

1. Reconstitution and/or expansion of labor representation in the National Tripartite Industrial Peace Council (NTIPC) and the Regional Tripartite Industrial Peace Councils (RTIPC) to include sectoral representatives.
2. Deliberation of regional, industry and/or sectoral concerns on labor and employment by the RTIPCs.
3. Review and amendment of labor relations policies, contributing to the attainment and maintenance of industrial peace: Implementing rules and regulations (IRR) of the Conciliation-Mediation Law (RA 10396); Existing guidelines governing the conduct of social partners and stakeholders during labor disputes; IRR of Telecommuting Law.
4. Ensure representation of relevant sectors in OGP commitment activities.
5. Capacity-building/Training materials workshop on Social Dialogue, Participatory governance, and Quality public services.
6. Mindanao Regional workshop on Social Dialogue and Participatory governance.
7. Visayas Regional workshop on Social Dialogue and Participatory governance.
8. Luzon Regional workshop on Social Dialogue and Participatory governance.
9. National Conference on Social Dialogue and Participatory Governance.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Civic Participation
Potential impact:	Moderate

## Commitment Analysis

This commitment aims to facilitate industrial peace through the proactive inclusion of formal and informal sector workers in the formation and review of labor policies. The Department of Labor and Employment (DOLE) and partners seek to achieve this through the reconstitution of the Tripartite Industrial Peace Council at national and regional levels to encourage social dialogue and participatory governance. The commitment revisits RA 10396 (the Conciliation-Mediation Law), which regulates labor dispute resolution.<sup>1</sup> By increasing labor representation, the government hopes to build better policies that respond to the demand and needs of workers and employers.

The Philippine constitution, the Philippine Labor Code, and several international treaties acknowledge the right to labor organizing, collective bargaining, and dispute settlement.<sup>2</sup> The Labor Code also provides for the right for informal sector workers to "form labor organizations for their mutual aid and protection."<sup>3</sup> By 2018, trade union density was only 7.5% in the Philippines, with many laborers in the informal sector.<sup>4</sup> However, DOLE states that as of June 2021, there are 85,748 registered workers associations nationwide.<sup>5</sup> Despite an established legal framework, union and labor leaders have face challenges such as police intimidation and restrictions on civil liberties.<sup>6</sup> According to a civil society member, restricted civic space and declining union membership have inhibited unions' ability to effectively represent themselves in the national and regional TIPCs.<sup>7</sup>

The Tripartite Industrial Peace Council (TIPC) was formed in 1990 through EO 403 as the main consultative mechanism and advisory body of workers, employers and government on labor and employment.<sup>8</sup> Tripartite social dialogue allows negotiation among workers, employers, and governments of terms of employment and concerns regarding labor policy.<sup>9</sup> RA10395 (Strengthening Tripartism Act) further strengthened social dialogue and processes. TIPCs at the national and regional level monitor implementation and compliance with international conventions, codes of conduct, and social accords. They also review existing labor, economic, and social policies; evaluate local and international developments; and submit to the president or the Congress tripartite views, recommendations, and proposals on labor, economic, and social concerns, including tripartite positions on bills pending in Congress. More recently, TIPC has expanded engagement beyond unions to include all interested labor groups in social dialogue.<sup>10</sup> DOLE states that it maintains constant partnership and communications with unregistered labor organizations through tripartism and social dialogue.<sup>11</sup>

Through this commitment, the government seeks to reinvigorate the practice of tripartite social dialogue in maintaining industrial relations as well as increase the representation of both formal and informal workers in those processes. This commitment is relevant to the OGP value of civic participation. Tripartism and social dialogue provides workers and employees an equal opportunity to participate in decision-making processes on employment policies. Expanded representation that includes greater presence of informal workers will broaden the discussion, better align policies with realities of the Philippines' labor force and enable informal workers to advocate for their rights. According to Annie Enriquez-Geron, this commitment could strengthen unionization in the public sector in particular.<sup>12</sup> DOLE states that "tripartism and social dialogue are mechanisms through which the labor, employer, and government sectors can jointly discuss labor and employment issues and work together to come up with solutions."<sup>13</sup> This commitment aligns with the government's Decent Work Agenda and obligations under the International Labor Organization's core labor standards.<sup>14</sup>

This commitment has moderate potential impact. This commitment promises to significantly broaden participation in the councils to include representatives from the public and informal sectors, as well as women, youth, and migrant workers. If fully implemented, this commitment will ensure that a more representative swath of workers will evaluate and provide recommendations on labor policies. This is important given the recent decline in unions' power as well as government restrictions on labor organizing.<sup>15</sup> The ultimate open government impact of this commitment will be determined by whether reforms to TIPCs result in policies

that better reflect realities of the labor sector and workers' rights. Additionally, it is important that including non-unionized workers in social dialogue does not come at the expense of further undermining unions.

### Next Steps

Workers' rights advocates, organizations, and unions currently face a challenging environment in the Philippines. DOLE's commitment to a reevaluation of labor policies and dispute resolution mechanisms, in partnership with workers, is an important step toward a stronger workers' rights legal framework. DOLE's aim to for broader inclusion of informal and marginalized workers in policy review, making, and monitoring is also significant given the high percentage of workers in the informal sector. In addition to the reforms above, the government should continue to work towards a safe environment for organized labor by ensuring fair treatment by the security and judicial branches of government.<sup>16</sup>

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<sup>1</sup> Note that the Philippines submitted a revised OGP national action plan that removed the specific milestone to review and amend the Conciliation-Mediation Law (RA 10396). This report analysis the initial action plan submitted by the Philippines rather than the amended text. The original and amended action plan may be found here: <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>

<sup>2</sup> Maragtas Amante, "Philippine Unionism: Worker Voice, Representation, and Pluralism In Industrial Relations" (Institute of Developing Economies, 2019), [shorturl.at/ehCKP](https://shorturl.at/ehCKP)

<sup>3</sup> Government of the Philippines. Labor Code of the Philippines. 1974. <https://blr.dole.gov.ph/2014/12/11/labor-code-of-the-philippines/>

<sup>4</sup> Dept. of Labor and Employment Bureau of Labor Relations, "2018 Labor Organization Statistics" (2019), [https://blr.dole.gov.ph/wp-content/uploads/2019/09/2018\\_Labor-Relations-Landscape\\_.pdf](https://blr.dole.gov.ph/wp-content/uploads/2019/09/2018_Labor-Relations-Landscape_.pdf).

<sup>5</sup> Information provided by the Department of Labor and Employment to the IRM during the report's public comment period. September 2021.

<sup>6</sup> ITUC, 2020 ITUC Global Rights Index: The World's Worst Countries for Workers. accessible at: [shorturl.at/BFH07](https://shorturl.at/BFH07); Alliance of Workers in the Informal Economy/ Sector et al., "2019 Philippine Workers' and Trade Union Report on the SDGS" (31 May 2019), 10, <https://tinyurl.com/tw5ddt6d>.

<sup>7</sup> Enriquez-Geron, email.

<sup>8</sup> See <https://blr.dole.gov.ph/2014/12/11/tripartite-industrial-peace-council>.

<sup>9</sup> ILO and OECD, Thematic Brief: Achieving Decent Work and Inclusive Growth: The Business Case for Social Dialogue (The Global Deal, 2017), [https://www.theglobaldeal.com/resources/Thematic-Brief-Achieving-Decent-Work-and-Inclusive-Growth\\_The-Business-Case-for-Social-Dialogue.pdf](https://www.theglobaldeal.com/resources/Thematic-Brief-Achieving-Decent-Work-and-Inclusive-Growth_The-Business-Case-for-Social-Dialogue.pdf).

<sup>10</sup> Government of the Philippines. Department of Labor and Employment. "About TSD." <https://www.dole.gov.ph/tsd-contents/>

<sup>11</sup> Information provided by the Department of Labor and Employment to the IRM during the report's public comment period. September 2021.

<sup>12</sup> Id.

<sup>13</sup> Information provided by the Department of Labor and Employment to the IRM during the report's public comment period. September 2021.

<sup>14</sup> Annie Enriquez-Geron (Gen. Sec., Public Services Labor Independent Confederation: National Public Workers Congress), email with IRM researcher, 5 Mar. 2021.

<sup>15</sup> Alliance of Workers in the Informal Economy/ Sector et al., "2019 Philippine Workers' and Trade Union Report on the SDGS" at 10.

<sup>16</sup> ITUC, 2020 ITUC Global Rights Index: The World's Worst Countries for Workers at 29.

## 8. Nutrition and Reproductive Health Participatory Action Research

"The commitment of the agency (DSWD) is the conduct of two Participatory Action Researches (PAR). PAR is an approach to research that emphasizes participation of community members in defining the problem, gathering and analyzing data, and arriving at solutions to the problem collectively.

Through the PAR, the community will be able to look deeply at the issues and address some of the identified factors impacting nutrition, in particular socio-cultural beliefs and perceptions which contribute to the problem of nutrition not being perceived as 'urgent' and issues related to accessing quality health facilities, such as transportation costs and unavailability of free medicines."

### Main Objective

1. "The inclusion of those who will be directly affected by policy initiatives should help refine the context within which problems are understood and approached to reveal issues that are otherwise overlooked, such as 'invisible' barriers that impede or limit demand and access to government services by those who most need them. Likewise, by allowing local and marginalized voices to be heard, people are empowered and hopefully encouraged to engage in the political process so that they are less isolated and able to share their public policy successes with other communities to become part of a virtuous cycle of active citizen engagement;
2. The highest objective is to bring the results of these conversations to policymakers and program managers at the highest levels so that they hear what the people for whom policies, programs, and projects are intended have to say. By enabling them to examine and articulate their own needs, the people that government say they serve will be able to influence how programs are designed and delivered so that these are contextualized and behavioral barriers normally not apparent to policymakers are addressed; and
3. The weight and might of the whole of government is brought to bear on the protection of children and the corollary need to support their families. This is the convergence approach referred to in the Philippine Development Plan 2017-2022 that requires the implementation of a multi-sectoral roadmap for children to "build an enabling environment that respects, protects, and fulfils the rights of all children in the country [in order for them to] attain their full potentials as enshrined in the United Nations Convention on the Rights of the Child (UNCRC)."

### Milestones

1. Policy Issuance on the conduct of PAR.
2. Choose pilot areas based on high incidence of malnutrition and teenage pregnancy (target areas: Camarines Sur, Negros Oriental, Negros Occidental, Zamboangao del Norte, Bukidnon, South Cotabato, Manila {Welfareville, Baseco, Bagbag}, Maguindanao, and Lanao del Sur, Regions II, VIII).
3. Mapping of CSO partners.
4. Strengthen partnership building through signing of MOU between DSWD, DBM, DILG, CSOs, LGUs.
5. Development of research design and workplace.
6. Development and pre-test of module on PAR.
7. Formation of PAR teams.
8. Trainings for parent-leaders/volunteers of the PAR group (to include Gender Sensitivity Training).
9. Conduct of participatory action research: Implementation of the community action plan; Tasking and assignment of roles; Reporting and evaluation mechanism in place.
10. Submission of research results with recommendations on Pantawid program enhancements.



11. Development of a communication plan towards addressing issues identified on malnutrition and teenage pregnancies based on the research findings.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Civic Participation
<b>Potential impact:</b>	Moderate

### Commitment analysis

This commitment introduces participatory action research (PAR) to create a holistic and integrated approach to address child malnutrition and early pregnancy in the Philippines. Families part of the Pantawid Pamilyang Pilipino Program (4Ps), the Philippine Conditional Cash Transfer program of the Department of Social Welfare and Development, will use PAR and engage their local government units (LGUs) to implement solutions in collaboration with civil society partners. Through PAR, families can identify and implement solutions for the nutrition and reproductive health concerns of children in the identified communities.

The 4Ps program is the biggest social protection program in the Philippines. The government provides cash transfers to poor households in exchange for compliance to health and education conditions to help break intergenerational poverty. It was introduced in 2008 during the term of then-president Gloria Macapagal-Arroyo and has grown exponentially in terms of coverage—from 376,000 households in 2010<sup>1</sup> to 5,066,892 households in December 2019, making it the cornerstone of the government’s social protection policies. Beneficiary households are found in 144 cities and 1,483 municipalities across 80 provinces.<sup>2</sup> This commitment empowers families to shape the conditions to receive payments so that they address the underlying drivers of malnutrition and teen pregnancy. Therefore, this commitment has the potential to expand the program’s benefits beyond financial, education, and health support to include the benefits of civic participation.

While PAR has been applied to the childrens’ sector, this commitment represents a novel effort to apply PAR to a formal government program. Through this commitment, DSWD will partner with CSOs to train community members for PAR on malnutrition and teenage pregnancy. Citizens proposed this approach to DSWD, who realized there were concerns of high malnutrition and teenage pregnancy among 4Ps households.<sup>3</sup> DSWD notes that malnutrition and teenage pregnancy are national concerns not particular to 4Ps households. However, 4Ps is well placed to implement this commitment as preventing child malnutrition and early pregnancy requires improvements in parenting skills and behavior change, which has always been the ultimate goal of Family/Youth Development Sessions conducted within the program.<sup>4</sup> Through the PAR, communities will be involved in identifying and analyzing problems and developing action plans to respond to their own problems. This is important as communities may suffer from similar problems but require different solutions depending on the root causes and underlying factors. Priority sites will be chosen based on high incidences of teenage pregnancy, hunger, and malnutrition as well as where CSOs are located.<sup>5</sup> However, the COVID-19 pandemic required the program to reduce its scope to around seven research sites in four regions (NCR, Region 5, Region 6, and Region 9).<sup>6</sup> Results of the PAR will then be used to advocate for action from the relevant LGUs and other members of the community. The PAR will be timed with LGUs’ budget process to facilitate LGUs’ response to citizens’ recommendations. Each location’s efforts will be analyzed and documented to determine best practices.<sup>7</sup>

This commitment is relevant to the OGP of civic participation. Involving the 4Ps beneficiaries and community members in the research will not only help the government identify wider and deeper causes of teenage pregnancy and malnutrition, but also educate beneficiaries about their roles and responsibilities relating to these issues.<sup>8</sup> It is also important to note that the commitment's design includes gender-sensitive programming such as ensuring women's representation in the PAR process and developing gender-sensitive advocacy tools based on the PAR results.

This commitment has a moderate potential to improve civic participation in strengthening the Pantawid Pamilyang Pilipino Program. This reform can establish the policies, process, capacity, and relationships between the civil society, relevant government agencies, and LGUs needed for PAR. However, the commitment's impact will largely depend on two factors. First, it will depend on the number of communities covered by this reform, as COVID-19 has caused DSWD to lower the number of communities involved. Second, vital to this reform is whether PAR findings are reflected in LGU budgets. Memorandum of understanding between DSWD, DBM, DILG, civil society, and LGUs will hopefully provide a basis to ensure LGUs act on PAR recommendations. If PAR efforts are successful and expanded across the program, this commitment can achieve transformational long-term results, as the Pantawid Pamilyang Pilipino Program is one of the largest cash transfer programs in the world.

### Next Steps

The most critical aspect of this reform is whether PAR findings are incorporated into 4Ps and LGU budgets. Potential activities to ensure that the government responds to citizen feedback include:

- Training community and CSO volunteers to advocate to their LGU and government agencies based on their PAR findings;
- Seeking guarantees that LGUs will hold public consultations to consider PAR findings from the outset;
- Establishing incentives for LGUs to incorporate PAR findings into their budgets;
- Capturing and sharing success stories in which program and budget changes in response to PAR findings led to improved health in a community; and
- Following up with a report on where PAR findings resulted in program and budget changes with recommendations for other areas.

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<sup>1</sup> The World Bank Human Development Sector Unit East Asia and Pacific Region, Philippines Conditional Cash Transfer Program: Impact Evaluation 2012 (Apr. 2014), <http://documents1.worldbank.org/curated/en/537391468144882935/pdf/755330REVISED000Revised0June0402014.pdf>.

<sup>2</sup> Philippine Dept. of Social Welfare and Dev't, "Pantawid Pamilyang Pilipino Program Implementation Status Report" (31 Dec. 2018), <https://pantawid.dswd.gov.ph/wp-content/uploads/2019/06/Pantawid-Pamilya-4th-Quarter-Report-2018.pdf>.

<sup>3</sup> Olie Lucas (Unang Hakbang Foundation), interview by IRM researcher, 12 Jun. 2020.

<sup>4</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021.

<sup>5</sup> Lucas, interview.

<sup>6</sup> DSWD reports that the new areas of focus are: Addition Hills, Mandaluyong (NCR), Brgy. Longos, Malabon (NCR), Cabusao, Camarines Sur (1 barangay) (Luzon), Silayan, Zamboanga del Norte (2 barangays; for clarification with CSOs) (Visayas). Government of the Philippines, interview; Luzviminda Ilagan (Dept. of Social Welfare and Dev't (DSWD) of the Republic of the Philippines), interview by IRM researcher, 26 Jun. 2020.

<sup>7</sup> Lucas, interview.

<sup>8</sup> Id.



## 9. Indigenous Peoples' Mandatory Representation at the Local Level

"The NCIP, in partnership with local IP groups, commit to ensure implementation of the policy on the IP Mandated representation in local legislative and policy-making bodies by providing guidelines and opening up more platforms to receive feedback, and facilitate reporting of current IP sector situation and government response to issues raised concerning the IP sector."

### Main Objective

"This commitment will help ensure that government agencies, the IP communities, local government units, will be made aware of the rights of the Indigenous Peoples to representation so that non-acceptance of IPMRs by local units and other policy-making bodies will be lessened. Secondly or most importantly, the IP communities will realize that under the law, protection for them exists and understanding of the same will lead further to their empowerment."

### Milestones

1. 10 IPMR IEC/Selection activities.
2. Increase in percentage of provinces, cities, and municipalities with IPMRs (baseline in 2015: 7%).
3. Online publication of the State of the IP Situation in the Philippines.
4. Pilot implementation of *Ulat Katutubo*/IPMR Reporting in IP communities.
5. Reinstitutionalization of IPCC/IP Consultative Bodies.
6. Submission of annual IP feedback report to NCIP.
7. Ensure representation of relevant sectors in OGP commitment activities.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
Verifiable:	Yes
Relevant:	Access to Information, Civic Participation
Potential impact:	Moderate

### Commitment analysis

The National Commission on Indigenous Peoples (NCIP) committed to partner with the Indigenous Cultural Communities (ICC) and indigenous peoples through its Indigenous Peoples Structures (IPS) to implement indigenous peoples' mandatory representation (IPMR) in certain local legislative councils and policy-making bodies. The commitment seeks to increase the number of provinces, cities, municipalities, and barangays that are mandated to implement IPMR from 7% in 2015 to 78% by 2021. The NCIP will publish reports on IPMR implementation, the general situation of indigenous peoples, and government responses to documented IP issues. NCIP will also pilot *Ulat Katutubo*, which is IPMR reporting and feedback collection from IP communities. Indigenous peoples' organizations registered with NCIP have called for the inclusion of a commitment to promote IP rights during previous action plan cycles. IP representatives successfully advocated for this commitment's inclusion in the current action plan due to a bottom-up co-creation approach.<sup>1</sup>

With over 14 to 17 million indigenous peoples across 110 ethno-linguistic groups—mostly found in Mindanao and Cordilleras—the ICCs/IPSs are expected to participate in local legislative councils and policy-making bodies as enshrined in the law. RA 8371 (1997 Indigenous

People's Rights Act (IPRA)) provides that ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives, and destinies. The IPRA created the NCIP as the primary government agency to protect the interests and well-being of ICCs/IPs with due regard to their beliefs, customs, traditions, and institutions. Its primary power and functions involve extending assistance to ICCs/IPs, policy development and implementation, and the coordination of services, programs, and support from other government agencies and sectors. Administrative Order (AO) No. 3, s. 2018 of the National Commission on Indigenous Peoples (NCIP) provides a guideline for implementing the IPMR, as amended by Commission En Banc Resolution No. 08-008-2020, Series of 2020.<sup>2</sup>

While the IPRA is the first legislation in Southeast Asia to recognize the rights of indigenous peoples over their ancestral domains, IP communities remain one of the most marginalized and poorest groups in the Philippines.<sup>3</sup> Broad support for IP communities from civil society and the nonprofit sector is undercut by the government's conflicting approach. To illustrate, the NCIP was formed to protect and promote IP interests against the government's own agenda, especially related to activities of the extractive industries, which often negatively impact and endanger indigenous peoples. The NCIP has also been unable to perform its primary mandate of distributing the Certificate of Ancestral Domain Titles (CADT), which is also affected by budgetary, technical, and human resource limitations.<sup>4</sup>

Factors that have inhibited full implementation of IPMR can largely be placed into two categories: LGU's unwillingness to comply; and LGUs and IP groups' lack of capacity to comply. First, some LGUs are resistant to IP representation and simply aim to "check boxes" to seemingly meet the requirements. Some LGUs lack an understanding of how IP representation seeks to correct historical injustices.<sup>5</sup> Resultantly, selection of IP representatives for LGUs is often politicized with chief executives circumventing an open and fair selection process.<sup>6</sup> Second, some IP groups and LGUs lack the financial support to undergo IPMR selection.<sup>7</sup> Additionally, many IP groups have limited capacity to develop and lobby their legislative agenda to local councils, especially groups in rural areas without CSO assistance.<sup>8</sup> Civil society representatives from CODE-PH state that this commitment responds to some of these challenges by addressing capacity constraints and promoting a fair selection process for representatives.<sup>9</sup> NCIP agreed to the inclusion of this commitment with a request that the government provide funding for its activities. At the time of writing, the government had not fulfilled these requests.<sup>10</sup>

This commitment is relevant to OGP values in terms of access to information and civic participation. IPMR representatives are tasked with creating a legislative agenda in partnership with the community they represent. Furthermore, IP consultative bodies advance grassroots representation by providing a platform for IP elders and leaders. Together, IPMR promotes the community's legislative agenda in LGUs while consultative bodies provide space to express community issues at the municipal, provincial, and regional levels. Indigenous People Cultural Communities and consultative bodies can also act as a backup to ensure that ICCs/IPs have a platform in instances where LGUs do not implement the IPMR policy.<sup>11</sup> The publication of reports on IP representation and issues will increase citizens' access to information.

This commitment has a moderate potential to increase indigenous peoples' political inclusion and access to services. The inclusion of this commitment in the action plan is itself an achievement as it brings IP rights and representation to the forefront.<sup>12</sup> Expanding IPMR to 78% would represent a significant and urgent expansion of IP civic participation. In addition to advancing a legislative agenda, IPMRs could advocate for the integration of their Ancestral Domain Sustainable Protection Plan (ADSDPP) in the LGU plans.<sup>13</sup> By strengthening IP representation on LGUs under existing guidelines, this commitment indirectly advances indigenous peoples' main goal to gain equal access to government services.<sup>14</sup> IPMRs also offer a channel for national agencies, like DSWD and DOH, to reach rural IP communities with their projects and programming.<sup>15</sup>

However, this commitment is fairly “safe” in that it promotes existing NCIP aims and guidelines. During action plan consultations, ICCs/IPs expressed a desire to revisit the entire IPMR selection process to make it more participatory and inclusive. Some IP representatives also advocated for a goal of 100% compliance with the IPMR policy across local governments. Additionally, there are many institutional challenges within the NCIP and its rural representatives that may hinder full implementation of this commitment. This is evidenced by the fact that the IPRA was passed more than 20 years ago and IP representation remains at 7%.

NCIP highlights resistance from some LGUs and the League of Vice Governors to implementing IP representation as a significant hurdle.<sup>16</sup> Positively, CODE-PH is currently working with DILG to develop a strategy to promote LGU compliance with all commitments in this action plan. A successful strategy to incentivize LGU cooperation with IPMR will be central to fulfilling this commitment’s aim.<sup>17</sup> NCIP adds that the Seal of Good Housekeeping, which assesses whether LGUs meet minimum governance standards, already incentivizes LGUs’ compliance with IP representation requirements. However, NCIP states that this process should be more accessible and validated by IP communities.<sup>18</sup>

### Next Steps

The NCIP is confronted with serious institutional weaknesses and limitations that compromise its ability to enforce compliance. As such, it needs to develop and enforce an internal reform strategy first to strengthen its capacity to advocate for IP rights and IPMR. A lack of government funding for NCIP activities will also likely prove a significant hurdle. NCIP states that implementation of Milestone 3 to pilot *Ulat Katutubo* is dependent on logistical support from DBM.<sup>19</sup> Beyond NCIP commitment and capacity, the pandemic also challenges implementation as Milestones 1 and 2 require in-person gatherings. IPs often lack the internet connectivity and resources for online activities. Adapting activities to follow public health guidelines will be necessary for implementation progress. Finally, IPs occupy a small portion of an increasingly shrinking civic space.<sup>20</sup> Civic space concerns will likely inhibit full implementation of this commitment along with many others in this action plan.

Looking ahead, efforts to increase IPMR compliance could be more effective through intra-government collaborations, especially with agencies of relevant authorities in local governance issues, such as the Department of Budget and Management as well as the Department of the Interior and Local Government. Additionally, it is important for the NCIP to enhance engagement with not only indigenous groups, but also other CSOs who have experience in dealing with and removing political and bureaucratic hurdles.

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<sup>1</sup> Jen de Belen and Mhafa Del Mundo (CODE-NGO), interview by IRM researcher, 3 Mar. 2021.

<sup>2</sup> See <http://ncipcar.ph/images/pdfs/ncip-ao-no-3-s-2018-ipmr.pdf>.

<sup>3</sup> Hanayo Hirai, “Indigenous Communities in the Philippines: A Situation Analysis” (Yuchengco Center of De La Salle University, May 2015),

[https://www.researchgate.net/profile/Hanayo\\_Hirai/publication/308742756\\_Indigenous\\_Communities\\_in\\_the\\_Philippines\\_A\\_Situation\\_Analysis/links/57edcbd708ae07d8d8f64d50/Indigenous-Communities-in-the-Philippines-A-Situation-Analysis.pdf](https://www.researchgate.net/profile/Hanayo_Hirai/publication/308742756_Indigenous_Communities_in_the_Philippines_A_Situation_Analysis/links/57edcbd708ae07d8d8f64d50/Indigenous-Communities-in-the-Philippines-A-Situation-Analysis.pdf).

<sup>4</sup> David E. De Vera, “Indigenous Peoples in the Philippines: A Country Case Study” (Paper Presentation at the RNIP Regional Assembly, 20–26 Aug. 2007), [http://www.iapad.org/wp-content/uploads/2015/07/devera\\_ip\\_phl.pdf](http://www.iapad.org/wp-content/uploads/2015/07/devera_ip_phl.pdf).

<sup>5</sup> Evangeline Rodriguez, email to IRM researcher, 10 Mar. 2021

<sup>6</sup> de Belen and Del Mundo, interview.

<sup>7</sup> Rodriguez, email.

<sup>8</sup> de Belen and Del Mundo, interview.

<sup>9</sup> de Belen and Del Mundo, interview.

<sup>10</sup> Rodriguez, email.

<sup>11</sup> de Belen and Del Mundo, interview.

<sup>12</sup> Id.

<sup>13</sup> Rodriguez, email.

<sup>14</sup> de Belen and Del Mundo, interview.

<sup>15</sup> Rodriguez, email.

<sup>16</sup> Government of the Philippines, interview by IRM researcher, 3 May 2021.

<sup>17</sup> de Belen and Del Mundo, interview.

<sup>18</sup> Government of the Philippines, interview.

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<sup>19</sup> Id.

<sup>20</sup> de Belen and Del Mundo, interview.

## 10. Public Procurement Transparency and Participation through PhilGEPs

"The PS-PhilGEPs commits to work with civil society and government stakeholder to identify contracting data that will be subjected to mandatory publication using machine-readable formats.

### Main Objective

This commitment will make disclosure of contracting information from planning up to implementation in a timely, accessible and usable manner. It will allow civil society organizations, media and the public in general to analyze and monitor government contracts providing them better means to provide feedback and participate in government decision-making. It will promote a fairer marketplace and level playing fields for merchants resulting to more competitive bids and better quality of goods and services. It will help government agencies to analyze and identify areas to improve their processes. It will help prevent fraud, collusion and corruption, which will build the public trust and integrity of the government procurement process, the civil servants and the government institutions."

### Milestones

1. Stakeholder-identified public procurement data obtained and mapped against OCDS and if possible specific stakeholder needs.
2. Redesign the PhilGEPs to build the user needs into the system.
3. Requested the GPPB through the GPPB-TSO for policy issuance directing procuring entities to publish required data.
4. Capacitated selected procuring entities in publishing procurement data in the PhilGEPs.
5. Capacitated civil society, the private sector, and government representatives to access and use contracting data published on PhilGEPs.
6. Capacitated COA auditors and citizen-partners/auditors in using published data for its audits under the umbrella of the CPA initiative.
7. Civil society, the private sector are capacitated to use contracting data for evidence-based policy and practice recommendations for their advocacies related to health, market competition, and more responsive procurement policies and processes.
8. Policy recommendation submitted to GPPB through the GPPB-TSO in response to evidence generation through the use of PhilGEPs data by different stakeholders.
9. PS-PhilGEPs staff are capacitated to develop data visualization tools that can aid in dashboard development using contracting data in OCDS format.
10. Collaborated with DICT in linking to PhilGEPs platform to its Open Data Portal.
11. Collaborated with Presidential Communication and Operations Office-FOI Monitoring Team.
12. Collaborated with the PhilGEPs in identification of user needs.
13. Collaborated with the PhilGEPs in capacitating COA auditors and citizen-partners/auditors in using published data for its audits under the umbrella of the CPA initiative.
14. Utilized procurement data published in the PhilGEPs in CPA engagements.
15. Training of 10 CSOs (from 5 organizations) on open contracting.
16. Monitoring by 5 trained organizations of government projects under DIME utilizing contracting information.
17. Relevant sectors are represented in OGP commitment activities.
18. Explored the possibility of publishing gender and inclusivity relevant data.
19. Ensure representation of relevant sectors are represented in OGP commitment activities.

**Editorial Note:** For the complete text of this commitment, along with the updated version submitted in the revised action plan, please see the Philippine action plan at <https://www.opengovpartnership.org/documents/philippines-action-plan-2019-2022/>.

IRM Design Report Assessment	
<b>Verifiable:</b>	Yes
<b>Relevant:</b>	Access to Information, Civic Participation
<b>Potential impact:</b>	Moderate

### Commitment analysis

This commitment seeks to promote and strengthen transparency in public procurement through meaningful participation by CSOs in the public procurement process, from planning to contract awarding and implementation in accordance with the Open Contracting Data Standards (OCDS).<sup>1</sup> This commitment supports efforts to institute citizen participatory audits included in the last two action plans.<sup>2</sup>

Republic Act 9184 (the 2003 Government Procurement Reform Act) allows the government to reform, streamline, and consolidate the public procurement process.<sup>3</sup> It mandates two important reforms in public procurement: the disclosure of procurement data through the Philippine Government Electronic Procurement System (PhilGEPS) and the participation of citizens in monitoring procurement activities from pre-bidding all the way to the awarding of contracts.

Citizens and civil society groups alike eagerly welcomed and participated in this reform, whereas many nongovernmental organizations mobilized volunteers and conducted capacity-building initiatives to monitor procurement, especially large procurement activities, such as the purchase of textbooks, building of classrooms, and road construction. The PhilGEPS serves as the primary online repository and access point of procurement related data and is used by civil society to engage in and monitor the public procurement process. The Government Procurement Policy Board (GPPB) oversees and controls the national government procurement system.<sup>4</sup>

However, certain limitations and issues continue to hamper the effectiveness of public procurement monitoring. According to the Philippine Center for Investigative Journalism, these limitations are related to a lack of standardization in terms of data quality and availability, inconsistent data collection across government agencies, discrepancies in the publication of data between stages of procurement, and non-compliance with international standards such as the OCDS. For example, limited and incomplete data availability creates an unreliable picture of the procurement process and negatively affects the monitoring efforts of citizens and civil society.<sup>5</sup>

In recent years, resources from funders and development partners have become scarcer, which has resulted in dwindling public monitoring of government procurement. Today, almost no CSOs participate in procurement monitoring, even for big-ticket procurement.<sup>6</sup> According to the PhilGEPS portal, there are 149 CSOs registered on the system, with engagement and participation decreasing from a high of 145 system activities in 2017 to just 6 system activities in 2018 and further down to 5 in 2019.<sup>7</sup> CSOs have complained that participating in bid, pre-bid, and bid award conferences cause significant financial strain. Meanwhile, there has been no indication of possible support from the government or other funding sources to sustain operations.<sup>8</sup>

Through this commitment, civil society will attempt to reinvigorate participation in monitoring public procurement jointly with other stakeholders. The PhilGEPS management team will identify documents that should be publicly available and make them compliant with the OCDS, and conduct capacity-building initiatives for both civil society and auditors to navigate OCDS-compliant procurement documents. The commitment will also introduce open contracting reforms through the GPBB's technical support office (TSO). Private sector representatives will be involved in identifying the needs of the PhilGEPS portal users to ensure that the data

provided can be used to meaningfully engage the government in monitoring procurement processes.

This commitment is relevant to OGP values of access to information and civic participation. Through the publication of data in machine-readable format and in compliance with the OCDS, the PhilGEPS portal will be used more easily by civil society, private sector, media, and academia to access, analyze, and consolidate information for monitoring purposes. They could provide feedback to and work with the GPBB to ensure that public procurement is free from fraud and corruption and is conducted with the utmost integrity and transparency.

This commitment has moderate potential impact. Making procurement information—from pre-bidding through to implementation—available in an OCDS-compliant nature is a significant stride in strengthening ease of access to information and making procurement data more transparent and reliable, which in turn can cause more meaningful citizen engagement in monitoring procurement processes. This is, however, not enough to address the more fundamental issues of public procurement, such as insufficient resources to support public monitoring as well as the underlying issues with the GPPB's procurement policy in general.

### Next Steps

The commitment is a significant breakthrough in expanding the transparency and accessibility of public procurement data in the PhilGEPS portal. Implementing the OCDS could compel government procurement entities to publish and make available online all information pertinent to the purchase of goods and services in full with no exception.

Going forward, to increase its ambition and achieve a transformative potential impact, stakeholders need to find a strategic solution to the dwindling resources that have significantly diminished civil society participation in monitoring government procurement. Additionally, it is important to push the GPPB to revisit all procurement rules and regulations as well as guidelines for review and ensure that they create an enabling environment for more meaningful civil society and citizen participation in scrutinizing government procurement policies and practices.

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<sup>1</sup> Open Contracting Data Standard: <https://www.open-contracting.org/data-standard>.

<sup>2</sup> Joy Acheron, Independent Reporting Mechanism (IRM): Philippines End-of-Term Report 2015-2017 (OGP, 29 Jun. 2018), <https://www.opengovpartnership.org/documents/philippines-end-of-term-report-2015-2017-year-2/>.

<sup>3</sup> 2003 Government Procurement Reform Act: <https://tinyurl.com/y4e4lerg>.

<sup>4</sup> Government Procurement Policy Board: <https://www.gppb.gov.ph/>.

<sup>5</sup> Karol Ilagan, "Big money for PH projects, no access to all documents" (Philippines Center for Investigative Journalism, 11 Jan. 2018), <https://pcij.org/article/1433/big-money-for-ph-projects-no-access-to-all-documents>.

<sup>6</sup> Rosa Clemente (Dep. Exec. Dir. of the PS-Philippine Government Electronic Procurement System), interview by IRM researcher, 16 Jun. 2020.

<sup>7</sup> See <https://www.philgeps.gov.ph/>.

<sup>8</sup> Clemente, interview

## V. General Recommendations

This section aims to inform the development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country and, 2) an assessment of how the government responded to previous IRM key recommendations. These recommendations pertain to the original version of the Philippines' action plan submitted in December 2019.

### 5.1 IRM Five Key Recommendations

#### **1. Improve the policy design of commitments to align better with the solution to the public problem identified**

The Philippines' co-creation process for the fifth action plan took a highly successful bottom-up approach that resulted in an OGP Citizens' Agenda based on broad stakeholder input. The IRM recommends that PH-OGP continue this approach while also making adaptations to ensure that broad consultations lead to ambitious commitments. Despite a highly participatory co-creation process, half of the commitments in this action plan have low ambition.

The IRM identified a misalignment between the policy problem and the applied solution as one of the reasons for low ambition. Ambitious commitments have strong alignment between the policy problem, activities, and intended change. They also seek binding and institutionalized changes across government. Half of the commitments in this action plan focus on creating online tools, yet a significant portion of Filipinos do not have reliable internet access, particularly in rural areas.<sup>1</sup> For example, an online portal to monitor Last Mile Schools may not be the best tool to reach Filipinos in marginalized regions. Implementers should first consider who the commitment intends to benefit and then consider the most effective channels through which to reach them.<sup>2</sup> This commitment's ambition would be increased if it equally emphasized offline channels for participatory evaluation. One approach would be to use existing communication channels such as local government meetings or more accessible technology such as SMS surveys. Additionally, the DepEd could strengthen its relationships and funding for the CSOs who provide a bridge between the government and rural communities. Efforts to strengthen the DepEd and CSOs' working relationship should seek to be binding and institutionalized, such as making multistakeholder meetings standard procedure. The addition of such offline methods would better align the policy problem—rural communities' physical, political, and financial marginalization—and solution.

PH-OGP should consider several factors when presented with commitments that prioritize online tools in the future. First, are online tools accessible to the main participants and beneficiaries of the commitment? Who will be excluded through the use of online tools? Second, are there offline methods that can address these gaps instead of, or in addition to, online channels? Third, are the online tools sustainable beyond the implementation period? Are there the financial, technical, and human resources necessary to maintain an online platform?

More generally, the final technical review of the action plan should include experts in each of the respective policy areas. Additionally, the OGP Support Unit is available to provide comments on draft action plans and the IRM can provide workshops on designing ambitious commitments.

#### **2. Hold workshops and/or create guidelines to gather experiences, best practices, and challenges from locally focused commitments**

Half of the commitments in this action plan promote collaboration between local government units and civil society. In particular, Commitment 1A seeks to establish guidelines for civil society participation in LGUs. Given this common focus, PH-OGP should consider convening workshops—perhaps halfway through the implementation period—that bring together implementers for these commitments (1, 2, 5, 6, and 8). Such workshops would promote



knowledge-sharing. Implementers' experiences may inform the guidelines to be created under Commitment 1A. Likewise, these guidelines may prove a resource for implementers in other local-level commitments. Additionally, implementers should apply their local-level experience to broader whole-of-government reforms. Scaling up open government reforms is important as participatory practices are more likely to be successful at the local level when they are being emulated by the national government.

### **3. Incorporate a strategy to engage legislators to pass the Freedom of Information Bill**

Passing a Freedom of Information Bill has been a long-standing aim in the Philippines, appearing in the last two national action plans. The FOI Bill's passage would be transformative, as it would improve transparency across the entire government. Specifically, it would establish an independent agency and an appeals process.

Importantly, the Presidential Communications Operations Office should publicly address legislators' concerns around privacy and personal information to facilitate the passage of the FOI bill. PCOO has already released information to indicate that a minimal percentage of information requests seek public officials' personal information. PCOO and CSO partners could also work to educate public officials' privacy expectations under FOI, using Article 19's "The 10 Principles on the Right to Information and Privacy" as a guide.<sup>3</sup> The Philippines can use examples of existing FOI laws that balance the right to information with the right to privacy. In Germany, personal data is only disclosed "if, 1) the interest of the request outweighs the interest of the person or 2) the other gives consent for their personal details to be released."<sup>4</sup> Both Indonesia and Australia had to specifically confront a preexisting culture of government secrecy to successfully implement their FOI laws.<sup>5</sup> In Australia, the Office of the Australian Information Commissioner brings together Information, Freedom of Information, and Privacy Commissioners who work together to balance disclosure and privacy.<sup>6</sup> The Philippines should consider these institutional and legal arrangements to assuage legislators' concerns and gain the necessary political support to pass the bill.

The FOI bill would also facilitate implementation of other commitments in this action plan. For example, civil society requires access to government-held information to effectively monitor public service delivery in nearly all the commitments. In the event that the bill fails to pass the legislature, the PCOO and civil society partners should evaluate what are the main obstacles citizens face to access information. They should then consider non-legislative solutions to major obstacles, such as administrative changes or capacity-building for information officers.

### **4. Collaborate with civil society to ensure civic participation is deepened and sustained across government beyond commitment implementation**

Admirably, every commitment in this plan relies on some level of civil society participation. These commitments engage representatives from the workers' rights, indigenous, and the environmental movements among others. Therefore, this action plan is an important opportunity to deepen civil society's collaboration with government across various agencies. The government should prioritize formalizing the communication channels, resources, and relationships built in the course of commitment implementation to translate collaborative implementation to standard government practice.

For example, Commitment 4 brings a small number of CSOs into DBM's process to monitor large infrastructure projects. Government and CSO participants should consider routine meetings to discuss the portal's functionality and project monitoring and selection processes. Likewise, this group could determine a set frequency at which to hold CSO trainings to continuously expand CSO capacity and inclusion in monitoring efforts. Finally, all technical documents, audit reports, meeting and training documents, and resources on social accountability should be made publicly available to facilitate onboarding of new participants as well as to ensure procedural transparency.

More generally, four specific actions to deepen civic participation in government processes in the near term include: i) PH-OGP can establish multistakeholder groups to monitor commitments' implementation; ii) government agencies with a strong track record of CSO collaboration, such as DBM and the DepEd, could provide guidelines and recommendations for agencies who are just embarking on participatory approaches; iii) success stories can be captured and shared widely to encourage public officials to see the value of a collaborative relationship with civil society; and iv) PH-OGP should conduct outreach and capacity building to strengthen CSOs' ability to facilitate civic participation, as many CSOs are experienced in service delivery and project implementation rather than coordinating and advocating for citizen input. In the longer term, respecting civic space including freedom of speech, assembly, and association, are essential ingredients for an enabling environment for government-CSO collaboration.

A context of established multistakeholder thematic working groups and CSO funding sources, as well as memoranda of understanding and personal relationships with CSOs, will create a robust foundation on which to base ambitious future action plans. Ideally, repeated interactions and ongoing communication will foster greater trust between government and civil society partners.

## **5. Enhance commitments with a focus on government responsiveness to citizen input**

A significant number of commitments in this action plan seek to create channels for citizens feedback on government services. However, some commitments, such as 4 and 8, would benefit from activities that explicitly incentivize or require government response to public input. Government responsiveness is the key to ensure that participatory mechanisms result in tangible changes to government policies and programs, and therefore citizens' lives.

In Commitment 4, civil society input will be used to verify the progress of government infrastructure projects in remote areas through the DIME online portal. DBM should be sure to publish and respond to CSO feedback to demonstrate that CSO monitoring efforts translate to increased accountability. Similarly, DBM should share how this input informs its negotiations and project planning with implementing agencies. DBM could also provide transparency around how feedback is processed, and on what timeline, to build trust and accountability. Additionally, DBM could provide a grievance mechanism for citizens' complaints or improvements. Finally, transparency around how CSO feedback contributes to higher quality and speed of major infrastructure projects will encourage continued public participation.

Likewise, Commitment 8 sets up a process to receive citizen input on DSWD's *Pantawid Pamilyang Pilipino* Program. This reform's ultimate impact will be determined by whether DSWD and local government units incorporate citizen feedback into their nutrition and family planning programming. DSWD should seek guarantees, whether through memoranda of understanding or otherwise, that partner agencies and LGUs will consider the participatory action research findings. Again, documenting and sharing success stories of how public input results in improved services will encourage continued CSO and public participation.

### **5.2 Response to Previous IRM Key Recommendations**

The IRM did not produce a standalone design report for the Philippines' 2017–2019 action plan. Instead, the IRM shared the assessment and recommendations of the 2017–2019 action plan with the government and the PH-OGP Steering Committee. This was to ensure that stakeholders received IRM recommendations and analysis while the Philippines' fifth OGP action plan for 2019–2021 was being developed. The IRM produced a hybrid report that covers both the design and implementation of the Philippines' 2017–2019 action plan. The full text of the recommendations is included in the Philippines' 2017–2019 hybrid report for public record and below is a summary of how PH-OGP incorporated the IRM recommendations from that report.

The PH-OGP can further refine the co-creation process to ensure clear alignment between the policy problem and proposed solution in commitment design. While the Philippines' co-creation process for the fifth action plan took a highly successful bottom-up approach compared to the previous action plan, half of the commitments in this action plan have low ambition. While the process improved and efforts were adopted to increase the quality of design of commitments, the IRM continues to identify a misalignment between the policy problem and the solution applied as a reason for low ambition. Ambitious commitments have strong alignment between the policy problem, activities, and intended change. Please see recommendation 1 in the section above for more detailed suggestions.

Recommendation two, to increase public accountability in reoccurring commitments as well as to introduce new areas of focus, was partially incorporated into the 2019–2021 action plan. For example, the most recent iteration of the Philippines' EITI reforms will publish information on beneficial ownership in the extractives sector; however, as mentioned in recommendation 5 above, there continues to be opportunity to incorporate accountability mechanisms into commitments. An IRM recommendation to ensure government responsiveness to citizen input was in the last two—and current— action plans. Commitment drafters should ensure that all commitments that bolster civic participation also contain activities that identify a government entity responsible for considering and responding to citizen input.

Recommendation three to protect civil society is also reflected in the current action plan's overarching theme of civic participation. In particular, commitments focused on indigenous peoples, worker, and environmental rights align with urgent civil society priorities. The PH-OGP team is encouraged to continue strengthening communication and trust between the government and civil society through the OGP process, as described in recommendation 4 above.

At the time of writing, PH-OGP had held several rounds of consultation to co-create a monitoring and evaluation framework for this action plan. This process was supported by a Multi-Donor Trust Fund grant from the World Bank. As the framework was not yet published at the time of writing, recommendation 5 will be primarily assessed following implementation of this action plan.

**Table 8. Previous IRM Report Key Recommendations**

Recommendation		Did it inform the OGP Process?
1	Design commitments to clearly articulate a theory of change.	X
2	Increase the ambition of commitments, particularly by enhancing public accountability elements in recurring commitments and by exploring new areas.	✓
3	Strengthen the protection of civic space by establishing independent investigation mechanisms, withdrawing restrictive legislation and building trust among civil society.	✓
4	Lobby for greater legislative support by raising awareness and advocating open government principles among members of the Congress.	X
5	Strengthen the monitoring of commitments to facilitate effective implementation.	✓

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<sup>1</sup> Lorenz Marasigan, “ITU flags connectivity gaps, Internet access in Philippines, other nations” (Business Mirror, 1 Dec. 2020), <https://businessmirror.com.ph/2020/12/01/itu-flags-connectivity-gaps-internet-access-in-philippines-other-nations/>.

<sup>2</sup> See the Mongolia Legal Aid commitment for an example of an information format and mediums being tailored to the target audience, who are rural and sometimes illiterate:

<https://www.opengovpartnership.org/members/mongolia/commitments/MN0040/>

<sup>3</sup> AccessInfo, “The 10 Principles on the Right to Information and Privacy” (accessed 6 Aug. 2021), <https://www.access-info.org/privacy/>.

<sup>4</sup> The Constitution Unit of School of Public Policy, “Germany, International Focus” (University College London, accessed 6 Aug. 2021), <https://www.ucl.ac.uk/constitution-unit/research/research-archive/foi-archive/international-focus/germany>.

<sup>5</sup> The Constitution Unit of School of Public Policy, “Indonesia, International Focus” (University College London, accessed 6 Aug. 2021), <https://www.ucl.ac.uk/constitution-unit/research/research-archive/foi-archive/international-focus/indonesia>.

<sup>6</sup> The Constitution Unit of School of Public Policy, “Australia, International Focus” (University College London, accessed 6 Aug. 2021), <https://www.ucl.ac.uk/constitution-unit/research/research-archive/foi-archive/international-focus/australia>.

## VI. Methodology and Sources

IRM reports are written in collaboration with researchers for each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in the Philippine OGP repository (or online tracker),<sup>1</sup> website, findings in the government’s own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations.

Each IRM researcher conducts stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reserves the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM’s International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.<sup>2</sup>

### Interviews and stakeholder input

In writing this report, the IRM researcher collected information and feedback from relevant stakeholders both on the co-creation process in the Philippines and on the quality of commitments included in the action plan.

The IRM researcher made attempts, but was unable to secure interviews with representatives from the Department of Budget and Management, which houses the PH-OGP Government Secretariat.

The following table includes the names of stakeholders interviewed during the development of this report along with their affiliations.

Date	Stakeholder
25 May 2020	Vivien Suerte-Cortez, Hivos Southeast Asia
26 May 2020	Andrea Maria Patricia Sarenas, Mindanao Coalition of Development NGO Networks (MINCODE)
26 May 2020	Roselle Rasay, Asian Development Bank (ADB)
26 May 2020	Mhafe del Mundo, Caucus of Development NGO Networks (CODE-NGO)
26 May 2020	Jennifer de Belen, Caucus of Development NGO Networks (CODE-NGO)
27 May 2020	Redempto Parafina, Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP)
29 May 2020	Vino Lucero, Youth Alliance for Freedom of Information
29 May 2020	Sandino Soliman, Program Officer for Advocacy, CODE-NGO
3 June 2020	Richard Villacorte, Department of the Interior and Local Government (DILG) of the Republic of the Philippines
4 June 2020	Glenn Pajares, Sectoral Transparency Alliance on Natural Resource Governance in Cebu (STANCe)

5 June 2020	Aida Yuvienco, Department of Information and Communications Technology (DICT) of the Republic of the Philippines
9 June 2020	Kris Ablan, Presidential Communications Operations Office (PCOO) of the Republic of the Philippines
9 June 2020	Joy Chavez, Right to Know, Right Now! Coalition
9 June 2020	Marinella Ricafranca, FOI Engagement Officer, PCOO
9 June 2020	Iris Pearl Clemente, FOI Engagement Officer, FOI Project Management Office
10 June 2020	Flora Arellano, Civil Society Network for Education Reforms (E-Net) Philippines
12 June 2020	Olie Lucas, Unang Hakbang Foundation
16 June 2020	Rosa Clemente, Deputy Executive Director of the PS-Philippine Government Electronic Procurement System
17 June 2020	Annalyn Sevilla, Department of Education (DepEd) of the Republic of the Philippines
25 June 2020	Katlea Zairra Itong, Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRA)
26 June 2020	Luzviminda Ilagan, Department of Social Welfare and Development (DSWD) of the Republic of the Philippines
6 July 2020	Jhoana Rull, Technical Staff of Project Digital Imaging for Monitoring and Evaluation (DIME), Department of Budget and Management (DBM) of the Republic of the Philippines

### About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

Current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Francoli
- Brendan Halloran
- Jeff Lovitt
- Fredline M’Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at [irm@opengovpartnership.org](mailto:irm@opengovpartnership.org).

<sup>1</sup> See <http://ogp.dbm.gov.ph/index.php/repository>.

<sup>2</sup> IRM, IRM Procedures Manual (OGP, 16 Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.

## Annex I. Commitment Indicators

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.<sup>1</sup> The indicators and method used in the IRM research can be found in the IRM Procedures Manual.<sup>2</sup> A summary of key indicators the IRM assesses is below:

### Verifiability

- Not specific enough to verify: Do the written objectives and proposed actions lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment?
- Specific enough to verify: Are the written objectives and proposed actions sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment?

### Relevance

This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine relevance are:

- Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
- Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
- Public Accountability: Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
- Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?

### Potential impact

This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:

- Identify the social, economic, political, or environmental problem;
- Establish the status quo at the outset of the action plan; and
- Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

### Completion

This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

### Did It Open Government?

This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the country's IRM Implementation Report.

### What makes a result-oriented commitment?

A results-oriented commitment has more potential to be ambitious and be implemented. It clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem rather than describing an administrative issue or tool? (e.g., “Misallocation of welfare funds” is more helpful than “lacking a website.”)
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan? (E.g., “26% of judicial corruption complaints are not processed currently.”)
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation? (E.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)

### Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria.

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **substantial** or **complete** implementation.

These variables are assessed at the end of the action plan cycle in the country’s IRM Implementation Report.

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<sup>1</sup> OGP, “Open Government Partnership: Articles of Governance” (Jun. 2019), <https://www.opengovpartnership.org/articles-of-governance>.

<sup>2</sup> IRM, IRM Procedures Manual (16 Sep. 2017), <https://www.opengovpartnership.org/documents/irm-procedures-manual>.