

Overall Score:

83 - Strong

Legal Framework Score:

84 - Strong

Actual Implementation Score:

82 - Strong

Category 1. Civil Society, Public Information and Media

84
1.1. Local Civil Society Organizations/Non-Government Organizations
1.1. Local Civil Society Organizations/Non-Government Organizations

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83

1. In law, citizens can freely form CSOs/NGOs as watchdogs/advocates.

YES | NO

References:

Article II, Sec. 23 1987 Constitution; Article III, Sec. 8 1987 Constitution; Article XIII Sec 15-16

YES: A YES score is earned when freedom to assemble into groups as watchdogs/advocates is protected by law regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within the last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence. A YES score is still earned if citizens have the legal right to organize into CSOs/NGOs freely but in practice encounter obstacles in accreditation for inclusion in local political processes.

NO: A NO score is earned when any single non-violent group is legally prohibited from organizing to promote good governance or anti-corruption. These groups may include non-violent separatist groups, political parties or religious groups.

2. In law, CSOs/NGOs can freely accept financial assistance from foreign or domestic sources

YES | NO

Comments:

Mayor Jose Enrique Garcia III during the interview said that they follow national laws.

References:

Local Government Code Sec. 34-36

LGC Section 36 allows LGU to assist any form of organizations financially. This means that there are no legal or regulatory ban that exists to serve as barriers for CSOs/NGOs.

YES: A YES score is earned if CSOs/NGOs face no legal or regulatory restrictions to raise or accept funds from any foreign or domestic sources. A YES score may still be earned if funds from groups with a history of violence or terrorism (within the last ten years) are banned.

NO: A NO score is earned if there any formal legal or regulatory bans on foreign or domestic funding sources for CSOs/NGOs.

3. In law, there are enabling city/municipal ordinances that encourage and empower CSOs/NGOs to organize and/or to participate in the political/policymaking process at the city/municipality level.

YES | NO

References:

Interviews with Mayor and City Planning Development Officer said that CSO/NGOs can be formed freely in the city and there are no special ordinances on this in the city.

YES: A YES score is earned if there exist city/municipal ordinances that go beyond any nationally formulated laws to encourage the formation of local CSOs/NGOs and provide them with opportunities to participate in the political/policymaking process at the city/municipality level.

NO: A NO score is earned if there are no such city/municipal ordinances.

4. In practice, the city/municipal government does not create barriers to the organization of new CSOs/NGOs.

100 | 75 | 50 | 25 | 0

References:

Interview with Mayor Jose Enrique Garcia III, City Mayor, May 19, 2011, Balanga City

Interview with Rosell Fernandez, Project Coordinator, PRRM- Bataan, April 25, 2011 Balanga city

100: CSOs/NGOs can freely organize with little to no interaction with the government, other than voluntary registration.

75: ..

50: CSOs/NGOs must go through formal steps to form, requiring interaction with the state such as licenses or registration. Formation is possible, though there is some burden on the CSOs/NGOs. Some unofficial barriers, such as harassment of minority groups, may occur.

25: ..

0: Other than pro-government groups, CSOs/NGOs focused on being watchdogs/advocates are effectively prohibited, either by official requirements or by unofficial means, such as intimidation or fear.

5. In practice, CSOs/NGOs actively engage in the political and policymaking process at the city/municipality level.

100 | 75 | 50 | 25 | 0

Comments:

CSOs are represented in the Local Development Council which is laudable as the city followed what is required by the LGC but when I asked of instances where NGO/CSOs were invited to provide inputs related to law-making the response given me was CSOs representation in the LDC.

References:

Interview with Rosell Fernandez, Project coordinator, April 25, 2011, PRRM Bataan office, Balanga City Bataan

Interview with Mayor Joet Garcia, City Mayor, Balanga City, May 19, 2011.

Interview with Elsa Ylagan, city Planning and Development Officer, May 19,2001, Balanga City

Document : Executive Order No. 004 series of 2007

100: CSOs/NGOs are an essential component of the political process. CSOs/NGOs provide widely valued insights and have political power. They are able to participate in the crafting of city/municipal ordinances and resolutions through, for example, invitation as resource persons in official deliberations. They play a leading role in shaping public opinion on political matters.

75: ..

50: CSOs/NGOs are active, but may not be relevant to political decisions or the policymaking process. Those CSOs/NGOs are willing to articulate opinions on political matters, but have little access to decision makers. They have some influence over public opinion, but considerably less than political figures.

25: ..

0: CSOs/NGOs are effectively prohibited from engaging in the political process. Those CSOs/NGOs are unwilling to take positions on political issues. They are not relevant to changes in public opinion.

6. In practice, CSOs/NGOs have not been shut down by the city/municipality for their work as watchdogs/advocates during the study period.

YES | NO

References:

Interview with Rosell Fernandez, Project Coordinator, PRRM Bataan, Balanga City

Interview with Ms. Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City

YES: A YES score is earned if there were no CSOs/NGOs shut down by the government or forced to cease operations because of their work as watchdogs/advocates during the study period. YES is a positive score.

NO: A NO score is earned if any CSO/NGO has been effectively shut down by the government or forced to cease operations because of their work as watchdogs/advocates during the study period. The causal relationship between the cessation of operations and the CSOs/NGOs work may not be explicit. However, the burden of proof here is low. If it seems likely that the CSO/NGO was forced to cease operations due to its work, then the indicator is scored as a NO.

7. In practice, there is a wide variety of CSOs/NGOs that are accredited for participation in Local Special Bodies mandated by law.

100 | 75 | 50 | 25 | 0

Comments:

The City follows DILG Memorandum Circular No. 2007 – 81 dated July 17, 2007 on accreditation of CSOs. But seemingly there is no clear process of accreditation procedure. Although during the interview with Mayor Garcia he said that all CSOs are accredited. But when I requested copy of the list of accredited CSOs, DILG Officer in the city has no masterlist nor the CPDO. But they said they have accredited CSOs.

Interview with CSO and other city officials identified Soroptomist and Tricycle Operators and Drivers Association among the accredited CSO. Subsequent interview with City treasurer identified the United Architects of the Philippines as part of the PBAC.

Also when city officials were asked how they selected the CSOs representatives for the LSBs, the interviewees said they selected those CSOs whose work and advocacies are related to the activities of the LSB. They did not describe any election process or any process where the CSOs among themselves who would be their representatives.

But the city sponsors NGO/CSO Night during the Christmas and during Fiesta Celebration where the CSOs/NGOs are recognized.

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: CSOs/NGOs can freely submit themselves for registration and accreditation procedures for participation in Local Special Bodies. Registration and accreditation procedures are minimal. Selection of CSOs/NGOs for participation in Local Special Bodies is open and fair.

75: ..

50: Registration and accreditation procedures for participation in Local Special Bodies are fairly stringent, preventing some CSOs/NGOs from applying for accreditation. Selection of CSOs/NGOs for participation in Local Special Bodies are largely based on political or personal considerations.

25: ..

0: Registration and accreditation procedures for participation in Local Special Bodies are closed. There is no CSO/NGO participation in Local Special Bodies, or CSO/NGO participation is by invitation of local government officials only.

8. In practice, CSOs/NGOs participate in discussions and decisions made in Local Special Bodies

100 | 75 | 50 | 25 | 0

Comments:

LSBs were organized with CSO representatives but do not have regular meetings. As of now the area where CSOs have active representation is in the Local school Board, City Childrens Council and Bidding Committee. United Architects of the Philippines (UAP) is part of the TWG on the Arcade Project. The currently developing its commercial arewa in front of the City Hall.

References:

Interview with Mayor Garcia

Interview with CPDO Elsa Ylagan

Interview with DILG City Director Evelyn Matias

Interview with PRRM Rosell Fernandez

100: Local Special Bodies meet regularly, with meaningful and quality participation from CSOs/NGOs. These Local Special Bodies make key substantive decisions that incorporate insights from CSOs/NGOs.

75: ..

50: Local Special Bodies have been convened but do not meet regularly. CSOs/NGOs are able to participate in discussions, but their insights are largely unincorporated in decisions that are made.

25: ..

0: Local Special Bodies have been convened infrequently, if at all. When they do meet, CSO/NGO input is ignored or marginalized.

9. In practice, CSO/NGO activists operate without threat of imprisonment.

YES | NO

References:

interview with Rosell Fernandez, PRRM Bataan

Interview with Mayor Garcia

Interview with DILG City Director Evelyn Matias

YES: A YES score is earned if there were no CSO/NGO activists imprisoned because of their work as watchdogs/advocates during the study period. YES is a positive score.

NO: A NO score is earned if any activist was jailed in relation to work as watchdogs/advocates during the study period. The causal relationship between the official charges and the person's work may not be explicit. However, the burden of proof here is low. If it seems likely that the person was imprisoned due to his or her work, then the indicator is scored as a NO. "Imprisoned" is defined here as detention by the government lasting more than 24 hours.

10. In practice, CSO/NGO activists operate without threat of physical intimidation or harassment.

YES | NO

Comments:

No incident reported was reported

References:

Rosell Fernandez, Program Coordinator, PRRM – Bataan, Balanga City, April 25, 2011

Mayor Jose Enrique Garcia III, City Mayor, Balanga City Hall, May 19, 2011

YES: A YES score is earned if there were no documented cases of CSO/NGO activists as watchdogs/advocates being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the activist's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to an activist who are watchdogs/advocates.

1.2. Local Media

1.2. Local Media

100

11. In law, freedom of the media is guaranteed.

YES | NO

References:

Art. III, Sec. 4 1987 Constitution

The law guarantees freedom of speech and expression. There is a ban for passing any law that can suppress this freedom.

YES: A YES score is earned if freedom of the press is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any specific publication relating to government affairs is legally banned, or any general topic is prohibited from publication. Specific restrictions on media regarding privacy or slander are allowed, but not if these amount to legal censorship of a general topic, such as corruption or defense. A NO score is earned if non-government media is prohibited or restricted.

12. In law, freedom of speech is guaranteed.

YES | NO

References:

Art. III, Sec. 4 1987 Constitution

The law guarantees freedom of speech and expression. There is a ban for passing any law that can suppress this freedom.

YES: A YES score is earned if freedom of individual speech is guaranteed in law, including to all political parties, religions, and ideologies.

NO: A NO score is earned if any individual speech is legally prohibited, regardless of topic. Specific exceptions for speech linked with a criminal act, such as a prohibition on death threats, are allowed. However, any non-specific prohibition earns a NO score.

13. In practice, media can freely cover news without the need to secure any form of clearance or permission from the city/municipal government.

100 | 75 | 50 | 25 | 0

References:

Interview with Mayor Garcia, Balanga City, May 19, 2011

Interview with PRRM Rosell Fernandez, Balanga City, April 25, 2011

100: Media enjoys absolute freedom in covering local news. Media does not need to secure any form of clearance or permission from the city/municipal government.

75: ..

50: Media enjoys limited freedom in covering local news. At times, the media needs to secure some form of clearance or permission from the city/municipal government, or coverage of official events by the media is by invitation only

25: ..

0: Media does not enjoy any freedom in covering local news. Media is prohibited from covering local events without express permission from the city/municipal government.

14. In practice, media personnel are able to report on corruption cases without intimidation or harassment.

YES | NO

References:

Interview with Rosell Fernandez, PRRM Project Coordinator, Balanga City, April 25, 2011

YES: A YES score is earned if there were no documented cases of media personnel being assaulted in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the media personnel's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of assault to media personnel related to stories that they have published or are currently working on.

15. In practice, media personnel are able to report on corruption cases without threat to their lives or that of their families.

YES | NO

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

YES: A YES score is earned if there were no documented cases of media personnel being killed in the specific study period. A YES score can be earned if there was an attack but it was clearly unrelated to the media personnel's work. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of the murder of media personnel related to stories that they have published or are currently working on.

100
1.3. Local Public Access to Information

1.3. Local Public Access to Information

70

16. In law, citizens have a right of access to city/municipality information and basic records.

YES | NO

Comments:

RA 9184 recognizes the need for standardization and modernization but does not necessary entail citizens having the right to obtain public document. RA 9485 requires the local government to disseminate information but this does not mean it guarantee citizens the right of access to information. LGC sec. 115 is about DBM being required to submit financial reports to LGUs to help them better in planning. LGC sec. 213 is about concerns on properties.

References:

The Government Procurement Reform Act (R.A. 9184); Sec. 6, Sec. 8, Sec. 11 (Republic Act 9485); Local Government Code Sec. 115; Local Government Code Sec. 213

YES: A YES score is earned if there is a formal right to access city/municipal government documents, including constitutional guarantees. Exceptions can be made for local security reasons or individual privacy, but they should be limited in scope. All other government documents should be available upon public request.

NO: A NO score is earned if there is no such right.

17. In law, citizens have a right of appeal if access to a basic city/municipality record is denied.

YES | NO

Comments:

RA 9184 recognizes the need for standardization and modernization but does not necessary entail citizens having the right to obtain public document. RA 9485 requires the local government to disseminate information but this does not mean it guarantee citizens the right of access to information. LGC sec. 115 is about DBM being required to submit financial reports to LGUs to help them better in planning. LGC sec. 213 is about concerns on properties.

References:

The Government Procurement Reform Act (R.A. 9184); Sec. 6, Sec. 8, Sec. 11 (Republic Act 9485); Local Government Code Sec. 115

YES: A YES score is earned if there is a formal process of appeal for rejected information requests. A YES score can still be earned if the appeals process involves redress through the courts rather than administrative appeal.

NO: A NO score is earned if there is no such formal process.

18. In law, there is a prescribed formal mechanism through which citizens can request city/municipal government records.

YES | **NO**

Comments:

RA 9184 recognizes the need for standardization and modernization but does not necessary entail citizens having the right to obtain public document. RA 9485 requires the local government to disseminate information but this does not mean it guarantee citizens the right of access to information. LGC sec. 115 is about DBM being required to submit financial reports to LGUs to help them better in planning. LGC sec. 213 is about concerns on properties.

References:

The Government Procurement Reform Act (R.A. 9184); Sec. 6, Sec. 8, Sec. 11 (Republic Act 9485); Local Government Code Sec. 115

YES: A YES score is earned if there is a prescribed formal mechanism/institution through which citizens can access city/municipal government records available under freedom of information laws. This mechanism could be a city/municipality office (or offices within agencies) or an electronic request system.

NO: A NO score is earned if there is no such formal mechanism or institution.

19. In practice, citizens receive responses to access to information requests within a reasonable time period.

100 | **75** | 50 | 25 | 0

Comments:

In general there is access to information but in the interviews the City Officials said that release of data need approval of the Mayor. They are wary on how the data will be used so that to be safe they always ask permission from the Mayor if there are request.

But may I emphasize that the Mayor encourages the citizens to give feedbacks through his cell phone via SMS or can send messages on his Facebook account.

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: Records are available on-line, or records can be obtained in 5 working days. Records are uniformly available; there are no delays for politically sensitive information. Legitimate exceptions are allowed for sensitive security-related information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. Security exemptions may be abused to avoid disclosure of information. Records may also be generally unavailable or reported missing.

20. In practice, citizens can use the access to information mechanism at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

So long as those information were permitted by the Mayor to be released.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at no/minimal cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to procure documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs/NGOs. Retrieving records may require a visit outside the city/municipality, such as to provincial or regional offices.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs/NGOs trying to access this information. Records may also be generally unavailable or reported missing.

21. In practice, the city/municipality acts on citizen's appeals for access to information requests within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: The agency/entity acts on appeals quickly. While some backlog is expected and inevitable, appeals are acknowledged promptly and cases move steadily towards resolution.

75: ..

50: The agency/entity acts on appeals quickly, but with some exceptions. Some appeals may not be acknowledged, and simple issues may take more than two weeks to resolve.

25: ..

0: The agency/entity does not resolve appeals in a timely fashion. Appeals may be unacknowledged for many months, and simple issues may take more than a month to resolve.

22. In practice, the city/municipality acts on citizen's appeals for access to information requests at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: In most cases, the appeals mechanism is an affordable option to middle class citizens seeking to challenge an access to information determination.

75: ..

50: In some cases, the appeals mechanism is not an affordable option to middle class citizens seeking to challenge an access to information determination.

25: ..

0: The prohibitive cost of utilizing the access to information appeals mechanism prevents middle class citizens from challenging access to information determinations.

23. In practice, the city/municipality gives reasons for denying an information request.

100 | 75 | 50 | 25 | 0

Comments:

Sometimes not in written form, only verbal. It is the Mayor who determines what can be shared to the public.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011, Balanga City.
Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

100: The city/municipal government always discloses to the requestor clear, specific, formal reasons for denying information requests. Explanations are given to the requestor in written form.

75: ..

50: The city/municipal government usually discloses reasons for denying an information request to the requestor, with some exceptions. The reasons may be vague or difficult to obtain. If reasons are given, they are communicated verbally in most instances.

25: ..

0: The city/municipal government does not regularly give reasons for denying an information request to the requestor.

24. In practice, the city/municipal government establishes and maintains regular mechanisms to proactively provide information to the public.

YES | **NO**

Comments:

In fastfood chains there is an LCD informing the public of the activities and programs of the city.

There is also the weekly flag ceremony where Mayor reports to the city government employees and the barangay captains.

Another is the maintenance of website. reports on revenues and expenditures in the website are updated. As well as the different activities of Mayor Garcia and projects of the different departments.

Lastly is the Barangay Week where the Mayor and offices of the city hall goes to the barangay to attend to the needs of the constituents.

Also the Facebook account of the Mayor is used for info dissemination.

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

YES: A YES score is earned if there is a mechanism that the city/municipal government uses to release information to the public. These mechanisms may include a website, prominent billboards, bulletin boards, radio, and the social media. It may also include regular meetings with local journalists where such information is conveyed.

NO: A NO score is earned if there is no such mechanism.

25. In practice, citizens can access information provided by the city/municipality's proactive information disclosure mechanism.

100 | 75 | 50 | 25 | 0

Comments:

While there is opening for access to information, the bureaucrats always depend on the approval of the Mayor. They cannot just decide on what data to share with the public.

References:

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: The information dissemination mechanisms are easily accessible to citizens, and information is regularly updated. Accessible mechanisms may include a functioning website, bulletin boards that are prominent and located in areas that are generally open to the public, and publication in local newspapers with a general circulation.

75: ..

50: In most cases, the information dissemination mechanisms are accessible to citizens, but there are some exceptions. In some cases, citizens face some difficulty in accessing information, especially those citizens in areas farther from the center of the city/municipality. There is also some considerable lag in the information posted for citizen viewing.

25: ..

0: Information dissemination mechanisms, if they exist, are not accessible to citizens. They may be located in areas where access is limited. Posted information is rarely updated.

Category 2. Local Elections

2.1. Local Voting and Citizen Participation

2.1. Local Voting and Citizen Participation

98

26. In law, universal and equal adult suffrage is guaranteed to all citizens.

YES | NO

References:

Art. V, Secs. 1-2 1987 Constitution; Sec. 4 (Republic Act. 9189)

Article V Sec 1-2 1987 Constitution guarantees this right. This is extended with OFWs in RA 9189.

YES: A YES score is earned if the right to vote is guaranteed to all citizens of the country (basic age limitations are allowed). A YES score can still be earned if voting procedures are, in practice, inconvenient or unfair.

NO: A NO score is earned if suffrage is denied by law to any group of adult citizens for any reason. Citizen is defined broadly, to include all ethnicities, or anyone born in the country. A NO score is earned if homeless or impoverished people are legally prohibited from voting.

27. In law, there is a legal framework requiring that city/municipal elections be held at regular intervals.

YES | NO

References:

Omnibus Election Code Sec 29; Local Government Code Sec 42

Omnibus Election Code Sec 29 requires elections to be held at regular reasonable time intervals. LGC Sec 42 provides that local elections be held every 3 years on the second Monday of May.

YES: A YES score is earned if there is a statutory or other framework enshrined in law that mandates local elections at reasonable intervals.

NO: A NO score is earned if no such framework exists.

28. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

References:

Jose Enrique Garcia III, Mayor, City of Balanga, May 19, 2011

Rosell Fernandez, Project Coordinator, PRRM Bataan, April 25, 2011, PRRM office Balanga City

100: Voting is open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers.

75: ..

50: Voting is often open to all citizens regardless of race, gender, prior political affiliations, physical disability, or other traditional barriers, with some exceptions.

25: ..

0: Voting is not available to some demographics through some form of official or unofficial pressure. Voting may be too dangerous, expensive, or difficult for many people.

29. In practice, ballots are secret or equivalently protected.

100 | 75 | 50 | 25 | 0

Comments:

The Philippines held an automated national and local elections in May 2010 where voters used machine readable ballots

References:

Voters were asked to shade the names of their choice candidates.

100: Ballots are secret, or there is a functional equivalent protection, in all cases.

75: ..

50: Ballots are secret, or there is a functional equivalent protection, in most cases. Some exceptions to this practice have occurred. Ballots may be subject to tampering during transport or counting.

25: ..

0: Ballot preferences are not secret. Ballots are routinely tampered with during transport and counting.

30. In practice, local elections are held according to a regular schedule.

100 | 75 | 50 | 25 | 0

Comments:

For the 2010 elections, voting was conducted simultaneously throughout the country. Omnibus Election Code Sec 29 requires elections to be held at regular reasonable time intervals. LGC Sec 42 provides that local elections be held every 3 years on the second Monday of May.

Local (provincial, city & municipal) and national elections are synchronized, and they happen every 3 years. While there has been instances when elections got postponed in some towns due to peace and order problems, Balanga City, in Bataan never had that problem. This page on the Comelec website shows results for each previous election.

References:

Omnibus Election Code Sec 29; Local Government Code Sec 42

Commission on Elections <http://www.comelec.gov.ph/?r=Elections/prevelec>

100: Local elections are always held according to a regular schedule, or there is a formal democratic process for calling a new election, with deadlines for mandatory elections.

75: ..

50: Local elections are normally held according to a regular schedule, but there have been recent exceptions. The formal process for calling a new election may be flawed or abused.

25: ..

0: Local elections are called arbitrarily by the government. There is no functioning schedule or deadline for new elections.

31. In law, all citizens have a right to form political parties at the city/municipality level.

YES | NO

References:

Local Government Code Sec. 41.c.; Omnibus Election Code Sec 60-62

LGC Sec 41 is about sectoral representation of the people. Although political parties were not mentioned, this can still be a law that enable/encourage creation of political organizations. Omnibus Election Code Sec 60-62 talks about the entitlement to individuals or any group that wish to put up a political party. The only requirement is to be accepted in the accreditation.

YES: A YES score is earned if citizens have the right to form political parties without interference from the city/municipal government. A YES score may still be earned if groups or individuals with a history of violence or terrorism (within the last ten years) are banned from forming political parties. Non-discriminatory minimal criteria (e.g. minimum age) are also allowed.

NO: A NO score is earned if there are any legal or regulatory restrictions or prohibitions barring any types of political parties from being formed.

32. In law, all citizens have a right to run for political office at the city/municipality level.

YES | NO

References:

LGC Sec 41 is about sectoral representation of the people. Although political parties were not mentioned, this can still be a law that enable/encourage creation of political organizations. Omnibus Election Code Sec 60-62 talks about the entitlement to individuals or any group that wish to put up a political party. The only requirement is to be accepted in the accreditation.

YES: A YES score is earned if all citizens (citizen is defined broadly, to include all ethnicities, or anyone born in the country) have the right under law to run for political office at the city/municipality level. A YES score may still be earned if individuals with a history of violence, terrorism, or criminality are banned from running for office.

NO: A NO score is earned if there are any legal restrictions barring certain individuals or groups from running for political office.

33. In practice, all citizens are able to form political parties at the city/municipality level.

100 | 75 | 50 | 25 | 0

Comments:

There is this right for the people but it is not maximized

References:

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City

100: While there is no guarantee of electoral success, political parties can form freely without opposition.

75: ..

50: Some barriers to formation are present, such as burdensome registration requirements that may not be fairly applied. Some parties' political viewpoints may draw pressure from the government, such as surveillance or intimidation. Some political parties or organizations may have extra barriers to getting on a ballot.

25: ..

0: Some political parties are effectively barred from forming through some manner of official or unofficial pressure. This may include threats, arrest, or violence from competing parties or other groups.

34. In practice, all citizens can run for local political office at the city/municipality level.

100 | 75 | 50 | 25 | 0

Comments:

The law ensures that any citizens can run for political office as long as individual fulfill requirements. Local political parties only need to register with the Commission on Elections (Comelec), according to journalist Miriam Grace Go.

However because of high cost in mounting a successful election campaign there are not too many candidates during elections.

References:

Sec. 3 (Batas Pambansa Blg. 52)

100: While there is no guarantee of electoral success, anyone can run for local office under transparent and equitable guidelines. There is a formal process for access to the ballot which is fairly applied. The costs of running a campaign are reasonable and do not deter candidates from entering a race.

75: ..

50: Some barriers exist to getting on the ballot and bureaucratic or regulatory requirements for doing so may be unfairly applied. The costs of running a political campaign are significant and result in dissuading some candidates from running for office

25: ..

0: Citizens can effectively be barred from the ballot through government abuse of official rules and/or unofficial pressure. The costs of running a campaign are extremely high and result in most average citizens being unable to run an effective campaign for office.

35. In practice, all citizens are able to exercise their right to vote.

100 | 75 | 50 | 25 | 0

Comments:

An interviewee complained of cases of vote buying in 2007 elections. But for 2010 it is said that there were less cases of vote buying because the other candidate did not fight it out until the end of the electoral contest. Less money was said to be distributed.

References:

Rosell Fernandez, Project Coordinator, PRRM Bataan, April 25, 2011, Balanga City

Jose Enrique Garcia III, Mayor, May 19, 2011, Balanga Bataan

100: Registration procedures for exercising the right to vote are transparent and accessible to all citizens. Voting procedures are transparent and easy to understand. There are no documented cases of systematically disenfranchised voters.

75: ..

50: Some barriers exist in voter registration, such as unfairly applied regulatory requirements. Voting procedures are cumbersome, and prevent some voters from voting.

25: ..

0: Citizens can effectively be barred in voter registration or on election day.

2.2. Integrity of Local Elections

2.2. Integrity of Local Elections

95

36. In law, there's a COMELEC or set of election monitoring agencies/entities at the city/municipality level.

YES | NO

Comments:

Local chapters of PPCRV and Namfrel are present.

References:

Omnibus Election Code Sec 52

The Commission have exclusive charge of the enforcement and administration of all laws as provided by law. All concerns relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections is the sole responsibility of the Commission. Election process is ensured.

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to ensure the integrity of the city/municipality election process.

NO: A NO score is earned if no domestic agency or set of domestic agencies/entities exists that monitors elections. A NO score is earned if elections are only monitored by an agency informally, such as poll booth monitoring by the police, only by international observers, or only by NGOs. A NO score is earned if the domestic election agency or set of domestic agencies simply facilitates the process of voting but is not empowered to report violations or abuses.

37. In law, the COMELEC is protected from political interference.

YES | NO

References:

Art IX Sec 1-2 1987 Constitution

Art IX Sec 1-2 1987 Philippine Constitution ensures independence of Commission. The Commission shall enforce all rules and regulations and exercises original jurisdiction over all contests relating to the elections.

YES: A YES score is earned only if the COMELEC has some formal organizational independence from the bodies contesting in the election. A YES score is still earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the COMELEC is legally tied to bodies contesting the election (i.e. an executive branch agency or a committee of the local council). A NO score is automatically earned if there is no local COMELEC.

38. In practice, COMELEC appointments are made that support the independence of the agency.

100 | 75 | 50 | 25 | 0

Comments:

It is the Comelec who makes the appointment of election officers and not the Mayor

I was not able to access the election officer but the CSO interviewee could not remember controversy over appointment of election Officer.

References:

Rosell Fernandez, Program Coordinator, PRRM Bataan April 25, 2011

100: Appointments to the COMELEC are made based on professional qualifications. Individuals appointed are free of conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed usually do not have clear political party affiliations.

75: ..

50: Appointments are usually based on professional qualifications. However, individuals appointed may have clear party loyalties.

25: ..

0: Appointments are often based on political considerations. Individuals appointed often have conflicts of interest due to personal loyalties, family connections or other biases. Individuals appointed often have clear party loyalties.

39. In practice, the COMELEC has a professional, full-time staff.

100 | 75 | 50 | 25 | 0

Comments:

like in other areas, the election officer do not have adequate staff employed by Comelec so what happens is the LGU assigns some contractual employees of the city hall to augment Comelec election officer

References:

Rosell Fernandez, Program Officer, PRRM Bataan April 25, 2011 Balanga City

100: The COMELEC has full-time staff sufficient to fulfill its basic mandate at the local level.

75: ..

50: The COMELEC has limited staff, or staff without necessary qualifications to fulfill its basic mandate.

25: ..

0: The COMELEC has no staff, or such a limited staff that it is clearly unqualified to fulfill its mandate.

40. In practice, the COMELEC makes timely, publicly available reports following an election cycle.

100 | 75 | 50 | 25 | 0

Comments:

Schedules are usually determined by Central office of Comelec

References:

Evelyn Matias, DILG – City Officer, May 19, 2011 Balanga City

100: Reports are released to the public on a predictable schedule, without exceptions.

75: ..

50: Reports are released, but may be delayed, difficult to access, or otherwise limited.

25: ..

0: The COMELEC makes no public reports, issues reports which are effectively secret, or issues reports of no value.

41. In practice, when necessary, the COMELEC imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

When asked if common areas for poster were observed, the interviewees said that same with other areas of the country, posters and propaganda materials of candidates are all over the city. This in violation with election rules of common poster areas.

Of course there are also the allegations of vote buying.

References:

Rosell Fernandez, Program officer, PRRM Bataan, April 25, 2011

Evelyn Matias, DILG City Officer, May 19 2011

100: When rules violations are discovered, the COMELEC is aggressive in penalizing offenders and/or in cooperating with other agencies in penalizing offenders.

75: ..

50: The COMELEC enforces rules, but is limited in its effectiveness. The agency may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other agencies, or occasionally unable to enforce its judgments.

25: ..

0: The COMELEC does not effectively penalize offenders and/or cooperate with other agencies in penalizing offenders. The agency may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency may be partisan in its application of power.

42. In practice, there is a clear and transparent system of voter registration.

100 | 75 | 50 | 25 | 0

Comments:

The country follows a continuing voter registration system to which the Comelec is required to post the name of registered voter in every quarter.

References:

Evelyn Matias, DILG City Officer, May 19, 2011 Balanga City

Rosell Fernandez, Program Coordinator, PRRM Bataan, April 25, 2011 Balanga City

100: There is a transparent system of voter registration that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote.

75: ..

50: There is a transparent voter registration system that provides voters with sufficient time to understand their rights, check the accuracy of their registration, and ensure that errors are corrected before they vote, but there are some problems. Voters may not have access to registration lists with sufficient time to correct errors before voting or registration lists may at times be inaccessible.

25: ..

0: The system of voter registration is incomplete or does not exist. The city/municipal government may routinely falsify registration lists to affect voting patterns and limit access to the polls. Double voting and "ghost" voting by non-existent voters are common.

43. In law, election results can be contested through the judicial system.

YES | NO

Comments:

There were no pre-proclamation protest in the last elections

References:

Omnibus Election Code Sec 52

YES: A YES score is earned if citizens or political parties can challenge allegedly fraudulent election results through the courts or other judicial mechanisms. Quasi-judicial systems outside the city/municipality, such as national-level COMELEC, also earns a YES score.

NO: A NO score is earned if there is no legal right for citizens or political parties to challenge allegedly fraudulent election results in the courts or other judicial mechanisms.

44. In practice, election results can be effectively appealed through the judicial system.

100 | 75 | 50 | 25 | 0

Comments:

A protest can be filed within Comelec and appealed through the RTC

References:

Mayor Jose Enrique Garcia, Mayor, May 19, 2011, Balanga City

Rosell Fernandez, Program Officer PRRM Bataan, April 25, 2011 Balanga City

100: The electoral appeals mechanism takes cases from both candidates complaining of flaws in the electoral process as well as citizens bringing complaints related to denial of suffrage or registration errors. There is an expedited process for resolving such complaints to avoid delaying a timely announcement of electoral results.

75: ..

50: The electoral appeals mechanism takes complaints from both candidates and voters but may not always act on complaints promptly. The appeals mechanism may be abused at times by parties or candidates seeking to delay the announcement of electoral results.

25: ..

0: The electoral appeals mechanism rarely or never acts on complaints brought by candidates or citizens. Citizens may not be able to bring complaints related to denial of suffrage or voter registration errors.

45. In practice, the military and security forces remain neutral during elections.

100 | 75 | 50 | 25 | 0

Comments:

Based on the interviews the 2010 election is less fierce compared to the competition in previous election.

It was also underscored that candidates are civil and need not kill each other. The Mayor said his closest competitor (Banzon) is a distant relative

References:

Rosell Fernandez, Program Coordinator, PRRM Bataan, April 25, 2011 Balanga Bataan

Mayor Jose Enrique Garcia III City Mayor, May 19, 2011, Balanga City

100: The military, military officers, and other security forces (including the local police force) refrain from overtly supporting or opposing political candidates or commenting on elections. The military or security forces refrain from physically interfering with political campaigns, rallies, or voting.

75: ..

50: The military, military officers, and security forces (including the local police force) may be known to unofficially support or oppose particular candidates or parties. The military or security forces generally refrain from the use of force to support or oppose particular candidates or parties but there are exceptions.

25: ..

0: The military or other security forces (including the local police force) are an active and explicit player in local politics and overtly support or oppose particular candidates or parties. The military or security forces routinely exercise the use of force to support or oppose parties or candidates.

46. In law, domestic and international election observers are allowed to monitor elections.

YES | NO

References:

Omnibus Election Code Sec 180

The law provides that COMELEC allow election monitoring. Any citizens from different sectors may appoint a watcher to ensure integrity of elections. However, there is no law that prohibits or allows international observers to monitor elections.

YES: A YES score is earned if domestic and international election observers are allowed to monitor the electoral process.

NO: A NO score is earned if there are any legal or regulatory prohibitions on the monitoring of the electoral process by domestic or international election observers.

47. In practice, election observers are able to effectively monitor elections.

100 | 75 | 50 | 25 | 0

Comments:

Local PCRV and NAMfrel exist in the city

References:

Rosell fernandez, Program Coordinator, PRRM Bataan April 25 2011 Balanga City

100: Election observers have unfettered access to polling sites, counting stations, and voters themselves. The government does not interfere with the observers' activities.

75: ..

50: Election observers generally have access to polling sites, counting stations, and voters but encounter restrictions in certain areas. The government may impose burdensome regulatory or bureaucratic requirements on observers to discourage their involvement.

25: ..

0: Election observers' movements are significantly limited by the government and many polling and counting sites are restricted or barred from observers. The government imposes so many bureaucratic or regulatory burdens on the observers that their mission is rendered ineffective.

48. In practice, citizens and candidates are able to campaign freely and have equal access to campaign advertising opportunities.

100 | 75 | 50 | 25 | 0

Comments:

2010 election was considered having less tension among the candidates and their supporters.

References:

Rosell Fernandez, Program Coordinator, PRRM Bataan April 25, 2011, Balanga city

100: Citizens and candidates, and their political parties, have equal access to regulated election billboards. They also have equal access to other campaign advertising opportunities within the constraints of campaign funds. They may conduct campaign activities in different locations without obstruction or harassment, whether from official government personnel or from armed non-state groups.

75: ..

50: There is some favoritism in gaining access to regulated election billboards. Some candidates and parties experience constraints in gaining access to advertising opportunities. Campaign activities are generally possible in different locations, but encounter obstruction in some areas, whether from official government personnel or from armed non-state groups.

25: ..

0: There are significant constraints to the campaign activities of some citizens, candidates, and parties, including access to regulated election billboards and other advertising opportunities, and the conduct of campaign activities in many areas.

49. In practice, elections are free from violence.

YES | NO

References:

Rosell Fernandez Program Coordinator PRRM Bataan April 25, 2011 Balanga City

YES: A YES score is earned if there were no documented cases of organized election-related violence in the specific study period. YES is a positive score.

NO: A NO score is earned if there were any documented cases during the study period of election-related violence.

95
2.3. Local Political Financing

2.3. Local Political Financing

36

50. In law, there are regulations governing private contributions to individual political candidates.

YES | NO

References:

Omnibus Election Code Sec. 94-112

The Omnibus Election Code provides an extensive set of regulations about election private contributions including prohibition against contributions by foreign source.

YES: A YES score is earned if there are any formal rules (by law or regulation) controlling private contributions to individual political candidates, including prohibitions against foreign donations.

NO: A NO score is earned if there is no regulation of private contributions to individual political candidates.

51. In law, there are limits on individual donations to political candidates.

YES | NO

Comments:

There is no limit on contribution, what is regulated is expenditure which is equivalent to 3 pesos per voter

References:

Omnibus Election Code Sec. 94-112

There are no written regulation about setting the limits on individual donations to political candidates.

YES: A YES score is earned if there are any limits in size on individual contributions to political candidates. A YES score is also earned if individual contributions are prohibited.

NO: A NO score is earned if there are no limits on contributions from individuals. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

52. In law, there are limits on corporate donations to individual political candidates.

YES | **NO**

References:

Omnibus Election Code Sec. 94-112

There are no written regulation about setting the limits on individual donations to political candidates.

YES: A YES score is earned if there are any limits in size on corporate contributions to individual political candidates. A YES score is earned if corporate contributions are prohibited.

NO: A NO score is earned if there are no limits on corporate contributions to individual political candidates. A NO score is also earned if limits are applied by the government on opposition candidates in a discriminatory manner.

53. In law, there are requirements for the disclosure of donations to individual political candidates.

YES | NO

Comments:

Candidates are given 1 month after elections to submit Statement of Election Contributions and Expenditure Report. The Report should include all cash or non-cash contributions and all expenses related to campaign.

References:

Omnibus Election Code Sec. 99 & 108

There is a law mandating the disclosure of donations to individual political candidates.

YES: A YES score is earned if there are any requirements mandating the disclosure of financial contributions to individual political candidates.

NO: A NO score is earned if there are no requirements mandating the disclosure of contributions to individual political candidates, existing regulations do not require a donor's name or amount given, or the regulations allow for anonymous donations.

54. In law, there are requirements for the independent auditing of the campaign finances of individual political candidates.

YES | **NO**

Comments:

It is a function of Comelec assuming of course that Comelec does its mandate

References:

Omnibus Election Code Sec.111

The law provides that failure to file statements or meet requirements of elected officials would result in not allowing them to perform the duties of their office. COMELEC Resolution 8944, consistent with the Omnibus Election Code, includes the requirement for the disclosure of campaign contributions and expenditures. The filing of a statement to this effect allows COMELEC and other interested parties to monitor campaign finances. However, auditing of these statements, which is the focus of this indicator, is not mentioned in the resolution nor in the Omnibus Election Code.

YES: A YES score is earned if there is a legal or regulatory requirement for the independent auditing of an individual candidate's campaign finances and expenditures. The auditing is performed by an impartial third-party. Random auditing also merits a YES score.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of an individual candidate's campaign finances and expenditures or if such requirements exist but allow for candidates to self-audit.

55. In law, there is an agency or entity that monitors the financing of individual political candidates' campaigns.

YES | NO

References:

Omnibus Election Code Sec.110

The law provides that COMELEC would have its preservation and inspection mechanisms to determine compliance of all expenditures or contributions made by or for the candidates. There is no other Philippine law that requires the State to have an independent (third party) monitoring agency that would do verifications, inspections and compliance of candidates.

YES: A YES score is earned if there is a domestic agency or set of domestic agencies/entities formally assigned to monitor and enforce laws and regulations about the financing of individual political candidates' campaigns. A YES score is earned even if the agency/entity is ineffective in practice.

NO: A NO score is earned if there is no such agency or entity.

56. In practice, the existing regulations on the financing of electoral campaigns are effective in regulating an individual's ability to financially support a particular candidate.

100 | 75 | 50 | 25 | 0

Comments:

To be fair the disregard of election campaign finance laws is not only in the Balanga City but a common practice nationwide.

References:

Rosell Fernandez, Program Coordinator – PRRM Bataan, April 25, 2011 Balanga City

100: Existing limits represent the full extent to which an individual can directly or indirectly financially support a political candidate. Limits are reasonably low enough in the context of the total costs of running a campaign.

75: ..

50: Existing limits generally represent the full extent to which an individual can directly or indirectly financially support a particular candidate. However, exceptions and loopholes exist through which individuals can indirectly support particular political candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25: ..

0: Existing limits are routinely bypassed or willfully ignored. The vast majority of individual contributions to a particular political candidate are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

57. In practice, the existing regulations on the financing of electoral campaigns are effective in regulating a company's ability to financially support a candidate.

100 | 75 | 50 | 25 | 0

Comments:

There are no limitation on contributions.

References:

Rosell Fernandez, Program Coordinator, PRRM Bataan April 25, 2011 Balanga City

100: Existing limits represent the full extent to which a company can directly or indirectly financially support an individual candidate. Limits are reasonably low enough in the context of the total costs of running a campaign to be meaningful.

75: ..

50: Existing limits generally represent the full extent to which a company can directly or indirectly financially support an individual candidate. However, exceptions and loopholes exist through which companies can indirectly support individual candidates above and beyond those formal limitations. Such loopholes could include making donations to third-party groups that advocate on behalf of (or against) a particular candidate; unregulated loans to candidates (rather than direct donations); or in-kind support that is not explicitly regulated by laws or regulations. The limits may be too high in the context of the overall costs of running a campaign.

25: ..

0: Existing limits are routinely bypassed or willfully ignored. The majority of corporate contributions to individual candidates are made outside of the formal limitation system. There is no enforcement of violations. Limits are so high that they are meaningless in the context of the overall costs of running a campaign.

58. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns independently initiates investigations.

100 | 75 | 50 | 25 | 0

Comments:

Comelec has no capability in undertaking audit of campaign finance reports, there are not too many CSOs who undertakes monitoring on election expenses. At the national level an initiative has been made by Pera't Pulitika

References:

Rosell Fernandez, Program Coordinator, PRRM Bataan April 25, 2011 Balanga City

100: The agency or entity aggressively starts investigations into allegations of wrong doing with respect to the financing of individual candidates' campaigns. The agency is fair in its application of this power.

75: ..

50: The agency or entity will start investigations, but often relies on external pressure to set priorities, or has limited effectiveness when investigating. The agency, though limited in effectiveness, is still fair in its application of power.

25: ..

0: The agency or entity rarely investigates on its own, or the agency or entity is partisan in its application of this power.

59. In practice, when necessary, an agency or entity monitoring the financing of individual candidates' campaigns imposes penalties on offenders.

100 | 75 | 50 | 25 | 0

Comments:

During the interviews respondents said that there were no election protest filed

References:

Rosell fernandez, Program Coordinator, PRRM Bataan, Balanga City, April 25, 2011

100: When rules violations are discovered, the agency or entity is aggressive in penalizing offenders.

75: ..

50: The agency or entity enforces rules, but is limited in its effectiveness. The agency or entity may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25: ..

0: The agency or entity does not effectively penalize offenders. The agency or entity may make judgments but not enforce them, or may fail to make reasonable judgments against offenders. The agency or entity may be partisan in its application of power.

60. In practice, the finances of individual candidates' campaigns are subject to at least random auditing.

100 | 75 | 50 | 25 | 0

Comments:

To be fair, the task is with the Comelec National Office who is mandated to do the random auditing and not local Comelec

References:

Rosell Fernandez, Program Coordinator, PRRM Bataan. April 25, 2011

Mayor Jose Enrique Garcia III, Mayor, City Hall, Balanga City

100: The finances of individual candidates' campaigns are subject to random auditing using generally accepted auditing practices. Regular auditing of all candidates' records also earns a 100 score.

75: ..

50: The finances of individual candidates' campaigns are subject to some form of random auditing, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed contributions.

25: ..

0: The finances of individual candidates' campaigns are not subject to any regular or random auditing, or the audits performed have no value in tracking contributions. Audits may be performed by entities known to be partisan or biased in their practices.

61. In practice, individual political candidates disclose their Statement of Contributions and Expenditures within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Pursuant to Section 14 of R.A. No. 7166 entitled “An Act Providing for Synchronized National and Local Elections and for Electoral Reforms, Authorizing Appropriations,” every candidate and treasurer of the political party shall file with the Comelec within thirty days after the day of the election an itemized statement of all contributions and expenditures related to the elections.

However, there is no independent and random audit which checks if these statements are true. No means exist to verify the “absolute truth” on the disclosure of the political party or candidate on their campaign contributions and expenditures

According to the Office of the Provincial Election Supervisor, Bataan and Office of Election Officer, Balanga political candidates file their Statement Of Contributions And Expenditures after the conduct of the elections pursuant to Comelec Resolution No 8944 for the 2010 elections. It is expected that for the 2013 elections, the candidates will still file their respective statement of contributions and expenditures pursuant to Resolution No 947 promulgated by Comelec after the conduct of the 2013 elections .

There have been no problems with non-disclosure when it comes to municipal and provincial winners. However, compliance amongst losing candidates is usually not as high as winning ones. Usually losing candidates do not bother to submit reports. This may be due to a loss of motivation to declare assets once a candidate has lost. Also, compliance problems tend to exist more with barangay rather than municipal candidates. The theory put forward by the City Election Officer is because barangay candidates do not tend to be as highly educated as municipal ones and therefore may not be as aware as their colleagues of certain legal stipulations and implications.

References:

Jose Enrique Garcia III, Mayor of Balanga City. May 19, 2011.

G.R. No. 115245 July 11, 1995, Juanito C. Pilar, Petitioner, Vs. COMELEC, Respondent http://www.lawphil.net/judjuris/juri1995/jul1995/gr_115245_1995.html.

The Anti-Pinoy, Political Financing in Pinoy Politics, 29 June, 2011, <http://antipinoy.com/political-financing-in-pinoy-politics/>

Interview with Rodolfo H de Mesa, City Administrator, 3 September, 2012, Balanga, Bataan

Interview with Melanio Sibayan, City Election Officer for Balanga City, 5 September, Balanga City, Bataan

100: Individual candidates submit a report with their sources of funding and expenditures to COMELEC not later than one month after the election, as prescribed by law.

75: ..

50: Individual candidates submit a report with their sources of funding and expenditures to COMELEC one to two months after the election. Reports may have been submitted but lack important details. Delays may occur when sensitive political information is involved.

25: ..

0: Individual candidates never submit to COMELEC their sources of funding or expenditures or submit that report many months after the election. Reports may be submitted but the lack of important details makes them meaningless.

62. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

In theory, citizens can access financial records of individual candidates, as they are public documents.

However, all these records are kept in the Law Department, Comelec Head Office in Intramuros, Manila. This would mean several hours of travel time by road from Balanga City and may be expensive and inconvenient for constituents. No copies have

been filed in either the OPES nor in OEO in Bataan.

Therefore, there is limited if not zero access of citizens to the financial records and election expenditures of political parties and candidates within a reasonable time period.

References:

Jose Enrique Garcia III, Mayor of Balanga City. May 19, 2011.

Rosell Fernandez, Program Coordinator, PRRM Bataan. Balanga City. April 25, 2011

Interview with Rodolfo H de Mesa

The Anti-Pinoy, Political Financing in Pinoy Politics, 29 June, 2011, <http://antipinoy.com/political-financing-in-pinoy-politics/>

100: Records are available on-line, or records can be obtained in 5 working days. Records are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some delays may be experienced.

25: ..

0: Records take more than 10 working days to acquire. There may be persistent delays in obtaining politically sensitive records.

63. In practice, citizens can access the financial records of individual candidates (their campaign revenues and expenditures) at a reasonable cost.

100 | 75 | 50 | **25** | 0

Comments:

In practice getting data from Comelec means paying for the photocopying cost. The Mayor don't remember if anyone requested from local Comelec campaign expenditure data.

References:

Mayor Jose Enrique Garcia III, Balanga City Mayor, May 19, 2011

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to procure documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to procure documents.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

Category 3. Local Government Accountability

3.1. Local Executive Accountability

3.1. Local Executive Accountability

78

64. In practice, the mayor/vice-mayor/executive officials give reasons for his/her actions/decisions.

100 | 75 | 50 | 25 | 0

Comments:

For this Transparency and Accountability Assessment i had two chances to meet twice the entire heads of Departments within the city hall. First was when I introduced the Project to them and second was during the MOA signing between LSIG and City of Balanga. Meeting the entire Execom of the city hall show the importance given by Mayor to his subordinates.

The Mayor also adopted a Barangay Week where the offices of the city government will be in a barangay for the whole week. Since 2007 the Mayor and city government are now on the 3rd round of visit. There are 25 brgys in the city,

References:

Jose Enrique Garcia III, Mayor of Balanga City. May 19, 2011.

Rosell Fernandez, Program Coordinator, PRRM Bataan. Balanga City. April 25, 2011

Evelyn Matias, DILG City Officer, Balanga City, May 19, 2011

Joer Grace De Mesa, City Budget Officer, Balanga City May 19, 2011

100: The mayors/vice-mayors/executive officials give formal, public explanations of all policy matters. There is no censoring of such sessions.

75: ..

50: The mayors/vice-mayors/executive officials give explanations of policy, but not always in a timely or complete way. Particular issues of political sensitivity may be censored by local government broadcasters.

25: ..

0: The mayors/vice-mayors/executive officials do not give substantial justifications for policy. The local government routinely sensors such sessions.

65. In practice, the city/municipal mayor provides a general report to the public regarding important issues, proposed and enacted policies, and the status of local public plans/programs at least once a year.

100 | 75 | 50 | 25 | 0

Comments:

The Mayor and City makes use of Barangay week to report to its citizens

During flag raising ceremony on Mondays the Mayor also report/ gives address to the employees and the barangay captains. The barangay captains are required to attend the flag ceremony.

The city also maintains a website where citizens can also email the Mayor. The mayor also has facebook account where the people can send messages. Furthermore use of sms is also adopted, the cellphone number of the Mayor is given to the people.

References:

Jose Enrique Garcia III, Mayor of Balanga City. May 19, 2011.

Rosell Fernandez, Program Coordinator, PRRM Bataan. Balanga City. April 25, 2011

Evelyn Matias, DILG City Officer, Balanga City, May 19, 2011

Joer Grace De Mesa, City Budget Officer, Balanga City May 19, 2011

Elsa Ylagan, City, City Planning and Development Officer, Balanga City. May 19, 2011.

100: The city/municipal mayor provides a report regarding important issues, proposed and enacted policies, and the status of local public plans/programs at least once a year. The report is made in a public venue and/or published in a publicly available format. The report contains clear and specific information.

75: ..

50: The city/municipal mayor provides a report regarding important issues, proposed and enacted policies, and the status of local public plans/programs at least once a year, but the report is mainly provided to other government offices, such as the local legislature. Information released to the general public is more limited and incomplete.

25: ..

0: The city/municipal mayor does not provide such a report. A report may be submitted, but the lack of important details makes it meaningless.

66. In law, there is a separate branch/layer of government, such as the judiciary, provincial-level or national-level offices, that can review the actions of the mayors/vice-mayors/executive officials.

YES | NO

References:

Art. VIII, Sec. 1 1987 Constitution; Local Government Code Sec. 3.j; Art. XI, Sec. 1-2 1987 Constitution

Art. VIII, Sec. 1 1987 Constitution provides the power of the judiciary to determine whether there has been grave abuse of discretion of the government. LGC Sec 3.j provides that effective mechanisms be put in place to ensure accountability and quality of leadership at the local level. Art. XI, Sec. 1-2 1987 Constitution provides that public officers be held accountable for their actions.

YES: A YES score is earned if there is a formal process by which a branch/layer of government that is separate and distinct from the city/municipality (such as the judiciary, provincial-level or national-level offices) can pass judgments on the legality or constitutionality of actions taken by the city/municipal executive.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if any review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exemptions exist with respect to executive actions that are reviewable (a local security exemption, for example).

67. In practice, when necessary, the judiciary and/or the appropriate provincial-level or national-level government office reviews the actions of the mayors/vice-mayors/executive officials.

100 | 75 | 50 | 25 | 0

References:

Jose Enrique Garcia III, Mayor of Balanga City. May 19, 2011.

Rosell Fernandez, Program Coordinator, PRRM Bataan. Balanga City. April 25, 2011

Elsa Ylagan, City, City Planning and Development Officer, Balanga City. May 19, 2011.

Art. VIII, Sec. 1 1987 Constitution provides the power of the judiciary to determine whether there has been grave abuse of discretion of the government. LGC Sec 3.j provides that effective mechanisms be put in place to ensure accountability and quality of leadership at the local level. Art. XI, Sec. 1-2 1987 Constitution provides that public officers be held accountable for their actions.

Art. VIII, Sec. 1 1987 Constitution; Local Government Code Sec. 3.j; Art. XI, Sec. 1-2 1987 Constitution

100: When constitutional or legal questions or possible violations are raised, the judiciary and/or the appropriate provincial-level or national-level government offices are aggressive in reviewing executive actions and can void illegal or unconstitutional actions. These institutions are fair and nonpartisan in their application of this power.

75: ..

50: The judiciary and/or the appropriate provincial-level or national-level government offices will review executive actions, but is limited in its effectiveness. They may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce judgments.

25: ..

0: The judiciary and/or the appropriate provincial-level or national-level government offices do not effectively review city/municipal executive policy. These institutions may make judgments but not enforce them, or may fail to pass judgments on local executive abuses. They may be partisan in their application of power.

68. In practice, the mayor limits the use of executive orders for establishing new regulations, policies, or local government practices.

100 | 75 | 50 | 25 | 0

Comments:

The City Council are allied with the Mayor. They support what the mayor wants to do so easily they pass resolutions in support of the programs/projects of Mayor Garcia.

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: The mayor utilizes executive orders only when there is no constitutional or legal requirement for official legislative action or approval. Executive orders are limited in number and narrow in scope.

75: ..

50: The mayor sometimes relies on executive orders to implement policies and regulations opposed by the local council. Some executive orders are overly broad in scope and are designed to circumvent constitutional or legal requirements for legislative action or approval.

25: ..

0: The mayor routinely abuses executive orders to render the local council practically useless. Executive orders are the norm, not the exception, and directly contravene constitutional or legal requirements for legislative action or approval.

69. In law, the mayors/vice-mayors/other appointed non-civil service executive officials can be prosecuted for crimes they commit.

YES | NO

Comments:

Art II Sec 2 1987 Constitution provides that State shall maintain honesty and integrity. This means the State shall have positive and effective mechanisms to combat graft and corruption. RA9485 reiterates this need. Even Local Government Code Sec. 3.j ensures quality of leadership. Art. XI, Sec. 1-2 1987 Philippine Constitution provides that public officers be held accountable for their actions.

References:

Art II Sec 2 1987 Constitution; Anti Red Tape Act of 2007 (R.A. 9485); Local Government Code Sec. 3.j; Art. XI, Sec. 1-2 1987 Constitution

YES: A YES score is earned if the mayors/vice-mayors/other appointive non-civil service executive officials can be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if the mayors/vice-mayors/other appointive non-civil service executive officials cannot be investigated, charged or prosecuted for criminal allegations, or the executive branch controls whether investigative or prosecutorial immunity can be lifted.

70. In law, executive department heads can be prosecuted for crimes they commit.

YES | NO

Comments:

Art. XI, Sec. 1-2 1987 Philippine Constitution provides that public officers be held accountable for their actions. Grounds may include impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.

References:

Art. XI, Sec. 1-2 1987 Constitution

YES: A YES score is earned if executive department heads can all be investigated, charged or prosecuted for criminal allegations.

NO: A NO score is earned if any executive department heads cannot be investigated, charged or prosecuted for criminal allegations, or the executive branch controls whether investigative or prosecutorial immunity can be lifted.

71. In law, mayors and vice-mayors are required to file a regular asset disclosure form.

YES | NO

References:

Local Government Code Sec. 91

The law requires any officials and employees of the Local government to submit statement of assets and liabilities.

YES: A YES score is earned if the mayor and vice-mayor are all required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form need not be publicly available to score a YES.

NO: A NO score is earned if the mayor and vice-mayor are not required to disclose assets.

72. In law, there are regulations governing gifts and hospitality offered to the mayor, vice mayor, and other top executive officials (i.e., department heads) of the city/municipality executive branch.

YES | NO

Comments:

The law clearly states that one of the prohibited acts and transactions of civil servants is to solicit or accept, indirectly or directly any gift with connection to his or her function in the office. Exceptions, are however made in RA3019, were nominal gifts that are not given in anticipation of or exchange for a favor.

References:

Code of Conduct and Ethical Standards for Public Officials and Employees (RA6173) Sec 7d; Anti-Graft and Corruption Practices Act (RA3019) Sec. 3c; Presidential Decree 46

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality offered to members of the city/municipality executive branch of government.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts and hospitality offered to members of the city/municipality executive branch. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

73. In law, there are requirements for the independent auditing of the mayor's/vice-mayor's asset disclosure forms.

YES | **NO**

Comments:

There are no requirements for the independent auditing of the mayor's/vice-mayor's asset disclosure forms.

But when there are cases against the Mayor/Vice Mayor then their SALN (Statement of Assets, Liabilities and Network).

References:

Local Government Code Sec. 91

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of the mayor/vice-mayor asset disclosures. The auditing is performed by an impartial third-party. Random auditing also merits a YES score.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of mayor/vice-mayor asset disclosures or if such requirements exist but allow for self-auditing.

74. In law, there are regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of city/municipal executive officials.

YES | NO

Comments:

The law prohibits any act done for the personal gain of the civil/public servant. This includes accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination and entering into contracts on behalf of the government which may be disadvantageous with the latter.

References:

Anti-Graft and Corruption Practices Act (RA3019) Sec 3 (d,g)
Also the Ethical Standards for Public officials and Employees

YES: A YES score is earned if there are formal guidelines regulating the grant of public concessions (such as contracts for government projects or the procurement of goods and services) to family members and relatives of city/municipality executive officials.

NO: A NO score is earned if there are no such guidelines or regulations. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

75. In practice, the regulations governing gifts and hospitality offered to members of the city/municipality executive branch are effective.

100 | 75 | 50 | 25 | 0

Comments:

The city officials are also conscious that Mayor Garcia gave his cellphone number to the citizens. They can also use the Facebook to report to the Mayor any incidents of such.

The City Engineer admitted that sometimes contractor sends his Office food to his Office but he declines. He sends them back. He further said that he does not entertain people/clients at his house, instead advises them to transact at his Office instead.

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: The regulations governing gifts and hospitality to members of the city/municipality executive branch are enforced. Members of the city/municipality executive branch never or rarely accept gifts or hospitality above what is allowed.

75: ..

50: The regulations governing gifts and hospitality to members of the local executive branch are generally applied though exceptions exist. Some executive officials are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25: ..

0: The regulations governing gifts and hospitality to members of the city/municipality executive branch are routinely ignored and unenforced. Members of the executive branch routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

76. In practice, the regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of local executive officials are effective.

100 | 75 | 50 | 25 | 0

Comments:

Mayor Garcia said that he does not allow members of his family to transact with the Cityhall. This was emphasized as well by the City Treasurer and the City Engineer. That both of them felt no pressure coming from the Mayor in dealing with bidders.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

100: The regulations governing the grant of public concessions to family members and relatives of local executive officials are enforced. Firms owned by family members and relatives of local executive officials are never given public concessions.

75: ..

50: The regulations governing the grant of public concessions to family members and relatives of local executive officials are generally applied though exceptions exist. Some public concessions are known to have been granted to family members and relatives of local executive officials.

25: ..

0: The regulations governing the grant of public concessions to family members and relatives of local executive officials are routinely ignored and unenforced. Public concessions are routinely granted to family members and relatives of local executive officials.

77. In practice, asset disclosures of mayors and vice-mayors are audited.

100 | 75 | 50 | **25** | 0

Comments:

SALN of Mayor and Vice-Mayor are not regularly audited except when there are issues or allege scandals. It is expected that the Ombudsman should do the regular audit but they are not doing it.

Ms. Fernandez cannot recall any scandal raised against the incumbent Mayor.

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: The asset disclosures of city/municipality executive officials are subject to at least random auditing using generally accepted auditing practices.

75: ..

50: The asset disclosures of city/municipality executive officials are subject to random auditing, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25: ..

0: The asset disclosures of city/municipality executive officials are not audited, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

78. In law, citizens can access the asset disclosure records of the mayors and vice-mayors.

YES | **NO**

Comments:

It does not mean that even though officials are required to submit statements of assets and liabilities that it is open to the public. There should be a specific law that guarantees this right.

References:

Local Government Code Sec 91

YES: A YES score is earned if the mayors/vice-mayors file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for mayors and vice-mayors. A NO score is earned if the form is filed, but not available to the public.

79. In practice, citizens can access the asset disclosure records of the mayors/vice-mayors within a reasonable time period.

100 | **75** | 50 | 25 | 0

Comments:

The informant does not recall allegations of scandal by the Mayor so we cannot assess how many does it take. One thing sure is that this kind of information are not uploaded SALNs are usually submitted to the DILG provincial office and the Ombudsman.

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: Records are available on-line, or records can be obtained in 5 working days. Records are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

80. In practice, citizens can access the asset disclosure records of the mayors/vice-mayors at a reasonable cost.

Comments:

While the mayor and vice – mayor are required to submit their SALN, these are with the provincial DILG office. The city does not release documents without approval of the Mayor. Also during the interview there was no incident cited where such documents have been requested.

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to procure documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs/NGOs. A visit outside the city/municipality to provincial or regional offices may be necessary to procure documents.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs/NGOs trying to access this information.

3.2. Local Legislative Accountability

3.2. Local Legislative Accountability

80

81. In law, there is a separate branch/layer of government, such as the judiciary, provincial-level or national-level offices, that can review the laws passed by the city/municipal council.

YES | NO

Comments:

The provincial board reviews resolutions and ordinances passed by city council.

References:

Local Government Code of 1991

YES: A YES score is earned if there is a formal process by which a branch/layer of government that is separate and distinct from the city/municipality (such as the judiciary, provincial-level or national-level offices) can pass judgments on the legality or constitutionality of laws passed by the city/municipal council.

NO: A NO score is earned if no such mechanism exists. A NO score is earned if any review is vaguely established in law or regulation without formal procedures. A NO score is earned if general exceptions exist exempting certain legislative actions from being reviewed (a local security exemption, for example).

82. In practice, when necessary, the judiciary and/or the appropriate provincial-level or national-level government office reviews laws passed by the city/municipal council.

100 | 75 | 50 | 25 | 0

Comments:

The provincial board reviews resolutions passed by the city council

References:

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: When constitutional or legal questions or possible violations are raised, the judiciary and/or the appropriate provincial-level or national-level government offices are aggressive in reviewing laws passed by the city/municipal council, and can void illegal or unconstitutional actions. These institutions are fair and nonpartisan in their application of this power.

75: ..

50: The judiciary and/or the appropriate provincial-level or national-level government offices will review laws passed by the city/municipal council, but is limited in its effectiveness. They may be slow to act, unwilling to take on politically sensitive issues, or occasionally unable to enforce judgments.

25: ..

0: The judiciary and/or the appropriate provincial-level or national-level government offices do not effectively review laws passed by the city/municipal council. These institutions may make judgments but not enforce them, or may fail to pass judgments on local legislative abuses. They may be partisan in their application of power.

83. In law, the members of the city/municipal council are subject to criminal proceedings.

YES | NO

References:

Art. XI, Sec. 1-2 1987 Constitution

YES: A YES score is earned if all members of the city/municipal council can, in law, be investigated and prosecuted for criminal allegations.

NO: A NO score is earned if any member of the city/municipal council cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is also earned if the city/municipal legislative branch itself controls whether investigative or prosecutorial immunity can be lifted on members of the council.

84. In law, members of the city/municipal council are required to file an asset disclosure form.

YES | NO

Comments:

The law requires any officials and employees of the Local government to submit statement of assets and liabilities.

References:

Local Government Code Sec. 91; Local Government Code Sec 51

YES: A YES score is earned if all members of the city/municipal council are required by law to file an asset disclosure form while in office, illustrating sources of income, stock holdings, and other assets. This form does not need to be publicly available to score a YES.

NO: A NO score is earned if any member of the city/municipal council is not required to disclose assets.

85. In law, there are regulations governing gifts and hospitality offered to members of the city/municipal council.

YES | NO

References:

Code of Conduct and Ethical Standards for Public Officials and Employees (RA6173) Sec 7d; Anti-Graft and Corruption Practices Act (RA3019) Sec. 3c; Presidential Decree 46

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for members of the city/municipal council.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to members of the city/municipal council. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

86. In law, there are regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of the city/municipal council members.

YES | NO

Comments:

The law prohibits any act done for the personal gain of the civil/public servant. This includes accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination and entering into contracts on behalf of the government which may be disadvantageous with the latter.

References:

Anti-Graft and Corruption Practices Act (RA3019) Sec 3 (d,g)

YES: A YES score is earned if there are formal guidelines regulating the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of members of the city/municipal council.

NO: A NO score is earned if there are no such guidelines or regulations. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

87. In law, there are requirements for the independent auditing of the asset disclosure forms of members of the local council.

YES | NO

Comments:

There are no requirements for the independent auditing of the mayor's/vice-mayor's asset disclosure forms.

References:

Local Government Code Sec. 91

YES: A YES score is earned if there is a legal or regulatory requirement for independent auditing of local legislative branch asset disclosures. The auditing is performed by an impartial third-party. Random auditing also merits a YES score.

NO: A NO score is earned if there are no legal or regulatory requirements for the independent auditing of local legislative branch asset disclosures or if such requirements exist but allow for self-auditing.

88. In practice, the regulations governing gifts and hospitality offered to members of the city/municipal council are effective.

100 | 75 | 50 | 25 | 0

Comments:

While ethics law prohibits government officials from receiving gifts and the interviewees also do not recall any instances or scandals involving the receipt of gifts by city public officials.

References:

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: The regulations governing gifts and hospitality to members of the city/municipal council are enforced. Members of the council never or rarely accept gifts or hospitality above what is allowed.

75: ..

50: The regulations governing gifts and hospitality to members of the city/municipal council are generally applied though exceptions exist. Some members of the council are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25: ..

0: The regulations governing gifts and hospitality to members of the city/municipal council are routinely ignored and unenforced. Members of the council routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

89. In practice, the regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of city/municipal officials are effective.

100 | 75 | 50 | 25 | 0

Comments:

The three city officials emphasized that Pre-Bidding and Awards Committee are left to perform their tasks independently. They cited the case of bidding the Arcade commercial space where a professional organization (United Architects of the Philippines) was made member of the Task Force.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: The regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of members of the city/municipal council are enforced. Firms owned by family members and relatives of members of the council are never given public concessions.

75: ..

50: The regulations governing the grant of public concessions to family members and relatives of members of the city/municipal council are generally applied though exceptions exist. Some public concessions are known to have been granted to family members and relatives of members of the council.

25: ..

0: The regulations governing the grant of public concessions to family members and relatives of members of the city/municipal council are routinely ignored and unenforced. Public concessions are routinely granted to family members and relatives of members of the council.

90. In practice, city/municipality legislative branch asset disclosures are subject to at least random auditing.

Comments:

Just like the Mayor, auditing of SALN is left to the DILG and Ombudsman. But it is up to these offices when it is done, most often scrutiny happens when there are complaints or scandals.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: Asset disclosures of city/municipality legislative officials are subject to at least random auditing using generally accepted auditing practices.

75: ..

50: Asset disclosures of city/municipality legislative officials are subject to at least random auditing, but audits are limited in some way, such as using inadequate auditing standards, or the presence of exceptions to disclosed assets.

25: ..

0: Asset disclosures of city/municipality legislative officials are not subject to random auditing, or the audits performed have no value. Audits may be performed by entities known to be partisan or biased in their practices.

91. In law, citizens can access the asset disclosure records of members of the city/municipal council.

YES | NO

Comments:

In principle all public documents are accesible to the citizens, icnlduign SALN of members of the city council,

References:

Local Government Code Sec. 91; Local Government Code Sec 51
Code of Conduct and Ethical Standards for Public Officials and Employees (RA6173) Sec 7d; Anti-Graft and Corruption Practices Act (RA3019) Sec. 3c; Presidential Decree 46

YES: A YES score is earned if members of the city/municipal council file an asset disclosure form that is, in law, accessible to the public (individuals, civil society groups or journalists).

NO: A NO score is earned if there is no asset disclosure for members of the city/municipal council. A NO score is earned if the form is filed, but not available to the public.

92. In practice, citizens can access asset disclosure records of city/municipal council members within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

They are not available on-line.

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: Records are available on-line, or records can be obtained in 5 working days. Records are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

93. In practice, citizens can access asset disclosure records of local council members at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

94. In law, citizens are allowed access to city/municipal legislative decisions/agenda and the local development plan.

YES | NO

Comments:

The law provides that the Local Council keep a journal of all their sessions but it does not require Local government to proactively disseminate. The citizens do not have a legal right to access it since the Local Council would need to pass a resolution if they wish to publish the sessions.

References:

Local Government Code Sec 52 e

YES: A YES score is earned if there is a general legal right to access records of legislative proceedings/decisions/ agenda including voting records and the city/municipality development plan. A YES score can still be given if there are formal rules for specific exemptions to the right to disclosure (special secret sessions related to city/municipal security).

NO: A NO score is earned if there is no general right to access documents recording legislative proceedings/decisions/agenda. A NO score is earned if there exemptions to the general right that are not clearly defined by formal rules.

95. In practice, citizens can access records of legislative processes and documents within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

They are available but not on-line.

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: Records are available on-line, or records can be obtained in 5 working days. Records are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

96. In practice, citizens can access records of legislative processes and documents at a reasonable cost.

References:

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
 Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

80
3.3. Barangay Accountability

3.3. Barangay Accountability

91

97. In law, elected barangay officials can be held accountable for administrative misconducts, criminal, and/or civil actions.

YES | NO

References:

e.g., Anti Red Tape Act of 2007 (R.A. 9485); Local Government Code Sec. 3.b./3.j.; Local Government Code Sec. 77; Art. XI, Sec. 1-2 1987 Constitution

YES: A YES score is earned if barangay officials can, in law, be investigated and prosecuted for criminal allegations. A YES score is earned if there is a legal framework that provides a guideline for the procedure of preventive suspensions.

NO: A NO score is earned if any barangay official cannot, in law, be investigated and prosecuted for criminal proceedings. A NO score is earned if there is no legal framework that provides a guideline for the procedure of preventive suspensions.

98. In law, citizens can file complaints against erring barangay officials within a reasonable period.

YES | NO

References:

e.g., Anti Red Tape Act of 2007 (R.A. 9485); Local Government Code Sec. 3.b./3.j.; Local Government Code Sec. 77

YES: A YES score is earned if there are formal guidelines and procedures that includes a period to direct citizens who wish to file a complaint against a barangay official.

NO: A NO score is earned is there are no formal guidelines and procedures to direct citizens who wish to file a complaint against a barangay official. A NO score is earned if such guidelines exist but do not provide a period for filing of complaints.

99. In practice, citizens are given appropriate information in filing administrative complaints against elected barangay officials.

100 | 75 | 50 | 25 | 0

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

100: Information about filing complaints are available online or in the city/municipal hall. Citizens are accommodated and are responded to professionally whenever they inquire about filing administrative complaints. Information given are useful and complete.

75: ..

50: Citizens encounter difficulties in obtaining information about filing an administrative complaint but are accommodated and responded professionally by city/municipal hall employees and officers.

25: ..

0: Citizens are not made aware of the process of filing administrative complaints and are not accommodated at all whenever they ask city/municipal hall employees and officers.

100. In law, barangay council sessions are open to the public.

YES | NO

References:

e.g., Anti Red Tape Act of 2007 (R.A. 9485); Local Government Code Sec. 3.b./3.j.;

YES: A YES score is earned if there is a law that assures the right of the citizens to have access to barangay council sessions. A YES score can still be earned if the law allows for exceptions which are minimal and clearly stated.

NO: A NO score is earned if there is no law that assures the right of the citizens to have access to barangay council sessions.

101. In law, the barangay council has a journal and records of proceedings which is published.

YES | NO

References:

e.g., Anti Red Tape Act of 2007 (R.A. 9485); Local Government Code Sec. 3.b./3.j.;

YES: A YES score is earned if there is a legal requirement for the barangay council to have a journal and records of proceedings. A YES score may still be earned if citizens do not have access to this published journal.

NO: A NO score is earned if there is no legal requirement for the barangay council to have a journal and records of proceedings.

102. In practice, citizens can access public barangay documents within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Not yet on-line but can be accessed and photocopied

References:

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: Public documents are available on-line, or public documents can be obtained in 5 working days. Public documents are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. Security exemptions may be abused to avoid disclosure of information.

103. In practice, citizens can access public barangay documents at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Citizens pay Photocopying cost.

References:

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: Records are free to all citizens, or available for the cost of photocopying. Records can be obtained at no/minimal cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs/NGOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs/NGOs trying to access this information.

104. In practice, citizens may attend barangay assemblies and participate in discussions.

100 | 75 | 50 | 25 | 0

Comments:

Twice every year that DILG requires conduct of Barangay Assemblies where the citizens are encouraged to attend.

Also Balanga ha the Barangay week where they can talk with the city officials.

References:

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

100: The barangay council regularly holds assemblies that are open to citizens. Assemblies are conducted at a time and in a place so that it is reasonably convenient for citizens to attend. Assemblies allow for open discussions with citizens.

75: ..

50: The barangay council holds assemblies, but attendance of citizens is somewhat constrained by choice of time and place. There is some discussion involving citizens, but certain issues important to citizens are not considered.

25: ..

0: The barangay council rarely or never holds assemblies. When barangay assemblies are held, they are for dissemination of decisions or announcements, and not for open discussions of local issues.

Category 4. Local Fiscal Processes

4.1. Local Budget Processes

4.1. Local Budget Processes

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105. In law, the city/municipal government is required to proactively disclose the following key budget information to the public: the executive's budget proposal.

YES | **NO**

References:

Sec. 318 of the Local Government Code requires the local chief executive to submit an executive budget proposal to the Sanggunian. However, there is no requirement in the law for the budget proposal to be made accessible to the public.

YES: A YES score is earned if there is a requirement, under law or regulation, for the city/municipal government to publish an executive budget summary that presents the government's detailed declaration of the policies and priorities it intends to pursue in the upcoming budget year, including the specific allocations to be made to each city/municipal department or agency.

NO: A NO score is earned if no such requirement exists.

106. In law, the city/municipal government is required to proactively disclose the following key budget information to the public: the enacted budget.

YES | NO

References:

Sec. 318 of the Local Government Code requires the local chief executive to submit an executive budget proposal to the Sanggunian. Recently with DILG MC 2010 -083 it is now mandated that the enacted budget passed by the Sanggunian will be disclosed to the public.

YES: A YES score is earned if there is a requirement, under law or regulation, for the city/municipal government to publish the legal document that authorizes the executive to implement the policy measures the budget contains. The enacted budget is issued by the city/municipal council after it approves the budget proposal presented to it by the executive.

NO: A NO score is earned if no such requirement exists.

107. In law, the city/municipal government is required to proactively disclose the following key budget information to the public: In-year budget reports.

YES | NO

Comments:

The law requires the local chief executive to publicly disclose the Annual Budget.

References:

Memorandum Circular 2010-83

[www.cityof balanga.gov.ph](http://www.cityofbalanga.gov.ph)

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City Hall

YES: A YES score is earned if there is a requirement, under law or regulation, for the city/municipal executive to publish any in-year budget report. These could be monthly or quarterly revenues collected, expenditures made, and debt incurred.

NO: A NO score is earned if no such requirement exists.

108. In law, the city/municipal government is required to proactively disclose the following key budget information to the public: End-of-year budget report.

YES | NO

Comments:

The law requires the Local Finance Committee to conduct a semi-annual review and general examination of costs and accomplishments in undertaking development projects. The resulting report shall be posted in conspicuous and publicly accessible places.

The local chief executive is required to submit an annual report on or before March 31. The annual report should include reports on the budgetary and financial transactions of the LGU in the preceding year.

Department of Finance also require LGUS to post Revenue collection and expenses on their websites.

References:

Local Government Code Sec. 316 (h); IRR of the LGC Art. 412 (h)
Memorandum Circular 2010-83
Local Government Code Sec. 97; IRR of the LGC Art. 189, 190 (e)

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

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YES: A YES score is earned if there is a requirement, under law or regulation, for the city/municipal executive to publish an end-of-year report summarizing the financial situation at the end of the fiscal year. This report should include an update on progress made in achieving the policy goals of the enacted budget.

NO: A NO score is earned if no such requirement exists.

109. In law, the city/municipal government is required to proactively disclose the following key budget information to the public: A "citizen's budget" or other form of easy to understand budget summary.

YES | **NO**

Comments:

While there is no requirement for budget to be translated into less technical format for citizens to easily understand, the city government has been undertaking mechanisms to provide information to the public about the budget such as :
A number of means in disseminating information:

1. Barangay Week where the entire offices at the Cityhall will be going in the different and attend to the needs of the people there for a week
2. Through the barangay captains who are required to attend flag raising ceremony every Monday
3. Website where the one can find basic revenue collection data as well as expenses on projects as required by numerous DOF and DILG guidelines
4. Bulletin Boards at the Cityhall and Barangay halls
5. Through the Facebook of the Mayor

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

YES: A YES score is earned if there is a requirement, under law or regulation, for the city/municipal government to publish a "citizen's budget" or other simplified versions of the budget that are easily accessible for a broad audience. This may include an oral presentation in a public medium, such as the radio.

NO: A NO score is earned if no such requirement exists.

110. In law, the city/municipal government is required to proactively disclose the following key budget information to the public: Audit reports assessing the city/municipal budget.

YES | NO

Comments:

Although there is no law specific to requiring audit reports to be publicly accessible, the clause in the Constitution may be enough to warrant this a 100. Financial Annual reports, including from those of the LGUs' can also be downloaded from the COA website.

The COA also publish these reports in major newspapers (though abridged version)

References:

Constitution, Article II, Section 28; and Article III, Section 7

YES: A YES score is earned if there is a requirement, under law or regulation, for the city/municipal government to publish regularly updated audit reports covering the city/municipal budget. These audit reports are performed by governmental entities independent from the city/municipal executive and cover all activities undertaken by the executive.

NO: A NO score is earned if no such requirement exists.

111. In practice, the city/municipal government makes the following key budget information available in a timely and updated manner:

YES | NO

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

YES: A YES score is earned if the city/municipal government publishes an executive budget summary that presents the government's detailed declaration of the policies and priorities it intends to pursue in the upcoming budget year, including the specific allocations to be made to each city/municipal department or agency.

NO: A NO score is earned if no executive budget proposal is published, or if the information is so vague or outdated as to render it meaningless.

112. In practice, the city/municipal government makes the following key budget information available in a timely and updated manner: the enacted budget.

YES | NO

Comments:

Although not the entire budget because it is too thick. Information found in the website are related more on infrastructure and social projects.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

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YES: A YES score is earned if the city/municipal government publishes the legal document that authorizes the executive to implement the policy measures the budget contains. The enacted budget is issued by the city/municipal council after it approves the budget proposal presented to it by the executive.

NO: A NO score is earned if no enacted budget is published, or if the information is so vague or outdated as to render it meaningless.

113. In practice, the city/municipal government makes the following key budget information available in a timely and updated manner: In-year budget reports.

YES | NO

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.
Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

www.cityofbalanga.gov.ph

YES: A YES score is earned if the city/municipal executive publishes any in-year budget report. These could be monthly or quarterly revenues collected, expenditures made, and debt incurred.

NO: A NO score is earned if no in-year budget reports are published, or if the information is so vague or outdated as to render it meaningless.

114. In practice, the city/municipal government makes the following key budget information available in a timely and updated manner: End-of-year budget report.

YES | NO

Comments:

During the interviews it was emphasized by the City officials that they follow, what DOF, DILG, COA and Provincial Treasurer reporting requirements are for in-year, mid-year and end-year finance reports. These offices issue specific guidelines for cities and municipalities and barangays.

The City also make use of website, bulletin board in the cityhall and for each barangay the barangay halls (for projects located in their own barangay).

The city Treasurer, Accountant and Budget Officer in their separate interviews are using the New Government Accounting System

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

YES: A YES score is earned if the city/municipal executive publishes an end-of-year report summarizing the financial situation at the end of the fiscal year. This report should include an update on progress made in achieving the policy goals of the enacted budget.

NO: A NO score is earned if no end-of-year budget reports are published, or if the information is so vague or outdated as to render it meaningless.

115. In practice, the city/municipal government makes the following key budget information available in a timely and updated manner: A "citizen's budget" or other form of easy to understand budget summary.

YES | NO

Comments:

Specially on infra and social projects, the city officials make adequate reports to the people through:

Website
State of the City Address
barangay week
Flag Ceremony

I asked the City Budget Officer if there are citizens or students who come to her office and access a copy of the city budget, Ms. De Mesa replied that there was none. Although she acknowledged that aside from the barangay week there is not much opportunity for ordinary citizens to make inputs on the budget. What happens, she says, is that the people inform their barangay officials on their needs/demands and the barangay officials are the ones who will relay it to the Mayor and city Council. Also during the budget hearing CSO representatives were not invited.

References:

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.
Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

YES: A YES score is earned if the city/municipal government publishes a "citizen's budget" or other simplified versions of the budget that are easily accessible for a broad audience. This may include an oral presentation in a public medium, such as the radio.

NO: A NO score is earned if no "citizen's budget" or equivalent documents are published, or if the information is so vague or outdated as to render it meaningless.

116. In practice, the city/municipal government makes the following key budget information available in a timely and updated manner: Audit reports assessing the city/municipal budget.

YES | **NO**

Comments:

For year 2010 the audited financial report by COA was not yet finalized at the time of the interview. However it was emphasized to me that getting a copy of the audited financial report would require approval of the city Mayor. The city officials said they would provide information requested by any citizen only when there is go signal from the Mayor.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

YES: A YES score is earned if the city/municipal government publishes regularly updated audit reports covering the city/municipal budget. These audit reports are performed by governmental entities independent from the city/municipal executive and cover all activities undertaken by the executive.

NO: A NO score is earned if no audit reports are published, or if the information is so vague or outdated as to render it meaningless.

117. In practice, citizens can access budget documents within a reasonable time period.

100 | 75 | **50** | 25 | 0

Comments:

Request for more detailed information specially on finance information need approval of the Mayor.

References:

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: Budget documents are available on-line, or can be obtained in 5 working days. Budget documents are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced.

25: ..

0: Records take more than two weeks to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records. Security exemptions may be abused to avoid disclosure of information.

118. In practice, citizens can access budget documents at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

While the basic information can be accessed through the website, the more detailed information require approval of the Mayor. The City Officials are very conscious not to provide information that are considered 'sensitive' because they can be use politically.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.
Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: Budget documents are free to all citizens, or available for the cost of photocopying. Records can be obtained at no/minimal cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs/NGOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving records imposes a major financial burden on citizens. Records costs are prohibitive to most citizens, journalists, or CSOs/NGOs trying to access this information.

119. In practice, the citizens have access to information about the budget formulation process in the city/municipality.

100 | 75 | 50 | 25 | 0

Comments:

They all said that consultation is done through the Barangay Week and the conversations of the Barangay officials to the Mayor.

The City Budget Officer emphasized that CSO participation is not generated because they don't understand the process and it might confuse them if immediately involved in the budget preparation. Anyway, she says, the mator talks with the brgay officials and the people can also send sms via cellphone of send message via Facebook to the Mayor.

They also do not recall inviting NGOs as resource person during budget deliberations.

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: Budget debates are public and records of these proceedings are easily accessible. Authors of individual budget items can easily be identified. Nearly all budget negotiations are conducted in these official proceedings.

75: ..

50: There is a formal, transparent process for budget debate, but major budget modifications may be negotiated in separate, closed sessions. Some items may be negotiated in closed sessions. Authors of individual line items may be difficult to identify.

25: ..

0: Budget negotiations are effectively closed to the public. There may be a formal, transparent process, but most real discussions and debates happen in other, closed settings.

120. In law, citizens have the right to participate and provide input into city/municipal budget debates and discussions.

YES | **NO**

References:

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

YES: A YES score is earned if there is a law that guarantees the right of the citizens to participate and provide input into city/municipal budget deliberations.

NO: A NO score is earned if there is no such law.

121. In practice, citizens' input in budget hearings are considered in the review of the budget allocation plan.

100 | 75 | 50 | 25 | **0**

Comments:

It was said that during budget deliberations CSOs were not invited. They are not part of the City Council. The Budget officer also said that sometimes CSOs participation in deliberations confuses the public because discussion points are interpreted as the final decision even if the actual budget is yet to be passed.

Citizens input to budget process is through their barangay officials and the Mayor.

References:

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

100: Citizens in the city/municipality, usually acting through CSOs, can provide information or commentary to the budget debate through a formal process. This information is essential to the process of evaluating budget priorities.

75: ..

50: Citizens in the city/municipality or CSOs can provide input, but this information is often not relevant to budget decisions.

25: ..

0: Citizens in the city/municipality or CSOs have no formal access to provide input to the budget debate.

122. In law, the national government provides the city/municipal government with their planned allocation of national wealth within a given period.

YES | NO

References:

IRR of the LGC , Art. 409

It is clearly stated in the law that DBM, NGAs and GOCCs concerned provide budget preparations and allocations of national wealth LGUs not later than 15th of June.

YES: A YES score is earned if the city/municipal government receives a planned allocation of national wealth from the national government as a reference to the budgetary planning of the local government.

NO: A NO score is earned if the national government is not required to provide a planned allocation of national wealth to the city/municipal government. A NO score is earned if such is given, but not within the period of local budgetary planning.

123. In practice, the city/municipal government receives its share of funds from the national government without delay.

100 | 75 | 50 | 25 | 0

Comments:

Since 2009 IRA are released regularly and was expedited under Pres. Aquino administration after DOF and DBM introduced reforms. This year the city has 255 million IRA share which is 62% of their budget.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: The city/municipal government generally receives its share of funds from the national government in a timely manner, so that the implementation of local projects is not delayed.

75: ..

50: There is some delay in the receipt of funds from the national government. The implementation of some local projects gets delayed as a result.

25: ..

0: The national government regularly withholds releases of city/municipal government funds.

124. In practice, citizens can access information about the transfer of funds from the national to the city/municipality level at a reasonable period.

100 | 75 | 50 | 25 | 0

Comments:

Mayor approves release of information.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: Information about transfer of funds are available on-line, or can be obtained in 5 working days. Information about transfer of funds are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Information about transfer of funds takes more than 5 working days to obtain. Some delays may be experienced.

25: ..

0: Information about transfer of funds takes more than 10 working days to acquire. In some cases, information may be available sooner, but there may be persistent delays in obtaining politically sensitive information about transfer of funds.

125. In practice, citizens can access information about the transfer of funds from the national to the city/municipality level at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Information about transfer of funds are free to all citizens, or available for the cost of photocopying. Information about transfer of funds can be obtained at little cost, such as by mail, or on-line. A visit to city/municipal offices may be necessary to obtain the information.

75: ..

50: Information about transfer of funds impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving information about transfer of funds imposes a major financial burden on citizens. Costs for retrieving information about transfer of funds are prohibitive to most citizens, journalists, or CSOs trying to access this information.

126. In practice, there is a city/municipality Finance Committee responsible for assisting and giving recommendations to the mayor regarding budgetary allocations.

100 | 75 | 50 | 25 | 0

Comments:

Yes, there is an existing City Finance Committee that assists and gives recommendations to the City Mayor regarding budgetary allocations. The committee is composed of the City Budget Officer, City Accountant, City Treasurer, City Planning and Development officer and the City Engineer.

There is also a City Development Council headed by the Mayor which presents budgetary allocations to all the Barangay Captains demonstrating the Mayor's determination to promote transparency.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City

Myrna Roman, City Accountant, May 19, 2011, Balanga City

Allan Paul Torres, Secretary to the City Administrator, Local Government Unit Balanga, <http://cityofbalanga.gov.ph/governance/city-departments/city-planning-and-development-office-cpdo>

Beth Calata, Zoning, City Planning and Development Office (CPDO), 5 September 2012, Balanga City

100: There is a fully-functioning Local Finance Committee formed to assist and recommend changes in the budgetary allocations to the local chief executive. The recommendations of the Local Finance Committee are fully considered by the city/municipal mayor and the city/municipal council during budget deliberations.

75: ..

50: There is a Local Finance Committee formed to assist and recommend changes in the budgetary allocations to the city/municipal mayor, but their recommendations are sometimes ignored.

25: ..

0: There is no Local Finance Committee in the local government responsible for assisting and making recommendations in the budget allocation to the city/municipal mayor, or such a body exists but is not allowed to assist and make recommendations.

127. In law, the city/municipal council can amend the budget proposed by the city/municipal mayor.

YES | NO

Comments:

The law contains provisions for review and advise any necessary amendments to the local chief executive. Changes are to be authorized by the Sanggunian. However, the local Sanggunian cannot increase the proposed amount in the executive budget or add new items with the exception for statutory and contractual obligations. Further changes in the annual budget can be done through supplemental budgets.

References:

Local Government Code Sec. 321; IRR of the LGC, Art. 415, 417

YES: A YES score is earned if the city/municipal council has the power to see the proposed budget and amend it if necessary.

NO: A NO score is earned if the city/municipal council has no such power.

128. In law, budget authorization is done by the city/municipal legislative body.

YES | NO

Comments:

The law clearly mandates the legislative council to authorize budget plan on or before the end of the current fiscal year . In cases where the council fails, the authorized appropriations of the preceding year is reenacted. This implies that it is imperative that it is the legislative council who authorizes the budget.

References:

Local Government Code Sec. 319; IRR of the LGC, Art. 415, Sec. a

YES: A YES score is earned if the law mandates that budget authorization be done by the city/municipal legislative body.

NO: A NO score is earned if budget authorization is not done by the city/municipal legislative body.

129. In practice, the city/municipal budget is enacted after deliberations by the city/municipal council where members are able to discuss proposed amendments.

100 | 75 | 50 | 25 | 0

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: The budget proposal is submitted by the city/municipal mayor to the local legislative body with adequate time for council deliberations. Members of the city/municipal council are able to amend the proposed budget if necessary.

75: ..

50: The city/municipal council is able to conduct some deliberations on the budget proposed by the city/municipal mayor, but there are constraints to these discussions. The budget proposal may not have been submitted early enough, or portions of the budget proposal are not open for discussions.

25: ..

0: City/municipal council deliberations on the budget proposed by the city/municipal mayor are largely constrained. The city/municipal council is unable to propose amendments to the budget if necessary.

130. In law, the mayor has the power to veto ordinance/s of the city/municipal council with budgetary implications.

YES | **NO**

Comments:

The law clearly stipulates the veto power of the local chief executive in cases wherein the ordinance is “prejudicial” to public welfare. Such veto should be supported by a written explanation.

References:

Local Government Code Sec. 55; IRR of the LGC Art. 415, (b)

YES: A YES score is earned if the mayor has the mandate to veto ordinances of the city/municipal council with budgetary implications.

NO: A NO score is earned if the city/municipality does not provide powers to the mayor to veto ordinances of the legislative council.

4.2. Local Procurement

4.2. Local Procurement

98

131. In law, procurement rules in the city/municipality are available to the general public.

YES | NO

Comments:

The law guarantees transparency in the procurement process and implementation of procurement contracts. It also ensures public monitoring of procurement process. Art. IV Sec. 10 ensures that all procurement shall be done through competitive bidding. Moreover, MC2010-83 requires the Local Chief Executive to post an annual procurement plan including invitation to bid are posted in conspicuous places e.g. web, print for public viewing.

References:

Government Procurement reform Act (RA 9184) Art 1, Sec. 3 a,e.; Art. IV Sec. 10.; Memorandum Circular 2010-83

YES: A YES score is earned if procurement rules are, by law, open to the public. These regulations are defined here as the rules governing the competitive procurement process.

NO: A NO score is earned if procurement rules are officially secret for any reason or if there are no procurement rules.

132. In law, the call for bids is required to be extensively publicized within a reasonable period before the actual bidding commences.

YES | NO

Comments:

It is included in the functions of the BAC to advertise or post invitations to bid. To make sure that the call for bids is extensively publicized, the law requires a pre-procurement conference prior to invitations of bid.. Sec. 21 ensures the widest possible dissemination of bidding information. The Office of the Ombudsman also requires LGUs to post their procurement schedule in conspicuous places.

References:

Government Procurement reform Act (RA 9184) Art. V Sec. 12; Article VII, Sec. 20-22; Local Government Code Sec. 362; IRR of the LGC Art. 433 (a,b); Memorandum Circular 2010-83; Memorandum Circular 2011-01

YES: A YES score is earned if the city/municipal government is required to publicly post or announce the call for bids. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the city/municipal government to publicly announce call for bids.

133. In law, the results of the bidding are required to be made public.

YES | NO

References:

Local Government Code Sec. 364; IRR of the LGC Art. 436 (f); Memorandum Circular 2010-83

The law requires the results of the bidding to be posted in the city/municipal/barangay hall. MC2010-83 requires the Local Chief Executive to post Bid Results on Civil Works and Goods and services in conspicuous places including print and other forms of media.

YES: A YES score is earned if the city/municipal government is required to publicly post or announce the results of the public procurement process. This can be done through major media outlets or on a publicly-accessible government register or log.

NO: A NO score is earned if there is no requirement for the city/municipal government to publicly announce the results of the public procurement process.

134. In practice, citizens can access public procurement records (including regulations and results) within a reasonable time period.

100 | 75 | 50 | 25 | 0

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: Procurement records are available on-line, or procurement records can be obtained in 5 working days. Procurement records are uniformly available; there are no delays for politically sensitive information. These procurement records are defined here as the rules governing the competitive procurement process, as well as the results of public bidding.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

135. In practice, citizens can access public procurement records (including regulations and results) at a reasonable cost.

100 | 75 | 50 | 25 | 0

Comments:

Bidders have to buy it. Non-participants to the bidding cannot access it.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: Procurement records are free to all citizens, or available for the cost of photocopying. Procurement records can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents. These procurement records are defined here as the rules governing the competitive procurement process, as well as the results of public bidding.

75: ..

50: Procurement records impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving procurement records imposes a major financial burden on citizens. Procurement records costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

136. In law, bids called by the city general services officer/municipal treasurer are made open for public competition.

YES | NO

References:

Government Procurement reform Act (RA 9184) Article I Sec. 3 (b); Art. IV Sec. 10; Local Government Code Sec. 366; IRR of the LGC , Art 429, 433.

Bidding is open for public competition except for cases of alternative bidding and procurement without bidding. Exceptions come with clear justifications (as in indicator 38e).

YES: A YES score is earned if the procurement process is based on open public competition. A YES score is still earned if there are a few exceptions to competitive procurement processes, so long as these are minimal and there are clear guidelines covering these exceptions.

NO: A NO score is earned if the procurement process is not based on open public competition.

137. In law, the city/municipality Bids and Awards Committee exercises the exclusive jurisdiction in deciding who the winner of the bidding is.

YES | NO

Comments:

BAC is duly authorized to decide who the winning bidder is. It can recommend award of contracts to the Head of Procuring entity of his duly authorized representative except for some cases of alternative bidding or procurement without bidding.

References:

Government Procurement reform Act (RA 9184) Art. V Sec 12; Art. XI Sec. 37; Local Government Code Sec. 364; IRR of the LGC Art. 435 (a)

YES: A YES score is earned if the winning bidder is chosen by the city/municipality Bids and Awards Committee and the decision is free from any external influence.

NO: A NO score is earned if the winning bidder is chosen by another body. A NO score is earned if the city/municipality Bids and Awards Committee decides who the winning bidder is, but is influenced by other bodies.

138. In law, companies guilty of major violations of procurement regulations (i.e. bribery) are prohibited from participating in future procurement bids.

YES | NO

References:

Government Procurement reform Act (RA 9184) Art. XXIII Sec. 69

YES: A YES score is earned if there are formal procurement blacklists, designed to prevent convicted companies from doing business with the government.

NO: A NO score is earned if no such process exists.

139. In law, the losing bidder can file a protest against the decision of the Bids and Awards Committee within a reasonable period.

YES | NO

References:

Government Procurement reform Act (RA 9184) Art. XVII Sec. 55; IRR of the LGC Art. 436 (g)

A formal appeals mechanism exists in the law in all stages of procurement process whereby the losing bidder submits a verified position paper and pays a non-refundable protest fee. Timeframe can be found in the LGC.

YES: A YES score is earned if there is a formal appeals process for unsuccessful bidders.

NO: A NO score is earned if no such process exists.

140. In law, procurement without public bidding can only be made on justifiable grounds.

YES | NO

References:

Government Procurement reform Act (RA 9184) Art. XVI Sec. 48-54; Local Government Code Sec. 366; IRR of the LGC Art. 437 (a-e).

Both RA 9184 and the LGC provide clear guidelines as to what kinds of procurement can be made without public bidding.

YES: A YES score is earned if procurement without bidding is regulated by the grounds of procurement through personal canvass, emergency purchase, negotiated purchase, procurement from duly licensed manufacturers, exclusive Philippine agents or distributors and government entities.

NO: A NO score is earned if procurement without bidding is not regulated by the grounds of procurement through personal canvass, emergency purchase, negotiated purchase, procurement from duly licensed manufacturers, exclusive Philippine agents or distributors and government entities.

141. In law, there is mandatory training for public procurement officials.

YES | NO

Comments:

It is indicated in the law that trainings are "sustained" which means that there is a requirement for the professionalization of procurement personnel. Rule XX of the IRR requires the Government Procurement Policy Board to establish a sustainable program for the procurement officers and employees, and to make sure that regular trainings are held.

References:

Government Procurement reform Act (RA 9184) Art. V Sec. 16; IRR of RA 9184 Rule XX, Sec. 63.

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

142. In practice, major procurement projects in the city/municipality level are effectively advertised.

100 | 75 | 50 | 25 | 0

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Joer Grace De Mesa, City Budget Officer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

75: ..

50: There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

25: ..

0: There is no formal process of advertising major public procurements or the process is superficial and ineffective.

143. In law, there is an oversight agency that examines city/municipality public procurement processes and results.

YES | NO

References:

Local Government Code Sec. 383; IRR of RA 9184; Memorandum Agreement between the Office of the Ombudsman and the PSLINK.

The LGC mandates COA to promulgate rules and regulations for the effective implementation of the provisions of the LGC, including requirements for testing, inspection and standardization of supply and property. Moreover, the Office of the Ombudsman and PSLINK signed a MOA last April 10, 2010 where PSLINK will act as BAC observers and monitor of procurement proceedings. They are to submit a feedback in line with RA 9184.

YES: A YES score is earned if there exists an oversight agency, whether at the national or local level, to examine city/municipality public procurement processes and results, including adherence to procurement guidelines.

NO: A NO score is earned if no such body exists. A NO score is earned if such body exists but does not implement public procurement policies.

144. In practice, the oversight agency that examines city/municipality public procurement processes and results is effective.

100 | 75 | 50 | 25 | 0

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Myrna Roman, City Accountant, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: The oversight agency that examines city/municipality public procurement processes and results is able to produce reports in a timely manner. Its findings prompt the appropriate corrective action.

75: ..

50: In most cases, oversight agency reports are acted on, though some exceptions may occur.

25: ..

0: Oversight agency reports are often ignored, and do not lead to corrective action of public procurement processes and results.

98 4.3. Local Audit

4.3. Local Audit

78

145. In law, there is a Commission on Audit that audits all accounts of the city/municipality including government revenues and expenditures.

YES | NO

Comments:

The law clearly states the responsibilities of the COA including disallowance of expenditures or uses of government funds and properties found to be illegal, irregular, unnecessary, excessive, extravagant or unconscionable and Audit of the books, records and accounts of public utilities as provided by law. The local government is included in the jurisdiction of COA. The LGC mandates the COA or any of its duly authorized representatives to inspect books, account papers, and cash of local treasurer, accountant, budget officer or other accountable officers.

References:

2009 Revised Rules and Procedures of the Commission on Audit Rule II, Sec. 1,3 & 5; Local Government Code Sec. 348.

YES: A YES score is earned if there is a Commission on Audit whose primary mandate is to audit and track the movement of money through the city/municipality. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

146. In law, the Commission on Audit is protected from political interference.

YES | NO

Comments:

The law provides COA with the exclusive authority to define the scope of its audit and examinations, establish the techniques and methods required therefor, and promulgate accounting and auditing rules and regulations. It also gives the auditor complete independence guided by applicable laws in auditing, accounting and preparation of audit and financial reports.

References:

1987 Philippine Constitution Art. IX-D; 2009 Revised Rules and Procedures of the Commission on Audit Rule II, Sec. 1

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government department or agency, such as the Department of Interior or the Justice Department.

147. In practice, audit institution personnel assigned at the city/municipality level are free from political interference by city/municipality government officials.

100 | 75 | 50 | 25 | 0

Comments:

During the interview it was admitted that some feedback/comments by COA on the city financial were not addressed yet. An example cited was the determination of the assets of each barangay in the city.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Local audit personnel are generally known to be independent of city/municipality government officials. Regulations exist that prevent the city/municipality personnel from colluding with local government officials. When such collusions are proven, local audit personnel are appropriately sanctioned.

75: ..

50: Local audit personnel are generally known to be independent of city/municipality government officials, but some personal relations may exist. Regulations exist that prevent city/municipality local audit personnel from colluding with local government officials. There is some difficulty in sanctioning local audit personnel for inappropriate actions.

25: ..

0: Local audit personnel are known to have close personal relations with city/municipality government officials. City/municipality audit personnel do not produce audit reports regularly, or audit reports contain missing documents.

148. In practice, the Commission on Audit is able to make recommendations to improve the effectiveness of the city/municipality.

100 | 75 | 50 | 25 | 0

Comments:

COA has strict auditing rules although respondent said that one problem is the city does not have yet the electronic government accounting system.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: Audit agency reports are taken seriously by the city/municipal government, with negative findings drawing prompt corrective action.

75: ..

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25: ..

0: Audit reports are often ignored by the city/municipal government, or given superficial attention. Audit reports do not lead to policy changes.

149. In practice, the Commission on Audit is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

Comments:

Aside from regular annual audit reports, the interviewees did not cite any independent audit investigations initiated by COA. In the absence of case that such have been made i opted to give 'in between' score.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: The audit agency can control the timing and pace of its investigations without any input from the executive or legislative bodies in the city/municipality.

75: ..

50: The audit agency can generally decide what to investigate, and when, but is subject to pressure from the executive or legislative bodies in the city/municipality on politically sensitive issues.

25: ..

0: The audit agency must rely on approval from the executive or legislative bodies in the city/municipality before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

150. In practice, the Commission on Audit submits and publishes audit reports within the required time period.

100 | 75 | **50** | 25 | 0

Comments:

COA takes time to issue audit reports to the public. Audit report on 2010 is not yet finalized as of the time of the interview.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75: ..

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25: ..

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

151. In law, citizens can access reports of the audit agency.

YES | NO

References:

Constitution, Article II, Section 28; and Article III, Section 7

YES: A YES score is earned if all Commission on Audit reports for the city/municipality are available to the general public.

NO: A NO score is earned if any auditor reports for the city/municipality are not publicly available. This may include reports made exclusively to the legislature or the executive, or to other national agencies, which those bodies may choose not to distribute.

152. In practice, citizens can access audit reports within a reasonable time period

100 | 75 | 50 | 25 | 0

Comments:

Mayor approves release of documents and information.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: Reports are available on-line, or records can be obtained in 5 working days. Reports are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Records take more than 5 working days to obtain. Some additional delays may be experienced. Politically-sensitive information may be withheld without sufficient justification.

25: ..

0: Records take more than 10 working days to acquire. In some cases, most records may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

153. In practice, citizens can access the audit reports at a reasonable cost

100 | 75 | 50 | 25 | 0

Comments:

COA reports are delayed.

References:

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Reports impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

4.4. Local Taxes

4.4. Local Taxes

95

154. In law, citizens have the right to access information such as policies and guidelines in paying taxes.

YES | NO

References:

Constitution, Article II, Section 28; and Article III, Section 7; Local Government Code Sec. 188; IRR of the LGC Art. 276 (a)

YES: A YES score is earned if tax information is required by the law to be made public.

NO: A NO SCORE is earned if there is no law that requires the local government to make tax information public.

155. In practice, the local taxation schemes are made available to the public

100 | 75 | 50 | 25 | 0

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Local taxation schemes are available on-line or in the city/municipal hall, and the provision of information is indiscriminate.

75: ..

50: Local taxation schemes are available online or in the city/municipal hall, but is hard to obtain. The site is not updated or records are not always available in the city/municipal hall.

25: ..

0: Local taxation schemes are not available online or in the city/municipal hall. Citizens have to undergo a long process before they can get the information. Information may be orally communicated to inquiring citizens, but no document is

available to show officially adopted local taxation schemes.

156. In law, the rules governing the collection of city/municipal taxes are fair and do not discriminate against any particular group or taxpayers.

YES | NO

Comments:

The LGC allows the LGU to levy taxes as long as the charges are not “unjust, excessive, oppressive, confiscatory or contrary to declared national policy”. Although not explicitly stipulated, the LGC provides a reasonable time period for tax collection. Art. 253 even allows for the extension of payments within 6 months, based on the judgment of the council. MC2009-42 also ensures that tax collection is uniform and equitable.

References:

Local Government Code Sec. 130, 186, 187; IRR of the LGC Art. 219 (a,e), Art. 253, 255; Memorandum Circular 2009-42

YES: A YES score is earned if the rules governing the collection of city/municipal taxes are not unjust, excessive, oppressive, confiscatory or discriminatory to particular groups or taxpayers.

NO: A NO score is earned if the rules governing the collection of city/municipal taxes are unjust, excessive, oppressive, confiscatory or discriminatory to particular groups or taxpayers.

157. In practice, tax laws at the city/municipality level are enforced uniformly and without discrimination.

100 | 75 | 50 | 25 | 0

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Tax laws (which may be economically unfair as written) at the city/municipality level are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

75: ..

50: Tax laws at the city/municipality level are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

25: ..

0: Tax law at the city/municipality level is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

158. In practice, the city/municipality tax collection agency practices are free from irregularities in the conduct of tax collection.

100 | 75 | 50 | 25 | 0

Comments:

The Treasurer claim that the Mayor never pressured him nor asked for special consideration to friends. Treasurer he is allowed to do his job objectively. It also helps that Treasurers are employees of DOF and do not directly report to the Mayor. But of course they coordinate and work with the Mayor.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: When irregularities are discovered, there is aggressive investigation and prosecution of erring city/municipal public officials. Tax collection agencies referred to here are those that collect local taxes.

75: ..

50: The agency starts investigations, but is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders, or occasionally unable to enforce its judgments.

25: ..

0: The agency does not effectively investigate financial irregularities. It may start investigations but not complete them, or may fail to detect offenders. Agency personnel may be partisan in their application of power.

Category 5. Local Civil Service

5.1. ⁸¹Local Civil Service Regulations

5.1. Local Civil Service Regulations

96

159. In law, there are regulations requiring an impartial, independent, and fairly managed civil service at the city/municipality level.

YES | NO

Comments:

The law guarantees the right to self-organization of government employees to further and pursue their interests. They are also allowed to form labor management committees and other forms of worker's participation schemes in conjunction with appropriate government authorities.

References:

Administrative Code 1987, Book V Chapter 6 Sec. 38

YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference in the city/municipality level. "Civil service" here refers to department personnel employed by the city/municipal government, rather than personnel of national government agencies assigned to the city/municipality.

NO: A NO score is earned if there are no formal rules establishing an independent civil service in the city/municipality.

160. In practice, city/municipality civil servants who are appointed/promoted are qualified for the positions they fill.

100 | 75 | 50 | 25 | 0

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

100: City/municipality civil servants are generally appointed and promoted on the basis of merit. They possess competencies required for the performance of their duties.

75: ..

50: City/municipality civil servants are generally appointed and promoted on the basis of merit, with some exceptions. Though there is no systematic favoritism in the local civil service, basic competencies in the performance of duties is somewhat lacking.

25: ..

0: Appointment and promotion of city/municipality civil servants are generally made due to favoritism and patronage. Basic competencies in the performance of duties is systematically lacking.

161. In practice, city/municipality civil servants are protected by law against arbitrary dismissal or demotion.

100 | 75 | 50 | 25 | 0

Comments:

CSO interviewee noted that there was no major controversy on appointments in the city hall

References:

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City
Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

100: City/municipality civil servants are protected by the law against arbitrary dismissal or demotion. Officers and employees can only be removed from their position if there is a valid cause. There is a hearing and a notice given to the officer/employee prior to his/her dismissal.

75: ..

50: Although city/municipality civil servants are protected by the law, there are some instances where employees/officers are removed from the position without just cause.

25: ..

0: City/municipality civil servants are routinely removed from office indiscriminately without any documented just cause.

162. In law, there are regulations governing gifts and hospitality offered to civil servants at the city/municipality level.

YES | NO

Comments:

The law clearly states that one of the prohibited acts and transactions of civil servants is to solicit or accept, indirectly or directly any gift with connection to his or her function in the office.

References:

Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6173) Sec. 7 (d)(1); Anti-Graft and Corrupt Practices Act (RA 3019) Sec. 3 (c)

YES: A YES score is earned if there are formal guidelines regulating gifts and hospitality for civil servants at the city/municipality level.

NO: A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to civil servants at the city/municipality level. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

163. In law, there are regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of civil servants at the city/municipality level.

YES | NO

Comments:

The law prohibits any act done for the personal gain of the civil/public servant. This includes accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination and entering into contracts on behalf of the government which may be disadvantageous with the latter. Moreover, RA 9184 ensures a system of accountability where public officials and private parties involved in the procurement process, when warranted by circumstance are investigated and held liable to their actions.

References:

Anti-Graft and Corrupt Practices Act (RA 3019) Sec. 3 (d,g); Government Procurement Reform Act (RA 9184) Sec. 3 (d).

YES: A YES score is earned if there are formal guidelines regulating the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of civil servants at the city/municipality level.

NO: A NO score is earned if there are no such guidelines or regulations. A NO score is earned if the guidelines are overly general and do not specify what is and is not appropriate.

164. In practice, the regulations governing gifts and hospitality offered to civil servants at the city/municipality level are effective.

100 | 75 | 50 | 25 | 0

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: The regulations governing gifts and hospitality to civil servants at the city/municipality level are enforced. Civil servants at the city/municipality level never or rarely accept gifts or hospitality above what is allowed.

75: ..

50: The regulations governing gifts and hospitality to civil servants at the city/municipality level are generally applied though exceptions exist. Some civil servants are known to accept greater amounts of gifts and hospitality from outside interest groups or private sector actors than is allowed.

25: ..

0: The regulations governing gifts and hospitality to civil servants at the city/municipality level are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

165. In practice, the regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of civil servants at the city/municipality level are effective.

100 | 75 | 50 | 25 | 0

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: The regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of civil servants at the city/municipality level are enforced. Firms owned by family members and relatives of civil servants are never given public concessions.

75: ..

50: The regulations governing the grant of public concessions to family members and relatives of civil servants at the city/municipality level are generally applied though exceptions exist. Some public concessions are known to have been granted to family members and relatives of civil servants.

25: ..

0: The regulations governing the grant of public concessions to family members and relatives of civil servants at the city/municipality level are routinely ignored and unenforced. Public concessions are routinely granted to family members and relatives of civil servants.

5.2. Local Whistle-blowing Measures

5.2. Local Whistle-blowing Measures

65

166. In law, city/municipality civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

Comments:

No specific local legislation on this was passed.

References:

The Witness Protection, Security and Benefit Act (RA 6981) Sec. 3 & 8

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers in the city/municipality. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers in the city/municipality.

167. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

Comments:

The rating is in between because respondents do not recall any incidents of such kind in the city.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

100: Whistleblowers among civil servants in the city/municipality can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75: ..

50: Whistleblowers among civil servants in the city/municipality are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, through official, such as memo warnings and job reassignments, or unofficial means.

25: ..

0: Whistleblowers among civil servants in the city/municipality often face substantial negative consequences, such as losing a job, demotion or some form of harassment, including threats to one's life and one's family.

168. In law, private individuals in the city/municipality who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

Comments:

Although the law provides sufficient benefits and protection to those who are accepted, it does not really prevent recrimination from happening. What it really provide are other benefits such as housing, alternative livelihood, removal from work because of absences, travel and subsistence expenses, medical treatment and death insurance.

References:

The Witness Protection, Security and Benefit Act (RA 6981) Sec. 3 & 8

YES: A YES score is earned if there are specific laws against recrimination against private individual whistleblowers in the city/municipality. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private individual whistleblowers in the city/municipality.

169. In practice, private individuals who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

Comments:

No actual cases reported yet.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: Private individual whistleblowers in the city/municipality can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75: ..

50: Whistleblowers among private individuals in the city/municipality are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, through official, such as memo warnings and job reassignments, or unofficial means.

25: ..

0: Whistleblowers among private individuals in the city/municipality often face substantial negative consequences, such as losing a job, demotion or some form of harassment, including threats to one's life and one's family.

170. In law, there is an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption in the city/municipality.

YES | NO

Comments:

There is a local Citizens Charter for Balanga City but these are on accessing services like getting permits, etc but not specific on checking on corruption.

References:

Citizen Charter of the Office of the Ombudsman, p. 9 "Filing of a complaint"

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple city/municipality agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption. A YES score is earned if these mechanisms allow for anonymous reporting.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists in the city/municipality.

171. In law, independence of the internal reporting mechanism in the city/municipality is protected to avoid political interference.

YES | NO

References:

1987 Constitution, Art. IX Sec. 5

YES: A YES score is earned if there is a law that guarantees the independence of internal monitoring from any political interference in the city/municipality.

NO: A NO score is earned if there is no law that guarantees the independence of internal monitoring from any political interference in the city/municipality .

172. In practice, the internal reporting mechanism for public sector corruption in the city/municipality receives regular funding.

100 | 75 | 50 | 25 | 0

Comments:

There is no separate office was created but City engineer says the citizens can easily report to the Mayor via text (SMS) and Facebook.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

75: ..

50: The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

25: ..

0: Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

173. In practice, when necessary, the internal reporting mechanism for public sector corruption in the city/municipality initiates investigations.

Comments:

Interviewees do not recall any incident yet.

References:

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
 Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
 Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
 Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.
 Myrna Roman, City Accountant, May 19, 2011, Balanga City.

100: When irregularities are discovered, the agency/entity is aggressive in conducting investigations or in cooperating with other agencies' investigations. Investigations lead to appropriate sanctions for offenders.

75: ..

50: The agency/entity starts investigations, but is limited in its effectiveness. The agency/entity may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments.

25: ..

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

174. In law, there is an incentive/reward mechanism for whistle-blowers at the city/municipality level.

YES | NO

References:

No actual legislation for whistle-blowers.

There is no law. However, there are pending bills both from the Senate and Lower House. Senate Bill No. 2427 (Whistle-Blower Protection Act) – An act providing for whistle-blower Bill of Rights; Senate Bill No. 2112 (same title) – An act providing protection, security and benefits of whistle-blowers (both from Miriam Santiago) House Bill No. 00132 – An act providing for protection, security and benefits of whistle-blowers (Teddy Casino), House Bill No. 02110 – An act mandating the protection and reward of whistle-blowers in the Philippines (Rufus Bautista).

YES: A YES score is earned if there is a law that guarantees whistle-blowers to be rewarded.

NO: A NO score is earned if such law does not exist.

175. In practice, whistle-blowers are rewarded for reporting incidents of corruption or misuse of power according to what is provided by law.

100 | 75 | 50 | 25 | 0

Comments:

No actual incidents yet.

References:

Myrna Roman, City Accountant, May 19, 2011, Balanga City.

Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Whistleblowers who report incidents of corruption or misuse of resources are always rewarded according to what is provided by law.

75: ..

50: Whistleblowers who report incidents of corruption or misuse of resources are rewarded according to what is provided by law, but there are exceptions. The reward may be difficult to obtain, or it may take a long period to obtain the reward due to pressure exerted by powerful officials.

25: ..

0: Whistleblowers who report incidents of corruption or misuse of resources are rarely or never rewarded according to what is provided by law. The process of obtaining rewards is cumbersome, or powerful officials are systematically able to prevent whistleblowers from obtaining their rewards.

Category 6. Local Regulatory Functions

6.1. ⁹⁰Local Health Regulation

6.1. Local Health Regulation

90

176. In law, basic regulatory requirements for meeting public health standards covering businesses operating in the city/municipality are available to the general public.

YES

NO

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if there is a legal framework that requires the city/municipal government to make public health regulatory requirements for businesses publicly available.

NO: A NO score is earned if there is no such legal framework.

177. In practice, basic regulatory requirements for meeting public health standards covering businesses operating in the city/municipality are made available to the public.

YES | NO

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

YES: A YES score is earned if there is a mechanism through which the city/municipal government publishes health regulatory requirements for businesses. These mechanisms may include a website, publication in a local newspaper, bulletin boards, or billboards.

NO: A NO score is earned if there is no such mechanism.

178. In practice, city/municipal government offices that enforce public health standards on businesses are appropriately staffed.

100 | 75 | 50 | 25 | 0

Comments:

It is also included in their Citizens Charter – process and offices to deal with including number of hours they are expected to be processed.

There is no information on the exact number of personnel neither does the website show the number of staff in the City Health Office.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: City/municipal government offices that enforce basic health standards on businesses are staffed with adequate personnel. These personnel have the necessary competencies for their tasks.

75: ..

50: City/municipal government offices that enforce public health standards on businesses are somewhat constrained by staffing problems.

25: ..

0: There are no functioning city/municipal government offices that enforce public health standards on businesses.

179. In practice, business inspections by city/municipal government officials to ensure public health standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: Business inspections by the city/municipal government to ensure that public health standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements. Business inspections may be carried out through random monitoring of compliance.

75: ..

50: Business inspections by the city/municipal government to ensure public health standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25: ..

0: Business inspections to ensure that public health standards are met are routinely carried out by city/municipal government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment, or to harass supporters of political opponents.

180. In practice, city/municipal government offices can make recommendations for improved public health regulations based on compliance activities.

100 | 75 | 50 | 25 | 0

Comments:

Enforcing health regulations are part of renewing business permits. While no interview was conducted with the city health officer, the city treasurer and city engineers emphasize that they do not process applications unless sanitation requirements are satisfied.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: City/municipal government offices that enforce public health standards on businesses are able to operate independently. They produce regular reports describing compliance. Recommendations for improving compliance are seriously considered by local businesses and other governmental entities and acted upon.

75: ..

50: City/municipal government offices that enforce public health standards produce regular reports with appropriate recommendations, but these recommendations are sometimes not acted upon.

25: ..

0: No investigations are conducted to assess compliance with public health standards. If investigations are conducted, they are generally not acted upon and/or made public.

181. In law, citizens can access reports on the compliance of businesses with public health standards.

YES | NO

References:

Constitution, Article II, Section 28; and Article III, Section 7; Local Government Code Sec. 444, 445 and 465; Memorandum Circular 2006-162; Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if all compliance reports are available to the general public.

NO: A NO score is earned if any compliance reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

182. In practice, citizens can access reports on compliance of businesses with public health standards within a reasonable time period.

100 | 75 | 50 | **25** | 0

Comments:

The only mechanism to impose sanitation and health regulation is through the sanitation permit required from all business establishments. Without it, they cannot be registered.

What the Health Office does is not to issue sanitation permit if found, during the sanitation inspection, that such establishment did comply with sanitation requirements. So issuance or 'non-issuance' of permit is the report itself. Once sanitation permit is granted business establishment are assumed to adopt proper sanitation. Except when there are complaints then it is the time for the Health Office to investigate and do sanitation inspection.

There is no separate report checking on sanitation practices of establishments because outside of the sanitation permit required from establishments during registration or renewal of registration, there is no regular sanitation inspection.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: Reports are available on-line, or records can be obtained in 5 working days. Reports are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Reports take more than 5 working days to obtain. Some delays may be experienced.

25: ..

0: Reports take more than 10 working days to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

183. In practice, citizens can access reports on compliance of businesses with public health standards at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Reports impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

184. In law, there is a mechanism (i.e. phone hotline, e-mail address, local office) through which citizens can report businesses that violate public health standards in the city/municipality.

YES | NO

Comments:

The law requires the city/municipal government to come up with a citizen's charter to be posted in the main entrance of offices or at the most conspicuous places which provides the procedure of filing complaints. Although not specific, complaints on public health standards may be included here.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if there is a mechanism in the city/municipality through which citizens can report businesses that violate public health standards. These mechanisms include a phone hotline, e-mail address, or local office through which citizens' complaints are received.

NO: A NO score is earned if no such mechanism exists in the city/municipality.

185. In practice, investigations are carried out to act on reports from citizens about businesses that violate public health standards in the city/municipality.

100 | 75 | 50 | 25 | 0

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: The city/municipal government aggressively investigates reported violations of public health standards in the city/municipality. Complainant-citizens are provided timely information about the status of investigations. Investigations lead to appropriate sanctions for violators.

75: ..

50: The city/municipal government initiates investigations on reported violations of public health standards in the city/municipality, but it is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments. Complainant-citizens are sometimes not updated on the status of investigations.

25: ..

0: The city/municipal government does not effectively investigate reported violations of public health standards in the city/municipality. It may start investigations but not complete them, refuse to cooperate with other investigative agencies, or fail to detect offenders. It may be partisan in its application of power. Complainant-citizens rarely hear about the status of violations they report.

6.2. Local Safety Regulation

6.2. Local Safety Regulation

93

186. In law, basic regulatory requirements for meeting public safety standards covering businesses operating in the city/municipality are available to the general public.

YES | NO

Comments:

The law requires the city/municipal government to come up with a Citizen’s Charter to be posted in entrance of offices or conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if there is a legal framework that requires the city/municipal government to make public safety requirements for businesses publicly available.
NO: A NO score is earned if there is no such legal framework.

187. In practice, basic regulatory requirements for meeting public safety standards covering businesses operating in the city/municipality are made available to the public.

YES | NO

Comments:

Citizens Charter is placed prominently in the cityhall.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Evelyn Matias, DILG City Officer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

YES: A YES score is earned if there is a mechanism through which the city/municipal government publishes public safety requirements for businesses. These mechanisms may include a website, publication in a local newspaper, bulletin boards, or billboards.
NO: A NO score is earned if there is no such mechanism.

188. In practice, city/municipal government offices that enforce public safety standards on businesses are appropriately staffed.

100 | 75 | 50 | 25 | 0

Comments:

The City engineering office is tasked with enforcement of regulations on the Building Code, aside from implementing and

monitoring infrastructure projects of the city.

It has staff complement of 25, twelve of which are contractual while the others are job order. They are composed of civil and electrical engineers as well as those who have taken architectural or engineering courses. For City infra projects they also hire architectural consultants.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

100: City/municipal government offices that enforce basic safety standards on businesses are staffed with adequate personnel. These personnel have the necessary competencies for their tasks.

75: ..

50: City/municipal government offices that enforce public safety standards on businesses are somewhat constrained by staffing problems.

25: ..

0: There are no functioning city/municipal government offices that enforce public safety standards on businesses.

189. In practice, business inspections by city/municipal government officials to ensure public safety standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Business inspections by the city/municipal government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements. Business inspections may be carried out through random monitoring of compliance.

75: ..

50: Business inspections by the city/municipal government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25: ..

0: Business inspections to ensure that public safety standards are met are routinely carried out by city/municipal government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment, or to harass supporters of political opponents.

190. In practice, city/municipal government offices can make recommendations for improved public safety standards based on compliance activities.

100 | 75 | 50 | 25 | 0

References:

Joer Grace De Mesa, City Budget Officer, May 19, 2011. Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: City/municipal government offices that enforce public safety standards on businesses are able to operate independently. They produce regular reports describing compliance. Recommendations for improving compliance are seriously considered by local businesses and other governmental entities and acted upon.

75: ..

50: City/municipal government offices that enforce public safety standards produce regular reports with appropriate recommendations, but these recommendations are sometimes not acted upon.

25: ..

0: No investigations are conducted to assess compliance with public safety standards. If investigations are conducted, they are generally not acted upon and/or made public.

191. In law, citizens can access reports on compliance of businesses with public safety standards.

YES | NO

Comments:

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in entrance of offices or conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if all compliance reports are available to the general public.

NO: A NO score is earned if any compliance reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

192. In practice, citizens can access reports on compliance of businesses with public safety standards within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Reports are not available on-line but can be requested through the city engineer.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Reports are available on-line, or records can be obtained in 5 working days. Reports are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Reports take more than 5 working days to obtain. Some delays may be experienced.

25: ..

0: Reports take more than 10 working days to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

193. In practice, citizens can access reports on compliance of businesses with public safety standards at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Reports impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

194. In law, there is a mechanism (i.e. phone hotline, e-mail address, local office) through which citizens can report businesses that violate public safety standards in the city/municipality.

YES | NO

Comments:

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in entrance of offices or conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if there is a mechanism in the city/municipality through which citizens can report businesses that violate public safety standards. These mechanisms include a phone hotline, e-mail address, or local office through which citizens' complaints are received.

NO: A NO score is earned if no such mechanism exists in the city/municipality.

195. In practice, investigations are carried out to act on reports from citizens about businesses that violate public safety standards in the city/municipality.

100 | 75 | 50 | 25 | 0

Comments:

What the City Engineer does is actual inspection but during the interview he did not say whether citizens are given timely information.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: The city/municipal government aggressively investigates reported violations of public safety standards in the city/municipality. Complainant-citizens are provided timely information about the status of investigations. Investigations lead to appropriate sanctions for violators.

75: ..

50: The city/municipal government initiates investigations on reported violations of public safety standards in the city/municipality, but it is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments. Complainant-citizens are sometimes not updated on the status of investigations.

25: ..

0: The city/municipal government does not effectively investigate reported violations of public safety standards in the city/municipality. It may start investigations but not complete them, refuse to cooperate with other investigative agencies, or fail to detect offenders. It may be partisan in its application of power. Complainant-citizens rarely hear about the status of violations they report.

6.3. Local Environmental Regulation

6.3. Local Environmental Regulation

88

196. In law, basic regulatory requirements for meeting public environmental standards covering businesses operating in the city/municipality are available to the general public.

YES | NO

Comments:

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in entrance of offices or conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here. The purpose of the DENR Charter is to promote transparency in the DENR with regard to the manner of transacting with the public through the simplification of frontline service procedures, formulation of service standards for every transaction, and making these known to the customer. However, it is not specifically indicated whether it covers basic regulatory requirements.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6., DENR Citizen's Charter

Ordinance No. Series of 2010 " An Ordinance Prohibiting the USE, SALE, DISTRIBUTION AND ADVERTISEMENT OF CIGARETTE AND OTHER TOBACCO PRODUCTS IN CERTAIN PLACES WITHIN BALANGA CITY, IMPOSING PENALTIES FOR VIOLATIONS THEREOF AND PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES",

YES: A YES score is earned if there is a legal framework that requires the city/municipal government to make public environmental protection requirements for businesses publicly available.

NO: A NO score is earned if there is no such legal framework.

197. In practice, basic regulatory requirements for meeting public environmental standards covering businesses operating in the city/municipality are made available to the public.

YES | NO

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Elsa Ylagan, City Planning and Development Officer, May 19, 2011, Balanga City.

YES: A YES score is earned if there is a mechanism through which the city/municipal government publishes public environmental protection requirements for businesses. These mechanisms may include a website, publication in a local newspaper, bulletin boards, or billboards.

NO: A NO score is earned if there is no such mechanism.

198. In practice, city/municipal government offices that enforce environmental protection standards on businesses are appropriately staffed.

100 | 75 | 50 | 25 | 0

Comments:

The City Treasurer emphasized that before they process registration and renewal of business establishment they require sanitation, electrical and fire requirements. The City Engineer also emphasized this and he also underscored that their Office undertake ocular inspection of establishments.

As to the staffing of the City Environment and Natural Resources office, there is a Division head supported by 5 contractual employees.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: City/municipal government offices that enforce basic environmental protection standards on businesses are staffed with adequate personnel. These personnel have the necessary competencies for their tasks.

75: ..

50: City/municipal government offices that enforce environmental protection standards on businesses are somewhat constrained by staffing problems.

25: ..

0: There are no functioning city/municipal government offices that enforce environmental protection standards on businesses.

199. In practice, business inspections by city/municipal government officials to ensure environmental protection standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Business inspections by the city/municipal government to ensure that environmental protection standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements. Business inspections may be carried out through random monitoring of compliance.

75: ..

50: Business inspections by the city/municipal government to ensure environmental protection standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25: ..

0: Business inspections to ensure that environmental protection standards are met are routinely carried out by city/municipal government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment, or to harass supporters of political opponents.

200. In practice, city/municipal government offices can make recommendations for improved environmental protection regulations based on compliance activities.

100 | 75 | 50 | 25 | 0

Comments:

What they do in enforcing environmental laws is to deny approval of permit applications to force business establishment to follow environmental requirements.

The city also passed a resolution banning smoking in all public spaces and selling of cigarette to minors.

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: City/municipal government offices that enforce environmental protection standards on businesses are able to operate independently. They produce regular reports describing compliance. Recommendations for improving compliance are seriously considered by local businesses and other governmental entities and acted upon.

75: ..

50: City/municipal government offices that enforce environmental protection standards produce regular reports with appropriate recommendations, but these recommendations are sometimes not acted upon.

25: ..

0: No investigations are conducted to assess compliance with environmental protection standards. If investigations are conducted, they are generally not acted upon and/or made public.

201. In law, citizens can access reports on compliance of businesses with environmental protection standards.

YES | NO

Comments:

There are no specific laws regarding the citizen access of compliance reports on environmental protection standards but given RA 9485, which guarantees the right of the citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

But as reflected in the succeeding indicator, the only chance where environmental inspection are done on business establishments is during registration or annual renewal of registration, where environmental permit is among the requirements. Except when there are complaints from citizens or groups where the CENRO will be prompted to investigate.

References:

Constitution, Article II, Section 28; and Article III, Section 7; Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

YES: A YES score is earned if all compliance reports are available to the general public.

NO: A NO score is earned if any compliance reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

202. In practice, citizens can access reports on compliance of businesses with environmental protection standards within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

There are no separate reports made. What is done is approval or denial of environmental permit, which is part of the requirement during registration or renewal of annual registration. There is on-site inspection made, based on what they see they could either approve or disapprove issuance of environmental permit.

Further inspection is only done when there are complaints filed by citizens or groups. No case incident have been shared during the interview.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.
Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

100: Reports are available on-line, or records can be obtained in 5 working days. Reports are uniformly available; there are no delays for politically sensitive information.

75: ..

50: Reports take more than 5 working days to obtain. Some delays may be experienced.

25: ..

0: Reports take more than 10 working days to acquire. In some cases, most reports may be available sooner, but there may be persistent delays in obtaining politically sensitive records.

203. In practice, citizens can access reports on compliance of businesses with environmental protection standards at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.
Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

100: Reports are free to all citizens, or available for the cost of photocopying. Reports can be obtained at little cost, such as by mail, or on-line. A visit to city/municipality offices may be necessary to obtain documents.

75: ..

50: Reports impose a financial burden on citizens, journalists or CSOs. A visit outside the city/municipality to provincial or regional offices may be necessary to obtain documents.

25: ..

0: Retrieving reports imposes a major financial burden on citizens. Report costs are prohibitive to most citizens, journalists, or CSOs trying to access this information.

204. In law, there is a mechanism (i.e. phone hotline, e-mail address, local office) through which citizens can report businesses that violate environmental protection standards in the city/municipality.

YES | **NO**

Comments:

The law requires the city/municipal government to come up with a citizen's charter to be posted in the main entrance of offices or at the most conspicuous places which provides the procedure of filing complaints. Although not specific, complaints on public safety standards may be included here. Moreover, the DENR site, has a feedback mechanism where the citizen can send a message.

In the Ordinance No. 20 there is an CSO in the Smoke Free Task Force

Also citizens can make use of the email address, facebook account and cellphone number of the Mayor Garcia. He encourages the citizens to report to all kinds of violations or abuse of City employees.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

City Ordinance No. 20 Series of 2010

YES: A YES score is earned if there is a mechanism in the city/municipality through which citizens can report businesses that violate environmental protection standards. These mechanisms include a phone hotline, e-mail address, or local office through which citizens' complaints are received.

NO: A NO score is earned if no such mechanism exists in the city/municipality.

205. In practice, investigations are carried out to act on reports from citizens about businesses that violate environmental protection standards in the city/municipality.

References:

Engr. Miguel Sanchez, City Engineer, May 19, 2011, Balanga City.

Joselito Evangelista, City Treasurer, May 19, 2011, Balanga City.

Jose Enrique Garcia III, Mayor City of Balanga, May 19, 2011, Balanga City

Rosell Fernandez, Project Coordinator, PRRM-Bataan, April 25, 2011 Balanga City.

100: The city/municipal government aggressively investigates reported violations of environmental protection standards in the city/municipality. Complainant-citizens are provided timely information about the status of investigations. Investigations lead to appropriate sanctions for violators.

75: ..

50: The city/municipal government initiates investigations on reported violations of environmental protection standards in the city/municipality, but it is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments. Complainant-citizens are sometimes not updated on the status of investigations.

25: ..

0: The city/municipal government does not effectively investigate reported violations of environmental protection standards in the city/municipality. It may start investigations but not complete them, refuse to cooperate with other investigative agencies, or fail to detect offenders. It may be partisan in its application of power. Complainant-citizens rarely hear about the status of violations they report.
