INDEPENDENT REPORTING MECHANISM:

THE PHILIPPINES PROGRESS REPORT 2013–2015

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Second Progress Report

Open Government Partnership

INDEPENDENT REPORTING MECHANISM

Open
Government
Partnership

INDEPENDENT REPORTING MECHANISM:
THE PHILIPPINES
PROGRESS REPORT 2013-2015

EXECUTIVE SUMMARY

INDEPENDENT REPORTING MECHANISM (IRM):
THE PHILIPPINES
PROGRESS REPORT 2013-2015

The Philippines action plan derives entirely from preexisting Good Governance Initiatives. Consequently, it is hard to see how stakeholder participation, formally structured to improve the OGP process, actually influenced the design of the plan. Otherwise notable progress suffers from the continuing lack of a fundamental freedom of information law and whistleblower protection.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a biannual review of the activities of each OGP participating country.

The Philippines is one of the eight founding countries in the OGP initiative and began formal participation in September 2011, when President Benigno S. Aquino III, along with other high-level ministers and heads of state, launched the OGP Initiative in New York.

The Steering Committee, made up of representatives from government, civil society, and the business community, leads the OGP in the Philippines. The Steering Committee serves as the consultation and coordination forum on the status and implementation of action plan commitments.

The Good Governance and Anti-Corruption Cluster (GGACC) of the President's Cabinet is the coordination unit responsible for OGP activities in the Philippines, though in practice the OGP secretariat housed in the Department of Budget and Management, coordinated commitment implementation and served as the communication center for the Steering Committee.

OGP PROCESS

Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

Overall, the Government improved its public consultation practices over that of the first action plan, though stakeholder awareness of the OGP process remains limited.

AT A GLANCE

MEMBER SINCE: **2011**
NUMBER OF COMMITMENTS: **9**
NUMBER OF MILESTONES: **19**

LEVEL OF COMPLETION

COMPLETED:	2 of 9
SUBSTANTIAL:	5 of 9
LIMITED:	2 of 9
NOT STARTED:	0 of 9

TIMING

ON/AHEAD OF SCHEDULE:	7 of 9

MILESTONE EMPHASIS

ACCESS TO INFORMATION:	9 of 9
CIVIC PARTICIPATION:	3 of 9
PUBLIC ACCOUNTABILITY:	7 of 9
TECH & INNOVATION FOR TRANSPARENCY & ACCOUNTABILITY:	4 of 9

NUMBER OF MILESTONE THAT WERE:

CLEARLY RELEVANT TO AN OGP VALUE:	9 of 9
OF TRANSFORMATIVE POTENTIAL IMPACT:	2 of 9
SUBSTANTIALLY OR COMPLETELY IMPLEMENTED:	7 of 9
ALL THREE (✿):	**2 of 9**

The Government continues to struggle to incorporate meaningful stakeholder input due in part to the fact that the OGP process and action plan commitments are derived exclusively from preexisting Good Governance Initiatives. The Government did not publish a timeline for the action plan process and OGP action plan–specific, awareness-raising activities during the consultation process were negligible. The government provided 14 days of advanced notice for public consultations, though notice was limited to Steering Committee members. It is unclear how stakeholder feedback was incorporated into the final action plan. During the implementation period, stakeholders were invited to participate in Good Governance Dialogue events, quarterly consultation workshops, and post comments on the governance cluster website.

The Government published its self-assessment report two weeks late and provided three weeks for public comment. Outside of civil society organizations (CSOs) targeted for comment, stakeholders were not aware of the report, due to limited publicity and difficulty accessing the document.

COMMITMENT IMPLEMENTATION

As part of OGP, countries are required to make commitments in a two-year action plan. This report covers the development phase (April 2013-November 2013) and the first year of implementation of this period, from January 1, 2014 through December 31, 2014. Table 1 summarizes each commitment, its level of completion, its ambition and whether it falls within the Philippines' planned schedule, and the key next steps for the commitment in future OGP action plans. The Philippines plan covered a wider variety of sectors than the first plan, though many commitments suffered from a lack of ambition and limited completion. The Philippines completed two of its nine commitments.

The Philippines action plan contains two starred commitments: commitments 8 (Initiative fiscal transparency in the extractive industry) and 9 (Improve ease of doing business). Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. The new starred commitments are measurable, clearly relevant to OGP values as written, of transformative potential impact, and substantially or completely implemented. In addition to the criteria listed above, the old criteria included commitments that have moderate potential impact. Under the old criteria, the Philippines would have received three additional starred commitments (commitments 3, 6, and 7). See (http://www.opengovpartnership.org/node/5919) for more information.

Table 1 | Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
✪ COMMITMENT IS SPECIFIC AND MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
1. Transparency in national government plans and budgets	■				■	■	■		On schedule
2. Support legislation on access to information and whistleblower protection	■	■			■	■			On schedule
2.1. Legislation on access to information.									On schedule
2.2. Legislation on Whistleblower protection.									On schedule
3. Engage civil society in public audit	■	■	■		■	■	■		On schedule
3.1. Four pilot audits conducted.									On schedule
3.2. Four audit reports published.									On schedule
4. Enhance performance benchmarks for local governance	■	■			■	■	■		On schedule
4.1. Develop performance benchmarks for LGUs									On schedule
4.2. National roll-out of SGLG					Unclear				On schedule
4.3. Percentage of LGUs assessed for SGLG									On schedule
5. Enhance government procurement system (PHILGEPS)	■	■	■		■	■			Behind schedule
5.1. 100% registration in procurement system									Behind schedule
5.2. E-payment, e-bidding and uploading of procurement plans									Behind schedule

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION				TIMING
✪ COMMITMENT IS SPECIFIC AND MEASURABLE, CLEARLY RELEVANT TO OGP VALUES AS WRITTEN, HAS SIGNIFICANT POTENTIAL IMPACT, AND IS SUBSTANTIALLY OR COMPLETELY IMPLEMENTED.	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE	
6. Strengthen grassroots participation in local planning and budgeting	●	●	●		●	●	●		Behind schedule
6.1. 90% of participating LGUs with Local Poverty Reduction Action Plans									On schedule
6.2. 70% of completed projects									Behind schedule
7. Provide government data in single portal and open format	●	●	●		●	●	●	●	On schedule
7.1. Launcing of Open Data Portal									On schedule
7.2. Publication of data sets									On schedule
7.3. Percentage of published data sets in open format									On schedule
7.4. Creation of dashboards and visualizations									On schedule
✪ **8. Initiative fiscal transparency in the extractive industry**	●	●	●	●	●	●	●	●	On schedule
8.1. Adoption of a policy to institutionalize EITI									On schedule
8.2. Publication of EITI report									On schedule
✪ **9. Improve the ease of doing business**	●	●	●	●	●	●	●		On schedule

Table 2 | Summary of Progress by Commitment

NAME OF COMMITMENT	SUMMARY OF RESULTS
1. Transparency in national government plans and budgets • OGP Value Relevance: Clear • Potential Impact: None • Completion: Substantial	This commitment awards national government agencies a seal for the disclosure of key budget information and major financial plans on their respective websites. Ninety-seven percent of national government agencies met reporting requirements, falling just shy of the 100% target. High compliance stems from the seal being tied to agency bonuses. Government reports do not offer baseline and absolute numbers of compliance, making it difficult to determine if compliance has improved over time.
2. Support legislation on access to information and whistleblower protection • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Limited	This commitment would support legislation on access to information and whistleblower protection. Implementation remains limited. Both bills on access to information and whistleblower protection are pending at the House of Representatives, the lower chamber of the Philippine Congress. The ultimate responsibility with the passage of bills lies with the legislature. While most stakeholders acknowledge support efforts made by the executive branch, arguments remain about adequacy. The Legislative-Executive Development Council (LEDAC), which is mandated to set the legislative priorities of the two branches of government, has not convened in over two years. CSOs point to the administration and the House leadership to put bills on the plenary agenda and mobilize support among key legislators.
3. Engage civil society in public audit • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	The commitment would enhance the Citizens Participatory Audit (CPA) project and institutionalize civil society engagement participatory audits of government projects. This commitment is not fully complete. As of March 2015, one out of the four pilot audit reports on public contracts to build schools has not been released due to continued consultation on some sensitive findings of the audit team. The government has published three reports, including a flood control project, the Quezon City solid waste management program and a health center project. The fourth pilot audit was initiated but later elevated to a fraud audit, after sensitive findings were uncovered by the citizen audit team. The audit is on-going and a report will be published by the Commission of Audit (COA) once the investigation is complete. The project has built the capacity of the lead CSO partner and its affiliates. The project helped to form partnerships between COA and CSOs that strengthened both parties' oversight functions. Going forward, the CPA project should continue to engage local stakeholders focusing on new projects (farm-to-market road) to be monitored and insure that audit reports and the fraud report from both phases are duly published in a timely manner.
4. Enhance performance benchmarks for local governance • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial	This commitment expands a "good housekeeping" seal (see Commitment 1 above) for Local Government Units (LGUs). Performance criteria cover financial housekeeping, disaster preparedness, social protection, business friendliness and competitiveness, environmental management, law and order, and public safety. The first milestone saw development of indicators and guidelines for the Seal of Good Local Governance. The government reports that it has assessed 100% or 1,675 local government units for the seal, but it is not clear if the national rollout has taken place. While local government units must post required documents online as part of the commitment, they will not be validated for integrity or completeness. Procedures for public verification of the contents remain a challenge. Going forward, the government could fully disseminate all documentation reports of the SGLG assessment teams. In addition, institutionalizing a comprehensive monitoring and evaluation module could enable citizens and local governments to do comparative assessment of the grant of the Seal over time.

NAME OF COMMITMENT	SUMMARY OF RESULTS
5. Enhance government procurement system (PHILGEPS) • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	This initiative would add e-bidding, uploading of agencies' procurement plans, and e-payment functions to PHILGEPS and would register all national agencies in the system. The government completed the assessment of existing online system, but additional functionalities are delayed. One hundred percent of unspecified national agencies have registered on PHILGEPS, with the exception of the Autonomous Region in Muslim Mindanao. According to the government reports, the value and volume of total bid notices posted have increased, even as the value and volume of total awarded bids posted have declined, suggesting some effect. The government will need to ensure adequate capacity for implementation and prepare for possible backlash from some executive agencies over proprietary data.
6. Strengthen grassroots participation in local planning and budgeting • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	This commitment involves grassroots organizations and local government units in identifying priority poverty reduction projects to be funded by national government agencies. One hundred percent of local government units have reportedly developed their plans for 2015 budget preparation. The process has been useful for capacity building of CSOs, but concerns remain over the completion of projects and unused funds.
7. Provide government data in single portal and open format • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Complete	This commitment involves the development of a single portal (data.gov.ph) to bring together data from various national agencies in a one-stop gateway. The government launched the Open Data Portal in January 2014, and it offers rich and varied datasets. However, stakeholders note low public awareness of the portal, unclear organization of data, and missing datasets from key national and public statistical agencies. The uptake of the portal would increase if it featured more data directly relevant for citizens, such as statistics about marginalized groups and delivery of basic services.
✪ **8. Initiative fiscal transparency in the extractive industry** • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Complete	The Extractive Industries Transparency Initiative (EITI) is a multi-stakeholder process that aims to report on the revenues of the extractive industries that compares government and industry figures on mining, oil, and gas. The commitment is complete. The government conducted EITI trainings for government, industries, CSOs, and media; developed the EITI website; conducted a forum on revenue management, published mining, oil, and gas contracts on data.gov.ph; and launched the official EITI report (http://www.ph-eiti.org/). The report contains valuable information on total revenue from the extractive industries in the country and recommends institutionalizing EITI to address legal barriers to improve monitoring processes in government concerning the mandated social expenditure and environmental funds.
✪ **9. Improve the ease of doing business** • OGP Value Relevance: Clear • Potential Impact: Transformative • Completion: Substantial	Under this commitment, the government pledged to improve the ease of doing business (EODB) in the country, particularly for 10 specific processes dealing with starting and operating a business, including issues related to protection of investors. The Philippines ranking has improved significantly from 138 (out of 189) in 2013 to 103 in 2014 and 95th in 2015. During the implementation period, slight progress in reducing the wait time was noted in the following areas: starting a business, dealing with construction permits, getting electricity, and registering property. However, it is not clear what methodology the government will use for assessing progress in these areas.

RECOMMENDATIONS

In the next 12 months before a new administration comes to power on June 30, 2016, the government might do well to focus its efforts beyond periodic public consultations and dialogues on its OGP action plan and anti-corruption initiatives and foster more inclusive and more qualitative engagement with key stakeholders critical to institutionalizing these reform measures.

TOP FIVE "SMART" RECOMMENDATIONS

1. **Engage stakeholders within relevant Senate and House of Representatives committees** to promote awareness of and their role in enacting legislative commitments and ensure funding to support institutionalizing OGP commitments.

2. **Involve key bureaucratic stakeholders, beyond the current members of the OGP secretariat,** involved in crafting and implementing commitments to ensure continuation of the OGP process beyond the May 2016 national elections.

3. **Organize a regular (not ad hoc) secretariat for Philippine OGP Steering Committee.** Membership should be expanded to include representatives from the major implementing agencies, more opportunities for representation of other CSOs (i.e., youth and students, academia, women, and grassroots sectors).

4. **Beyond administrative reforms instituted by the executive branch, include the Congress as a major stakeholder in pushing legislation** to ensure formal and institutionalized framework in law for the implementation of OGP commitments across political administrations.

5. **Review and recommit to improve the Philippines' performance vis-à-vis the Eligibility Criteria of the OGP,** notably, disclose asset records across all branches of the government (House of Representatives and Supreme Court and judiciary not fully compliant with disclosure laws) and enact legislation to implement the constitutional guarantees of the citizen's right to access information.

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Open Government Partnership
INDEPENDENT REPORTING MECHANISM

OGP aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans in order to foster dialogue among stakeholders and improve accountability.

I | NATIONAL PARTICIPATION IN OGP

HISTORY OF PARTICIPATION IN OGP

The Open Government Partnership (OGP) is a voluntary, multi-stakeholder international initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organizations (CSOs), and the private sector, all of which contribute to a common pursuit of open government.

The Philippines, one of the eight founding countries of this initiative, began its formal participation in September 2011, when President Benigno S. Aquino III, along with other high-level ministers and heads of state, launched the Open Government Partnership Initiative in New York.

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria on key dimensions of open government that are particularly consequential for increasing government responsiveness, strengthening citizen engagement, and fighting corruption. Objective third-party indicators are used to determine the extent of country progress on each of the dimensions. See Section VIII: Eligibility Requirements for more details.

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Action plans should set out governments' OGP commitments, which move government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete on-going reforms, or initiate action in an entirely new area.

The Philippines developed its second national action plan beginning in April 2013, and it includes nine commitments. The effective period of implementation for the action plan submitted to the OGP country website in November 2013 was officially from January 1, 2014, to December 31, 2015. This report covers the development phase (April 2013–November 2013) and the first year of implementation of this period, from January 1, 2014, through December 31, 2014. The government published its self-assessment report online two weeks late on April 16, 2015, and provided a three-week period for public review and comments through April 30, 2015. Participating individuals could post comments online or e-mail the government contact. At the time of writing (May 2015), the OGP secretariat said the online comment from the Scribd portal and comments from the April 30, 2015, OGP Steering Committee meeting would be addressed in the updated self-assessment report. The government has not released an updated version of this report has not been released. A workshop was scheduled for June 2015 with national CSO networks to discuss the report and the Philippines' next action plan.

BASIC INSTITUTIONAL CONTEXT

The government of the Philippines is a republican presidential system with three equal branches of government—the executive, the bicameral legislature (Senate and House of Representatives), and the judiciary. Presidential elections are held every six years while congressional and local government executive elections are held every three years.

In the Philippines, the Good Governance and Anti-Corruption Cluster (GGACC) of the president's cabinet is the government institution responsible for overall monitoring and implementation of commitments in the second action plan. GGACC identifies initiatives that aim to curb corruption, improve the delivery of public services, and enhance economic and business environment. Chaired by the president, the GGACC is composed of the cabinet secretaries heading the departments of budget and management, finance, interior and local government, justice, trade

and industry, the legislative liaison office, and the president's legal counsel.

The GGCACC secretariat is also the secretariat of the Philippines' OGP Steering Committee; a working group composed of representatives from lead government institutions, civil society organizations, and the business community.

The OGP Steering Committee serves as a consultation and coordination forum on the status and implementation of action plan commitments.

The lead government institutions responsible for implementing commitments include the following:

- Department of Budget and Management (DBM)
- Department of the Interior and Local Government (DILG)
- Department of Social Welfare and Development (DSWD)

The OGP secretariat within the Department of Budget and Management— (DBM)—composed of the OGP government focal point, an assistant secretary, and two staff members—is responsible for monitoring progress. The OGP secretariat also coordinates and serves as the communication center for the OGP Steering Committee. The Governance Cluster Secretariat has legal basis through E.O. 49, which creates the Cabinet clustering system. It designates the DBM as the Secretariat for the Governance cluster. Therefore the DBM is committed to supporting OGP as part of the functions of the Governance Cluster secretariat activities. The OGP secretariat draws resources and staffing support primarily through the Department of Budget and Management, with some support from executive agencies tasked with implementing commitments. However, the legal basis does not mandate the OGP secretariat to mobilize other public agencies and personnel support OGP commitment implementation. Currently the OGP secretariat is lodged in the Office of the Budget Secretary. The challenge will be identify what unit within the DBM will continue OGP efforts in the next administration.

The executive branch, specifically, the departments that constitute the GGACC, developed the first action plan. Its implementation thus evolved as an ad hoc (not permanent) inter-agency project supervised by the Department of Budget and Management secretary.

In May 2016, the Philippines will hold synchronized presidential, congressional, and local elections. President Aquino is ineligible to run for reelection due to term limits. As a result, three to seven candidates have emerged from both Aquino's Liberal Party—led ruling coalition and the opposition. All CSOs interviewed have raised concerns about the sustainability of the OGP process in the Philippines beyond the May 2016 national elections and after President Aquino's term ends on June 30, 2016.

METHODOLOGICAL NOTE

The IRM partners with experienced, independent national researchers to author and disseminate reports for each OGP participating government. In the Philippines, the IRM partnered with Ms. Malou Mangahas of the Philippine Center for Investigative Journalism, who carried out the evaluation of the Philippines' first action plan. Ms. Mangahas reviewed the government's self-assessment report, gathered the views of civil society, and interviewed appropriate government officials and other stakeholders. OGP staff and a panel of experts reviewed the report.

This report covers the Philippines' second action plan, from the development phase from April 2013 to November 2013 through the first year of implementation, from January 1, 2014, to December 31, 2014. This report follows on an earlier review of OGP performance, "The Philippines Progress Report 2011–2013," which covered the development of the first action plan as well as implementation from September 2011 to June 2013. The IRM will also publish end-of-term reports to account for the final status of progress at the end of the action plan's two-year period, a measure introduced in 2015.

To gather the voices of multiple stakeholders, the IRM researcher organized one stakeholder forum in Metro Manila according to a focus group model. The IRM researcher also attended five public consultations and events conducted by the OGP secretariat and CSOs and interviewed government officials, donor agency representatives, and OGP

Steering Committee members in charge of the implementation of the second action plan. The IRM researcher reviewed various documents provided by the OGP government focal point and CSO members of the steering committee, including the Philippines second national action plan, and the report published by the government in April 2015. The IRM researcher verified the information provided via publicly available information online. Numerous references are made to these throughout this report.

Summaries of these forums and more detailed explanations are given in the Annex.

II | ACTION PLAN DEVELOPMENT

While stakeholder participation improved in comparison to the first action plan, CSOs and citizens did not play a significant role in the development process of the Philippines' second action plan. The nine commitments were selected from the executive's existing thirty Good Governance Initiatives (GGIs). The IRM researcher was unable to determine whether stakeholders were consulted on the content of the commitments or how stakeholder feedback was incorporated into the final action plan.

The development of the 2014 National Action Plan (AP) sought to address criticism of previous APs as "too exclusive" in terms of collaboration on action plan development and had the potential to be more inclusive and more transparent. However, the sessions lacked of advance notice and clear incorporation of citizen-generated ideas in the action plan undermined the government's increased public participation efforts.

Countries participating in OGP follow a set process for consultation during development of their OGP action plan. According to the OGP Articles of Governance, countries must:

- Make the details of their public consultation process and timeline available (online at minimum) prior to the consultation

- Consult widely with the national community, including civil society and the private sector; seek out a diverse range of views and; make a summary of the public consultation and all individual written comment submissions available online

- Undertake OGP awareness raising activities to enhance public participation in the consultation

- Consult the population with sufficient forewarning and through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

A fifth requirement, during consultation, is set out in the OGP Articles of Governance. This requirement is dealt with in the section "III: Consultation during implementation":

- Countries are to identify a forum to enable regular multistakeholder consultation on OGP implementation—this can be an existing entity or a new one.

This is dealt with in the next section, but evidence for consultation both before and during implementation is included here and in Table 1 for ease of reference.

Table 1 | Action Plan Consultation Process

PHASE OF ACTION PLAN	OGP PROCESS REQUIREMENT (ARTICLES OF GOVERNANCE SECTION)	DID THE GOVERNMENT MEET THIS REQUIREMENT?
During Development	Were timeline and process available prior to consultation?	No
	Was the timeline available online?	No
	Was the timeline available through other channels?	No
	Was there advance notice of the consultation?	Yes
	How many days of advance notice were provided?	14
	Was this notice adequate?	No
	Did the government carry out awareness-raising activities?	No
	Were consultations held online?	Yes
	Provide any links to online consultations.	http://bit.ly/1zImqv1 (Summary of Comments, Open Governance Cluster page, January 2014)
	Were in-person consultations held?	Yes
	Was a summary of comments provided?	Yes
	Were consultations open or invitation-only?	Open
	Place the consultations on the IAP2 spectrum.[3]	Consult
During Implementation	Was there a regular forum for consultation during implementation?	Yes
	Were consultations open or invitation only?	Invitation only
	Place the consultations on the IAP2 spectrum.	Consult

ADVANCE NOTICE AND AWARENESS-RAISING

The government did not publish a timeline for the action plan process, and awareness-raising activity on the second action plan was negligible. The government has embedded the OGP process as part of the executive's GGIs, which can be assessed as a positive development for internalizing open governance agenda within the government's important policy process. However, as a result, public consultations on the OGP commitments was also largely subsumed in the public consultations on the GGIs, in what seems to be a top-down decision-making process.

On average, the OGP secretariat provided about 14 days' advance notice[2] of consultation activities and Steering Committee meetings. However, the IRM researcher found this to be inadequate because the notice was limited to Steering Committee members.

OGP activities were often incorporated into larger forums and activities on the Good Governance Initiatives, but there was no additional effort on the part of the government to inform potential participants of the opportunity to participate in OGP. The government posted information and progress on OGP commitments/Good Governance Initiatives on the Good Governance Cluster website beginning in June 2013 with an open call for comments. However, there was no indication of which initiatives were part of the draft OGP action plan nor was there a dedicated post for public comments on the OGP action plan.

The final OGP action plan was available on the OGP country page in November 2013 and the government

website starting February 2014. In an e-mail exchange between a CSO representative and the government on March 21, 2014—nearly four months into the first year of implementation—requesting information on the public launch of the final OGP action plan, the government focal point responded, "The plan has been finalized, but we didn't have enough time to vet it with the Office of the President, so it wasn't launched."

Participating CSOs found the GGI forums and activities useful in raising public awareness of good governance issues and fostering more open discussions. Many of these forums focused broadly on the GGIs, of which the nine OGP commitments formed only a subset. They saw this as an improvement from the first action plan that did not include any public consultation. However, it is unclear if any of the activities were helpful in raising public awareness of the existence and purpose of the OGP process. Ensuring that participation takes place under the OGP framework— requirements for consultation, review process, international visibility—would improve the strength of civil society input and influence.

DEPTH AND BREADTH OF CONSULTATION

In response to poor public consultation efforts highlighted in the first IRM progress report, the government sought to achieve "greater public participation" in developing the second action plan. However, consultation on the contents of the plan was limited to OGP Steering Committee members, and it is unclear how stakeholder feedback was incorporated into the final action plan.

In the Philippines, OGP Steering Committee meetings served as the consultation and coordination forum on action plan commitment implementation. During the development phase, its meetings served as the public consultation events, though participation was by invitation only and limited to select government, civil society, and private sector stakeholders. The Steering Committee is chaired by the GGAC secretariat (who is also the OGP secretariat) and is composed of representatives from the three government agencies in charge of implementation (Department of Budget and Management, Department of the Interior and

Local Government, Department of Social Welfare and Development), two business groups (Makati Business Club, National Competitiveness Council), and three CSOs (INCITEGov/Budget Advocacy Group, the Task Force: Local Participatory Governance/PHILDHRRA, the Right to Know, Right Now! Coalition). These eight actors are familiar with and have been engaged in the OGP process since the first action plan. In February 2014, the government proposed civil society elect new groups to represent civil society interests in the OGP Steering Committee. Of the original three CSOs (R2KRN, Social Watch, and People Power Volunteer for Reforms), only R2KRN retained its seat. Budget Advocacy Groups and Task Force Participatory Local Governance joined as civil society representatives. The two representatives from the business groups have been periodically in touch with cabinet secretaries engaged in the OGP process, while the government invited the three clusters of CSOs to be part of the OGP Steering Committee.

The OGP Steering Committee held two meetings on action plan development in Manila on April 11, 2013, and September 29, 2013. The meeting minutes were distributed to the Steering Committee members via e-mail, but they were not posted online in a timely manner. The IRM researcher secured copies of the reports from the government focal point and verified these with the CSO Steering Committee members.

In the meeting on April 11, 2013, the prospective contents of the OGP action plan was discussed within the context of how the plan can relate to the priorities of the GGAC's Good Governance Initiatives.[4] Civil society stakeholders proposed a shift in focus away from delivery of services and harmonizing outcomes to achieve more crosscutting themes, like regaining trust in government or "strengthened performance management." It is unclear if these suggestions were incorporated into the final action plan because the nine commitments selected were derived exclusively from the existing thirty Good Governance Initiatives.

The second action plan was finalized during the meeting September 26, 2013.[5] In response to stakeholder criticisms of the first action plan, Budget Undersecretary Moya advised the steering committee to prioritize the initiatives and optimize the commitments. Of the thirty GGIs, the OGP Steering

Committee selected nine to be the commitments of the Philippines' second OGP action plan.

Interviewed CSO stakeholders said the second action plan was "more streamlined,"[6] in contrast to the first. However, it is unclear if the government incorporated stakeholder feedback on action plan content, though it accepted suggestions on structure. The CSO Steering Committee's alternate representative from the Right to Know, Right Now! Coalition, Nepomuceno Malaluan said the OGP secretariat had generally informed and consulted with the Steering Committee members but some matters, including finalizing the choice of commitments, was also "sometimes decided unilaterally."

* Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.

[1] Open Government Partnership, "Open Government Partnership: Articles of Governance," (Washington, DC:The Open Government Partnership, March 2014), http://www.opengovpartnership.org/Articles.

[2] International Association for Public Participation, "IAP2 Spectrum of Political Participation," (Colorado: International Association for Public Participation) http://bit.ly/1kMmlYC.

[3] Philippines OGP Steering Committee, Meeting Minutes of Philippines OGP Steering Committee for September 16, 2013.

[4] Highlights of Steering Committee meeting, April 11, 2013,. http://bit.ly/1cdVClp.

[5] Philippines OGP Steering Committee, Meeting Minutes of Philippines OGP Steering Committee for September 26, 2013,. http://bit.ly/1F262HR.

[6] Malou Mangahas,. Focus-Group Discussion with Representatives of Civil Society Organizations, Right to Know, Right Now! Coalition, March 17, 2015.

III | ACTION PLAN IMPLEMENTATION

REGULAR MULTISTAKEHOLDER CONSULTATION

Consultation during the implementation of the second Philippines action plan greatly improved over the period of the first action plan in terms of volume and geographic spread. Nonetheless, it was not clear whether conflating the OGP agenda with the broader GGAC confused stakeholders, and potentially limited greater stakeholder input for OGP commitments, or conversely, strengthened Philippines ownership and government commitment and helped to institutionalize open government values and principles into the Philippines state.

In order to understand the structure of consultation, one must understand the governance structure for OGP Philippines. As in the development phase, the multi-stakeholder OGP Steering Committee is the primary forum for consultation. Once again, participation in Steering Committee meetings was only by invitation only.

As the OGP process in the Philippines is part of the government's greater Good Governance Initiatives (GGIs), all public forums on progress on OGP commitments were held under the umbrella of thirty GGIs. The government opened the forums to the public, and it invited the Steering Committee members to attend the GGAC public forums together with the officials of agencies in charge of implementing the OGP and the GGAC initiatives. During the implementation phase, the Steering Committee met three times—February 19, 2014; June 26, 2014; and November 24, 2014—at the Department of Budget and Management's offices in Manila. Though they have not been posted online, the government provided the IRM researcher with minutes from all three meetings. The minutes offered a summary of the views raised by the participants, but not in verbatim manner.

Consultation was segmented along topics. Civil society organization (CSO) representatives focused mainly on the commitments of direct interest to their organizations. The level of input was inconsistent between organizations, and reports vary as to why and how some had influence and some did not. Two of the CSO Steering Committee representatives interviewed (Local Participatory Governance and Right to Know, Right Now!) reported limited input on the timing and agenda during Steering Committee meetings and the other public forums.

Where there has been more influence from civil society, there may be very direct linkages with government. The third CSO representative, from INCITEGov/ Budget Advocacy Group, reported a more active role in defining the timing and agenda of these forums. After INCITEGov's executive director was appointed to a senior position in the Department of Budget and Management, complaints surfaced that the organization had disproportionate access.

Government Focal Point Patrick Lim noted that the government's "relationship with CSOs, although we work for the same objectives, has not always been smooth. There has been some tension, conflict sometimes. But we see that as a healthy reminder, feedback, on how we are doing and how we can do better."

Between January 1, 2014, and December 31, 2014, the government reported[1] conducting 20 events and activities on the OGP and its GGIs. These included the following:

- Three meetings of the OGP Philippines Steering Committee

- Five Good Governance Cluster dialogues and two consultation meetings (one specifically on Open Data, the rest on other GGI actions) held between 2013–2014 in the capital city of Manila and in the regional centers of Cebu City, Davao City, Baguio City, and Cagayan de Oro City. The Open Data Consultation was held in Davao City.

- Two summits on good governance and one focus-group discussion on local governance

- Four Good Governance Cluster workshops conducted with heads of public agencies

The public forums generally tackled the status of implementation of the OGP commitments, but only within the context of the thirty GGIs. The OGP process itself was explained during the Regional Good Governance Dialogues.

- Government and CSO representatives participated in three events related directly or indirectly to the OGP held outside the Philippines. These are the events:

  o May 6–7, 2014, the OGP East Asia-Pacific Summit in Bali, Indonesia

  o June 24–27, 2014, Sierra Leone Study Tour in the Philippines.

  o December 11–12, 2014, the ASEAN-Republic of Korea (ROK) Ministerial Roundtable and Exhibition on Public Governance

At the OGP East Asia Pacific Summit, government officials and CSO leaders spoke at panels on budget transparency, citizen engagement, and local government unit engagement in the OGP process.

The minister of security and public information of Korea invited Budget Secretary Florencio Abad, chairman of the OGP Steering Committee, to speak on the Philippines' "exemplary public services" and join other senior government officials "share best practices and discuss concrete measures for mutual cooperation in the development of public governance."[2] Only a press release from the Department of Budget and Management announced the Philippine participation in the event and CSOs in the Steering Committee did not have a role in the event.

The government undertook communication/ information dissemination activities, notably this effort:

- April–June 2014, "Production and Distribution of OGP IEC Materials to NGAs, CSOs, CFAGs, Media, Academe, Business Groups, DBM Regional Offices, etc."

The government professionally printed these materials, and the OGP secretariat distributed them at public forums in the country and overseas to explain and publicize the Philippines' OGP commitments and accomplishments. There is no record of feedback on the materials or their use as reference materials by stakeholders.

The OGP secretariat's periodic reports on the status of implementation of the second action plan commitments were not widely publicized through traditional media channels nor were they circulated among the citizenry. A CSO representative of the Steering Committee, Annie Enriquez Geron of the Right to Know, Right Now! Coalition and the general secretary of the Public Services Labor Independent Confederation (PSLINK), interviewed by the IRM researcher, said "hardly" any copies of the minutes or reports on the highlights of the meetings were circulated among the general public and only some of the reports were circulated to CSO representatives via e-mail. Copies of the reports may be secured though, if a citizen is aware it exists and knows how to locate it, from the Scribd pages of the OGP secretariat or the GGAC page that is on the Government Official Gazette website.

Though the government cited twenty OGP-related events, many of the events drew participants by invitation only, and participants were mostly representatives of public agencies, CSOs, and business groups already engaged in open government activities. While it may be essential to ration the number of seats in any participatory event, the government could have made public and regularized its criteria for selection, and it will need to decide where to expand to new players.

It is not clear from the government's documentation of the events how the input from participants has helped inform or influence decisions, monitoring processes, or implementation of the action plan. The government focal point said that feedback and written comments from participants in these dialogues inform the government on how "we can make clearer targets in the next action plan." Yet, the IRM researcher found that stakeholders could only provide feedback when solicited by the OGP secretariat, such as during the public call for comments on the GGIs in June 2013 and the two-week call for comments on the government's draft self-assessment report in April 2015. CSOs interviewed felt that the documentation reports need to be circulated to the general public more promptly and with better play on the government's website.[3]

Additionally, general CSO awareness of the OGP process remains limited. Out of fourteen CSO leaders consulted, six were aware of that the Philippines is part of the OGP process, two knew which agencies were assigned to implement specific commitments, and none was aware of the implementation status of the majority of the commitments.[4]

* Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.
[1] Malou Mangahas,. Focus-Group Discussion with Representatives of Civil Society Organizations, Right to Know, Right Now! Coalition, March 17, 2015.
[2] Malou Mangahas,. Focus-Group Discussion with Representatives of Civil Society Organizations, Right to Know, Right Now! Coalition, March 17, 2015.
[3] Malou Mangahas,. Focus-Group Discussion with Representatives of Civil Society Organizations, Right to Know, Right Now! Coalition, March 17, 2015.
[4] Malou Mangahas,. Focus-Group Discussion with Representatives of Civil Society Organizations, Right to Know, Right Now! Coalition, March 17, 2015.

IV | ANALYSIS OF ACTION PLAN CONTENTS

All OGP participating governments develop OGP country action plans that elaborate concrete commitments over an initial two-year period. Governments begin their OGP country action plans by sharing existing efforts related to open government, including specific open government strategies and ongoing programs. Action plans then set out governments' OGP commitments, which stretch government practice beyond its current baseline. These commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Commitments should be appropriate to each country's unique circumstances and policy interests. 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. The IRM uses the following guidance to evaluate relevance to core open government values.

ACCESS TO INFORMATION

Commitments around access to information

- pertain to government-held information, as opposed to only information on government activities. As an example, releasing government-held information on pollution would be clearly relevant, although the information is not about "government activity" per se;

- are not restricted to data but pertain to all information (e.g., releasing individual construction contracts and releasing data on a large set of construction contracts);

- may include information disclosures in open data and the systems that underpin the public disclosure of data;

- may cover both proactive and/or reactive releases of information;

- may cover both making data more available and/or improving the technological readability of information;

- may pertain to mechanisms to strengthen the right to information (e.g., ombudsman's offices or information tribunals);

- must provide open access to information (it should not be privileged or internal only to government);

- should promote transparency of government decision-making and carrying out of basic functions;

- may seek to lower cost of obtaining information; and

- should strive to meet the 5 Star for Open Data design (http://5stardata.info/).

CIVIC PARTICIPATION

Commitments around civic participation may pertain to formal public participation or to broader civic participation. They should generally seek to "consult," "involve," "collaborate," or "empower," as explained by the International Association for Public Participation's Public Participation Spectrum (http://bit.ly/1kMmlYC).

Commitments addressing public participation

- must open up decision-making to all interested members of the public; such forums are usually "top-down" in that they are created by government (or actors empowered by government) to inform decision-making throughout the policy cycle;

- can include elements of access to information to ensure meaningful input of interested members of the public into decisions; and

- often include the right to have your voice heard, but do not necessarily include the right to be a formal part of a decision-making process.

Alternately, commitments may address the broader operating environment that enables participation in civic space. Examples include but are not limited to

- reforms increasing freedoms of assembly, expression, petition, press, or association;

- reforms on association including trade union laws or NGO laws; and

- reforms improving the transparency and process of formal democratic processes such as citizen proposals, elections, or petitions.

The following commitments are examples of commitments that would not be marked as clearly relevant to the broader term civic participation:

- Commitments that assume participation will increase due to publication of information without specifying the mechanism for such participation (although this commitment would be marked as "access to information")

- Commitments on decentralization that do not specify the mechanisms for enhanced public participation

- Commitments that define participation as inter-agency cooperation without a mechanism for public participation

Commitments that may be marked as "unclear relevance" also include those mechanisms where participation is limited to government-selected organizations.

PUBLIC ACCOUNTABILITY

Commitments improving accountability can include rules, regulations, and mechanisms that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments.

Consistent with the core goal of "open government," to be counted as "clearly relevant," such commitments must include a public-facing element, meaning that they are not purely internal systems of accountability. While such commitments may be laudable and

may meet an OGP grand challenge, they do not, as articulated, meet the test of "clear relevance" due to their lack of openness. Where such internal-facing mechanisms are a key part of government strategy, it is recommended that governments include a public-facing element such as

- disclosure of nonsensitive metadata on institutional activities (following maximum disclosure principles);

- citizen audits of performance; and

- citizen-initiated appeals processes in cases of nonperformance or abuse.

Strong commitments around accountability ascribe rights, duties, or consequences for actions of officials or institutions. Formal accountability commitments include means of formally expressing grievances or reporting wrongdoing and achieving redress. Examples of strong commitments include

- improving or establishing appeals processes for denial of access to information;

- improving access to justice by making justice mechanisms cheaper, faster, or easier to use;

- improving public scrutiny of justice mechanisms; and

- creating public tracking systems for public complaints processes (such as case tracking software for police or anti-corruption hotlines).

A commitment that claims to improve accountability—but assumes that merely providing information or data without explaining what mechanism or intervention will translate that information into consequences or change—would not qualify as an accountability commitment. See http://bit.ly/1oWPXdl for further information.

TECHNOLOGY AND INNOVATION FOR OPENNESS AND ACCOUNTABILITY

OGP aims to enhance the use of technology and innovation to enable public involvement in government. Specifically, commitments that use technology and innovation should enhance openness and accountability by

- promoting new technologies that offer opportunities for information sharing, public participation, and collaboration;

- making more information public in ways that enable people to both understand what their governments do and to influence decisions; and

- working to reduce costs of using these technologies.

Additionally, commitments that will be marked as technology and innovation

- may commit to a process of engaging civil society and the business community to identify effective practices and innovative approaches for leveraging new technologies to empower people and promote transparency in government;

- may commit to supporting the ability of governments and citizens to use technology for openness and accountability; and

- may support the use of technology by government employees and citizens alike.

Not all eGovernment reforms improve openness of government. When an eGovernment commitment is made, it needs to articulate how it enhances at least one of the following: access to information, public participation, or public accountability.

Recognizing that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan, and it analyzes them for their first year of implementation.

All of the indicators and methods used in the IRM research can be found in the IRM Procedures Manual, available at http://bit.ly/1rki45i. One measure deserves further explanation, due to its particular interest for readers and usefulness for encouraging a race to the top among OGP-participating countries: the "starred commitment." Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

1. It must be specific enough that a judgment can be made about its potential impact. Starred commitments will have medium or high specificity.

2. The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of access to information, civic participation, or public accountability.

3. The commitment would have a transformative potential impact if completely implemented.

4. Finally, the commitment must see significant progress during the action plan implementation period, receiving a ranking of substantial or complete implementation.

Based on the criteria mentioned above, the Philippines action plan received two starred commitments:

- Commitment 8: Initiative fiscal transparency in the extractive industry

- Commitment 9: Improve ease of doing business

Note that the IRM updated the star criteria in early 2015 in order to raise the bar for model OGP commitments. Under the old criteria, a commitment received a star if it was measureable, clearly relevant to OGP values as written, had moderate or transformative impact, and was substantially or completely implemented.

Based on these old criteria, the Philippines action plan would have received three additional starred commitments:

- Commitment 3: Engage civil society in public audit

- Commitment 6: Strengthen grassroots participation in local planning and budgeting

- Commitment 7: Provide government data in single portal and open format

Finally, the graphs in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for the Philippines, and all OGP-participating countries, see the OGP Explorer (http://bit.ly/1KE2Wll).

GENERAL OVERVIEW OF THE COMMITMENTS

The second OGP action plan includes nine commitments, down from 19 in the first action plan. This represents an increased focus and simplification of OGP content.

There was a wide variety of OGP commitments, ranging from budgeting to decision making in the legislature and local governments, and from extractive industries to improving business environment improvement. In this sense, again, the second action plan is an improvement in that commitments are much more precise, targeted, and independent.

1 | TRANSPARENCY IN NATIONAL GOVERNMENT PLANS AND BUDGETS[1]

The 100% compliance rate of departments in the Executive Branch to the disclosure of their approved budgets and plans in their websites will be sustained. The disclosure is through the department's respective websites under the Transparency Seal (2013-2015).

Performance Targets: 100% of national government departments fully complying with the Transparency Seal (2013-2015).

Responsible Institution: Department of Budget and Management

Supporting Institution(s): National Government Agencies, Government-owned and –controlled corporations, State Universities and Colleges

Start Date: April 2012   *End Date: June 2016*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Pubilc Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
1. Sustain transparency in national government plans and budgets				✗	✗			✗	✗						✗	

WHAT HAPPENED?

This OGP commitment is also part of the government's Governance Cluster Initiatives under the name of "Transparency Seal." This program awards a seal for the disclosure of key budget information and major plans of national government agencies (such as Statement of Allotment, Obligation and Balances [SAOB], disbursement and income, procurement plans) on their respective websites.

In 2013, according to the government report on the status of Good Governance Initiatives 100% of National Government Agencies (NGAs) met the Transparency Seal requirements, though it is difficult to determine whether these requirements applied to government-owned and controlled enterprises. According to the government's own reporting, this declined from 100% to 97% over the course of 2014. However, the government reports did not offer baseline and absolute numbers. Without links and actual reports on agencies, it makes it hard to determine whether compliance improved or more institutitions were subject to disclosure requirements.

DID IT MATTER?

This commitment aims to maintain the status quo of reporting on budget data. For that reason, the IRM researcher gave the commitment a potential impact rating of "none," given that it would maintain existing practice. However, it did not achieve these aims, with a decline in disclosure from 100% to 97%. Nonetheless, this commitment has a greater potential impact as a result of the repeated annual disclosure and rating of agencies.

Based on the interviews with CSOs and public servants, the IRM researcher found that there is little evidence of uptake by citizens. The monetary incentive appears to be the major driver of nominal compliance by executive agencies with the Transparency Seal. High compliance rate is due to the use of the Seal as a criterion for the Performance-Based Bonus Program (PBB).

This program is a part of the Results-Based Performance Management System (RBPMS), which is being implemented by a task force of officials from the Budget Department, Office of the Executive Secretary, National Economic and Development Authority, Finance Department, and Presidential Management staff.

This task force was assigned to do an eligibility and impact assessment for the 2013 and 2014 Performance-Based Bonus Program commissioned by the World Bank. This analysis should make changes evident in the coming year.

MOVING FORWARD

CSO stakeholders consulted by the IRM researcher suggested that the government would do well to

- expand the coverage of this commitment to include other public agencies on the national and local level;

- institute a mechanism for validation by grassroots CSOs of the data volunteered by national and local government agencies; and

- include more data on revenue and expenditures by public agencies as requirements for their grant of PPB under the Transparency Seal Project.

A more ambitious new commitment is to consolidate all the time-series data included under this project into a one-stop dashboard or website that citizens would find accessible and easy to understand and validate.

The IRM researcher recommends institutionalizing disclosure beyond the incentives for the executive agencies' personnel (i.e., the grant of PPB). The government should also consider the expansion of its coverage to include the legislative and judicial branches of government.

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.
[1] See government's status reports:
Government of the Philippines, OGP Status Report, http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607).
Government of the Philippines, Detailed Status Report of OGP Initiatives, (2012–2014, Q1), http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014).
Government of the Philippines, OGP Status Report, http://bit.ly/1EpFbA9.

2 | SUPPORT LEGISLATION ON ACCESS TO INFORMATION AND WHISTLEBLOWER PROTECTION[1]

The government commits to include in the priority legislation of the Executive two bills that promote access to information and protection of whistleblowers. Parallel activities will be conducted by civil society advocates to support the passage of the two priority bills.

Performance Targets: Freedom of Information and Whistleblowers Protection Bills included in the priority legislative agenda of the Executive (2015).

Responsible Institution: Presidential Communications Development and Strategic Planning Office (Milestone 2.1), Department of Justice (Milestone 2.2)

Supporting Institution(s): The Congress of the Philippines, The Technical Working Group for the Administration Bill

Start Date: Not Specified   *End Date: Not Specified*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
2. Overall			✗		✗	✗	✗			✗				✗		
2.1. Legislation on Access to Information			✗		✗		✗			✗				✗		
2.2. Legislation on Whistleblower protection			✗		✗	✗	✗			✗			✗			

WHAT HAPPENED?

Under this two-part commitment, the government has pledged to support legislation on access to information and whistleblower protection. The government assigned two executive agencies to be separate implementing units: the Presidential Communications Development and Strategic Planning Office (access to information legislation) and the Department of Justice (whistleblower protection legislation).

At the time of writing this report, the proposed laws on access to information and whistleblower protection were both pending at the House of Representatives, the lower chamber of the Philippine Congress.

The president, through his communication operations secretary, Herminio Coloma, announced that the government wants Congress to pass at least 18 of the 29 priority administration bills it has submitted. The list includes the FOI and Whistleblower Protection bills. However, the Whistleblower Protection Bill remains under review in the Committee on Justice in the House of Representatives, and observers think that it stands very little chance of passage before the end of this administration.

FOIA

The proposed Freedom of Information Act aims to mandate the disclosure of public documents and outlines the exceptions for public disclosure and the procedures for accessing public documents. Several access to information bills have been filed with the House of Representatives. The Technical Working Group in charge of preparing the administration bill on access to information has taken on board suggestions from the civil society (including the input form the Right to Know, Right Now! Coalition) to address possible government abuse of the exceptions.

On September 3, 2014, the House Committee on Public Information approved a consolidated version of the bill submitted by its Technical Working Group. The 24-person Senate had passed on the third and final reading of its version of the Freedom of Information Act on March 10, 2014. Opposition is stronger in the House of Representatives, which has 290 district and party-list legislators. The House Committee on Public Information has approved a counterpart bill but it has

not been sponsored or submitted to plenary debate and interpellation, as of the publication date of the IRM report. President Aquino has declared, however, that the law will pass before his term ends on June 30, 2016.

The two chambers of Congress—Senate and House of Representatives—must separately pass parallel bills, having these voted in plenary on third reading. The approved bills will have to be reconciled by a bicameral conference committee and consolidated into one version. This version is sent back to the two chambers for ratification as a Congress-approved bill. The President must sign it before it is finally considered enacted as law.

According to Budget Undersecretary Bon Moya, this commitment will be implemented only with the participation of the legislature. The Legislative-Executive Development Council (LEDAC), which is mandated to align the legislative priorities of the two branches of government, has not convened in over two years. Additionally, since the commitment speaks only of the "support for the passage of legislation" and not the actual passage, the executive branch cannot ultimately guarantee that the laws will be passed.

The executive has indeed supported passage of the legislation. Senior staff of Presidential Spokesperson Edwin Lacierda and Assistant Communication Operations Secretary Manuel L. Quezon attended committee hearings and meetings with authors of the Freedom of Information bill at the House of Representatives. The government also invited and hosted Representative Jorge Almonte, chairperson of the House Committee on Public Information that is in charge of the bill, to attend the OGP Asia-Pacific Regional Meeting in May 2014 in Bali, Indonesia, making some legislators aware of this obligation.

While most acknowledge that the executive made efforts, arguments remain about the adequacy. In the Philippines, the president can assign "urgent or high priority status to certain bills, but must follow up with timing and tabling those bills to assure that they move through the legislative agenda. This latter, important step had not been taken at the time of writing. Beyond procedural improvements, the Right to Know, Right Now! Coalition points out the importance of presidential leadership. It would help to mention the bills at the State of the Nation Address, with the

president certifying to the necessity of immediate enactment, and ultimately, the House leadership putting the bill on the plenary agenda and mobilizing key legislators to move the process forward.

Whistleblower protection

The proposed whistleblower protection bill seeks to aid in the prosecution of corrupt and erring public officials and employees through the provision of protection and reward for whistle blowers. It introduces the new body, Whistle Blower Protection Council, to be chaired by the over-all deputy ombudsman.

Currently, there are seven pending bills on whistleblower protection in the House of Representatives and five more in the Senate. The Department of Justice has supported the draft report of the House Committee on Justice and the bills pending before the Senate Committee on Justice and Human Rights since May 2014. Close political allies of President Aquino's Liberal Party separately chair the two committees. The Committee on Justice has not consolidated these seven bills, so there has been no public discussion on it until now. Similar procedural and political hurdles may contribute to the delay of this bill.

DID IT MATTER?

In order to assess impact or potential impact, the commitment language needs to include specific actions and assign those actions to institutions with the proper mandate for implementation. In this instance, the Philippine Congress has the mandate for passing legislation, yet the responsibility for this commitment is in the executive branch.

In an interview with the IRM researcher, Undersecretary Moya indicated that the government cannot offer any specific answer or measurement for the outcome of this commitment, other than supporting the passage of

legislation on both issues. However, since the Congress is ultimately responsible for passing the legislation, the government can only be evaluated on the grounds of whether the draft legislation has moved forward.

As described above, there are a number of specific procedural and political steps the president's office can take to accelerate the passage of these key pieces of legislation.

MOVING FORWARD

For both bills, the firm and clear support of the president and the leaders of both the Senate and the House of Representatives would be crucial to accelerate the legislative process. Three steps will be important for consideration:

• Support passage of both bills in the last State of the Nation Address scheduled for July 2015

• Work with key congressional committee members to put the bills to vote by the full House and Senate in the next year

• Take specific action with the whole Congress to accelerate priority legislation by moving the legislation up the agenda

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.

1 http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607

http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014)

http://www.interaksyon.com/article/102301/aquino-asks-congress-to-pass-at-least-18-of-29-priority-administration-bills

http://bit.ly/1UFRwJT

Focus -Group Discussion with Right to Know, Right Now! Coalition members, March 17, 2015

Interview with Budget Undersecretary Richard Moya, March 6, 2015

3 | ENGAGE CIVIL SOCIETY IN PUBLIC AUDIT[1]

The Commission on Audit will create an internal unit as a mode to institutionalize the engagement of civil society organizations in conducting participatory audits of government projects. For 2014, the Commission will jointly conduct four pilot audits of infrastructure projects with partner civil society organizations.

Performance targets: 4 participatory audits conducted and audit reports published (2014)

Responsible Institution: Commission on Audit (COA)

Supporting Institution(s): None

Start Date: 2012   *End Date: 2014*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
3. Overall				✗	✗	✗	✗				✗				✗	
3.1. Four pilot audits conducted				✗	✗	✗	✗				✗					✗
3.2 Four audit reports published				✗	✗	✗	✗				✗				✗	

Editorial note: under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially implemented (note that IRM updated the star criteria in early 2015).

WHAT HAPPENED?

The commitment seeks to strengthen the Citizens Participatory Audit (CPA) Project and envisages creation of an internal unit within the Commission of Audit (COA) to institutionalize civil society engagement in conducting participatory audits of government projects. It aims to conduct four joint and special audits of select infrastructure projects by the COA and CSOs, covering the setting-up of systems, tools, and processes to institutionalize participatory auditing.

This commitment is not complete. As of March 2015, one out of the four audit reports on public contracts to build schools had not been released due to continued consultation on some sensitive findings of the audit team. Three reports have been published, including a CAMANAVA flood control project, the Quezon City solid waste management program, and a health center project. The fourth report on public contracts to build schools was elevated to a fraud audit after preliminary findings of the citizen audit report raised red flags. A fraud audit is more technical in nature as it requires a higher standard of evidence to build a legal case for potentially criminal behavior. At the time of writing the IRM report, the COA had not published the findings of the fraud audit report, though the government

indicated that the report will be published once the investigation is complete.

This commitment builds on activities that had been almost completed before the launch of the Philippines' second action plan for 2013–2015. The government launched the CPA in November 2012 as a joint initiative of the Commission of Audit and the non-profit intermediary group Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP). Four participatory audit projects with preselected local CSO partners were launched back in the beginning of 2012. The i-Kwenta website was developed to offer resources on participatory audits. In 2014, the government created the CPA Project Management Unit (PMU) through COA Resolution No. 2014-002. According to the government, it is currently developing the CPA handbooks.

The status report published by the government rates this commitment as "delayed."

DID IT MATTER?

The commitment builds on activities that had started way before the launch of the Philippines' second action plan for 2013–2015. In the past, these activities were largely donor driven, which raised questions of sustainability and continuity of participatory audit practices in the future. However the COA has now allocated funding for this initiative in its regular budget.

The ANSA-EAP has called the CPA project "a bold move" on the part of COA and "a testament to the time and energy that both government auditors and CSOs have invested into efforts to address their sometimes-opposing views and varying interests."

The CPA project helped to form partnerships between COA and CSOs that strengthened both parties' oversight functions. Apart from the consultation and joint audits, active exchange of knowledge and skills brought out more areas for collaboration. Conversation with citizens was also identified as something helping to effectively share audit agenda.

The impact of this project on the capacity-building and networking work of the lead CSO partner and its CSO affiliates has been significant. In February 2015, ANSA-EAP members undertook training in "Geotagging: Field Application and Data Sharing Using Mobile Apps and Online Platforms" from the National Mapping and Resource Information Authority (NAMRIA). The training participants have been accredited by government to do training on geotagging for the CSO members who are envisioned to participate in phase 2 of the CPA project.

Although the initiative has received many positive comments, if the release of the fraud audit report is further delayed, it could raise questions of the credibility of the process.

MOVING FORWARD

COA has started phase 2 of the CPA project, which continues to draw support from the AusAid. It expands the coverage of participatory audit outside the national capital regions and focuses on four new sectors in select areas of the country. In March 2015, the COA started to mobilize local CSOs to participate in CPA projects on farm-to-market roads. The slight delay in the project was due in part to the change in COA leadership as the former chair ended her term of office on February 2, 2015 and the new chair assumed office only in April 2015. The COA's directive for its regional units to engage with CSOs on CPA is a good first step in institutionalizing the project. Funding for the project and the designation of full-time personnel to engage with CSOs on CPA activities would help assure sustainability.

Going forward, the CPA project should continue to engage local stakeholders in phase 2 and ensure that audit reports from both phases are duly published.

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.
[1] Government of the Philippines, OGP Status Report, http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014)
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4 | ENHANCE PERFORMANCE BENCHMARKS FOR LOCAL GOVERNANCE[1]

The Department of the Interior and Local Government through the Seal of Good Local Governance (SGLG) will enhance the existing performance review of local government units and expand benchmarks beyond financial practices. In 2014, all local governments will be assessed on five performance areas: (1) Good Financial Housekeeping; (2) Disaster Preparedness; (3) Social Protection for the Basic Sectors; (4) Business-Friendly Environment and Competitiveness; (5) Environmental Compliance; and (6) Law & Order and Public Safety.

Performance Targets: Additional performance benchmarks on accountable, transparent, and participatory governance, and frontline service performance implemented (2014-2015).

Responsible Institution: Department of the Interior and Local Government (DILG)

Supporting Institution(s): Local Government Units (LGUs)

Start Date: 2014   *End Date: 2016*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
4. Overall			✗		✗		✗			✗					✗	
4.1. Develop performance benchmarks for LGUs			✗		✗		✗		✗						✗	
4.2. National roll-out of SGLG			✗		✗		✗			✗			Unclear			
4.3. Percentage of LGUs assessed for SGLG				✗	✗		✗			✗						✗

WHAT HAPPENED?

This commitment involves the conferral of a seal to Local Government Units (LGUs) that adhere to performance criteria on any of the following areas: good financial housekeeping, disaster preparedness, social protection for the basic sector, business friendliness, and competitiveness, environmental management, law and order, and public safety. As in the first Action Plan, this scaled-up commitment builds on the Seal of Good Housekeeping program started by the late Secretary Jesse Robredo. Annual guidelines on the program are issued by the Department of Interior and Local Government (DILG). Assessments are conducted by DILG staff. Development partners were tapped to provide assistnce in formulating the policy for this program. .

The government rates this commitment to be on track. It has completed milestone 1 with the development of SGLG indicators with the issuance of implementing guidelines (Joint Memorandum Circular No. 2014-39), though the government self-assessment report did not offer baseline numbers or benchmarks.

The government has reported that it has assessed 100%, or 1,675, local government units for SGLG, therefore completing milestone 3. The national rollout of the local governance seal has largely taken place, though there remains some question of the exact number of LGUs covered.

This commitment builds on a similar program included in the Philippines' first action plan, and it is entitled the Seal of Good Housekeeping (SGH), which government launched back in 2011. The SGH exhorted local government units to post online only public finance and budget documents. The amended program now calls for local government units to post online more public documents on the five policy areas listed above. Aside from the SGH standard (Good Financial Housekeeping), local government units must pass at least two more core assessment areas, social protection for the poor and vulnerable sectors and disaster preparedness, and at least one result from three other core assessment areas—business competitiveness, peace and order, and environmental management. LGUs that make the grade are again offered incentives, including access to budget support from the Performance Challenge Fund, and get a national recognition.

DID IT MATTER?

While action plan this program has the benefit of government support and funding, the sustainability of the project may be put at risk if there is a funding shortfall or no allocation provided as local governments will no longer have an incentive to comply with these standards.

There are numerous reports on the LGUs that have passed the SGLG but no specific reports on the results or findings of the assessment teams, which undermine the potential impact of this commitment. Government has acknowledged that this program lacks a good monitoring and evaluation component. In addition, the IRM researcher found that the potential impact of this commitment could be higher if the government agency in charge had greater authority or resources.

The SGLG is a step in opening up public documents from local government units, via online posting. However, in the absence of mechanisms for citizen validation or government reports on the assessment of the integrity, completeness, and responsiveness of the same documents to citizens—it is not clear how the commitment has produced significant results in terms of promoting public accountability or the delivery of basic services.

While compliance with this commitment by local government units involves posting required documents online, it does not envisage validation of the integrity or completeness of the documents posted. In the IRM review of the government's 2012 action plan, the precursor of this commitment drew mixed reviews from CSOs and other government stakeholders. The concerns raised focused largely on the absence of citizen validation of the contents and the inaccessible formats (PDF, html) of the documents that LGUs had posted online. The lack of validation of contents and inacccesible formats continue to persist.

MOVING FORWARD

The lack of procedures for verification by other CSOs and citizens of the contents of the SGLG website remains a challenge. The IRM researcher recommends that on top of reporting on the lists of local government units that have passed the Seal's performance criteria, the government could do more

to sustain its transparency initiatives by assuring the full, timely, and wide dissemination of all its documentation reports of the SGLG assessment teams, including the criteria used to award an LGU the Seal.

Government might do well to institute a good and comprehensive monitoring and evaluation component to enable citizens and LGUs themselves to do comparative assessment of the grant of the Seal over time. Such a mechanism could allow for lessons and best practices to inform the program's scaling up and institutionalization, even without financial incentives to LGUs, and even with changes in local political administrations prompted by the conduct of local elections every three years.

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.

1 Bureau of Local Government Supervision, Department of the Interior and Local Government, The Seal of Good Local Governance: A Challenge for Greater Performance, (Philippines: Department of the Interior and Local Government, October 16, 2013) http://bit.ly/1h7iBHx

Office of the Undersecretary for Local Government, Department of the Interior and Local Government, Memorandum about the 2014 Seal of Good Local Governance, (Philippines: Department of the Interior and Local Government, 2014) http://bit.ly/1DNTync

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Government of the Philippines, OGP Status Report, http://www.gov.ph/2014/01/15/dilg-launches-seal-of-good-local-governance/

http://www.rappler.com/move-ph/issues/budget-watch/48073-dilg-seal-good-local-governance

http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014)

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Government of the Philippines, Detailed Status Report of OGP Initiatives, (2012–2014, Q1), http://bit.ly/1cegcse

5 | ENHANCE GOVERNMENT PROCUREMENT SYSTEM (PHILGEPS)[1]

The current government electronic procurement system will be enhanced to include additional functionalities by 2014, such as facilities for uploading of bid document, electronic payment, and uploading of annual procurement plans.   Registration of all national government agencies, state universities and colleges, and local government units in the government procurement system is targeted by 2014.

Performance Targets 1. 100% registration of national government agencies, state universities and colleges, and LGUs in PhilGEPS (2014-2015) 2. Additional functionalities such as e-payment, e-bidding, and uploading of procurement plans installed in PhilGEPS (2015)

Responsible Institution: Department of Budget and Management

Supporting Institution(s): Philippine Government Electronic Procurement System (PhilGEPS)

Start Date: April 2013   *End Date: December 2013*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Pubilc Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
5. Overall			✗		✗			✗			✗			✗		
5.1. 100% registration in procurement system			✗		✗			✗	✗					✗		
5.2. E-payment, e-bidding, and uploading of procurement plans				✗	✗			✗				✗		✗		

WHAT HAPPENED?

This initiative aims to install additional functionalities in the current electronic procurement system, such as e-bidding, uploading of agencies' procurement plans and e-payment functions. The commitment envisages public disclosure of this information.

The first milestone aimed to expand coverage of official institutions using PhilGEPS. The government's latest report acknowledged the "poor performance" of this commitment.

However, it added that 100% of an unspecified number of agencies—national government agencies, state universities and colleges, and government-owned and controlled corporations—have registered with PhilGEPS.

The second milestone focused on growing key functions of the PhilGEPS. It is rated as transformative as disclosure of public procurement documents in terms of ensuring citizens' access to this information and institutionalization of bidding out contracts is a big step in the Philippines. There seems to be some debate about what the milestone language actually meant. According to Assistant Secretary Tanya Hamada, this commitment is specifically focused only on the award of a contract for the software modernization of PhilGEPS. The Notice to Proceed was issued to Innove Communications Inc. on April 10, 2014.

A plain language reading, however, seems to suggest that there should be greater implementation. According to the latest status report, while user assessment of existing system and new system requirement studies had been completed, installment of the additional functionalities, originally planned for April 2015, had been delayed.

DID IT MATTER?

With the exception of the Autonomous Region in Muslim Mindanao (ARMM), the 100% target had already been reached before the PhilGEPS software modernization was included in the OGP action plan in 2013. As a result, inclusion in the action plan has no additional impact. Additionally, claiming a 100% target fulfillment without providing information on the baseline rate of registration for PhilGEPS is misleading and does not indicate whether the government has made progress.

The commitment envisaged completion of phase 1 of the PhilGEPS modernization program. It includes centralizing and systematizing information currently held at the agency level such as annual procurement plans.

It will be some time before there is evidence of public use of the new functions. According to the clarifications provided by the PhilGEPS staff, the term "installation" means that the system has been developed and tested but is not running yet. PhilGEPS would have to train users first before the full deployment of the new functionalities.

Government reported that from 2013 to 2014, the value and volume of total bid notices posted have increased, even as the value and volume of total awarded bids posted have declined because fewer bids have been awarded overall.

There is some evidence of use of the data from the private sector and civil society. In January 2015, the collaborative project of PhilGEPS, Globe Telecom, and Open Data Philippines aimed to promote transparency and increase "public awareness of the procurement process by way of a 'hack' marathon competition."

In the future the government will improve metrics. In a footnote to its report on this commitment, the government also clarified that key performance indicators for this initiative this year shall also include the number of notices/projects that have been declared as "Failed" or "Cancelled," so there can be comparison of notices posted versus number of notices with results (whether awarded, failed, shortlisted, or cancelled).

Despite all these positive, if incremental, changes, such strong adoption could face a backlash. E-payment, online posting of bid opening, bid evaluation, and bid post-qualification might meet with challenges. These include the fact that certain executive agencies (i.e., Department of Public Works and Highways) have expressed concern about the premature and unnecessary disclosure of proprietary data in bid documents, according to Undersecretary Moya.

MOVING FORWARD

The IRM researcher recommends that the government finish implementation of all key functions under the commitment.

At the same time, the government can take specific training and regulatory steps to ensure that PhilGEPS is mainstreamed across all agencies, especially those with high volumes of procurement.

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.
¹ Government of the Philippines, OGP Status Report, http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014)
http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607).
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Interviews with personnel of agencies in charge of implementation of Commitments, for verification, March 2015

6 | STRENGTHEN GRASSROOTS PARTICIPATION IN LOCAL PLANNING AND BUDGETING[1]

By 2014, 90% of all local government units have engaged grassroots organizations in the local planning and budgeting process, and their identified priority projects are funded in the national budget. These local government units will have identified priority projects geared towards poverty reduction. By 2015, at least 70% of these projects would have been completed.

Performance Targets: 1. 90% of total LGUs with identified priority poverty reduction projects (2014-2015) 2. 70% of projects completed

Responsible Institution: Department of the Interior and Local Government, Department of Budget and Management, National Anti-Poverty Commission, Department of Social Welfare and Development, National Economic and Development Authority

Supporting Institution(s): Targeted Local Government Units (LGUs)

Start Date: January 2012   *End Date: December 2015*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
6. Overall		✗			✗	✗	✗	✗			✗				✗	
6.1. 90% of participating LGUs with Local Poverty Reduction Action Plans			✗		✗	✗	✗			✗						✗
6.2. 70% of completed projects	✗				✗	✗	✗	✗			✗			✗		

Editorial note: under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially implemented (note that IRM updated the star criteria in early 2015).

WHAT HAPPENED?

This commitment focuses on involving grassroots organizations and local government units in identifying priority poverty reduction projects to be funded by national government agencies. Citizens can use the openBUB portal (www.openbub.gov.ph) to search by municipality or by project for updates on the status of implementation of BuB projects. It builds upon a similar commitment included in the 2012 OGP action plan (bottom-up budgeting).

The government has given an "average" rating to the implementation of this commitment. The first milestone has been completed with 100% of local government units having reportedly developed their LPRAPs for 2015 budget preparation.

The progress on the second milestone is limited as only 23% of projects started in 2013 and only 1% of projects started in 2014 were completed. Additionally, only 25% of the projects started in 2013 and only 4% of projects from 2014 are ongoing, which indicates a high attrition rate for these project.

A major CSO network, the Caucus of Development NGOs (Code-NGO), that has been engaged in the project has developed a comprehensive and useful manual for CSO participation in the project. The network has participated in the capacity building activities for CSOs, monitoring of 2013 and 2014 projects, and advocacy and communication activities to raise public awareness about the projects.

The president and Congress have approved the extended implementation of the projects until 2014.

DID IT MATTER?

The reported 100% coverage of local government units for the 2015 budget preparation is misleading, since according to the government report this percentage excludes local government units in the Autonomous Region in Muslim Mindanao (ARMM). Initially, the target was to cover all local governments including ARMM. However, it was later decided that projects that would be implemented through the ARMM regional government would not be pursued due to the pending changes in the structure of the ARMM once the Bangsamaro Basic Law is passed. ARMM is the poorest of the country's 17 regions, with the total of 103 local government units and a population of 4.7 million. The regional government alone has been allotted a 24-billion peso budget or about US $600 million for 2015. The exclusion of such a large population and attached budget undermines the spirit of a citizen-driven bottom-up budgeting program and limits the overall potential impact of the commitment.

The Philippine Institute of Development Studies conducted an assessment of the planning process in May 2014 and found the program will "help transform relations between citizens and government, from one which is largely patronage-based to one where citizens become more empowered to effectively hold their government accountable for better and more responsive service delivery."

Stakeholders, including the CSO network Code-NGO (Caucus of Development NGOs) believe that the commitment, when fully implemented, will have a significant impact on addressing poverty in the country. However, they have raised concerns about the status of a majority of projects funded under Bottom Up Budgeting, which remain unfinished as of the third quarter of 2014. The gap in implementation remains a major concern for the year of 2015.

Though funding for the BuB is one of the most detailed items in the Budget and lists every project under the General Appropriations Act, the Commission of Audit has also raised concerns about unused funds under this project.

Budget Undersecretary Richard Moya, interviewed by the IRM researcher, noted that while 25% compliance is not sufficient, given the fact that the government has started from scratch and has only done this for two years, it is still an important achievement. According to him, it has been a learning curve and "the action item is to improve."

MOVING FORWARD

Similar to other commitments, sustainability or continuity is the challenge this commitment faces, in light of the leadership change that will follow the conduct of presidential, congressional, and local elections in May 2016.

In the next action plan, if the government wishes to address the question of unused funds for the projects, it needs to include commitments to more specifically address these shortcomings regarding spending of allocated lump-sum funds and validation of actual outcomes of projects.

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.

[1] Government of the Philippines, OGP Status Report, http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014) http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607).

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7 | PROVIDE GOVERNMENT DATA IN SINGLE PORTAL AND OPEN FORMAT[1]

An Open Data portal is launched that features 350 datasets and 70 dashboards and visualizations on selected government data presented in a more understandable and open format. An Open Data portal will be launched that will feature dashboards and visualizations on selected government data presented in a more understandable format. Datasets available in the portal shall adopt open data standards.

Performance targets: 1. Open Data portal launched (2013) 2. 300 data sets uploaded.

Editorial Note: *The national action plan published to the OGP website and the action plan published on the Philippines OGP Scribd website list two different performance target numbers—350 and 300 data sets uploaded respectively. Both numbers have been included in the commitment text above, though the 350 data sets performance target in the version of the action plan on the OGP website is the metric used to evaluate completion of this milestone.*

Responsible Institution: Department of Budget and Management, Presidential Communications Development and Strategic Planning Office, Office of the Presidential Spokesman

Supporting Institution(s): National government agencies that are content producers of datasets and databases that will be featured in the Open Data Portal

Start Date: May 2013   *End Date: Not Specified*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Pubilc Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
7. Overall			✗		✗		✗	✗			✗					✗
7.1. Launching of Open Data Portal				✗	✗		✗	✗			✗					✗
7.2. Publication of data sets				✗	✗		✗	✗		✗						✗
7.3. Percentage of published data sets in open format			✗		✗		✗	✗			✗					✗
7.4. Creation of dashboards and visualizations			✗		✗		✗	✗			✗					✗

Editorial note: under the old criteria of starred commitments, this commitment would have received a star because it is clearly relevant to OGP values as written, has moderate potential impact, and has been substantially implemented (note that IRM updated the star criteria in early 2015).

WHAT HAPPENED?

This commitment involves the development of a single portal (data.gov.ph). The portal brings together data that had already been developed, produced, and posted online by various national agencies on their respective websites. This data is now curated and aggregated in one gateway portal under the name of Open Data Philippines. The government will make the data accessible in open and machine-readable formats. This project has three senior officials assigned as contact persons with specific duties to perform such as tech and platform development, visualization, and content development.

According to the government, it has exceeded the targets set for this commitment, and it has rated the implementation of "with good performance." The government launched the Open Data Portal in January 2014 at a big conference in Manila. The launch was preceded by online dissemination of its Open Data Road Map.

According to the government, 1,237 datasets were published, against the target of 350. Ninety percent of published datasets are in open formats, against the target of 80%. The government created 13 dashboards and 87 visualizations, against the total target of 70.

The government conducted the following activities under this commitment:

- Two data.gov.ph Hackathons, #KabantayNgBayan and #Readysaster, where developers, designers, subject experts, and citizens collaborated to create usable mobile or web applications to solve particular technology related problems

- Launched Open Data Philippines

- Conducted the Open Data Day Hangout and Masterclass for government

- Launched transparency portals—
  Foreign Aid Transparency Hub (faith.gov.ph),
  Open Reconstruction (openreconstruction.gov.ph)

The open data portal project is ,owned by ,the Office of Secretary Edwin Lacierda (PCDSPO) under the Department of Budget and Management (DBM). Open Data Philippines plans to soon feature data on roads and national financed projects at the local level (e.g., Grassroots Participatory Budgeting) or OpenRoads and OpenLGU platforms.

DID IT MATTER?

Data.gov.ph is a useful and innovative one-stop gateway to websites of many government agencies and data projects. However, stakeholders note that the portal currently does not host any datasets from Congress, the judiciary, the Armed Forces, the constitutional commissions, and government-owned and controlled corporations. The portal offers content that is rich and varied, but the government has posted data sets from 13 departments and 17 bureaus and agencies in a scattered, intermittent manner on the open data portal.

CSO stakeholders interviewed by the IRM researcher noted that only few people are aware of the website and noted that the data sets uploaded on the website are not useful and relevant to governance (i.e., traffic data). The CSO stakeholders, in separate discussions with the IRM researcher, said they would like to see the portal feature more data about the asset records of public officials, women, marginalized sectors, and delivery of basic services. A university professor of public administration pointed out that the most important issues to ordinary citizens are data about access to health, education, and public services.

According to Budget Undersecretary Moya, who is a project leader, one big obstacle to expanding and deepening the content features of the portal is the unwillingness of some government agencies to share data sets from which they either derive revenues or are hesitant due to the concern of unduly exposing data on bidding specifications for civil works contracts. These agencies include the Securities and Exchange Commission, the National Mapping and Resource Information Authority (which produces maps), and the Department of Public Work and Highways. According to Undersecretary Moya, the ultimate goal is to have a back-end mechanism for all government agencies as a normal default to publish data gathered with government funds, except for executive deliberation, national security, trade negotiation, and personal information.

The government has made some efforts mobilizing the tech community and IT specialists to participate in hackathons and develop applications using public data sets on budget, project location, education, and transportation/traffic data sets.

In addition to the above-mentioned issues, there is confusion and limited understanding among government focal points about the exact meaning and functionality of technology terms such as "data set," "dashboard," or "visualization." Interviews conducted by the IRM researcher in August 2014 revealed that the government uses the terms "data sets" and "data files" interchangeably. But the current system uses the two terms differently and thus could create confusion.

The sustainability of the commitment is a big question. The project lead is the ad hoc committee from the Department of Budget, the Presidential Communications Development and Strategic Planning Office, and the Office of the Presidential Spokesman. Stakeholders participating in the open data dialogues conducted by government have raised questions about which agency will manage the open data portal after the term of the Aquino administration ends on June 30, 2016, and how data from the legislature, the judiciary, and local government units could be looped in. The personnel in charge of the Open Data Task Force are nearly all coterminus with the Aquino administration, or have no civil service tenure. A majority of the open data platforms that the government has developed in recent years have been funded by donor grants and have involved external platform developers and consultants.

MOVING FORWARD

Many public statistical agencies with enormous cache of data have yet to be looped into Data.gov.ph, including the National Statistics Office, National Statistical Coordination Board, Bureau of Agricultural Statistics, and Bureau of Labor and Employment Statistics. These four agencies have been reorganized under a law passed in 2013 to compose the Philippine Statistics Authority.

Asked about the continuity of the project and its personnel, the OGP Focal Point Patrick Lim and OGP secretariat member Jennifer Javier gave two answers—Data.gov.ph may be placed under the Philippine Statistics Authority or under a new agency that could be organized to implement the Freedom of Information bill, once it passes into law.

* Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.
[1] The government listed these four milestones under this commitment: launching of Open Data Portal, publication of data sets, percentage of published data sets in open format, and creation of dashboards and visualizations.
   Government of the Philippines, Data.gov.ph main page, http://data.gov.ph/
   Government of the Philippines, Data.gov.ph data sets page, http://data.gov.ph/catalogue/dataset
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   http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607)
   Government of the Philippines, Detailed Status Report of OGP Initiatives, (2012–2014, Q1), http://bit.ly/1cegcse

★ 8 | INITIATE FISCAL TRANSPARENCY IN THE EXTRACTIVE INDUSTRY[1]

A report discussing the revenues of extractive industries and government revenues from these industries will be published by December 2014. Policies that will institutionalize fiscal transparency in the extractive industries will be enacted by 2014. The government also commits to publish a report disclosing the revenues of extractive industries and government revenues from these industries by May 2015.

Performance Targets: 1. Policy to institutionalize transparency in the extractive industries adopted (2014) 2. Extractive industries transparency report published (2015)

Responsible Institution: Department of Finance

Supporting Institution(s): None

Start Date: 2013   *End Date: Not Specified*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
8. Overall			✗		✗		✗					✗				✗
8.1. Adoption of a policy to institutionalize EITI		✗					✗					✗				✗
8.2. Publication of EITI report				✗	✗		✗					✗				✗

Editorial note: this commitment is a starred commitment because it is clearly relevant to OGP values as written, has transformative potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

WHAT HAPPENED?

Under this commitment, the government envisaged publication of a report disclosing the revenues of the extractive industries and government revenues from these industries by December 2014. This commitment is a tripartite initiative between government, civil society, and business to ensure greater transparency in revenues from extractive industries, specifically through the publication of a report that compares government and industry figures on government revenues from mining, oil, and gas. This publication was meant to be verified by an independent and internationally accredited auditor.

The government has evaluated the implementation of this commitment with "good performance." The government completed both milestones. Under the first milestone, the Philippine EITI effort was organized via Executive Order (EO) no. 147 signed on November 26, 2013. It assigned the PH EITI Multi Stakeholder Group (PH EITIMSG), chaired by the finance secretary, the mandate to implement the executive order. It included ensuring sustained political commitment for the initiative and mobilization of resources to sustain its activities and goals, setting the strategic direction for implementing the initiative in the county, assessing and seeking removal of barriers of implementation, setting the scope of the EITI process, and ensuring effective integration of the initiative in the reform process in the mining sector and other related government reform agenda.

Under this milestone, the government undertook various activities. It trained on the reporting of the template; the new EITI standards; and the EITI for government, industries, CSOs, and media. It also developed the EITI website; conducted a forum on revenue management in September 2014; and published mining, oil, and gas contracts on data.gov.ph.

Under the second milestone, the government publicly launched EITI report at a press conference in February 3, 2015, and posted it on the open data portal (http://www.ph-eiti.org/) on February 11, 2015. The EITI dashboard on www.data.gov.ph was created on March 14, 2015. The government has also conducted a forum in Congress in February 2014 and presented the first EITI Country Report submitted to the EITI International Board.

DID IT MATTER?

The EITI report contains valuable information on total revenue flows from the extractive industries in the Philippines. The report found that total revenue from extractive industries was about 50% larger or 52 billion PHP (US $1.158 billion) than the original estimate of only 35.62 billion PHP ($785 million). The new figure includes "a separate payment from oil and gas companies to the Bureau of Internal Revenue."

According to Cielo Magno, National Coordinator of Bantay Kita, Philippines EITI report has gone well beyond the minimum requirements. "It has disclosed information that are not limited to financial information that were not publicly available before. The PH-EITI has also committed to disclose information related to environmental compliance of companies (mining monitoring reports) and the auxiliary rights granted to companies (forest rights, water rights, etc.) which is also first globally. Disclosure of this information will help strengthen the governance of EI in the country."

According to the Finance Secretary Cesar Purisima, the PH EITIMSG will begin the challenging tasks of formulating policies for reforming governance of the extractive sector and enhancing government systems to promote transparency and improve EITI implementation in the country. According to his statement, the report proposes to institutionalize the EITI to address legal barriers to implementation and improve monitoring processes in government concerning the mandated social expenditures and environmental funds.

MOVING FORWARD

The report could inform the development of policies, activities, and programs to assure transparency in the extractive industries over the medium and long-term, as well as plans to shore up or streamline revenue initiatives from the sector.

The government considers publication of the EITI report helpful in bringing Philippines closer to the EITI membership. The next target is the next global conference of EITI in February 2016. The government is hopeful that the Philippines will be declared an EITI-compliant country by that date. The EITI national coordinator, Attorney Marie Gay Alessandra V.

Ordenes, stated that the Philippines wants to undergo a pre-validation procedure of its EITI implementation starting June 2015.

Certain measures would be necessary to streamline rules and regulations of the mining sector in the Philippines, as currently different rules apply to national and local government agencies, as well as small and large-scale mining. A bill on "The Rationalization of the Mining Sector Fiscal Regime" is one of the 18 priority legislative measures of the Aquino administration that remains pending in Congress. With just a year to go before the synchronized presidential, legislative, and local elections in May 2016, its passage into law remains a challenge.

* Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.

[1] In official publications and reports about its OGP and Good Governance Initiatives, the government described the milestones/deliverables under this commitment thus: "A tripartite initiative between government, civil society, and business to ensure greater transparency in revenues from extractive industries, specifically through the publication of a report that compares government and industry figures on government revenues in mining, oil, and gas. This publication is verified by an independent and internationally accredited auditor." The government described this commitment under its report on "Validated 2014 Status of Initiative" that it posted on its Scribd page.

President of the Philippines, "Executive Order No. 147, s. 2013," (Manila: Official Gazette, 2013) http://www.gov.ph/2013/11/26/executive-order-no-147-s-2013/

President of the Philippines, "Executive Order No. 79, s. 2012," (Manila: Official Gazette, 2012) http://www.gov.ph/2012/07/06/executive-order-no-79-s-2012/

PH-EITI "What Is EITI?" page, http://www.ph-eiti.org/#/ http://www.ph-eiti.org/#/

Extractive Industry Transparency Initiative landing page, https://eiti.org/Philippines

PH-EITI First Country Report page, http://www.ph-eiti.org/#/EITI-Report/First-Country-Report http://www.ph-eiti.org/#/EITI-Report/First-Country-Report

Extractive Industry Transparency Initiative, "New Insights into Extractives Sector in the Philippines," https://eiti.org/news/new-insights-extractives-sector-philippines

Mikhail Franz E. Flores, "EITI Compliance Bid on Track for Feb. 2016," (Philippines: PH-EITI, 2015) http://bit.ly/1EpGPl9

Government http://bit.ly/1cegcse (Detailed Status of the Philippines, OGP Status Report, Initiatives, 2012-Q1 2014)

http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607).

Government of the Philippines, Detailed Status Report of OGP Initiatives, (2012–2014, Q1), http://bit.ly/1cegcse

Validated 2014 Status of Initiatives (Government report posted online)

⭐ 9 | IMPROVE THE EASE OF DOING BUSINESS[1]

By 2014, key indicators for ease of doing business would have improved. By 2016, the target is to bring the Philippines from the bottom-third in Doing Business Report to the top-third rank. By 2014, key indicators for ease of doing business would have improved. These include reducing the number of processing steps and days for starting a business, securing construction permits, getting electricity, registering property, paying taxes, trading across borders, enforcing contracts, and resolving insolvency. By 2016, the target is to bring the Philippines from the bottom-third of the rankings in the Doing Business Report to the top-third rank.

Responsible Institution: National Competitiveness Council (NCC)

Supporting Institution(s): None

Start Date: 2012   *End Date: 2016*

	SPECIFICITY				OGP VALUE RELEVANCE				POTENTIAL IMPACT				COMPLETION			
	None	Low	Medium	High	Access to Information	Civic participation	Pubilc Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not started	Limited	Substantial	Complete
8. Reducing steps/ number of days for doing business				✗	✗		✗					✗			✗	

Editorial note: this commitment is a starred commitment because it is clearly relevant to OGP values as written, has transformative potential impact, and has been substantially or completely implemented (note that IRM updated the star criteria in early 2015).

WHAT HAPPENED?

Under this commitment, the government pledged to conduct activities that help improve the ease of doing business (EODB) in the country, particularly for 10 specific processes: starting a business, dealing with construction permits, getting electricity, registering property, getting credit, protecting investors, paying taxes, trading across borders, enforcing contracts, and resolving insolvency. It also promised to improve key indicators for ease of doing business by 2014 and bring the Philippines from the bottom third of the ranking in the Doing Business Report to the top-third rank by 2016. Government reports on its OGP and Good Governance Initiatives also call this commitment the Philippines' Gameplan for Competitiveness.

The government has rated implementation of this commitment with "good performance." Slight progress in reducing the wait time was noted on the following areas: starting a business, dealing with construction permits, getting electricity, and registering property. The government also reported that through a related Good Governance Initiatives, the Business Permit and Licensing System (BPLS) of the Department of the Interior and Local Government and Department of Trade and Industry, already "76% of targeted Local Government Units (LGUs) are now complying with the prescribed standards" while the government has trained 68 LGUs on streamlining the Business Permit and Licensing System.

The National Competitiveness Council (NCC) is in charge of promoting national competitiveness. It is cochaired by the trade and industry secretary and a representative from the private sector. This commitment has involved mostly the private sector or members of the local chambers and business groups but not the CSOs.

The NCC—which has been placed in charge of this commitment—focuses on 13 areas expected to improve the country's competitiveness, notably agri-trade logistics, anti-corruption, budget transparency, business permits and licensing system, education and human resources development, ict governance, infrastructure, judicial system, national quality infrastructure, national single window, performance governance system, power and energy, and services.

DID IT MATTER?

The Ease of Doing Business Survey is an international benchmark used by foreign corporations to assess investment opportunities in a country. The Philippines has improved significantly from 138 (out of 189) in 2013 to 108 in 2014 and 95 in 2015. This initiative is transformative because it has forced multiple government agencies and local government units to work together to streamline government processes that cater to businesses.

MOVING FORWARD

In September 2013, a conference organized by the Joint Chambers of Commerce in the Philippines and the Philippine Business Groups called "Arangkada Philippines" (Forward, Philippines) produced a policy brief on legislation stressing their recommendation to the Aquino administration to pass legislation "to improve Philippine economy and national competitiveness."

The policy brief offers a number of recommendations, including passage of the business and economic reforms that support investment, job creation and inclusive growth, review of "market-inimical" and "revenue-eroding" bills. The brief also listed key reforms for the Congress to act upon early, such as Cabotage liberalization; competition policy/anti-trust (independent commission); Customs Modernization and Tariffs Act/Anti-Smuggling; Economic Provisions

of the Constitution Amendments; Foreign Investment Negative List Liberalization; Government Procurement Act Amendments; Mining Fiscal Reform (competitive and equitable); Rationalization of Fiscal Incentives; and Transparency and Accountability in Fiscal Incentives.

The business community deems a number of legislative measures important. They include anti-money laundering legislation, Bangsamoro Basic Law, Central Bank Charter Amendments, creation of a Department of Information and Communication Technology; Energy Efficiency and Conservation Act; Fiscal Responsibility Act; Freedom of Access to Information Act; labor code reform; land-use legislation; National Valuation Law; Ombudsman Act Amendments; Philippine Ports Authority Charter Amendments; Professional Laws (reciprocity); Public Services Act Rationalization; Right-of-Way Act Amendments; Sandiganbayan (anti-graft court) reform; Sustainable Forest Management Act; Whistleblowers Protection Act; and Witness Protection, Security, and Benefit Act.

There are concerns that, given the limited time left for Congress, the enactment of all these measures is the big challenge. The Senate and the House of Representatives will convene for their third and last regular session on the third Monday of July 2015 but will take four recess periods before adjourning on June 11, 2016. The president and the leaders of the Senate and House of Representatives might have to work together to have the bills calendared for debate, vote, and approval in the next 10 months.

1 The government status report listed 10 various "milestones/key performance indicators" under this commitment. However, the 10 are a mix of targets to reduce the steps/number of days for processing certain business transactions or for securing permits,or to enhance the disclosure of documentary requirements,;, or even to protect investors. These "milestones" are more like performance indicators for the goal of enhancing the ease of doing business.

Arankada Philippines: Move Twice as Fast, Legislation Policy Brief, (Philippines: Arankada Philippines, 2013 http://bit.ly/1NfF4Oz

National Competitiveness Council, Doing Business Dashboard, Landing Page, http://bit.ly/1UE5DNQ

Government http://www.investphilippines.info/arangkada/legislation-policy-brief/

http://www.competitive.org.ph/doingbusiness/

http://bit.ly/1cegcse (Detailed Status of the Philippines, OGP Status Report, Initiatives, 2012-Q1 2014)

http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607).

Government of the Philippines, Detailed Status Report of OGP Initiatives, (2012–2014, Q1), http://bit.ly/1cegcse

V | SELF-ASSESSMENT CHECKLIST

The government posted its self-assessment report[1] online two weeks late on April 16, 2015. While the report was circulated via e-mail to select stakeholders and posted online for public comment, it was not widely publicized, which resulted in minimal stakeholder feedback.

Was annual progress report published?	☒ Yes	☐ No
Was it done according to schedule?	☐ Yes	☒ No
Is the report available in the local language(s)? According to stakeholders, was this adequate?	☐ Yes	☒ No
Is the report available in English?	☒ Yes	☐ No
Did the government provide a two-week public comment period on draft self-assessment reports?	☒ Yes	☐ No
Were any public comments received?	☒ Yes	☐ No
Is the report deposited in the OGP portal?	☒ Yes	☐ No
Did the self-assessment report include review of consultation efforts during action plan development?	☒ Yes	☐ No
Did the self-assessment report include review of consultation efforts during action plan implementation?	☒ Yes	☐ No
Did the self-assessment report include a description of the public comment period during the development of the self-assessment?	☐ Yes	☒ No
Did the report cover all of the commitments?	☒ Yes	☐ No
Did it assess completion of each commitment according to the timeline and milestones in the action plan?	☐ Yes	☒ No

SUMMARY OF ADDITIONAL INFORMATION

The self-assessment was posted by the OGP secretariat on Scribd on April 16, 2015, with an invitation for public comment. The report and a request for comment were also sent out via e-mail to about two dozen CSOs and donor agency representatives. Stakeholders were given two weeks (until April 30, 2015) to submit comments. Due to technical difficulties with the WordPress site, the government had to replace the report and governmentextended the deadline for comments by one week. During the commenting period, the government received thirty comments but only one comment—posted by Sixto Donato Macaset of the CSO network Code-NGO—was relevant to the self-assessment report, according to the government. It concerned coding issues on completion for Commitment 4 and noted the lack of progress in implementing Commitment 6. This comment no longer appears online.

However, outside of CSOs targeted for comment via e-mail, citizens and other CSOs did not receive sufficient notice of its publication. The IRM researcher found it would be difficult for other stakeholders to learn about the existence of the report through the online WordPress page or where it was posted.

FOLLOW-UP ON PREVIOUS IRM RECOMMENDATIONS (2015 +)

At a September 2013 public presentation on the recommendations of the IRM report on the first action plan with the Good Governance and Anti-Corruption Cluster (September 4, 2013), the government documentation report listed the following summary points:

- Feedback mechanism. How is this being incorporated in the initiatives?

- Request for involvement of public sector unions. Better communication: how do we get this out to our stakeholders?

- Meaningful convergence within government and convergence of CSOs in monitoring with feedback from stakeholders, even in the lowest levels (i.e., barangays or village)

The secretariat of the Cabinet Cluster on Good Governance and Anti-Corruption (GGAC) that also serves as the OGP secretariat has taken keen and diligent interest and guidance from the IRM report on the country's first action plan for 2012–13.

Ms. Jen Javier of the GGAC secretariat shared the main recommendations of the IRM report at a meeting of the cluster members on September 26, 2013.

The recommendations included these items:

- To draft commitments strategically

- To clarify construction of the plan

- To focus content

*Much of the following citation information, while cited at a specific point in this section, is applicable to the entire section.—Ed.
1 The Government of the Philippines, Good Governance and Anti-corruption Cluster of the Cabinet, "Philippine OGP Action Plan 2013-2015 Draft Assessement Report Now Posted for Consultation!", http://bit.ly/1R9BGX2.

VI | COUNTRY CONTEXT

The Philippines will undergo a change in political leadership in May 2016 with the conduct of synchronized presidential, congressional, local, and regional elections.

The term of office of the administration of President Benigno S. Aquino III, which has launched, expanded, and deepened major good governance and transparency initiatives —via administrative, fiscal, and legislative reform measures and programs, will come to a close.

Both government and CSO stakeholders have raised concerns about the continuity and sustainability of these reform measures, which need to be institutionalized in the implementing agencies, or through appropriate legislation. A multiple candidate battle for the presidency is now unfolding, with emerging independent and opposition taking top slots in trailing public opinion polls. None of the emerging candidates have targeted or discussed the OGP as a key platform issue, even though some CSOs have cited a need to raise the OGP to the attention of the emerging candidates. In general though, all the candidates have declared a commitment to ferret out corruption and pursue good governance initiatives in their public statements.

STAKEHOLDER PRIORITIES

Of the nine commitments in the second action plan, government and CSO stakeholders are in apparent agreement that a few are most important:

- Support for the passage of legislations on freedom of information and whistleblower protection

- Provide more accessible government data relevant to citizens in a single portal and open format

- Strengthen grassroots participation in local planning and budgeting

- Engage civil society in public audit

- Enhance the government procurement system

In an interview with the IRM researcher, Professor Edna Co, former dean of the University of the Philippines College of Public Administration has pointed out that the OGP commitments of the government seem to derive from "a very middle class approach" and include "mostly administrative reform measures." To the ordinary citizens, the most important issues are services, particularly health and education, and these matters should be included in the government's next action plan. According to the professor, the government should open up information about how much goes to health services. What are the services that people need?" Commitments should be about access to procedures and services, local government data, and information that is relevant for ordinary citizens.

Vince Lazatin of the Transparency and Accountability Network of CSOs pointed out that stakeholders should start asking the candidates for national office about their awareness of and position on the OGP, including those from the current governing Liberal Party.

The government and CSO members in the Philippine OGP Steering Committee have started discussions on what they call a "co-created" action plan. Consultations are still under way. The government stated in its self-assessment report that the country's third action plan will strive to deepen, sustain, and expand the commitments from the second action plan. As the third action plan will traverse the next administration, the cocreated plan will help solidify the partnership of government, civil society, and business groups to put forward reforms beyond the current administration. This partnership in crafting the third action plan has good potential in producing a reference document on good governance that the next administration might consider.

The government report cites an important role for the Philippine OGP Steering Committee in playing "a major role in ensuring that the reforms remain irreversible and continually demand the best performance and good governance from those in power."

The government said it will conduct consultations at the grassroots level "to make sure that the marginalized are

heard," and citizens are made aware of the results of government's Good Governance Initiatives.

SCOPE OF ACTION PLAN IN RELATION TO NATIONAL CONTEXT

In the last 18 months, two major corruption scandals have overshadowed multiple government initiatives promoting transparency, accountability, and good governance—including the second OGP action plan. The scandals have drawn intermittent but significant criticism from citizens, mainstream media, and social media.

Beginning in May 2013, media reported on disclosure by whistleblowers of millions of pesos in kickbacks and commissions to senators and congressmen from both the Aquino administration and opposition parties coursed through bogus nongovernment organizations. In a subsequent August 2013 special audit report by the Commission on Audit on the disbursement of pork barrel funds, the commission found about 200 members of Congress, including allies of the Aquino administration, to have also received kickbacks and commissions from funds coursed through the same bogus NGOs. Since then, three opposition senators and several private persons are now in jail for alleged plunder and corruption charges filed in June 2014 by the Office of the Ombudsman. Three former members of the House of Representatives have been handed over to the anti-graft court. However, investigation by the Department of Justice (DOJ) into the involvement of lawmakers allied with the Aquino administration has been and it's been delayed by over a year since the effort was launched. Journalists and some CSO leaders have voiced concern about the apparent lack of balance and fairness of the Aquino administration in going after its allies implicated in alleged corruption cases. The DOJ filed its third complaint with the Ombudsman only in August 2015.

Second, an opposition senator exposed the existence of a multi-billion peso lump-sum fund, not included in the General Appropriations Act, called Disbursement Acceleration Program (DAP) that went to executive agencies, local government units, and lawmakers, notably those who prosecuted and voted for the impeachment of a former Supreme Court chief justice in May 2013. The government defended the

144.38 billion peso DAP projects as "simple, urgent interventions with apparently clear and immediate public-service impact," sourced from unobligated funds of certain agencies, dividends from state-owned and state-controlled corporations, and savings incurred before year end of other agencies. In July 2014, the Supreme Court, voting 13-0 with one abstention, declared DAP was deemed unconstitutional under four instances in part. In February 2015, the Supreme Court, responding to the government's appeal, ruled with finality on the motion for reconsideration, the Supreme Court partially granted the government appeal but affirmed the unconstitutionality of the DAP in part. SC spokesperson Theodore Te said "SC agreed with the argument of the Solicitor General Florin Hilbay that "there is no requirement in the Constitution or the GAA that the subject of augmentation should be the expense category or allotment class" and that what is required is only for Congress to create items to comply with the line-item veto of the president."

These developments have hogged media headlines and the attention of citizens and social-media networks in the Philippines even as the government has continued to institute transparency, accountability, and good governance through administrative reforms and open data platforms. The result is a mixed community of citizens, some of whom believe and others of whom doubt that transparency reforms could result in integrity in the public sector, or help curb corruption in national and local government agencies. A string of public opinion polls and commentaries by citizens, academics, and columnists point to a growing concern about the lingering cases of corruption and lack of integrity in the use of public funds, even as the current administration has initiated administrative reforms to promote transparency.

While these corruption scandals have damaged the reputation of the government and Congress, the Aquino administration has sought to institutionalize reform initiatives and further advance the OGP's Grand Challenges through a series of proposed legislative measures. However, OGP Focal Point Patrick Lim admitted in an interview with the IRM researcher that the Senate President, Speaker of the House, and other leaders of the Philippine Congress have not been formally engaged by the OGP secretariat

in consultations. Budget Undersecretary Richard Bon Moya countered in a March 2015 interview that the government had tried very hard to bring in Congress and academia into the OGP process but was unsuccessful because "all our [second action plan] commitments were executive commitments, and […] the government is already overrepresented, and we wanted participation from CSOs."

According to the government focal point, the OGP secretariat has kept in touch with the chairperson of the House Committee on Public Information for work on OGP and the proposed open data initiatives of the executive branch. The committee chairperson, Representative Jorge Almonte, was even invited by the OGP secretariat to the 2014 OGP Asia-Pacific Conference in Bali, Indonesia. Yet important legislative proposals, such as the Freedom of Information and Whistleblower Protection Acts, remain pending in the Senate and House of Representatives and the administration has little confidence that their passage is guaranteed in the twelve months before the next election.

Sustainability, scaling up, and institutionalization are the challenges that confront the transparency and good governance initiatives launched by the Aquino administration under its OGP action plans, in large measure because of the national, legislative, local, and regional elections scheduled in May 2016.

Continuity is the path that the ruling Liberal Party coalition has offered. It has proposed to achieve this by promoting the candidacy of Liberal Party leaders or allies for president and vice president. Change is the path that the independent and opposition candidates who are now leading in public opinion surveys promote.

In the next 12 months before a new administration is installed on June 30, 2016, the government might do well to focus its efforts beyond periodic public consultations and dialogues on its OGP action plan and anticorruption initiatives, and foster more inclusive and more qualitative engagement with key stakeholders critical to institutionalizing these reform measures.

VII | GENERAL RECOMMENDATIONS

Among the areas for improvement that the government may consider are these:

1. Engage stakeholders within relevant Senate and House of Representatives committees to promote awareness of their role in enacting legislative commitments and ensure funding to support institutionalizing OGP commitments.

2. Involve key bureaucratic stakeholders, beyond the current members of the OGP secretariat, in crafting and implementing commitments to ensure continuation of the OGP process beyond the May 2016 national elections.

3. Organize a regular (not ad hoc) secretariat for Philippine OGP Steering Committee. This should include representatives from the major implementing agencies, which will provide more opportunities for representation by other CSOs (i.e., youth and students, academe, women, and grassroots sectors).

4. Beyond administrative reforms instituted by the executive branch, include the Congress as a major stakeholder in pushing legislation to ensure formal and institutionalized framework in law for the implementation of OGP commitments across political administrations. Civil society could also have stronger advocacy for the passage of the Freedom of Information Bill and, in general, play a more proactive role in developing the commitments for the next OGP action plan.

5. Review and recommit to improve the Philippines' performance vis-à-vis the eligibility criteria of the OGP—notably disclosure of asset records across all branches of the government (House of Representatives and Supreme Court and judiciary not fully compliant with disclosure laws)—and enact legislation to implement the constitutional guarantees of the citizen's right to access information.

TOP FIVE "SMART" RECOMMENDATIONS
1. Sustainability. Focus on commitments that could be institutionalized, and set norms and benchmarks of policies, activities, and programs, beyond the term of political administrations.
2. Quality, inclusiveness. Beyond quantity or frequency, enhance the quality, vigor, and inclusiveness of public consultation efforts.
3. Permanence. Assign a permanent staff secretariat to monitor implementation of OGP commitments, in direct coordination with the legislative and judicial branches of government.
4. Open Data for All. Engage all relevant public agencies that are big data repositories and sources to join and take lead roles in the development of Data.gov.ph. Sort and work up the data sets into data vested with more transparency and accountability content, and with a focus on basic services delivery and relevance to the citizens.
5. Consensus Beyond 2016. Start building consensus among political parties and branches of government to assure the continuity of OGP commitments and initiatives, beyond the term of the Aquino administration.

VIII | METHODOLOGY AND SOURCES

As a complement to the government self-assessment, an independent IRM assessment report is written by well-respected governance researchers, preferably from each OGP participating country.

These experts use a common OGP independent report questionnaire and guidelines,[1] based on a combination of interviews with local OGP stakeholders as well as desk-based analysis. This report is shared with a small International Expert Panel (appointed by the OGP steering committee) for peer review 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, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organizations.

Each local researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency, and therefore where possible, makes public the process of stakeholder engagement in research (detailed later in this section). In those national contexts where anonymity of informants—governmental or nongovernmental—is required, the IRM reserves the ability to protect the anonymity of informants. Additionally, because of the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each national document.

INTERVIEWS AND FOCUS GROUPS

Each national researcher will carry out at least one public information-gathering event. Care should be taken in inviting stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, and follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than provided in the self-assessment or accessible online.

The IRM researcher conducted research for this report through interviews and focus-group discussions with government, civil servants, and CSO stakeholders from August 2014 to March 2015.

The IRM researcher also secured documentation reports and data sets from the government focal point, the Philippine OGP secretariat, CSO members of the Philippine OGP steering committee, the business community, and donor agencies.

Data and information about the Philippines' OGP action plan activities and implementation were also obtained and validated through desktop research and wayback machine review.

ANNEX

The documents obtained by the IRM researcher include those posted online by the Cluster/OGP secretariat on this WordPress-powered governance website: http://bit.ly/1JMowNu. Other relevant documents include the following:

ON THE CLUSTER ACTIVITIES:
http://bit.ly/1JMowNu (Governance Website)

http://bit.ly/1JMowNu (Q1 2014 Report News)

http://bit.ly/1KHviSt (Cluster Initiatives)

http://bit.ly/1F2jz1T (Status of Initiatives)

http://bit.ly/1bXl42Y (GGAC Brochure)

http://bit.ly/1cegcse (Detailed Status of Initiatives, 2012-Q1 2014)

http://bit.ly/1KHvzEO (Good Governance Cluster Plan, Executive Summary)

Government Cluster on Good Governance and Anti-Corruption (Consultation Meeting, September 4, 2013)

Governance Cluster Plan as of February 26, 2014 (Copy Sent to Steering Committee)

Good Governance Cluster Assessment Workshop (Summary of Comments and Responses, May 27, 2014)

MINUTES/HIGHLIGHTS OF ACTIVITIES CONDUCTED:
http://bit.ly/1cdVCIp (Highlights of Steering Committee Meeting, April 11, 2013)

http://bit.ly/1bXlzdo (Highlights of Govt Cluster Action Plan Consultation, Sept 4, 2013)

Philippine OGP Steering Committee Meeting, September 26, 2013 (Minutes of Meeting)

Philippine OGP Steering Committee Meeting, June 26, 2014 (Minutes of Meeting)

http://bit.ly/1JlLfN6 (Governance Cluster Initiatives, First Quarter 2014 Report)

http://bit.ly/1Ibrlr4 (Status of Governance Cluster Priority Legislation)

http://bit.ly/1zImqv1 (Summary of Comments, Online Consultation)

http://bit.ly/1GKTG1E (Validated Status of Governance Cluster Initiatives 2014)

http://bit.ly/1FLcyRW (ZIP FILE, Government Cluster Assessment Workshop and Consultation) (Validated Status of Governance Cluster Initiatives 2014)

http://bit.ly/1cdW0qi (Highlights of Davao Consultation)

OGP and OGP-RELATED DOCUMENTS:
http://bit.ly/1zIxOqE (OGP Page)

http://bit.ly/1ELRXuC (Monitoring Page)

http://bit.ly/1F2k38k (Recent Comments/Archives page, June 2014—no content)

http://bit.ly/1bsJjXn (News Page)

OGP FILES ONLINE:
http://bit.ly/1cdVCIp (Highlights of Steering Committee Meeting, April 11, 2013)

http://bit.ly/1F262HR (Steering Committee Meeting, September 26, 2013)

http://bit.ly/1ztzN1B (Highlights of the Program, February 19, 2014)

http://bit.ly/1ceheVe (OGP Primer)

http://bit.ly/1bsJylh (OGP status report) NO DATE of posting, with sign in/log in button, 80 views for scribd homepage of mfabian0607

http://bit.ly/1E11ZWf (OGP Steering Committee Meeting, June 26, 2014)

DOCUMENTS RELATED TO OGP ON THE GOVERNMENT WEBSITE:
http://bit.ly/1ztzWCk

http://bit.ly/1zIxOqE (OGP Page)

http://bit.ly/1ELRXuC (Monitoring Page)

http://bit.ly/1F2k38k (Recent Comments/Archives page, June 2014—no content)

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http://bit.ly/1E11ZWf (OGP Steering Committee Meeting, June 26, 2014)

RESEARCH AND INTERVIEWS CONDUCTED BY THE IRM RESEARCHER:

Interview with the Philippines OGP-Secretariat, August 20, 2014

Interview with Budget Undersecretary Richard "Bon" Moya, March 6, 2015

Interview with OGP Secretariat Focal Point Patrick Lim, March 14, 2015

Presentations and Interviews, Philippine OGP Steering Committee Members and Secretariat, March 14, 2015

Focus-Group Discussion with Representatives Civil Society Organizations, Right to Know, Right Now! Coalition, March 17, 2015

Interviews with Officials from Agencies in Charge of Specific OGP Commitments, March 18, 2015

Arangkada Philippines: Legislation, Policy Brief of the Joint Foreign Chambers of Commerce, dated September 2013 but launched at a public forum in March 2015

COMMENTS FROM PUBLIC CONSULTATIONS: (Gathered by Philippine OGP Secretariat)

Summary of Comments and Actions Taken on the 2013–2016 Governance Cluster Plan 2014

Summary of Online Comments, as of January 14, 2014

OGP STEERING COMMITTEE MEETING REPORTS:

Philippine OGP Steering Committee Meeting, April 11, 2013

Philippine OGP Steering Committee Meeting, September 26, 2013

Philippine OGP Steering Committee Meeting, February 19, 2014

Recommendations, Philippine OGP Steering Committee Meeting, February 19, 2014

Philippine OGP Steering Committee Meeting, June 26, 2014

Philippine OGP Steering Committee Meeting, November 24, 2014

Business Arising, Philippine OGP Steering Committee Meeting, November 24, 2014

ABOUT THE INDEPENDENT REPORTING MECHANISM

The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on a bi-annual basis. The design of research and quality control of such reports is carried out by the International Experts' Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts' Panel is:

- Anuradha Joshi

- Debbie Budlender

- Ernesto Velasco-Sánchez

- Gerardo Munck

- Hazel Feigenblatt

- Hille Hinsberg

- Jonathan Fox

- Liliane Corrêa de Oliveira Klaus

- Rosemary McGee

- Yamini Aiyar

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

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1 Full research guidance can be found in the IRM Procedures Manual, available at: http://www.opengovpartnership.org/about/about-irm.

IX | ELIGIBILITY REQUIREMENTS

In September 2012, OGP decided to begin strongly encouraging participating governments to adopt ambitious commitments in relation to their performance in the OGP eligibility criteria.

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

	2011	Current	Change	Explanation
Budget transparency[2]	4	4	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to information[3]	3	3	No change	4 = Access to information (ATI) law in force 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	4	4	No change	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (9.12)[5]	4 (9.12)[6]	No change	1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total/Possible (Percent)	15/16 (94%)	15/16 (94%)	No change	75% of possible points to be eligible

[1] For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.
[2] For more information, see Table 1 at http://internationalbudget.org/what-we-do/open-budget-survey/ as well as http://www.obstracker.org/.
[3] The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws http://www.right2info.org/access-to-information-laws.
[4] This database is also supplemented by a published survey that the World Bank carries out biannually. For more information see http://publicofficialsfinancialdisclosure.worldbank.org.
[5] Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: http://bit.ly/eLC1rE.
[6] Economist Intelligence Unit, "Democracy Index 2010: Democracy in Retreat" (London: Economist, 2010). Available at: http://bit.ly/eLC1rE.

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