

Overall Score:

84 - Strong

Legal Framework Score:

87 - Strong

Actual Implementation Score:

81 - 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

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

68

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

YES | NO

References:

1987 PHILIPPINE CONSTITUTION, ARTICLE III, BILL OF RIGHTS, SEC. 4. <http://1987-philippine-constitution.blogspot.com/>

" No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances."

Article II, Sec. 23 1987 Constitution;

Section 23. The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

Article III, Sec. 8 1987 Constitution;

Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

Article XIII Sec 15-16

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

Section 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

Section 16. The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948, which the Philippines ratified in 1953

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:

There are general provisions in the Philippine Laws and Policies (1987 Constitution, SEC Guidelines, BIR etc.) that essentially recognizes the right of CSO's/NGO's to access foreign and domestic funding in pursue of their goals. However there are several laws/policies that regulates/monitor the use of these funds such as that of the BIR, CDA and Omnibus Election Code.

References:

Local Government Code Sec. 34-36- <http://www.pcij.org/blog/wp-docs/LGC1991.pdf>

CHAPTER 4. – RELATIONS WITH PEOPLE'S AND NONGOVERNMENTAL ORGANIZATIONS

SEC. 34. Role of People's and Nongovernmental Organizations. – Local government units shall promote the establishment and operation of people's and nongovernmental organizations to become active partners in the pursuit of local autonomy.

SEC. 35. Linkages with People's and Non-Governmental Organizations. – Local government units may enter into joint ventures and such other cooperative arrangements with people's and nongovernmental organizations to engage in the delivery of certain basic services, capability-building and livelihood projects, and to develop local enterprises designed to improve productivity and income, diversify agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people.

SEC. 36. Assistance to People's and Nongovernmental Organizations. – A local government unit may, through its local chief executive and with the concurrence of the sanggunian concerned, provide assistance, financial or otherwise, to such people's and nongovernmental organizations for economic, socially-oriented, environmental, or cultural projects to be implemented within its territorial jurisdiction.

BATAS PAMBANSA BLG. 45 – AN ACT AMENDING PARAGRAPH (h) OF SECTION 30 OF THE NATIONAL INTERNAL REVENUE CODE OF 1977, AS AMENDED, AND FOR OTHER PURPOSES

Revenue Regulations No. 13-98

THE PHILIPPINE OMNIBUS ELECTION CODE (BATAS PAMBANSA BILANG 881)

1987 Constitution

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**

Comments:

there are no local ordinances that encourage the organization/operation of CSO's and NGO's; however there are programs implemented with PO's through the DA and government initiated womens group

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Disussion
Date: March 28, 2011
Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

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

Comments:

- > there are no barriers at the municipal level in terms of organizing
- > most of the concern of the respondents are on the accreditation of the CSO's; it should be noted that there is only 1 accredited CSO/NGO by the Municipal Planning and Development Council and Municipal Council;
- > only DA were able to provide list of registered PO's for the MRDP project
- > The Municipal Development Officer and the Mayor confirms that the Mayor does not favor NGO's that only comes to their office to gather data especially there is a peace and order problem in the area, and never comes back to deliver services (they said that some of these NGO's were able to access funds but never provided services in their municipality)

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Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

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Place of Interview: Municipal Hall, Department of Agriculture

Position: Coordinator

Department: Rural Improvement Club, Carmen North Cotabato

Date of Interview: April 23, 2011

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:

There is only one (1) CSO involved in the Municipal Development Council. There are PO's that are partners of DA that could only influence programs of DA in their specific area. As a whole, there is very less participation of CSO's/PO's/NGO's that their presence does not guarantee any influence in the decision making process.

Most of this organizations are formed on specific interest such as livelihood but not as watchdogs.

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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

Comments:

There was no case of shutdown of NGO's/CSO's in general. NGO's and CSO's in the area do not serve as watchdog. Most of them operate in delivering services in their areas or partner communities.

Although Interview with PNP revealed that there are various political group in the municipality but not active in local issues and concerns.

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Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

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:

- > limited presence of NGOs/CSOs operating in the municipality; there are only two (2) known CSO/NGO's in the municipality but has limited intervention
- > There are no reports on NGO's and CSO being restricted from the accreditation process
- > Existing Accredited CSO and NGO are invited in MPDC (1 Market Vendors Assoc) and Mun. Agriculture and Fisheries Council formed.
- > Base on our interviews, we observe that CSO/NGO/PO operating in the area are not motivated/interested in participating in Special Bodies

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Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Key Respondent/s: Joel Uilo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
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Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

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:

Local Special Bodies meet as mandated. However, there is only one CSO member in LSBs or none at all. Due to this, CSO input is insignificant and CSOs tend to be submissive to LGU plans. Their attendance in the LSB is just for formality.

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Date of Interview: April 23, 2011

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

Comments:

There is no case of CSO/NGO activist that was imprisoned. It was confirmed that there are political groups or activist groups in the municipality.

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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**

References:

1. Date: March 15, 2011

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2. Date: March 28, 2011

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3. Date: April 4, 2011

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Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

4. Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

5. Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 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:

1. <http://www.article19.org/pdfs/publications/philippines-baseline-study.pdf>

Art. III, Sec. 4 1987 Constitution

Section 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

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

Comments:

There is no specific local ordinance or resolution that suppress Freedom of Expression in the Municipality of Carmen.

References:

1. 1987 Philippine Constitution, Bill of Rights

1. <http://www.article19.org/pdfs/publications/philippines-baseline-study.pdf>

Art. III, Sec. 4 1987 Constitution

Section 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

2. <http://www.article19.org/pdfs/publications/philippines-baseline-study.pdf>

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.

Comments:

Based on the interview with the media people, they can cover everything without getting or securing any clearances.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Disussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan City

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

Comments:

Media can report whatever information they could get from the area. However, there are no reported cases of corruption in the Municipality of Carmen.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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

Comments:

There is no reported case of corruption in Carmen, North Cotabato. There had been no experience of media being harassed based on their report. In the experience of Ms. Manar, a media personnel, she covered a demolition case in Carmen. Residents said that they were demolished because they were supporters of Governor Pinol, the opponent of Emmylou Talino-Mendoza (daughter of Mayor Talino) in the 2010 gubernatorial race in North Cotabato. Although the Municipal government was able to convince her that the project is legitimate and that it was for a cause, the person she interviewed later retracted from her statement. She doesn't know the reason why.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao - Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview:
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

85

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

YES | NO

References:

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Local Government Code Sec. 115;

SEC. 115. Budget Information. – The Department of Budget and Management shall furnish the various local development councils information on financial resources and budgetary allocations applicable to their respective jurisdictions to guide them in their planning functions.

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:

There is no legal laws or procedural guidelines to appeal. There are no laws that penalize officials/government employee that failed to give access to public information. However, access to information is clearly stipulated in the Bill of Rights. Bill of Rights is considered a supreme law, thus, appeal could be possible in the judicial system.

References:

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

<http://www.answers.com/topic/freedom-of-information-act>

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

References:

REPUBLIC ACT NO. 9470

May 21, 2007

AN ACT TO STRENGTHEN THE SYSTEM OF MANAGEMENT AND ADMINISTRATION OF ARCHIVAL RECORDS, ESTABLISHING FOR THE PURPOSE THE NATIONAL ARCHIVES OF THE PHILIPPINES, AND FOR OTHER PURPOSES

ADMINISTRATION OF PUBLIC ARCHIVES

Sec. 30. Public Access, Determination of Access Status as Open or Restricted. – When public records have been in existence for thirty (30) years or more are about to be transferred to the custody and control of the executive director under Sec. 20, the head of the controlling government office shall, in accordance with this Sec. and Sec. 31 hereof, classify the records as either:

(1) Open access records; or

(2) Restricted access records

The head of a controlling government office may, at any time, change the classification of a public record, referred to in accordance with Section 25.

Sec. 31. Grounds for Determining Access Status. – (a) In classifying the access status of a public record under Sec. 30, the head of the controlling government office shall consider existing rules and regulations on classified records.

(b) If there are no good reasons to restrict public access under subsection (a), or if no legal impediment exists that requires a public record to be withheld from public access, the head of the controlling government office shall classify the record as an open access record.

(c) If there are good reasons for restricting public access under subsection (a), or if such legal impediment exists requiring such public record to be withheld from public access, the head of the controlling government office shall, in consultation with the executive director, determine the necessity to restrict public access to the public record for a specified period of time or permit such public access with conditions.

(d) The head of a controlling government agency may, at any time, in consultation with the executive director, vary or withdraw a condition imposed on public access records.

(e) A public record subject to a restriction under subsection (c) becomes an open access record on the withdrawal of the restriction.

(f) National Archives shall comply with the conditions of public access imposed under subsection (c).

(g) A restriction on public access to a public record shall be noted in the Public Access Registry, in accordance with Sec. 15(e)(l) of this Act.

(h) Every controlling government office is responsible for dealing with requests for official and personal information under the existing laws and regulations on access to classified matters.

Sec. 32. Access Status of Local Government Records. – (a) When a local government record becomes a local government archive, the head of the local government shall classify it as either:

(1) An open access record; or

(2) A restricted access record.

(b) The head of a local government may, at any time, change the classification of a local government record.

Sec. 33. Grounds for Determining Access Status of Local Government Records. – (a) In classifying the access status of a local government record, the head of the controlling local government shall consider the following:

(1) There are good reasons to restrict public access to the local government record, having regard to any relevant standard or advice issued by the executive director; or

(2) There exists a legal impediment that requires such local government record to be withheld from public access.

(b) If there are no good reasons to restrict public access under subsection (a)(l), or if no legal impediment exists that requires a local government record to be withheld from public access, the head of the controlling government office shall classify the record as an open access record.

(c) However, if there are good reasons to restrict public access under subsection (a)(l), or if a legal impediment so requires a local government record to be withheld from public access, the head of the controlling local government shall, having regard to any relevant standard or advice issued by the executive director determine whether it is necessary to restrict public access to the local government record for a specified period of time, but which shall not be for a period exceeding thirty (30) years or permit public access subject to the appropriate conditions.

(d) Despite subsection (c), the head of the local government may, if there is good reason to do so, restrict public access to the local government record for one or more further specified periods not exceeding thirty (30) years for each further period.

(e) At any time, the head of the controlling local government, having regard to any relevant standard or advice issued by the executive director, may vary or withdraw a condition imposed.

(f) A local government record, subject to a restriction under subsection (c), becomes an open access record on the withdrawal of the restriction.

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:

Regular information can be gathered at a reasonable time (in a day)

Sensitive information could be requested upon approval of municipal officials however you must need to know the regular working pattern (which is based on our info, experience and observation is known to all) i.e Mayor attends to citizens at 7-9 a.m on Mondays or other available days at municipal grounds, Vice Mayor could be access at the VM Office every morning etc.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

if there are extra copy of documents it is given free, if non, cost of photocopying is charge to requesting party

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Media
Date of Interview:
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

Comments:

There are no known cases of appeal for request. The most common process is to get endorsement from the municipal officials. The Mayor has a regular schedule for public consultations and listening to individuals at the grounds of the municipal hall.

The mayor's policy to all municipal employees is to address the needs of the constituents and ensure that transaction is finished before 11:00.am. so that the constituents would no longer need to spend for lunch. This is in consideration to those constituents who resides in far flung areas. There are also assigned personnel to guide the constituents within the Municipal Compound.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera

Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone

Place of Interview: Municipal Hall, Department of Agriculture

Position: Coordinator

Department: Rural Improvement Club, Carmen North Cotabato

Date of Interview: April 23, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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.

Comments:

There are no known legal cases on access to information. However, there are some records that can only be obtained through the provincial office/provincial capitol which is located in Kidapawan City.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Media

Date of Interview:
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

Based on the interview, all records that are with the LGU could be access. National Agencies such as COMELEC and DILG said that some records should be accessed through the Provincial Offices because that is where the final copy are. They regularly submit there data at the Provincial Office for Approval.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

There is a regular monthly reporting of all officials done publicly at the municipal grounds. Apart from these, all Barangay Captains are gathered regularly to orient them on new policies and programs and to help disseminate informations. According to the DILG, most if not all of the programs of the Municipality are well disseminated. There is a established communication systems among various stakeholders.

Billboards, Magazines, Posters, Notices were posted in conspicuous areas for the public.

There is no local media station in Carmen. During study period, there was one ordinance that was published in a local newspaper which is based in Kidapawan City and circulated in entire North Cotabato.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC,Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC,Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office,Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Disussion
Date: March 28, 2011
Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato
FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone

Place of Interview: Municipal Hall, Department of Agriculture

Position: Coordinator

Department: Rural Improvement Club, Carmen North Cotabato

Date of Interview: April 23, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Uilo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC,Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC,Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office,Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone

Place of Interview: Municipal Hall, Department of Agriculture

Position: Coordinator

Department: Rural Improvement Club, Carmen North Cotabato

Date of Interview: April 23, 2011

Media

Date of Interview:

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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

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

YES | NO

References:

1987 Philippine Constitution, (Section 1, Article V, Constitution)

“Suffrage may be exercised by all Citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.”

Republic Act No. 9189 February 13, 2003

AN ACT PROVIDING FOR A SYSTEM OF OVERSEAS ABSENTEE VOTING BY QUALIFIED CITIZENS OF THE PHILIPPINES ABROAD, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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:

REPUBLIC ACT NO. 7056

June 20, 1991

AN ACT PROVIDING FOR THE NATIONAL AND LOCAL ELECTIONS IN 1992, PAVING THE WAY FOR SYNCHRONIZED AND SIMULTANEOUS ELECTIONS BEGINNING 1995, AND AUTHORIZING APPROPRIATIONS THEREFOR

Local Government Code of 1991

SEC. 42. Date of Election. – Unless otherwise provided by law, the elections for local officials shall be held every three (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.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of

the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4,2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16,2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

There are numerous mechanisms employed to ensure protection of ballot. The introduction of automated election system further enhances the security of the ballot. However, since COMELEC deputized some personnel of the LGU to safeguard ballots or machines, this situation could somehow “blemish” the integrity of the result.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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:

There is a problem of peace and order in the area. Historically, Carmen is one of the major centers of the war between the Moro and the Ilaga. The conflict still remains but somehow controlled. There is a strong presence of rebel groups in the area. In the 2010 national and barangay elections, some barangays were identified as "election area of concern". However, elections were still held on regular schedule. PNP, AFP and COMELEC have declared the previous election as peaceful.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informant/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer

Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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:

Omnibus Election Code Sec 60
Sec. 60. Political party. – “Political party” or “party”, when used in this Act, means an organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions. To acquire juridical personality, quality it for subsequent accreditation, and to entitle it to the rights and privileges herein granted to political parties, a political

party shall first be duly registered with the Commission. Any registered political party that, singly or in coalition with others, fails to obtain at least ten percent of the votes cast in the constituency in which it nominated and supported a candidate or candidates in the election next following its registration shall, after notice and hearing be deemed to have forfeited such status as a registered political party in such constituency.

Phil.Constitution

Article III Bill of Rights

Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

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:

Omnibus Election code of the Philippines

Sec. 65. Qualifications of elective local officials. – The qualifications for elective provincial, city, municipal and barangay officials shall be those provided for in the Local Government Code.

Local Government Code

TITLE TWO. – ELECTIVE OFFICIALS

CHAPTER 1. – QUALIFICATIONS AND ELECTION

SEC. 39. Qualifications. – (a) An elective local official must be a citizen of the Philippines; a registered voter in the barangay, municipality, city, or province or, in the case of a member of the sangguniang panlalawigan, sangguniang panlungsod, or sanggunian bayan, the district where he intends to be elected; a resident therein for at least one (1) year immediately preceding the day of the election; and able to read and write Filipino or any other local language or dialect.

(c) Candidates for the position of Mayor or vice-mayor of independent component cities, component cities, or municipalities must be at least twenty-one (21) years of age on election day.

(d) Candidates for the position of member of the sangguniang panlungsod or sangguniang bayan must be at least eighteen (18) years of age on election day.

(e) Candidates for the position of punong barangay or member of the sangguniang barangay must be at least eighteen (18) years of age on election day.

(f) Candidates for the sangguniang kabataan must be at least fifteen (15) years of age but not more than twenty-one (21) years of age on election day.

Sec. 3 (Batas Pambansa Blg. 52)

Sec. 3. Qualifications. – An elective local official must be a citizen of the Philippines, a qualified voter; resident of the district, municipality, city or province where he proposes to be elected, as the case may be, for at least six (6) months at the time of the filing of his certificate of candidacy; must be at least twenty one (21) years of age on election day; and must be able to read and write.

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 are no existing local parties. All political parties are attached to the national political parties. During the 2010 election, the parties present are Liberal, Nacionalista, LAKAS-KAMPI, TUCP and other partylist. However, based on our interviews, all are allowed to form local political party.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco

Address: COMELEC, Carmen, North Cotabato

Department: COMELEC, Carmen North Cotabato

Date of Interview: April 23, 2011

Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

Yes, provided that they pass the qualification set forth by the law such as age requirement and capacity to read and write.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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:

According to COMELEC and other deputized agencies, election in Carmen is successful. The voters turn-out is high.

Carmen Total No. of Registered Voters: 24, 751
Total Numbers of Voters who Actually Voted: 20, 320

There are no petitions.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato

Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview:
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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

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

YES | NO

References:

1. Omnibus Election Code Sec 52

Sec. 52. Powers and functions of the Commission on Elections. – In addition to the powers and functions conferred upon it by the Constitution, the Commission shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections for the purpose of ensuring free, orderly and honest elections, and shall:

2. COMELEC RESOLUTION NO. 3254

RULES AND REGULATIONS ON FOREIGN OBSERVERS IN CONNECTION WITH THE MAY 14, 2001 NATIONAL AND LOCAL ELECTIONS.

3. REPUBLIC ACT NO. 8173

December 20 , 1995

AN ACT GRANTING ALL CITIZENS' ARMS EQUAL OPPORTUNITY TO BE ACCREDITED BY THE COMMISSION ON ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NUMBERED SEVENTY-ONE HUNDRED AND SIXTY-SIX, AS AMENDED

4. GENERAL INSTRUCTIONS GOVERNING THE CONSOLIDATION, TRANSMISSION, AND CANVASSING OF VOTES FOR MUNICIPAL/ CITY/PROVINCIAL AND DISTRICT CONSOLIDATION BOARDS (BOARDS OF CANVASSERS) IN CONNECTION WITH THE MAY 10, 2010

O U T L I N E

1. COMELEC's Supervision and Control over Board of Canvassers

• COMELEC shall have direct control and supervision over Consolidation Boards or Board of Canvassers may motu proprio relieve, for cause, at any time, any member thereof and designate the substitute.

I.

THE BOARDS OF CANVASSERS

2. Composition of the Municipal Board of Canvassers (MBOC)

(a) Election Officer or a COMELEC representative, as Chairman;

(b) Municipal Treasurer, as Vice-Chairman; and

(c) District School Supervisor, or in his absence, the most senior Principal of the school district, as Member.

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:

1. COMELEC Rules and Procedures

2. Art IX Sec 1-2 1987 Constitution

Section 1. The Constitutional Commissions, which shall be independent, are the Civil Service Commission, the Commission on Elections, and the Commission on Audit.

Section 2. No member of a Constitutional Commission shall, during his tenure, hold any other office or employment. Neither shall he engage in the practice of any profession or in the active management or control of any business which, in any way, may be affected by the functions of his office, nor shall he be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the Government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

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:

COMELEC appointment is based on qualification.

The appointed Comelec Officer did not give us any information, not even her name, unless we through the Mayor. It was observed that its not easy for the Comelec to work independently, when there is a certain level of dependence in the LGU. In the case of Carmen, the COMELEC office is situated within the Municipal hall. One of its staff is detailed by the LGU.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco

Address: COMELEC, Carmen, North Cotabato

Department: COMELEC, Carmen North Cotabato

Date of Interview: April 23, 2011

Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan City

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:

– Yes, 1 full-time from the COMELEC. The LGU also provided one (1) staff to help COMELEC personnel.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

Based on interview, COMELEC officer was trying to comply the basic deadlines of the cycle inspite of limited staff. Although for her, the automated election is difficult at the start, it enabled her to produce a report in a timely manner.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco

Address: COMELEC, Carmen, North Cotabato

Position:

Department: COMELEC, Carmen North Cotabato

Date of Interview: April 23, 2011

Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

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Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

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Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan City

COMELEC website: http://www.comelec.gov.ph/results/2010_natl_local/res_reg4702000.html

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:

There was no records of offenders during the last election.

The main problem that the COMELEC encountered was the posting of campaign materials in prohibited areas. The COMELEC arrest the problem through "Operation Baklas" or clearing operation.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

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Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
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Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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 COMELEC said that the registration of voters is done without discrimination. However, they encountered various problems in the registration because the residents of the municipality are tri-people. There are barriers like literacy and cultural. The COMELEC's main problem during registration period is that people tends to register on the last day.

Some Moro perceived that the registration of Moro is very limited while the Christians are more favored. Some groups think that this is the strategy of the ruling party because they wanted to preserve their political position. However, since the COMELEC data is not segregated based on religion, and there is no pending case, the research team could not find any substantial proof on the matter.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
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Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
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Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

No cases noted in Carmen

References:

COMELEC RULES OF PROCEDURE

February 15, 1993

PART V

PARTICULAR ACTIONS OR PROCEEDINGS

A. ORDINARY ACTIONS

Rule 20 – Election Protests

Section 1. Filing of Election Protest. – A verified petition contesting the election of any regional, provincial or city official shall be filed by any candidate who duly filed a certificate of candidacy and has been voted for the same office, within ten (10) days after the proclamation of the results of the election.

Each contest shall refer exclusively to one office, but contests for offices of the Sangguniang Pampook, Sangguniang Panlalawigan or Sangguniang Panglungsod may be consolidated in a single case.

Rule 22 – Appeals from Decisions of Courts in Election Protest Cases

Section 1. Caption and Title of Appealed Cases. – In all election contests involving the elections, returns, and qualifications of municipal or barangay officials, the party interposing the appeal shall be called the “Appellant” and the adverse party the “Appellee”, but the title of the case shall remain as it was in the court of origin.

PART VI

PROVISIONS GOVERNING ELECTION CONTESTS AND

QUO WARRANTO CASES BEFORE TRIAL COURT

Rule 35 – Election Contests Before Courts of General Jurisdiction.

Section 1. Original Jurisdiction of Regional Trial Courts. – Regional trial courts shall have exclusive original jurisdiction over contests relating to the elections, returns and qualifications involving elective municipal officials.

Sec. 2. Filing of Election Contests. – A petition contesting the election of any municipal official shall be filed with the proper Regional Trial Court or mailed at the post office as registered matter addressed to said Court, together with six (6) legible copies thereof, by any candidate for the same office who has duly filed a certificate of candidacy and who was voted in the election. Each contest shall refer exclusively to one office, but contests for offices of the Sangguniang Bayan may be consolidated in one case.

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:

There are no cases of election protest in Carmen.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011
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Attached Agencies

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Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Uilo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

Respondents look at military and PNP as independent and peace keepers, they are deputized by the COMELEC during election period. Noting that the PNP also receives allocation from the LGU, there could somehow be an influence from the ruling party.

Although the research team does not question the sincerity of government forces, we noted that some important factor in ensuring credible result of election is absent. Carmen is consistently in the list of election hot spot. However, we observed that CSO/NGO in the area is relatively weak. According to COMELEC, no citizens arm coordinated with her office for the monitoring of election result.

<http://penpointers.blogspot.com/2010/02/investigate-killing-of-edwin-bandila-we.html>

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
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Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

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FGD with IMAN

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Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

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Media

Date of Interview: April 16, 2011

Key Informant/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan City

<http://penpointers.blogspot.com/2010/02/investigate-killing-of-edwin-bandila-we.html>

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:

1. COMELEC RESOLUTION NO. 3254 – RULES AND REGULATIONS ON FOREIGN OBSERVERS IN CONNECTION WITH THE MAY 14, 2001 NATIONAL AND LOCAL ELECTIONS

2. COMELEC RULES OF PROCEDURE

February 15, 1993

Rule 33 – Accreditation of Citizens' Arms of the Commission

Sec. 1. Who May Be Accredited as Citizens' Arms of the Commission. – Any bona fide non partisan group, association or organization from the civic, youth, professional, educational, business or labor sectors with identifiable leadership, membership

and structure, and with demonstrated capacity to promote the public interest and assist the Commission in the performance of its functions and activities as mandated by the Constitution and by law, may be accredited as citizens' arms of the Commission.

3. Omnibus Election Code

Sec. 180. Other watchers. – The duly accredited citizens arm of the Commission shall be entitled to appoint a watcher in every polling place. Other civic, religious, professional, business, service, youth and any other similar organizations, with prior authority of the Commission, shall be entitled collectively to appoint one watcher in every polling place.

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:

According to COMELEC, there is no foreign or domestic observer that coordinates with her office

According to media sources, the election monitoring in the area run smoothly without interference or problems. However, due to lack of resources and manpower, they were not able to cover the entire municipality.

There are no prohibitions in the local level to election observers. The team is aware that there Carmen is covered by some independent monitoring group but there were no published reports

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

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Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
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Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informant/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

All those who run have equal opportunity for campaigning. COMELEC ensures that there are no violations made by both parties.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

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Position: ABC President / Brgy Captain Ugalingan

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Position: Brigade Commander

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Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco

Address: COMELEC, Carmen, North Cotabato

Department: COMELEC, Carmen North Cotabato

Date of Interview: April 23, 2011

Place of Interview: COMELEC, Carmen North Cotabato

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Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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**

Comments:

There is one reported case of killing that happened in the Municipality of Carmen and as of this writing, it remains unresolved. There are allegations that this is politically motivated in relation to the provincial gubernatorial race.

However, based on interviews in Carmen, people consider the election as peaceful. Their view on the killing is that it's an isolated case and it is not election-related.

<http://penpointers.blogspot.com/2010/02/investigate-killing-of-edwin-bandila-we.html>

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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.

89 2.3. Local Political Financing

2.3. Local Political Financing

66

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

References:

RESOLUTION No. 8944
 RULES AND REGULATIONS GOVERNING ELECTORAL CONTRIBUTIONS AND EXPENDITURES
 IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.
 Promulgation: 25 May 2010

Omnibus Election Code (Sec. 94-99)

ARTICLE XI.

ELECTORAL CONTRIBUTIONS AND EXPENDITURES

Sec. 94. Definitions. – As used in this Article:

- (a) The term “contribution” includes a gift, donation, subscription, loan, advance or deposit of money or anything of value, or a contract, promise or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections but shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party. It shall also include the use of facilities voluntarily donated by other persons, the money value of which can be assessed based on the rates prevailing in the area.
- (b) The term “expenditure” includes the payment or delivery of money of anything of value, or a contract, promise or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.
- (c) The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

Sec. 95. Prohibited contributions. – No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:

- (a) Public or private financial institutions: Provided, however, That nothing herein shall prevent the making of any loan to a candidate or political party by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;
- (b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;
- (c) Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;
- (d) Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;
- (e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;
- (f) Educational institutions which have received grants of public funds amounting to no less than P100,000.00;
- (g) Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and
- (h) Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein.

Sec. 96. Soliciting or receiving contributions from foreign sources. – It shall be unlawful for any person, including a political party or public or private entity to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreign national, government or entity for the purposes of influencing the results of the election.

Sec. 97. Prohibited raising of funds. – It shall be unlawful for any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances for the purpose of raising funds for an election campaign or for the support of any candidate from the commencement of the election period up to and including election day; or for any person or organization, whether civic or religious, directly or indirectly, to solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind from the commencement of the election period up to and including election day; Provided, That normal and customary religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition.

Sec. 98. True name of contributor required. – No person shall make any contribution in any name except his own nor shall any candidate or treasurer of a political party receive a contribution or enter or record the same in any name other than that of the person by whom it was actually made.

Sec. 99. Report of contributions. – Every person giving contributions to any candidate, treasurer of the party, or authorized representative of such candidate or treasurer shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution.

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.

YES

NO

Comments:

There is no limit imposed by law on how much a qualified person can donate or contribute to a candidate or political party. The limit is only imposed on the expenditure side.

References:

Omnibus election code

Sec. 95. Prohibited contributions. – No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:

- (a) Public or private financial institutions: Provided, however, That nothing herein shall prevent the making of any loan to a candidate or political party by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;
- (b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;
- (c) Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;
- (d) Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;
- (e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;
- (f) Educational institutions which have received grants of public funds amounting to no less than P100,000.00;
- (g) Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and
- (h) Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein.

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

Comments:

There is no limit based in the amount.

References:

Omnibus Election Code Sec. 94-99

ARTICLE XI.

ELECTORAL CONTRIBUTIONS AND EXPENDITURES

Sec. 94. Definitions. – As used in this Article:

- (a) The term "contribution" includes a gift, donation, subscription, loan, advance or deposit of money or anything of value, or a contract, promise or agreement to contribute, whether or not legally enforceable, made for the purpose of influencing the results of the elections but shall not include services rendered without compensation by individuals volunteering a portion or all of their time in behalf of a candidate or political party. It shall also include the use of facilities voluntarily donated by other persons, the

money value of which can be assessed based on the rates prevailing in the area.

(b) The term "expenditure" includes the payment or delivery of money of anything of value, or a contract, promise or agreement to make an expenditure, for the purpose of influencing the results of the election. It shall also include the use of facilities personally owned by the candidate, the money value of the use of which can be assessed based on the rates prevailing in the area.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

Sec. 95. Prohibited contributions. – No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:

(a) Public or private financial institutions: Provided, however, That nothing herein shall prevent the making of any loan to a candidate or political party by any such public or private financial institutions legally in the business of lending money, and that the loan is made in accordance with laws and regulations and in the ordinary course of business;

(b) Natural and juridical persons operating a public utility or in possession of or exploiting any natural resources of the nation;

(c) Natural and juridical persons who hold contracts or sub-contracts to supply the government or any of its divisions, subdivisions or instrumentalities, with goods or services or to perform construction or other works;

(d) Natural and juridical persons who have been granted franchises, incentives, exemptions, allocations or similar privileges or concessions by the government or any of its divisions, subdivisions or instrumentalities, including government-owned or controlled corporations;

(e) Natural and juridical persons who, within one year prior to the date of the election, have been granted loans or other accommodations in excess of P100,000 by the government or any of its divisions, subdivisions or instrumentalities including government-owned or controlled corporations;

(f) Educational institutions which have received grants of public funds amounting to no less than P100,000.00;

(g) Officials or employees in the Civil Service, or members of the Armed Forces of the Philippines; and

(h) Foreigners and foreign corporations.

It shall be unlawful for any person to solicit or receive any contribution from any of the persons or entities enumerated herein.

Sec. 96. Soliciting or receiving contributions from foreign sources. – It shall be unlawful for any person, including a political party or public or private entity to solicit or receive, directly or indirectly, any aid or contribution of whatever form or nature from any foreign national, government or entity for the purposes of influencing the results of the election.

Sec. 97. Prohibited raising of funds. – It shall be unlawful for any person to hold dances, lotteries, cockfights, games, boxing bouts, bingo, beauty contests, entertainments, or cinematographic, theatrical or other performances for the purpose of raising funds for an election campaign or for the support of any candidate from the commencement of the election period up to and including election day; or for any person or organization, whether civic or religious, directly or indirectly, to solicit and/or accept from any candidate for public office, or from his campaign manager, agent or representative, or any person acting in their behalf, any gift, food, transportation, contribution or donation in cash or in kind from the commencement of the election period up to and including election day; Provided, That normal and customary religious stipends, tithes, or collections on Sundays and/or other designated collection days, are excluded from this prohibition.

Sec. 98. True name of contributor required. – No person shall make any contribution in any name except his own nor shall any candidate or treasurer of a political party receive a contribution or enter or record the same in any name other than that of the person by whom it was actually made.

Sec. 99. Report of contributions. – Every person giving contributions to any candidate, treasurer of the party, or authorized representative of such candidate or treasurer shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution.

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**

References:

Omnibus Election Code

Sec. 99. Report of contributions. – Every person giving contributions to any candidate, treasurer of the party, or authorized representative of such candidate or treasurer shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution.

Sec. 103. Persons authorized to incur election expenditures. – No person, except the candidate, the treasurer of a political party or any person authorized by such candidate or treasurer, shall make any expenditure in support of or in opposition to any candidate or political party. Expenditures duly authorized by the candidate or the treasurer of the party shall be considered as expenditures of such candidate or political party.

The authority to incur expenditures shall be in writing, copy of which shall be furnished the Commission signed by the candidate or the treasurer of the party and showing the expenditures so authorized, and shall state the full name and exact address of the person so designated.

Sec. 106. Records of contributions and expenditures. – (a) It shall be the duty of every candidate, treasurer of the political party and person acting under the authority of such candidate or treasurer to issue a receipt for every contribution received and to obtain and keep a receipt stating the particulars of every expenditure made.

(b) Every candidate and treasurer of the party shall keep detailed, full, and accurate records of all contributions received and expenditures incurred by him and by those acting under his authority, setting forth therein all information required to be reported.

(c) Every candidate and treasurer of the party shall be responsible for the preservation of the records of contributions and expenditures, together with all pertinent documents, for at least three years after the holding of the election to which they pertain and for their production for inspection by the Commission or its duly authorized representative, or upon presentation of a subpoena duces tecum duly issued by the Commission. Failure of the candidate or treasurer to preserve such records or documents shall be deemed prima facie evidence of violation of the provisions of this Article.

Sec. 107. Statement of contributions and expenditures. – Every candidate and treasurer of the political party shall, not later than seven days, or earlier than ten days before the day of the election, file in duplicate with the office indicated in the following section, full, true and itemized, statement of all contributions and expenditures in connection with the election.

Within thirty days after the day of the election, said candidate and treasurer shall also file in duplicate a supplemental statement of all contribution and expenditures not included in the statement filed prior to the day of the election.

Sec. 108. Place for filing statements. – The statements of contributions and expenditures shall be filed as follows:

(a) Those of candidates for President and Vice-President, with the Commission.

(b) Those of candidates for Members of the Batasang Pambansa, with the provincial election supervisor concerned, except those of candidates in the National Capital Region which shall be filed with the regional election director of said region.

(c) Those of candidates for provincial offices, with the provincial election supervisor concerned.

(d) Those of candidates for city, municipal and barangay offices, with the election registrar concerned.

If the statement is sent by mail, it shall be by registered mail, and the date on which it was registered with the post office may be considered as the filing date thereof if confirmed on the same date by telegram or radiogram addressed to the office or official with whom the statement should be filed.

The provincial election supervisors and election registrars concerned shall, within fifteen days after the last day for the filing of the statements, send to the Commission duplicate copies of all statements filed with them.

Sec. 109. Form and contents of statement. – The statement shall be in writing, subscribed and sworn to by the candidate or by the treasurer of the party, shall be complete as of the date next preceding the date of filing and shall set forth in detail (a) the amount of contribution, the date of receipt, and the full name and exact address of the person from whom the contribution was received; (b) the amount of every expenditure, the date thereof, the full name and exact address of the person to whom payment was made, and the purpose of the expenditure; (c) any unpaid obligation, its nature and amount, and to whom said obligation is owing; and (d) such other particulars which the Commission may require.

If the candidate or treasurer of the party has received no contribution, made no expenditure, or has no pending obligation, the statement shall reflect such fact.

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

References:

Omnibus Election Code

Sec. 110. Preservation and inspection of statements. – All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and shall constitute part of the public records thereof for three years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and

shall, during regular office hours, be subject and open to inspection by the public. The officer in-charge thereof, shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed under Section 270 hereof. It shall be the duty of the Commission to examine all statements of contributions and expenditures of candidates and political parties to determine compliance with the provisions of this Article.

RESOLUTION No. 8944

**RULES AND REGULATIONS GOVERNING ELECTORAL CONTRIBUTIONS AND EXPENDITURES
IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.**

Promulgation: 25 May 2010

Sec. 11. Accounting, for agents of candidates or treasurers. – Every person receiving contributions or incurring expenditure by authority of the candidate or treasurer of the party shall, on demand by the candidate or treasurer of the party and in any event within five (5) days after receiving such contribution or incurring such expenditures, render to the candidate or treasurer of the party concerned, a detailed account thereof with proper vouchers or official receipts.

Sec. 16. Preservation and inspection of statements. – All statement of contributions and expenditures shall be kept and preserved at the office where they are filed and shall constitute part of public records thereat for three (3) years after May 10, 2010. They shall not be removed therefrom except upon order of the COMELEC or of a competent court and shall, during regular office hours, be subject and open to inspection by the public. The officer-in-charge thereof, shall, on written demand, furnish certified copies of any statement upon payment of the fee of Two Pesos (P2.00) for every page.

He shall examine all statements receive from candidates and political parties to determine compliance with the provisions of this resolution.

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. Preservation and inspection of statements. – All statements of contributions and expenditures shall be kept and preserved at the office where they are filed and shall constitute part of the public records thereof for three years after the election to which they pertain. They shall not be removed therefrom except upon order of the Commission or of a competent court and shall, during regular office hours, be subject and open to inspection by the public. The officer in-charge thereof, shall, on demand, furnish certified copies of any statement upon payment of the fee prescribed under Section 270 hereof.

It shall be the duty of the Commission to examine all statements of contributions and expenditures of candidates and political parties to determine compliance with the provisions of this Article.

RESOLUTION No. 8944

**RULES AND REGULATIONS GOVERNING ELECTORAL CONTRIBUTIONS AND EXPENDITURES
IN CONNECTION WITH THE MAY 10, 2010 NATIONAL AND LOCAL ELECTIONS.**

Promulgation: 25 May 2010

Sec. 12. Records of Contributions and expenditures –

3. Every candidate and treasurer of the party shall be responsible for the preservation of the records of contributions and expenditures, together with all pertinent documents, for at least three (3) years after the holding of the election to which they pertain and for their production for inspection by the COMELEC or its duly authorized representative, or upon presentation of a subpoena duces tecum duly issued by the COMELEC.

Failure of the candidate or treasurer to preserve such records or documents shall be deemed prima facie evidence of violation of Sec. 106 of the Omnibus Election Code, which constitutes an election offense.

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:

Most if not all candidates in Carmen are well off. The mayor is well-known to be one of the richest if not he richest in Carmen. He owns several establishments or companies in Carmen and outside of Carmen. It was said that the Campaign spending of the Mayor is from his one (1) month earnings from his rubber plantation.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC,Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC,Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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 is no particular case of corporate contribution in the Municipality of Carmen. The owner of big agricultural lands producing palm oil and coconut, Construction company and trading business in Carmen are the ones who run for elective position.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informant/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

The COMELEC at the local level accept the statement of contribution and expenditures. She submits it to the provincial office together with her recommendation. It is the provincial COMELEC or National Comelec investigate and/or determines violations. The BIR on the other would ask for copy to determine the taxes.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

There is no particular case in Carmen.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo
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Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informant/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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:

It is the COMELEC that conducts the auditing. This is based on the Statement of Contribution and Expenditures submitted by individual/party.

The BIR also conducts its own investigation to ensure revenues.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

According to COMELEC all those who run were able to file their statement of contribution and expenditures on time.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

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:

The records can be accessed at the provincial level upon request.

References:

1 Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

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:

According to COMELEC, records can only be accessed in The Provincial COMELEC office which is located in Kidapawan at a reasonable cost (to cover photocopy). If residents of Carmen needs to obtain such Record they have to travel to Kidapawan that would cost them around PhP120 (Two way). If they could not get it within the day, that would entail more cost

References:

1Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Department: COMELEC, Carmen North Cotabato

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. ⁸⁵Local Executive Accountability

3.1. Local Executive Accountability

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

100 | 75 | 50 | 25 | 0

Comments:

There is a regular reporting in public at the Municipal Ground during the convocation every First Monday of the Month. There is a regular meeting of Executives every month.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC,Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC,Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer

Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone

Place of Interview: Municipal Hall, Department of Agriculture

Position: Coordinator

Department: Rural Improvement Club, Carmen North Cotabato

Date of Interview: April 23, 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 all other chief executives and the Legislative makes their public report every month.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Key Respondent/s: Nenita U. Saberola

Position: OIC, Municipal Agriculturist Officer

Department: Municipal Agriculture Office

Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone

Place of Interview: Municipal Hall, Department of Agriculture

Position: Coordinator

Department: Rural Improvement Club, Carmen North Cotabato

Date of Interview: April 23, 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:

REPUBLIC ACT NO. 6770

AN ACT PROVIDING FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN AND FOR OTHER PURPOSES.

Sec. 13. Mandate. – The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

Sec. 15. Powers, Functions and Duties. – The Office of the Ombudsman shall have the following powers, functions and duties:

(1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of his primary jurisdiction, it may take over, at any stage, from any investigatory agency of government, the investigation of such cases;

(2) Direct, upon complaint or at its own instance, any officer or employee of the Government, or of any subdivision, agency or instrumentality thereof, as well as any government-owned or controlled corporations with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties;chan robes virtual law library

(3) Direct the officer concerned to take appropriate action against a public officer or employee at fault or who neglects to perform an act or discharge a duty required by law, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith; or enforce its disciplinary authority as provided in Section 21 of this Act: Provided, That the refusal by any officer without just cause to comply with an order of the Ombudsman to remove, suspend, demote, fine, censure, or prosecute an officer or employee who is at fault or who neglects to perform an act or discharge a duty required by law shall be a ground for disciplinary action against said officer;

(4) Direct the officer concerned, in any appropriate case, and subject to such limitations as it may provide in its rules of procedures, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action;

(5) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents;

(6) Publicize matters covered by its investigation of the matters mentioned in paragraphs (1), (2), (3) and (4) hereof, when circumstances so warrant and with due prudence: Provided, that the Ombudsman under its rules and regulations may determine what cases may not be made public: Provided further, That any publicity issued by the Ombudsman shall be balanced, fair and true;

(7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the government and make recommendations for their elimination and the observance of high standards of ethics and efficiency;

(8) Administer oaths, issue subpoena and subpoena duces tecum, and take testimony in any investigation or inquiry, including the power to examine and have access to bank accounts and records;

(9) Punish for contempt in accordance with the Rules of Court and under the same procedure and with the same penalties provided therein;

(10) Delegate to the Deputies, or its investigators or representatives such authority or duty as shall ensure the effective exercise or performance of the powers, functions, and duties herein or hereinafter provided;

(11) Investigate and initiate the proper action for the recovery of ill-gotten and/or unexpired wealth amassed after February 25, 1986 and the prosecution of the parties involved therein.

The Ombudsman shall give priority to complaints filed against high ranking government officials and/or those occupying supervisory positions, complaints involving grave offenses as well as complaints involving large sums of money and/or properties.

REPUBLIC ACT NO. 7975

AN ACT TO STRENGTHEN THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, AMENDING FOR THAT PURPOSE PRESIDENTIAL DECREE NO. 1606, AS AMENDED.

“Sec. 4. Jurisdiction. The Sandiganbayan shall exercise original jurisdiction in all cases involving:

“a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code, where one or more of the principal accused are officials occupying the following positions in the government, whether in permanent, acting or interim capacity, at the time of the commission of the offense:

“(1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade 27 and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

“(a) Provincial governors, vice-governors, members of the sangguniang panlalawigan, and provincial treasurers, assessors, engineers, and other provincial department heads;

“(b) City mayors, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers, and other city department heads;

“(c) Officials of the diplomatic service occupying the position of consul and higher;

“(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

“(e) PNP chief superintendent and PNP officers of higher rank;

“(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;

“(g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations;

“(2) Members of Congress and officials thereof classified as Grade “27” and up under the Compensation and Position Classification Act of 1989;

“(3) Members of the judiciary without prejudice to the provisions of the Constitution;

“(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

“(5) All other national and local officials classified as Grade “27” and higher under the Compensation and Position Classification Act of 1989;

“b. Other offenses or felonies committed by the public officials and employees mentioned in subsection (a) of this section in relation to their office.

“c. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A.

“In cases where none of the principal accused are occupying positions corresponding to salary grade “27” or higher, as prescribed in the said Republic Act No. 6758, or PNP officers occupying the rank of superintendent or higher, or their equivalent, exclusive jurisdiction thereof shall be vested in the proper Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court, and Municipal Circuit Trial Court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129.

“The Sandiganbayan shall exercise exclusive appellate jurisdiction on appeals from the final judgments, resolutions or orders of regular courts where all the accused are occupying positions lower than salary grade “27”, or not otherwise covered by the preceding enumeration.

“The Sandiganbayan shall have exclusive original jurisdiction over petitions for the issuance of the writs of mandamus, prohibition, certiorari, habeas corpus, injunction, and other ancillary writs and processes in aid of its appellate jurisdiction: Provided, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

“The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals shall apply to appeals and petitions for review filed with the Sandiganbayan. In all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the office of the Ombudsman, through its special prosecutor, shall represent the people of the Philippines except in cases filed pursuant to Executive Orders Nos. 1, 2, 14 and 14-A.

“In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.

“Any provision of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offense charged shall at all times be simultaneously instituted with, and jointly determined in, the same proceeding by the Sandiganbayan or the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized: Provided, however, That where the civil action had heretofore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the Sandiganbayan or the appropriate

court, said civil action shall be transferred to the Sandiganbayan or the appropriate court as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be deemed abandoned.”

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

Comments:

All municipal officials, including the Mayor, is monitored or reports to the DILG on a monthly basis.

There are no cases filed against the mayor of Carmen.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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 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:

All respondent at the Municipal offices agree that the mayor seldom use E.O's. Most if not all projects and programs goes through the usual process. The EO's gathered during the research are in compliance with the National Programs.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

References:

Book IV, Penal Provision of the Local Government Code
<http://www.chanrobles.com/localgov4.htm>

[REPUBLIC ACT NO. 6713]AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Section 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.

(c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

(d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply.

REPUBLIC ACT NO. 6770

AN ACT PROVIDING FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN AND FOR OTHER PURPOSES. <http://www.chanrobles.com/republicactno6770.htm>

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

References:

Book IV, Penal Provision of the Local Government Code
<http://www.chanrobles.com/localgov4.htm>

[REPUBLIC ACT NO. 6713]AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

Section 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

(b) Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of a public official or employee, even if no criminal prosecution is instituted against him.

(c) Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with public officials or employees, in violation of this Act, shall be subject to the same penal liabilities as the public officials or employees and shall be tried jointly with them.

(d) The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (D) of this Act. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply.

REPUBLIC ACT NO. 6770

AN ACT PROVIDING FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN AND FOR OTHER PURPOSES. <http://www.chanrobles.com/republicactno6770.htm>

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.

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**

Comments:

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

References:

RA 6713, AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES

Local Government Code Sec. 91

SEC. 91. Statement of Assets and Liabilities.- (a) Officials and employees of local government units shall file sworn statements of assets, liabilities and networth, lists of relatives within the fourth civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law. <http://www.chanrobles.com/localgov1.htm>

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:

RA 6713 -Code of Conduct and Ethical standards for Public Officials and Employees
http://www.livinginthephilippines.com/philippines_republic_act_6713.html

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

References:

RA 6713- Code of Conduct and Ethical standards for Public Officials and Employees http://www.livinginthephilippines.com/philippines_republic_act_6713.html

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:

RA 6713- http://www.livinginthephilippines.com/philippines_republic_act_6713.html

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

<http://www.chanrobles.com/republicactno3019.htm>

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:

All respondents and almost if not all residents in Carmen knows that the major contractor of infrastructure projects in Carmen is the mayor. The mayor also admits it. The construction company is North Cotabato Construction and Supply, registered in the name of Noemi Taliño. Noemi Taliño, is the wife of Mayor Roger Taliño and also a former Mayor of Carmen.

Mayor Roger Taliño is known to be a very generous man. During the research period, we observe that employees could and even his constituents could easily approach the mayor for assistance. Employees could even ask for pocket money from the mayor in relation to their official activities.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

The mayor and/or his family is the major contractor of infrastructure projects in the municipality. It is also important to note that other government officials and employees and even his constituents that this is more efficient and effective. The Mayor also said that this allows him to provide more services without touching the funds of the government

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)
Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

No known review had been done by Ombudsman or any other government institutions. However, all officials of Carmen submitted their SALN based on our interview with the HR department. The Mayor as well as other officials on the other hand are very vocal of their current Assets. The Mayor own big tracks of land producing rubber and oil palm. He also own a construction company that contracts most if not all infrastructure project of the Carmen LGU.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)
Barangay Local Government Unit

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer

Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Focus Group Disussion
Date: March 28, 2011
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Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

References:

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Local Government Code Sec 91

SEC. 91. Statement of Assets and Liabilities.- (a) Officials and employees of local government units shall file sworn statements of assets, liabilities and networth, lists of relatives within the fourth civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law.

RA 6713

SECTION 8. Statements and Disclosure. — Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) Statements of Assets and Liabilities and Financial Disclosure. — All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

- (a) real property, its improvements, acquisition costs, assessed value and current fair market value;
- (b) personal property and acquisition cost;
- (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- (d) liabilities, and;
- (e) all business interests and financial connections.

The documents must be filed:

- (a) within thirty (30) days after assumption of office;
- (b) on or before April 30, of every year thereafter; and
- (c) within thirty (30) days after separation from the service.

All public officials and employees required under this section to file the aforesaid documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government.

Husband and wife who are both public officials or employees may file the required statements jointly or separately.

The Statements of Assets, Liabilities and Net Worth and the Disclosure of Business Interests and Financial Connections shall be filed by:

- (1) Constitutional and national elective officials, with the national office of the Ombudsman;
- (2) Senators and Congressmen, with the Secretaries of the Senate and the House of Representatives, respectively; Justices, with the Clerk of Court of the Supreme Court; Judges, with the Court Administrator; and all national executive officials with the Office of the President.
- (3) Regional and local officials and employees, with the Deputy Ombudsman in their respective regions;
- (4) Officers of the armed forces from the rank of colonel or naval captain, with the Office of the President, and those below said ranks, with the Deputy Ombudsman in their respective regions; and

(5) All other public officials and employees, defined in Republic Act No. 3019, as amended, with the Civil Service Commission.

(B) Identification and disclosure of relatives. — It shall be the duty of every public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission.

(C) Accessibility of documents. — (1) Any and all statements filed under this Act, shall be made available for inspection at reasonable hours.

(2) Such statements shall be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law.

(3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.

(4) Any statement filed under this Act shall be available to the public for a period of ten (10) years after receipt of the statement. After such period, the statement may be destroyed unless needed in an ongoing investigation.

(D) Prohibited acts. — It shall be unlawful for any person to obtain or use any statement filed under this Act for:

(a) any purpose contrary to morals or public policy; or aisa dc

(b) any commercial purpose other than by news and communications media for dissemination to the general public.

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:

Although by Law, SALN should be available at the Human Resource Office where they are clearly mandated to have their own files, SALN can be accessed in the Office of the Ombudsman in Davao City. As provided by law, requesting period is 10 days.

References:

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4,2011

Venue: IMAN Office, Kabacan, North Cotabato

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

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.

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

Comments:

Although request for a copy of SALN at the office of the Ombudsman is only at a minimal cost, the major concern is the travel expense of the Constituents.

References:

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Date: April 4, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Talino

Date: April 11, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Ms. Jainar

Position: Human Resource Officer

Department: Human Resource Department

Date of Interview: April 28, 2011
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Date of Interview: April 28, 2011
Venue : Budget Department Office

Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Date of Interview: April 28, 2011
Place of Interview: Office of the Vice Mayor
Interviewer/s: Enginita Aloro and Edna Fuentes

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Key Informants/s: Malou Cadeleña-Manar
DXND Station, Kidapawan 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

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

References:

Local Government Code Sec 91

<http://www.chanrobles.com/localgov.htm>

ADMINISTRATIVE ORDER NO. 270 – PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE LOCAL GOVERNMENT CODE OF 1991

RULE XII

Inter-Local Government Relations

ARTICLE 59. General Supervision of the Province Over Component Cities and Municipalities. — (a) The province, through its governor, shall exercise supervisory authority over component cities and municipalities within its territorial jurisdiction to ensure that they act within the scope of their prescribed powers and functions. Highly-urbanized cities and independent component cities shall be independent of the province.

(b) The scope of supervision by the province over component cities and municipalities shall include, but not limited to, the following:

(1) The governor shall review executive orders issued by the mayor of the component city or municipality, subject to the concurrence of the sangguniang panlalawigan, except as otherwise provided under the Constitution and special statutes. If the governor and the sangguniang panlalawigan fail to act on said executive orders within thirty (30) days from receipt thereof, the same shall be deemed consistent with law and therefore valid.

(2) The sangguniang panlalawigan shall review all approved city or municipal ordinances and resolutions approving the development plans and public investment programs formulated by the city or municipal development councils.

(3) The sangguniang panlalawigan shall review the ordinance authorizing annual or supplemental appropriations of component cities and municipalities in the same manner and within the same period prescribed for the review of other ordinances of the LGU.

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:

Yes. In the period covered by the research, there are no ordinances/resolutions that were questioned by the Sangguniang Panlalawigan or the governor. The only comments are on finance but it is more on the presentation.

References:

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Date: April 4, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Talino

Date: April 11, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Ms. Jainar

Position: Human Resource Officer

Department: Human Resource Department

Date of Interview: April 28, 2011

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Date of Interview: April 28, 2011

Venue : Budget Department Office

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Date of Interview: April 28, 2011

Place of Interview: Office of the Vice Mayor

Interviewer/s: Enginita Aloro and Edna Fuentes

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Key Informants/s: Malou Cadeleña-Manar
DXND Station, Kidapawan 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:

Code of Ethics- REPUBLIC ACT NO. 6713

AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES; <http://alfredo.palconit.com/philippines-code-of-ethics>

LOCAL GOVERNMENT CODE

CHAPTER 3 – OFFICIALS AND OFFICES COMMON TO ALL MUNICIPALITIES

Article One. – The Municipal Mayor

SEC. 444. The Chief Executive: Powers, Duties, Functions and Compensation. –

(x) Ensure that all executive officials and employees of the municipality faithfully discharge their duties and functions as provided by law and this Code, and cause to be instituted administrative or judicial proceedings against any official or employee of the municipality who may have committed an offense in the performance of his official duties;

RA 6770

Sec. 13. Mandate. – The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

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

Republic Act 6713

Code of Ethics AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

[http //alfredo.palconit.com/philippines-code-of-ethics](http://alfredo.palconit.com/philippines-code-of-ethics)

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

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.

Laws governing executive officials mentioned earlier are also applicable to council members.

References:

Code of Conduct and Ethical Standards for Public Officials and Employees (RA6173) Sec 7d; <http://alfredo.palconit.com/philippines-code-of-ethics>

Anti-Graft and Corruption Practices Act (RA3019) Sec. 3c;
<http://www.chanrobles.com/republicactno3019.htm>

Presidential Decree 46
<http://www.chanrobles.com/presidentialdecreeno46.htm>

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:

R.A 6713 Code of Ethics -AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES;<http://alfredo.palconit.com/philippines-code-of-ethics>

RA 9184 – <http://www.scribd.com/doc/27491561/RA-9184-Government-Procurement-Reform-Act>

Ra 9485 Republic Acts – AN ACT TO IMPROVE EFFICIENCY IN THE DELIVERY OF GOVERNMENT SERVICE TO THE PUBLIC BY REDUCING BUREAUCRATIC RED TAPE, PREVENTING GRAFT AND ...
www.lawphil.net/statutes/repacts/ra2007/ra_9485_2007.html

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

References:

RA 6713- Code of Conduct and Ethical standards for Public Officials and Employees http://www.livinginthephilippines.com/philippines_republic_act_6713.html

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:

Section 7 (d), Republic Act No. 6713, An Act Establishing A Code Of Conduct And Ethical Standards For Public Officials And Employees, states that “public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.”

Mayor Roger T Talino stated, “As local Chief Executive of the Local Government Unit of Carmen, Cotabato, it is my responsibility to ensure that all personnel of this municipality including the members of the council are doing their tasks and functions without favor in rendering meaningful service to our constituents as mandated by law, Hence, it is NOT necessary to offer gifts and hospitality to urge them to perform their duties as public servants”. In effect Carmen has a “no gifts” policy, according to the Mayor himself.

References:

Interview with Mayor Roger T Talino, Carmen City, North Cotabato, Local Chief Executive, 1 September 2012, Carmen

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 known contract is with the mayor on all infrastructure projects. The legislative council is very much informed of the fact.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Place of Interview: COMELEC, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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.

100 | 75 | 50 | 25 | 0

Comments:

Auditing is done by the Ombudsman. There is no known audit report.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Place of Interview: COMELEC, Carmen North Cotabato

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011

Key Informants/s: Malou Cadeleña-Manar

Position: Reporter, Notre Dame Broadcasting Corporations

Place of Interview: DXND Station, Kidapawan 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:

All other laws indicated in the executive accountability is also applicable.

References:

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

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

References:

Government Officials

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

Comments:

Yes. It can only be access through the Office of the Ombudsman in Davao City. The period for the request is 10 days.

References:

Government Officials

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Media

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

References:

Administrative Order No. 270 IRR of Local Government Code

ARTICLE 63. Local Special Bodies. — (a) Local Development Councils — The duly designated representatives of accredited people's organizations, NGOs, and the private sector operating in the provinces, cities, municipalities, or barangays shall sit as members in the provincial, city, municipal, or barangay development councils, as the case may be. The number of NGO representatives in each LDC shall not be less than one-fourth (1/4) of the total membership of the fully organized council.

ARTICLE 113. Effectivity of Ordinances and Resolutions. — Unless otherwise stated in the ordinance or resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the provincial capitol or city, municipal, or barangay hall, as the case may be, and in at least two (2) other conspicuous places in the LGU concerned.

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.

Comments:

Regular documents can be accessed within the day.

There are also publication of ordinances, posting in conspicuous areas and announcement through billboard. There is also an established communication channel

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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.

100 | 75 | 50 | 25 | 0

Comments:

The cost of requesting documents is just equivalent to the cost of photocopy.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

CSO/PO's/NGO's/Academe

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Media
Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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.

84 3.3. Barangay Accountability

3.3. Barangay Accountability

94

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

YES | NO

References:
REPUBLIC ACT NO. 6713

AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

<http://alfredo.palconit.com/philippines-code-of-ethics>

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

Comments:

There are also existing mechanism in the municipality. Complaints against Barangay Officials can be coursed through the Mayor, facilitate resolution of conflicts. During the research period, we witnessed this procedure after municipal employees complains about difficulty in coordinating with a Barangay Captain.

References:

RA 6770

Sec. 13. Mandate. – The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

Sec. 15. Powers, Functions and Duties. – The Office of the Ombudsman shall have the following powers, functions and duties:

(1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of his primary jurisdiction, it may take over, at any stage, from any investigatory agency of government, the investigation of such cases;

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:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

Local Government Code

SEC. 52. Sessions. – (a) On the first day of the session immediately following the election of its members, the sanggunian shall, by resolution, fix the day, time, and place of its regular sessions. The minimum number of regular sessions shall be once a week for the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, and twice a month for the sangguniang barangay.

(b) When public interest so demands, special sessions may be called by the local chief executive or by a majority of the members of the sanggunian.

(c) All sanggunian sessions shall be open to the public unless a closed-door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency, or morality. No two (2) sessions, regular or special, may be held in a single day.

(d) In the case of special sessions of the sanggunian, a written notice to the members shall be served personally at the member's usual place of residence at least twenty- four (24) hours before the special session is held. Unless otherwise concurred in by two-thirds (2/3) vote of the sanggunian members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice.

(e) Each sanggunian shall keep a journal and record of its proceedings which may be published upon resolution of the sanggunian concerned.

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:

Local Government Code
SEC. 52. Sessions. –

(e) Each sanggunian shall keep a journal and record of its proceedings which may be published upon resolution of the sanggunian concerned.

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:

Barangay Documents can be accessed within the day on normal situation. Other documents can be accessed upon endorsement of the Barangay Officials.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

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.

Comments:

Cost of photocopy or document printing.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

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:

There is regular schedule for Barangay Assemblies, where discussion can be done. Special Assemblies can also be called for dissemination of information.

During sessions, the parliamentary procedure is use to ensure orderly conduct. In special cases, citizens can participate in discussions such as

- a. registered/accredited CSO during the BDP process
- b. Hearings

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen

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. ⁸⁹Local 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**

Comments:

There is a general law that mandates government to disclose information to the public. In addition, the LGC mandates the public disclosure of key budget documents. However, the local executive's budget proposal is not among the documents mandated to be publicly disclosed.

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.

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

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

Comments:

There are governing laws on public Access to local fiscal process and transactions. This is further strengthen through the DILG Memorandum Circular

References:

Sec. 318 of the Local Government Code requires the local chief executive to submit an executive budget proposal to the Sanggunian.

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

DILG Memo Circular 2010-83

Full Disclosure of Local Budget and Finances...

http://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/MC2010-083.pdf

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 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.

References:

Local Government Code Sec. 316 (h);

IRR of the LGC Art. 412 (h)

(h) Conduct semi-annual review and general examination of costs and accomplishments against performance standards applied in undertaking development projects, and prepare a report thereon. A copy of the report shall be furnished the local chief executive and the sanggunian concerned, and shall be posted in conspicuous and publicly accessible places in the provinces, cities, municipalities, and barangays.

Department of Interior and Local Government

Memorandum Circular 2010-83

<http://www.dilg.gov.ph/issuance.php?id=235&issuancetype=mc>

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 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 preceeding year.

References:

Local Government Code Sec. 97;

SEC. 97. Annual Report. — On or before March 31 of each year, every local chief executive shall submit an annual report to the sanggunian concerned on the socioeconomic, political and peace and order conditions, and other matters concerning the local government unit, which shall cover the immediately preceding calendar year. A copy of the report shall be forwarded to the Department of Interior and Local Government. Component cities and municipalities shall likewise provide the sangguniang panlalawigan copies of their respective annual reports.

IRR of the LGC Art. 189, 190 (e)

RULE XXIV

Annual Reports

ARTICLE 189. Submission. — On or before March 31 of each year, every local chief executive shall submit an annual report to the sanggunian concerned on the socioeconomic, political and peace and order conditions, and other matters concerning the LGU, which shall cover the immediately preceding calendar year. A copy of the report shall be forwarded to DILG. Component cities and municipalities shall likewise provide the sangguniang panlalawigan concerned copies of their respective annual reports.

ARTICLE 190. Contents of the Report. — The annual report shall be comprehensive in scope and, as much as possible, be prepared in accordance with the following form and contents:

(a) Message — contains important local policies, programs, and activities of the LGU concerned; the status of their implementation; and other relevant information that affects the lives and welfare of its inhabitants. It may also contain information on what the populace may expect for the coming year or years. This portion of the report may be signed solely by the local chief executive or jointly with the sanggunian members concerned.

(b) Executive Summary — contains the significant results of local government operations of the year under review.

(c) Brief Description of the LGU — provides information on the LGU's socioeconomic and demographic profile; political and peace and order conditions; general and sectoral development objectives; physical framework plans; land use plans; and other related information.

(d) Organization and Management — identifies the offices and personnel of the LGU, including a description of their functions, duties, and responsibilities; and describes the role of each office and key personnel. For each office, the report of accomplishments shall be focused on the delivery of basic services and facilities. Physical accomplishments may be stated in terms of the number of people served, revenues collected, and kilometers of roads constructed or maintained. In all cases, physical results correspond with financial expenditures. These reports may include a comparative statement showing actual accomplishment versus target.

(e) Budget Performance and Financial Statements — report on the results of the budgetary and financial transactions of the LGU for the preceding year. Such data shall include an analysis of performance versus approved budget, disbursements, and cash balances; comparative data for the year preceding the year under review; revenue-expenditure pattern for three (3) to five (5) years; efficiency and effectiveness of the LGU in the delivery of basic services vis-a-vis budgetary expenditures on a sectoral and per capita basis; and financial statements duly certified by COA.

Department of Interior and Local Government
Memorandum Circular 2010-83

<http://www.dilg.gov.ph/issuance.php?id=235&issuancetype=mc>

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:

The Philippine Center for Investigative Journalism with International Budget Partnership produced a National Open Budget Index in 2010. According to the survey, there was an effort by the DBM to produce a citizen budget in 2008, but failed in 2009 due to lack of funds. Although national in scope, this may be reflective of the absence of a national law that guarantees the publication of a citizen’s budget.

References:

Local Government Code

SEC. 352. Posting of the Summary of Income and Expenditures. – Local treasurers, accountants, budget officers and other accountable officers shall, within thirty (30) days from the end of each fiscal year, post in at least three (3) publicly accessible and conspicuous places in the local government unit a summary of all revenues collected and funds received including the appropriations and disbursements of such funds during the preceding fiscal year.

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informant/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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 is strong to warrant access to audit. Financial Annual reports, including from those of the LGUs' can also be downloaded from the COA website.

References:

Philippine Constitution, Article II, Section 28;

Section 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

Article 3, SECTION 7- Philippines Constitution

The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

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

Comments:

Yes. For the past two years the budget report were prepared early.

2009-2010 General Fund Balance Sheet Municipal Accountant

2009 Statement of Income Municipal Treasurer

2010 Statement of Income Municipal Treasurer

Fin. Legislations

reso 2009-02

approving and annual development plan for CY 2010

10/6/2009 Sanguniang Bayan

ordinance 2009-12

adopting and approving annual development plan for CY 2010 11/19/2009 Sanguniang Bayan

Ordinance 2009-13 adopting the Annual Performance Budget for CY 2010 11/19/2009 Sanguniang Bayan

Ordinance 2010-14

adopting and approving annual development plan for CY 2011 9/23/2010 Sanguniang Bayan

Ordinance 2010-15 approving annual performance budget for CY 2011 10/7/2010 Sanguniang Bayan

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

The research team were able to gather the following document:

Fin. Legislations
reso 2009-02
approving and annual development plan for CY 2010
10/6/2009 Sanguniang Bayan

ordinance 2009-12
adopting and approving annual development plan for CY 2010 11/19/2009 Sanguniang Bayan

Ordinance 2009-13 adopting the Annual Performance Budget for CY 2010 11/19/2009 Sanguniang Bayan

Ordinance 2010-14
adopting and approving annual development plan for CY 2011 9/23/2010 Sanguniang Bayan

Ordinance 2010-15 approving annual performance budget for CY 2011 10/7/2010 Sanguniang Bayan

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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

Comments:

We were able to gather the following document:
2009-2010 General Fund Balance Sheet Municipal Accountant
2009 Statement of Income Municipal Treasurer
2010 Statement of Income Municipal Treasurer

We observe that during the research period all other financial documents were posted in the bulletin board in the Municipal Hall.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:
2009-2010 General Fund Balance Sheet Municipal Accountant

The Fund Balance Sheet is the form prescribe to LGU for financial reporting. This is also the basis for the audit.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

There are various documents that were posted in the Bulletin Board at the Municipal Hall. Although there are no publications the reports were made in standard form. Among the documents posted is the Cash Flow.

One consideration in presenting financial documents in the municipality is the tri-people constituents.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Uilo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

At the time of the research, audit report is not yet available. However, we learned that major findings in the audit report are:

1. The big savings

According to the respondents, it is a strategy of the municipality of Carmen to save at least 20-25% of their budget per year. All departments and offices are responsible for ensuring the savings. The savings is used to finance special projects. Special Project for this year is establishing a Municipal hospital. It is also noted that the Municipality did not incur any debt.

2. No Allocation for Gender and Development

According to Respondents, the DILG and the Finance Committee is already addressing this problem.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

The standard procedure in procuring budget document is to get endorsement from the Municipal Officials or the Mayor.

References:

Government Officials

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
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Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

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Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

The only cost for the requesting party is the photocopy.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

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Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

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Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

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Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

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:

Carmen, North Cotabato does not appear to have a website of its own which publishes the local budget. Its presence online is via the provincial government website of Cotabato province: <http://www.cotabatoprov.gov.ph/lgus/carmen>.

Journalist Elusfa says he is not aware of any public hearings concerning the local budget.

References:

Journalist Romy Elusfa.

Government website of Cotabato province: <http://www.cotabatoprov.gov.ph/lgus/carmen>

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

Comments:

The means of the citizens to participate in the Budget Process is through the Local Development Councils (Barangay to Municipal Level, in this case).

References:

ADMINISTRATIVE ORDER NO. 270 – PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE LOCAL GOVERNMENT CODE OF 1991

SEC. 107. Composition of Local Development Councils. – The composition of the local development council shall be as follows:
(2) The city or municipal development council shall be headed by the mayor and shall be composed of the following members:
(iv) Representatives of NGOs operating in the city or municipality, as the case may be, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council.

(d) Functions of LDCs –

- (1) The provincial, city, and municipal development councils shall perform the following functions:
(i) Formulate long-term, medium-term, and annual socioeconomic development plans and policies;
(ii) Formulate medium-term and annual public investment programs;
(iii) Evaluate and prioritize socioeconomic development programs and projects;

(iv) Formulate local investment incentives to promote the inflow and direction of private investment capital;

- (v) Coordinate, monitor, and evaluate the implementation of development programs and projects; and
(vi) Perform such other functions as may be provided by law or component authority.

LOCAL GOVERNMENT CODE

SEC. 115. Budget Information. – The Department of Budget and Management shall furnish the various local development councils information on financial resources and budgetary allocations applicable to their respective jurisdictions to guide them in their planning functions.

SEC. 52. Sessions. –

(b) When public interest so demands, special sessions may be called by the local chief executive or by a majority of the members of the sanggunian.

Local Government Code

(c) All sanggunian sessions shall be open to the public unless a closed-door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency, or morality.

ADMINISTRATIVE ORDER NO. 270 – PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE LOCAL GOVERNMENT CODE OF 1991

RULE XXIII

Local Special Bodies

Article 182

(g) Sectoral and Functional Committees –

- (1) The LDCs may form sectoral or functional committees to assist them in the performance of their functions.
(2) To ensure policy coordination and uniformity in operational directions, the sectoral and functional committees shall directly establish linkages with NGAs and such sectoral or functional committees organized by the government for development, investment and consultative purposes.
(3) Consistent with national policies and standards, the sectoral or functional committees shall:
(iv) Conduct public hearings on vital issues affecting the sector or function;

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:

CSO participation does not is essentially just ceremonial or for compliance purpose. There are various factors:

1. CSO in the Municipality is relatively weak
2. Absence of intervention for local governance
3. lack of encouragement/assistance from the LGU
4. Lack of mechanisms from the government to encourage citizens participation

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4,2011

Venue: IMAN Office, Kabacan, North Cotabato

FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

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

Comments:

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.

References:

IRR of the LGC , ARTICLE 409. Internal Revenue Allotment and Shares in the Utilization of National Wealth. —

<http://www.scribd.com/doc/44371613/IRR-of-Local-Government-Code>

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informant/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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:

The main problem of the LGU in the IRA is sometimes the projection is high compared to the actual revenue. In the case of Carmen, they base their budget on the actual revenue in the previous year to make sure that there will be no deficit.

References:

Government Officials
Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

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Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

ARTICLE 383. Automatic Release of IRA Shares of LGUs. — (a) The individual shares in IRA of each LGU shall be automatically released, without need of any further action, direct to the provincial, city, municipal, or barangay treasurer, as the case may be, on a quarterly basis but not beyond five (5) days after the end of each quarter.

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:

The Office of the Municipal Treasurer issues a certification of the availability of fund. This is used for budget appropriation.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

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Attached Agencies

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Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4,2011

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Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

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

Comments:

Photocopy expenses only.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

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Venue: Municipal Hall, Carmen, North Cotabato

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Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
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Attached Agencies
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Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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

References:
Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato

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Position: Municipal Mayor

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Department: Office of the Municipal Accountant, Carmen, North Cotabato

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Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

ARTICLE 383. Automatic Release of IRA Shares of LGUs. — (a) The individual shares in IRA of each LGU shall be automatically released, without need of any further action, direct to the provincial, city, municipal, or barangay treasurer, as the case may be, on a quarterly basis but not beyond five (5) days after the end of each quarter.

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:

1. 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.

2. All budget are enacted. This gives the council and finance committee to make inputs that could lead to revision.

References:

Local Government Code 1991 Sec. 321; IRR of the LGC, Art. 415, 417

local Ordinances:

reso 2009-02 approving and annual development plan for CY 2010 – 10/6/2009 Source: Sanguniang Bayan ordinance 2009-12 adopting and approving annual development plan for CY 2010 11/19/2009 Source: Sanguniang Bayan Ordinance 2009-13 adopting the Annual Performance Budget for CY 2010 11/19/2009 Source Sanguniang Bayan Ordinance 2010-14 adopting and approving annual development plan for CY 2011 9/23/2010 Source: Sanguniang Bayan

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:

1. 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:

1. Local Government Code Sec. 319;

Changes in the Annual Budget. – All budgetary proposals shall be included and considered in the budget preparation process. After the local chief executive concerned shall have submitted the executive budget to the sanggunian, no ordinance providing for

a supplemental budget shall be enacted, except when supported by funds actually available as certified by the local treasurer or by new revenue sources. http://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html

local legislative documents:

reso 2009-02 approving and annual development plan for CY 2010 10/6/2009 Sanguniang Bayan
ordinance 2009-12 adopting and approving annual development plan for CY 2010 11/19/2009 Sanguniang Bayan
Ordinance 2009-13 adopting the Annual Performance Budget for CY 2010 11/19/2009 Sanguniang Bayan
Ordinance 2010-14 adopting and approving annual development plan for CY 2011 9/23/2010 Sanguniang Bayan

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

Comments:

Yes if necessary. The mechanism Finance Committee conducts consultation with various offices and officials as part of the budget process. They said that this is the reason why budget process runs smoothly.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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**

References:

Section 323, RA 7160 Local Government Code of 1991 <http://www.pcij.org/blog/wp-docs/LGC1991.pdf>

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

89

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:

RA 9184 Government Procurement Act
Government Procurement reform Act (RA 9184) Art 1, Sec. 3 a,e.; Art. IV Sec. 10.;
http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html

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
http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html

Local Government Code Sec. 362; Call for Bids. http://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html

IRR of the LGC Art. 433 (a,b);<http://www.scribd.com/doc/44371613/IRR-of-Local-Government-Code>

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:

General Procurement Act

Government Procurement reform Act (RA 9184) Art. V Sec. 12; Article VII, Sec. 20-22 http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html

Local Government Code Sec. 362; Call for Bids. http://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html

IRR of the LGC Art. 433 (a,b); <http://www.scribd.com/doc/44371613/IRR-of-Local-Government-Code>

Memorandum Circular 2010-83; Memorandum Circular 2011-01- Full Disclosure of Local Budget and Finances, and Bids and Public Offerings.

<http://www.dilgmimaropa.com/TRANSPARENCY.htm>

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

Comments:

It is available upon endorsement of a government official.

References:

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Date: April 4, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Talino

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Ms. Jainar
Position: Human Resource Officer
Department: Human Resource Department
Date of Interview: April 28, 2011
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, North Cotabato

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Date of Interview: April 28, 2011
Venue : Budget Department Office

Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Date of Interview: April 28, 2011
Place of Interview: Office of the Vice Mayor
Interviewer/s: Enginita Aloro and Edna Fuentes

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

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.

References:

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Date: April 4,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Talino

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Ms. Jainar

Position: Human Resource Officer

Department: Human Resource Department

Date of Interview: April 28, 2011

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Date of Interview: April 28, 2011

Venue : Budget Department Office

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Date of Interview: April 28, 2011

Place of Interview: Office of the Vice Mayor

Interviewer/s: Enginita Aloro and Edna Fuentes

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

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

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. V Sec. 12; Article VII, Sec. 20-22 http://www.lawphil.net/statutes/repacts/ra2003/ra_9184_2003.html

Local Government Code Sec. 362; Call for Bids. http://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html

IRR of the LGC Art. 433 (a,b); <http://www.scribd.com/doc/44371613/IRR-of-Local-Government-Code>

Memorandum Circular 2010-83; Memorandum Circular 2011-01- Full Disclosure of Local Budget and Finances, and Bids and Public Offerings. <http://www.dilgimmaropa.com/TRANSPARENCY.htm>

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

References:

Government Procurement reform Act (RA 9184)

Art. V Sec 12;

Section 12. Functions of the BAC.- shall have the following functions: advertise and/or post the invitation to bid, conduct pre-procurement and pre-bid conferences, determine the eligibility of prospective bidders, receive bids, conduct the evaluation of

bids, undertake post-qualification proceedings, recommend award of contracts to the Head of the Procuring Entity of his duly authorized representative: Provided, That in the event the Head of the Procuring shall disapprove such recommendation, such disapproval shall be based only on valid, reasonable and justifiable grounds to be expressed in writing, copy furnished the BAC; recommend the imposition of sanctions in accordance with Article XXIII, and perform such other related functions as may necessary, including the creation of a Technical Working Group from a pool of technical, financial and/or legal experts to assist in the procurement process.

Art. XI Sec. 37;

Section 37. Notice and Executive of Award. – Within a period not exceeding fifteen (15) calendar days from the determination and declaration by the BAC of the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid, and the recommendation of the award, the Head of the Procuring Entity or his duly authorized representative shall approve or disapprove the said recommendation. In case of approval, the Head of the Procuring Entity or his duly authorized representative shall immediately issue the Notice of Award to the bidder with the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid.

Local Government Code Sec. 364;

SEC. 364. The Committee on Awards. – There shall be in every province, city or municipality a committee on awards to decide the winning bids and questions of awards on procurement and disposal of property. The Committee on Awards shall be composed of the local chief executive as chairman, the local treasurer, the local accountant, the local budget officer, the local general services officer, and the head of office or department for whose use the supplies are being procured, as members. In case a head of office or department would sit in a dual capacity, a member of the sanggunian elected from among its members shall sit as a member. The committee on awards at the barangay level shall be the sangguniang barangay. No national official shall sit as a member of the committee on awards. The results of the bidding shall be made public by conspicuously posting the same in the provincial capitol or city, municipal, or barangay hall.

ADMINISTRATIVE ORDER NO. 270 – PRESCRIBING THE IMPLEMENTING RULES AND REGULATIONS OF THE LOCAL GOVERNMENT CODE OF 1991

ARTICLE 435. Committee on Awards. – (a) There shall be in every province, city, or municipality a committee on awards which shall exercise exclusive jurisdiction in deciding the winning bids and questions of awards on procurement and disposal of supplies or property except in cases of procurement through emergency purchase, or when the amortization is specifically vested by law in another body.

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

Section 69. Imposition of Administrative Penalties. – (a) In addition to the provisions of Articles XXI and XXII of this Act, the Head of the Procuring Entity, subject to the authority delegated to the BAC, if any, shall impose on bidders or prospective bidders, the administrative penalty of suspension for one (1) years for the first offense, and suspensions of two (2) years for the second offense from participating in the public bidding process, for the following violations:

1. Submission of eligibility requirements containing false information or falsified documents.
 2. Submission of bids that contain false information or falsified documents, or the concealment of such information in the Bids in order to influence the outcome of eligibility screening or any other stage of the public bidding.
 3. Allowing the use of one's name, or using the name of another for purposes of public bidding.
 4. Withdrawal of a Bid, or refusal to accept an award, or enter into contract with the government without justifiable cause, after he had been adjudged as having submitted the Lowest Calculated Responsive Bid or Highest Rated Responsive Bid.
 5. Refusal or failure to post the require performance security within the prescribed time.
 6. Termination of the contract due to the default of the bidder.
- Refusal to clarify or validate in writing its Bid during post-qualification within a period of seven (7) calendar days from receipt of

the request for clarification.

Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favor.

All other acts that tend to defeat the purpose of the Competitive bidding.

(b) In addition to the penalty of suspension, the Bid security of the performance security posted by the concerned bidder or prospective bidder shall also be forfeited.

(c) the Head of the Procuring Entity may delegate to the BAC the authority to impose the aforementioned administrative penalties.

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;

Section 55. Protests on Decisions of the BAC.- Decisions of the BAC in all stages of procurement may be protested to the head of the procuring entity and shall be in writing. Decisions of the BAC may be protested by filing a verified position paper and paying a non-refundable protest fee. The amount of the protest fee and the periods during which the protests may be filed and resolved shall be specified in the IRR.

IRR of the LGC Art. 436 (g)

Protest Against an Award — A losing bidder may file with the committee on awards a protest within ten (10) days from the date the winner was announced. The protest shall be in writing based on justifiable grounds, accompanied with a protest bond, either in cash, certified or cashier's check, or surety bond, in an amount equivalent to ten percent (10%) of the total value involved. Within seven (7) days from receipt of the protest, the committee on awards shall render its decision.

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;x

Section 48. Alternative Methods. – Subject to the prior approval of the Head of the Procuring Entity or his duly authorized representative, and whenever justified by the conditions provided in this Act, the Procuring Entity may, in order to promote economy and efficiency, resort to any of the following alternative methods of Procurement:

- a. Limited Source Bidding, otherwise known as Selective Bidding –
- b. Direct Contracting, otherwise known as Single Source Procurement –
- c. Repeat Order. –
- d. Shopping –
- e. Negotiated Procurement –

In all instances, the Procuring Entity shall ensure that the most advantageous price for the government is obtained.

Local Government Code Sec. 366;

SEC. 366. Procurement Without Public Bidding. – Procurement of supplies may be made without the benefit of public bidding under any of the following modes:

- (a) Personal canvass of responsible merchants;
- (b) Emergency purchase;
- (c) Negotiated purchase;
- (d) Direct purchase from manufacturers or exclusive distributors; and
- (e) Purchase from other government entities.

IRR of the LGC Art. 437 (a-e).

ARTICLE 437. Procurement Without Public Bidding. — The procurement of supplies may be made without the benefit of public bidding under any of the following modes:

- (a) Procurement through Personal Canvass
- (b) Emergency Purchase —

- (c) Negotiated Purchase —

- (d) Procurement from Duly Licensed Manufacturers —

- (e) Procurement from Exclusive Philippine Agents or Distributors —

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

References:

Government Procurement reform Act (RA 9184) Art. V Sec. 16;

Section 16. Professionalization of BAC, BAC Secretariat and Technical Working Group Members. - The GPPB shall establish a sustained training program for developing the capacity of the BAC's, BAC Secretariats and technical Working Groups of Procuring Entities, and professionalize the same

IRR of RA 9184 Rule XX, Sec. 63.

AN ACT PROVIDING FOR THE MODERNIZATION, STANDARDIZATION AND REGULATION OF THE PROCUREMENT ACTIVITIES OF THE GOVERNMENT AND FOR OTHER PURPOSES

ARTICLE XX

THE GOVERNMENT PROCUREMENT POLICY BOARD

Sec. 63. – A Government Procurement Policy Board (GPPB) is hereby established to: ... (c) ensure that Procuring Entities regularly conduct Procurement training programs and prepare a Procurement operations manual for all offices and agencies of government;

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

Comments:

Infrastructure Projects is the key development strategy of the Municipality of Carmen. According to all respondents, major infrastructure projects are contracted to the North Cotabato Construction and Supply whose registered owner is Noeme Taliño, former mayor of Carmen and wife of the current mayor, Mayor Roger Taliño. This suggest that even if the document requirements prove to satisfy legal procedures, there is a play of influence in the whole process.

It is also important to note that the Citizens of Carmen are aware of the fact that the Mayor and his family are involved in the municipal projects and they are satisfied with the development. The Mayor himself admit to be very much involve in the construction projects. The Mayor argued that his construction business benefitted the municipality because he was able to provide additional services to the people and implement infrastructure project prior to the release of the budget. Other government officials confirmed that even prior to the release of the budget the construction project have already started and even in emergency circumstances, or especially during calamities, the Mayor construction firm could readily response.

References:

Publication: An Encounter with Carmen Mayor Roger Taliño Sept. 15-21, 2010 Southern Voice Journal

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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

Comments:

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.

References:

Local Government Code Sec. 383;
SEC. 383. Implementing Rules and Regulations. – The Chairman of the Commission on Audit shall promulgate the rules and regulations necessary to effectively implement the provisions of this Title, including requirements as to testing, inspection, and standardization of supply and property.

IRR of RA 9184-A;

Memorandum Agreement between the Office of the Ombudsman and the PSLINK.

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

Comments:

The current situation of procurement process in Carmen is a challenge to procurement laws of the country. This is also a big challenge to the effectiveness of all government instrumentalities and other stakeholders on monitoring and evaluating government procurement processes and laws.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011

Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ulló

Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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.

89 4.3. Local Audit

4.3. Local Audit

92

145. In law, there is a Commission on Audit that audits all accounts of the city/municipality including government revenues and expenditures.

YES | NO

References:

PRESIDENTIAL DECREE No. 1445: ORDAINING AND INSTITUTING A GOVERNMENT AUDITING CODE OF THE PHILIPPINES

2009 Revised Rules and Procedures of the Commission on Audit Rule II, Sec. 1,3 & 5;
Section 1. General jurisdiction – The Commission on Audit shall have the power, authority, and duty to examine, audit and settle all accounts pertaining to the revenues and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned and

controlled corporations with original charters, and on a post-audit basis: (a) constitutional bodies, commissions and offices that have been granted fiscal autonomy under the Constitution; (b) autonomous state colleges and universities; (c) other government-owned or controlled corporations and their subsidiaries; and (d) such non-governmental entities receiving subsidy or equity directly or indirectly, from or through the government, which are required by the law or granting institution to submit to such audit as a condition of subsidy or equity. However, where the internal control system of the audited agencies is inadequate, the Commission may adopt such measures, including temporary or special pre-audit, as are necessary and appropriate to correct the deficiencies. It shall keep the general accounts of the Government, and for such period as may be provided by law, preserve the vouchers and other supporting papers pertaining thereto.

Section 3. Powers, functions and duties of Auditors as representatives of the Commission. – The Auditor shall exercise such power and functions as provided by law and as may be authorized by the Commission in the examination, audit and settlement of the accounts, funds, financial transactions and resources of the agencies under their respective audit jurisdiction.

Section 5. Entities within the jurisdiction of the Commission. – The authority and powers of the Commission to examine, audit and settle all accounts extended to the following entities:

- a...
- b. Local Government units, their agencies, and other instrumentalities;

Local Government Code Sec. 348.

SEC. 348. Auditorial Visitation. – The books, accounts, papers, and cash of local treasurer, accountant, budget officer, or other accountable officers shall at all times be open for inspection of the Commission on Audit or its duly authorized representative...

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

References:

PRESIDENTIAL DECREE No. 1445 ORDAINING AND INSTITUTING A GOVERNMENT AUDITING CODE OF THE PHILIPPINES

1987 Philippine Constitution Art. IX-D;
D. THE COMMISSION ON AUDIT

Section 1. (1) There shall be a Commission on Audit composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, Certified Public Accountants with not less than ten years of auditing experience, or members of the Philippine Bar who have been engaged in the practice of law for at least ten years, and must not have been candidates for any elective position in the elections immediately preceding their appointment. At no time shall all Members of the Commission belong to the same profession.

2009 Revised Rules and Procedures of the Commission on Audit Rule II, Sec. 1

JURISDICTION AND POWERS OF THE COMMISSION ON AUDIT

Section 1. General jurisdiction – The Commission on Audit shall have the power, authority, and duty to examine, audit and settle all accounts pertaining to the revenues and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned and controlled corporations with original charters, and on a post-audit basis: (a) constitutional bodies, commissions and offices that have been granted fiscal autonomy under the Constitution; (b) autonomous state colleges and universities; (c) other government-owned or controlled corporations and their subsidiaries; and (d) such non-governmental entities receiving subsidy or equity directly or indirectly, from or through the government, which are required by the law or granting institution to submit to such audit

as a condition of subsidy or equity. However, where the internal control system of the audited agencies is inadequate, the Commission may adopt such measures, including temporary or special pre-audit, as are necessary and appropriate to correct the deficiencies. It shall keep the general accounts of the Government, and for such period as may be provided by law, preserve the vouchers and other supporting papers pertaining thereto.

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

References:

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Key Respondent/s: Joel Ulló

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

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:

According to Audit reports, the Municipality is being questioned in the past years because of the big savings. However they explained that it is their strategy in order not to incur deficit and to be able to set aside budget for special projects. The municipality is now allotting PhP 80 Million from its compounded savings to build a Municipal Hospital.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

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

References:

2009-2010 General Fund Balance Sheet as submitted to COA (Auditors report is not yet available as of the interview period)

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

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:

On the period of our interview the Audit Report is not yet done for the previous year

References:

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4,2011

Venue: IMAN Office, Kabacan, North Cotabato

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

Date: April 4,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Talino

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Ms. Jainar

Position: Human Resource Officer

Department: Human Resource Department

Date of Interview: April 28, 2011

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Date of Interview: April 28, 2011
Venue : Budget Department Office

Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Date of Interview: April 28, 2011
Place of Interview: Office of the Vice Mayor
Interviewer/s: Enginita Aloro and Edna Fuentes

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Key Informants/s: Malou Cadeleña-Manar
DXND Station, Kidapawan 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**

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. Annual reports, including from those of the LGUs' can also be downloaded from the COA website.

References:

Constitution, Article II, DECLARATION OF PRINCIPLES AND STATE POLICIES; Section 28;Section 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

Article III, BILL OF RIGHTS; Section 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

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:

Reports can be accessed through the endorsement and or approval of government officials.

References:

Government Officials

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.

Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan

Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe

Date: April 4, 2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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

154. In law, citizens have the right to access information such as policies and guidelines in paying taxes.

YES | NO

References:

THE NATIONAL INTERNAL REVENUE CODE

OF THE PHILIPPINES- <http://www.chanrobles.com/legal6nationalinternalrevenuecodeof1997.html>

[Tax Reform Act of 1997]. www.ehow.com › Personal Finance

Republic Act No. 8424 <http://www.glin.gov/view.action?glinID=59480>

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

Comments:

There is a rigid campaign to ensure tax collections. Information on tax collections were posted in the municipality and other places.

References:

Government Officials

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informant/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011

Key Informant/s: Efren M. Costales

Position: Municipal Budget Officer

Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Respondent/s: Joel Ulló
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

CSO/PO's/NGO's/Academe
Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

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

References:

THE
NATIONAL INTERNAL REVENUE CODE
OF THE PHILIPPINES
[Tax Reform Act of 1997] Republic Act No. 8424
<http://www.bir.gov.ph/taxcode/taxcode.htm>

The Local Government Code
<http://www.chanrobles.com/localgovfulltext.html>

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:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato

Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

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 tax collected every month is posted in a bulletin board.

References:

Government Officials
Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

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. ⁶⁷Local Civil Service Regulations

5.1. Local Civil Service Regulations

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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:

RA 7160, Local Government Code of 1991

RA 6713, Code of Conduct and Ethical Standards for Public Employees

Presidential Decree No. 807, www.lawphil.net/statutes/presdecs/.../pd_807_1975.html – Naka-cache – Katulad Civil Service Decree of the Philippines – mclaw08.wordpress.com/.../civil-service-decree-of-the-philippines-pd-807/

Administrative Code 1987, Book V Chapter 6 Sec. 38 <http://sc.judiciary.gov.ph/jurisprudence/2002/jul2002/141149.htm>

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:

1. Key Informants/s: Ms. Jainar
Position: Human Resource Officer, Human Resource Department
Date of Interview: April 28, 2011
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen, North Cotabato

2. Date: April 4,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Talino

3. 15. Key Informants/s: Malou Cadeleña-Manar
DXND Station, Kidapawan 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:

The Chief executive could always exercise his discretion on firing and hiring of employees. In the municipality, there are no cases within the research period. However, there is one celebrated case that according to the Mayor, he fired the said employee because of non-performance of duty. The case is still going-on.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

RA 6713 Code of Ethics- http://www.lawphil.net/statutes/repacts/ra1989/ra_6713_1989.html

Interview with Vice Mayor Alberto Rivera

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:

RA 6713 Code of Ethics

RA 9485- <http://www.scribd.com/doc/26648094/r-a-9485-Anti-Red-Tape-Act>

Interview with Vice Mayor Alberto Rivera

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

Comments:

The mayor and his wife who is the former mayor contracts most of the infrastructure project of the municipality of Carmen. The Construction firm is in the name of Mrs. Noemi Taliño, the wife of the mayor. Apart from the mayorm there are no other local government officials or their family that is involve into contract with the LGU.

Interviews also reveal that there are no big corporations in the municipality because of the peace and order situation. According to Vice Mayor Rivera, the council did not promulgate any law because are no reported incident of any private individual offering gifts to transact with any offices within the municipality.

References:

1. Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

2. Date: March 28, 2011

Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Divisio, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

3. Date: April 4,2011

Venue: IMAN Office, Kabacan, North Cotabato

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

5. Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

6. Date: April 4,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Talino

7. Date: April 11,2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant,Carmen, North Cotabato

12. Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Date of Interview: April 28, 2011

Place of Interview: Office of the Vice Mayor

13. Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

14. Key Informants/s: Wed Dinopol

Position: Municipal Treasurer

Date of Interview: April 18, 2011

Place of Interview: Office of the Municipal Treasurer

15. Key Informants/s: Malou Cadeleña-Manar
DXND Station, Kidapawan 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

Comments:

The mayor serves as the major contractor of infrastructure projects.

References:

1. Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia (MPDO)

2. Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

3. Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

5. Key Informant/s Jose Flores Sanico

Address: Brgy Tacupan, Carmen, North Cotabato

Affiliation: Chairman Carmen

Inter Religious Dialogue (IRD)

Date of Interview: April 11, 2011

6. Date: April 4, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Talino

7. Date: April 11, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Jerry D. Judilla

Address: Brgy Poblacion, Carmen, North Cotabato

Position: OIC – Administrative Officer V

Department: Office of the Municipal Accountant, Carmen, North Cotabato

12. Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Date of Interview: April 28, 2011
Place of Interview: Office of the Vice Mayor

13. Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

14. Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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

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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:

There was no reported case related to corruption, graft, abuse of power or abuse of resources, actually the act of Mayor is more

appreciated within and with the constituents(aside from our formal interviews we also managed to get information to some people in CARMEN.)

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. The law is applicable only to witnesses or complainants, not to whistle-blowers. It already assumes that the case is undergoing an investigation, and the witness may not be the reason for bringing the issue out in the open. There is no clause on whistle-blowing in the Administrative Code of the Philippines.

References:

The Witness Protection, Security and Benefit Act (RA 6981) Sec. 3 & 8
mclaw08.wordpress.com/.../witness-protection-security-and-benefit-act-ra-6981/ –

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:

There are no specific incidents.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date of Interview: April 19, 2011
Key Informant/s: Efren M. Costales
Position: Municipal Budget Officer
Venue : Budget Department Office

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Barangay Local Government Unit

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Respondent/s: Carmen Francisco
Address: COMELEC, Carmen, North Cotabato
Position:
Department: COMELEC, Carmen North Cotabato
Date of Interview: April 23, 2011
Place of Interview: COMELEC, Carmen North Cotabato

Key Respondent/s: Nenita U. Saberola
Position: OIC, Municipal Agriculturist Officer
Department: Municipal Agriculture Office
Date of Interview: April 6, 2011
Place of Interview: Municipal Agriculture Office, Carmen North Cotabato

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Date: April 4, 2011

Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN

Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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
<http://mclaw08.wordpress.com/2011/02/09/witness-protection-security-and-benefit-act-ra-6981/>

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.

Comments:

There was no case reported except for some respondents recalls on what they experience and heard, which they said was not actually directly related to graft and corruption issue. The mayor also gave his explanation on the data we presented.

Malou Cadeleña-Manar, from Media, she heard that the Municipal Accountant was fired. She was accused of making an anomaly. She applied at USM then after a quite time she was kicked out from the university. Her husband known to be political opposition of mayor. We asked the mayor about this and he said that the reason is the performance of duty. Her fired her due to lack of trust and confidence.

According to Mr. Jerry Judilla an OIC-Administrative Officer 5: Sometime in year 2000, there was a once suspect involved in CONIVANCE of disbursement, the mayor was so angry and did not stop looking for the evidences, records to prove the said anomalies. It was found out later that accusations was wrong and the Mayor just get over the situation.

References:

Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Date: April 11, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant, Carmen, North Cotabato

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Date of Interview: April 28, 2011
Key Informants/s: Ms. Mary Jane Jainar
Position: Human Resource Officer
Department: Human Resource Department
Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP

Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Date of Interview: April 16, 2011
Key Informant/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan 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:

The mechanism for reporting wrong doings by local officials is at the national level, via the Office of the Ombudsman, which is

mandated by the Constitution and by law (Republic Act 6770) to investigate and prosecute such complaints, and even suspend or dismiss erring local officials.

The website of the Office of the Ombudsman indicates emails and phone numbers people can use to report irregularities or submit complaints. Also, there are hotlines and the Municipal employees and officials are attentive to the needs/concern of their constituents.

However, to Jose Flores Sanico, a local NGO in Carmen, said that based on his observation, nobody uses the hotline, since they believed that no one could act on their complains.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: April 11,2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Jerry D. Judilla
Address: Brgy Poblacion, Carmen, North Cotabato
Position: OIC – Administrative Officer V
Department: Office of the Municipal Accountant,Carmen, North Cotabato

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Attached Agencies
Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Date: April 4,2011
Venue: IMAN Office, Kabacan, North Cotabato
FGD with IMAN
Key Informant/s: Executive Director Mike P. Alon, Usman Maungko and Staffs

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s Jose Flores Sanico
Address: Brgy Tacupan, Carmen, North Cotabato
Affiliation: Chairman Carmen
Inter Religious Dialogue (IRD)
Date of Interview: April 11, 2011

Key Respondent/s: Carolina Balone
Place of Interview: Municipal Hall, Department of Agriculture
Position: Coordinator
Department: Rural Improvement Club, Carmen North Cotabato
Date of Interview: April 23, 2011

Date of Interview: April 16, 2011
Key Informants/s: Malou Cadeleña-Manar
Position: Reporter, Notre Dame Broadcasting Corporations
Place of Interview: DXND Station, Kidapawan City

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**

Comments:

This municipality has enacted no local ordinance so far. So far there is only a proposed Whistleblower Act, which seeks to protect and compensate whistleblowers and witnesses for the risks and sufferings they face for exposing irregularities. It has been passed only by the House but still has to be approved by the Senate.

References:

Moises Orendain, Sangunian Barangay Member or Municipal Kagawad, Carmen, North Cotabato, 1 September, 2012.

The Philippine Star, Paolo Romero, House panel passes whistleblowers' Act May 20, 2011, <http://www.philstar.com/Article.aspx?articleId=687846>

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 such allocation. The law mandates reward system to employees through their exemplary work.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Key Informants/s: Wed Dinopol
Position: Municipal Treasurer
Date of Interview: April 18, 2011
Place of Interview: Office of the Municipal Treasurer

Key Respondents: Armando Y. Uy Sr.
Address: Ugalingan, Carmen, North Cotabato
Position: ABC President / Brgy Captain Ugalingan
Date of Interview: May 17, 2011
Place of Interview: Ugalingan, Carmen, North Cotabato

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Disussion
Date: March 28, 2011
Venue: Political Science Department , University of Southern Mindanao,Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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.

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

Comments:

It is observed that the DILG acts to monitor. There had been no investigation conducted. The DILG said that the Municipality of

Carmen follows rules and regulations.

There were no reports from COA and the Ombudsman.

References:

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

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**

Comments:

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 Np. 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).

References:

No actual legislation for whistle-blowers.

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.

Comments:

No specific case.

References:

Date of Interview: April 28, 2011

Key Informants/s: Ms. Mary Jane Jainar

Position: Human Resource Officer

Department: Human Resource Department

Place of Interview: Human Resource Office, Carmen Municipal Hall, Carmen,

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. ⁹⁷Local Health Regulation

6.1. Local Health Regulation

100

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:

PRESIDENTIAL DECREE No. 856/ Code on Sanitation of the Philippines December 23, 1975 – <http://www.wepa-db.net/policies/law/philippines/pd856.htm>

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

Comments:

They are available in publications/billboards.

References:

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

2011-08 Creating Tobacco Control Board 1/31/2011 Office of the Mayor

Ord. 2010-07 : Prohibiting Smoking on Public Places... Aug. 18-24, 2010 Southern Voice Journal

2009-09 Ordinance enacting the integrated solid waste management 10/22/2009 sanguniang Bayan and Health Office

2007-92 Resolution Supporting DOH CIRCULAR No. 2007-0171 ... Knock-Out Tigdas 10/11/2007 sanguniang Bayan and Health Office

2005-83 Resolution Supporting DOH Anti-Malaria Campaign 10/27/2005 sanguniang Bayan and Health Office

No. 96-03 ordinance regulating cleanliness and sanitation in public places sanguniang Bayan and Health Office

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:

The Municipal Health Office leads the implementation of ensuring public health standard. Inspections were regularly conducted in coordination with DILG, and the Municipal Council. In relation to this, Carmen only has very few establishments.

References:

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

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

Comments:

The performance of Carmen on this is good. One of the advantage is that there are only very few business establishment in the Municipality.

References:

Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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:

Yes. Most of this activities are in coordination with the Municipal Council. The DILG also assist the LGU through in campaigns.

References:

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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

Comments:

The LGC and MC2006-162 empowers all local chief executives to cancel or revoke business permits and close down businesses that imports or distribute consumer products dangerous to health and safety. Supported by the Constitution, these compliance issues are to be made public. Also, 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.

References:

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

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:

It would be available within the day for regular documents

References:

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

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:

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

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:

Section 477 of the Local Government Code requires city and municipal governments to have a city engineer whose functions include giving building permits, while Section 478 requires hiring of a health officer whose functions include direct sanitary inspection of business establishments selling food items or providing accommodations.

Complaints could be address to: a. The Mayor and b. The Municipal Health Office and other line agencies/offices.

References:

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

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

Comments:

Yes. One of the strength of Carmen is that it imposes discipline to all its constituents. The municipality implemented various national legislations in a very organize way. Mechanisms were installed. It is also said that the Mayor himself conducts inspection to ensure that there are no violations on various regulation.

References:

KDate: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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

90

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.

In Carmen, North Cotabato, they published safety regulations in different forms. Systems with regards to public information are in place.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6. Citizen's Charter. – All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen's Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, ilipino, or in the local dialect, that detail:

- (a) The procedure to obtain a particular service;
- (b) The person/s responsible for each step;
- (c) The maximum time to conclude the process;
- (d) The document/s to be presented by the customer, if necessary;
- (e) The amount of fees, if necessary; and
- (f) The procedure for filing complaints.

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:

Yes. This are posted in conspicuous places. There is also information dissemination mechanism. This includes national and local safety regulations.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Uilo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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:

Journalist Romy Elusfa says local offices appear to be properly staffed and they are responsive when it comes to questions regarding social services, not specifically public safety standards. But also, it must be noted that most of the major local businesses are owned by the clan that's been in power in the area for quite a while.

References:

Journalist Romy Elusfa

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

Comments:

Mechanisms includes inspection prior to issuance of permit and inspection for monitoring purposes

References:

Date: April 4,2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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.

Comments:

There are also other ordinances that were also related laws to in relation to safety but not necessarily applicable to business establishments. An example of this is the regulation on motorcycles that ferry passenger.

References:

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG

Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo

Position: PNP Chief

Address: PNP, Carmen, North Cotabato

Date of Interview: April 19, 2011

Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo

Address: DTU, Carmen, North Cotabato

Position: Brigade Commander

Department: AFP

Date of Interview: April 15, 2011

Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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

References:

Constitution, Article II, Section 28; : “Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.”

HB 0133; The right to information on matters of public concern is a self-executory provision which can be invoked by any citizen. It determines the rules by which the duty to afford access to sources of information is enforced. While the manner of examining public records may be subject to reasonable regulation by the government agency in custody thereof, the duty to disclose the information of public concern and to afford access to public records cannot be discretionary on their part. Otherwise, the enjoyment of the constitutional right will be negated by any whimsical exercise of agency discretion.

Article III, Section 7;“The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.” This popular section is enshrined in the Bill of Rights of the Constitution.

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.Citizen’s Charter. – All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen’s Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:(a) The procedure to obtain a particular service; (b) The person/s responsible for each step; (c) The maximum time to conclude the process; (d) The document/s to be presented by the customer, if necessary; (e) The amount of fees, if necessary; and (f) The procedure for filing complaints.

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:

Normal document request applies. This means that documents/information can be gathered within the day of request.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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

Comments:

Expense is for costs of photocopies only.

References:

Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Uilo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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:

Although no law mandates it, there are existing mechanisms. For example, the city has hot lines, and information about this are in billboards or tarpaulins. This municipality is using the Police Hotline in coordination with the Municipal Police Station for 24/7 service to receive and respond calls or reports on any businesses that violate public safety standards. We also established our own Public Information or Complaints Desk prescribed in the Citizen's Charter of this municipality to receive written information and complaints from the public that need to be addressed. Although in many instances, our constituents just directly report to me being their Municipal Mayor."

References:

Interview with Mayor Roger T Talino, Local Chief Executive, Local Government Unit, Carmen.

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:

There are no report from the citizens. However, monitoring is often conducted by offices/agencies concerned.

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Key Informant/s: PCI Jordine CE. Maribojo
Position: PNP Chief
Address: PNP, Carmen, North Cotabato
Date of Interview: April 19, 2011
Place of Interview: PNP Station, Carmen, North Cotabato

Key Respondent/s: Cesar Sedillo
Address: DTU, Carmen, North Cotabato
Position: Brigade Commander
Department: AFP
Date of Interview: April 15, 2011
Place of Interview: 57th IB Battalion, Makilala, North Cotabato

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.

90

6.3. Local Environmental Regulation

6.3. Local Environmental Regulation

100

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., Citizen's Charter. – All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen's Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:(a) The procedure to obtain a particular service;
(b) The person/s responsible for each step;
(c) The maximum time to conclude the process;
(d) The document/s to be presented by the customer, if necessary;
(e) The amount of fees, if necessary; and
(f) The procedure for filing complaints.

DENR Citizen's Charter

Pursuant to Republic Act No. 9485 entitled "An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption and Providing Penalties Thereof Otherwise Known as the Anti-Red Tape Act of 2007" dated 02 June 2007, Special Order No. 2008-761 dated 10 November 2008 created a Team to formulate the DENR Citizen's Charter. Citizen's Charter refers to an official document, a service standard, or a pledge that communicates in simple terms, information on the services provided by the government to its citizens. It describes the step-by-step procedure for availing a particular service and the guaranteed performance level that they may expect from the service.

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

Comments:

The Province have also published a book on environmental regulations and passed Resolution No. 196/Ordinance No. 326 otherwise known as "The Provincial Environment Code of Cotabato"

References:

Date: April 4,2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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:

Apart from the Business Bureau, the Committee on Environmental Protection and Ecology, Municipal Development Office as well as the DILG conducts regular monitoring. This is complemented by citizens involvement such as the market vendors association and the Purok Association.

References:

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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

Comments:

The DILG is also actively involve in awareness campaign.

References:

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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:

This is in compliance with the National Laws and Regulations, DILG Issuances, and as well as with the Provincial Environment Code.

References:

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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 public safety 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.

References:

Constitution, Article II, Section 28; Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

DENR Citizen's Charter. – Pursuant to Republic Act No. 9485 entitled "An Act to Improve Efficiency in the Delivery of Government Service to the Public by Reducing Bureaucratic Red Tape, Preventing Graft and Corruption and Providing Penalties Thereof Otherwise Known as the Anti-Red Tape Act of 2007" dated 02 June 2007, Special Order No. 2008-761 dated 10 November 2008 created a Team to formulate the DENR Citizen's Charter. Citizen's Charter refers to an official document, a service standard, or a pledge that communicates in simple terms, information on the services provided by the government to its citizens. It describes the step-by-step procedure for availing a particular service and the guaranteed performance level that they may expect from the service.

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6. All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen's Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

- (a) The procedure to obtain a particular service;
- (b) The person/s responsible for each step;
- (c) The maximum time to conclude the process;
- (d) The document/s to be presented by the customer, if necessary;
- (e) The amount of fees, if necessary; and
- (f) The procedure for filing complaints. Article III, Section 7;

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

References:

Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Uilo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer

Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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:

Date: April 4, 2011 and May 2, 2011

Venue: Municipal Hall, Carmen, North Cotabato

Key Informant/s: Mayor Rogelio Taliño

Position: Municipal Mayor

Date of Interview: April 28, 2011

Key Informants/s: Alberto G. Rivera

Position: Vice Mayor

Place of Interview: Office of the Vice Mayor

Date: March 15, 2011

Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato

Key Informant/s: Engr. Marilyn R. Garcia

Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada

Venue: Brgy Poblacion, Carmen, North Cotabato

Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitqitan

Address: Brgy Poblacion, Carmen, North Cotabato

Position: Municipal Health Officer

Department: Office of the Municipal Health

Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo

Place of Interview: DILG, Carmen, North Cotabato

Position: Municipal Local Government Officer

Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion

Date: March 28, 2011

Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato

FGD with Tri-People

Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindano- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer

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.

References:

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6. Citizen's Charter. – All government agencies including departments, bureaus, offices, instrumentalities, or government-owned and/or controlled corporations, or local government or district units shall set up their respective service standards to be known as the Citizen's Charter in the form of information billboards which should be posted at the main entrance of offices or at the most conspicuous place, and in the form of published materials written either in English, Filipino, or in the local dialect, that detail:

- (a) The procedure to obtain a particular service;
- (b) The person/s responsible for each step;
- (c) The maximum time to conclude the process;
- (d) The document/s to be presented by the customer, if necessary;
- (e) The amount of fees, if necessary; and
- (f) The procedure for filing complaints.

Local Ordinance

2009-09 Ordinance enacting the integrated solid waste management 10/22/2009 sanguniang Bayan and Health Office

No. 96-03 ordinance regulating cleanliness and sanitation in public places sanguniang Bayan and Health Office

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.

100 | 75 | 50 | 25 | 0

Comments:

No such case in Carmen for the Research Period. However, massive campaign for enforcement of environmental regulations is conducted with the help of the Environmental Protection and Ecology Committee of the Sanguniang Bayan and the Department of Interior and Local Government.

References:

Date: April 4, 2011 and May 2, 2011
Venue: Municipal Hall, Carmen, North Cotabato
Key Informant/s: Mayor Rogelio Taliño
Position: Municipal Mayor

Date of Interview: April 28, 2011
Key Informants/s: Alberto G. Rivera
Position: Vice Mayor
Place of Interview: Office of the Vice Mayor

Date: March 15, 2011
Venue: Municipal Planning Office, Municipal Hall, Carmen, North Cotabato
Key Informant/s: Engr. Marilyn R. Garcia
Position: Municipal Planning and Development Officer (MPDO)

Respondent Name: Precilla Tabuada
Venue: Brgy Poblacion, Carmen, North Cotabato
Date of Interview: April 11, 2011

Key Informant/s: Dr. Jose S. Naquitquitan
Address: Brgy Poblacion, Carmen, North Cotabato
Position: Municipal Health Officer
Department: Office of the Municipal Health
Date of Interview: April 18, 2011

Key Respondent/s: Joel Ullo
Place of Interview: DILG, Carmen, North Cotabato
Position: Municipal Local Government Officer
Department: DILG
Date of Interview: April 23, 2011

Focus Group Discussion
Date: March 28, 2011
Venue: Political Science Department, University of Southern Mindanao, Kabacan, North Cotabato
FGD with Tri-People
Key Informant/s: Capt. Duque 7th Infantry Division, Armed Forces of the Philippines (AFP); Usman Ledasan and Alunan Senul of the University of Southern Mindanao- Extension; Abby Pato of Integrated Rural Development Foundation, Usman Maungko of IMAN; Sultan Salik K. Makakena of University of Southern Mindanao LRPC and Marco M. Paje, a media volunteer