

Overall Score:

77 - Moderate

Legal Framework Score:

84 - Strong

Actual Implementation Score:

71 - Moderate

Category 1. Civil Society, Public Information and Media

83
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

88

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

YES

NO

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 23 (The state shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation)
 - b. Article XIII, Section 15 and 16 (provisions on the Role and Rights of People's Organization)
2. RA 7160 Local Government Code of 1991, Chapter 4, Section 34 (Role of People's and Nongovernmental Organizations)

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

References:

1. RA 7160 Local Government Code of 1991, Chapter 4, Section 36 (Assistance to People's and Nongovernmental Organizations)
2. BP 68 The Corporation Code of the Philippines, Title IV, Section 36 (Corporate Powers and Capacities)
3. Memorandum of Agreement between NORFIL Foundation and Lapu-Lapu City for their foster care program.

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:

Even in the absence of a local ordinance on CSO/NGOs, there are still a number of operating NGOs as well as cooperatives since the city government had been continuously open about them. The current mayor has mandated the creation of LLCCDRC for the purpose of assisting newly created cooperatives. Also, the mayor has mandated that NGO representatives be active partners of the city in the city's planning and monitoring functions.

References:

1. SP Secretary Francisco Limpangog (Date and Place of Interview: April 6, 2011 at the Office of the SP Secretary)
2. SP Administrative Staff Manuel Tampus (Date and Place of Interview: April 20, 2011 at the SP office)
3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC Office)
4. List of Accredited NGOs released by the SP office

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

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

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

100 | 75 | 50 | 25 | 0

References:

1. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC Office in Lapu-Lapu City)
2. Mr. Franco Villaruel, former Social Development officer of the Project Seahorse Foundation. (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC Main Campus)
3. Mrs. Ma. Irene Pintor, Graft Investigation Officer, Office of the Ombudsman-Visayas in-charge of the Junior Graftwatch Unit (JGU) Program. (Date and Place of Request: April 29, 2011 at the OMB-Visayas office)

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

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, Head of City Budget Office (Date and Place of Interview: April 18, 2011 at the City Budget Office)
3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC office)
4. Mr. Franco Villaruel, former Social Development Officer of Project Seahorse Foundation and current faculty of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC-Main Campus)

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

75: ..

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

25: ..

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

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

YES | NO

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, Head of City Budget Office (Date and Place of Interview: April 18, 2011 at the City Budget Office)
3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC office)
4. Mr. Franco Villaruel, former Social Development Officer of Project Seahorse Foundation and current faculty of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC-Main Campus)

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:

There are a number of NGOs/CSOs accredited in Lapu-Lapu City to compose the various Local Special Bodies. Among the most notable include those concerning women and children such as NorPhil and VINE, Inc. while others concentrate on environmental issues like Oceancare and the Project Seahorse. People's organizations for the elderly and women are also accredited by the city.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, Head of City Budget Office and member of the Local Finance Committee (Date and Place of Interview: April 18, 2011 at the City Budget Office)
3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC office)
4. Mr. Franco Villaruel, former Social Development Officer of Project Seahorse Foundation and current faculty of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC-Main Campus)

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

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, Head of City Budget Office and a member of the Local Finance Committee (Date and Place of Interview: April 18, 2011 at the City Budget Office)
3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC office)
4. Mr. Franco Villaruel, former Social Development Officer of Project Seahorse Foundation and current faculty of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC-Main Campus)

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

75: ..

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

25: ..

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

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

YES | NO

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, Head of City Budget Office and member of the Local Finance Committee (Date and Place of Interview: April 18, 2011 at the City Budget Office)

April 18, 2011 at the City Budget Office)

3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC office)

4. Mr. Franco Villaruel, former Social Development Officer of Project Seahorse Foundation and current faculty of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC-Main Campus)

5. List of Accredited Junior Graftwatch Units operating in Lapu-Lapu City (released by the Office of the Ombudsman – Visayas)

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. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

2. Ms. Victoria Andoy, Head of City Budget Office and member of the Local Finance Committee (Date and Place of Interview: April 18, 2011 at the City Budget Office)

3. Mr. Jaime Glomar, Head of the Lapu-Lapu City Cooperative Development and Resources Center (Date and Place of Interview: April 6, 2011 at the LLCCDRC office)

4. Mr. Franco Villaruel, former Social Development Officer of Project Seahorse Foundation and current faculty of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC-Main Campus)

5. List of Accredited Junior Graftwatch Units operating in Lapu-Lapu City (released by the Office of the Ombudsman – Visayas)

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

90

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

YES | NO

References:

1. 1987 Philippine Constitution

- a. Article II, Section 24 (The State recognizes the vital role of communication and information in nation-building)
- b. Article III, Section 3 (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)
- c. 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)
- d. Article XVI, Section 10 (The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press)

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

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

12. In law, freedom of speech is guaranteed.

YES | NO

References:

1. 1987 Philippine Constitution

- a. Article II, Section 24 (The State recognizes the vital role of communication and information in nation-building)
- b. Article III, Section 3 (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)
- c. 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)
- d. Article XVI, Section 10 (The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press)

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:

The regular press conference conducted by the city government is done every Wednesday morning, around 10:30 AM. This is when the Mayor, or through, her Executive secretary, answer questions from the media. Securing documents from the city hall shall first be cleared by the Mayor's office for purposes of security and monitoring.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Mr. Francisco Limpangog, SP Secretary (Date and Place of Interview: April 6, 2011 at the SP Office)

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:

Although there are many noted corruption issues confronting the leadership of Lapu-Lapu City, there were no recorded intimidation or harassment cases.

References:

1. Mr. Roderic R. Poca, Host – 888 Media Forum; Columnist of Cebu Daily News; and Chair, Department of Political Science in the University of San Carlos (Date and Place of Interview: May 18, 2011 at the Department of Political Science of the University of San Carlos)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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

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

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

YES | NO

References:

1. Mr. Roderic R. Poca, Host – 888 Media Forum; Columnist of Cebu Daily News; and Chair, Department of Political Science in the University of San Carlos (Date and Place of Interview: May 18, 2011 at the Department of Political Science of the University of San Carlos)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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.

90
1.3. Local Public Access to Information

1.3. Local Public Access to Information

70

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

YES | NO

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 24 (The State recognizes the vital role of communication and information in nation-building)
 - b. Article III, Section 3 (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)
2. In compliance to RA 9485, Lapu-Lapu City government adopted its Citizen's Charter last September 25, 2009 contained in Resolution No. 1963-2009.

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:

The Citizen's Charter does not specify any mechanism for appeals. However, according to Mr. Duero if there are any appeals or complaints the same are channeled directly to the Mayor's Office and they respond to them accordingly.

References:

1. Lapu-Lapu Citizen's Charter
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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

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

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

YES | NO

Comments:

The limitation, however, is that copies of Citizen's Charter are only available in the different offices and not widely distributed. The website still needs a lot of improvement as it is only descriptive and not so much interactive.

References:

1. Lapu-Lapu City Citizen's Charter
2. Lapu-Lapu City website includes a link where the interested businessman can download the Application Form for Business Permit (<http://www.lapulapucity.gov.ph/for-business/doing-business-in-lapu-lapu-city/start-your-business>)

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.

Comments:

Generally, requests for information from the city follows the process and time allocation prescribed in their Citizen's Charter. However, for politically sensitive and out of the usual information, like researches and monitoring, the city officials are quite reserved. This was the experience of the researcher.

The researcher tried to schedule a meeting with the Mayor but it was to no avail. She was only entertained by Mr . Duero, the mayor's executive secretary. All other interviews with city employees were first cleared with the office of Mr. Duero. The latter explained that this was the recourse of the city to avoid a similar incident in the past, involving the release of a public document that was used for political reasons against the officials of the city.

References:

1. Lapu-Lapu City Citizen's Charter
2. Ronnie Veloso, resident of Brgy. Gun-ob, Lapu-Lapu City and President of AB-POSC major in Public Management and Development Track of the University of San Carlos-Department of Political Science (Date and Place of Interview: April 13, 2011 at Lapu-Lapu City)
3. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
4. Mrs. Judith Forota, Assistant Head of the City Budget Office (Date and Place of Interview: April 12, 2011 at the City Budget Office)

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.

Comments:

In securing copies of documents, there are prescribed amount that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the the lobby of the city hall operated privately for a cost of 2.00 per page. If compared to other photocopying services, the 2.00 per page may be expensive since there are cheaper cost as low as .50 cents per page.

References:

1. Lapu-Lapu Citizen's Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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:

The Citizen's Charter does not include a specific provision on appeal. However, to demonstrate that the city government entertains and addresses the concerns of the public, Mr. Duero furnished the researcher a copy of the paper trail of a request for Miscellaneous Sales Application that has been contested and opposed. He highlighted that the Mayor's Office made it a point to respond to these kinds of matters efficiently.

References:

1. Lapu-Lapu Citizen's Charter
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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

75: ..

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

25: ..

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

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

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

Comments:

The Citizen's Charter provides the amount needed to pay for documents requested from the different offices of the city hall. In cases of request for documents the requester will have to shoulder the expenses.

References:

1. Lapu-Lapu Citizen's Charter
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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

References:

1. Lapu-Lapu Citizen's Charter
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 12, 2011 at the Mayor's Office)
3. Ms. Herminia Tumalak, LRCO III Head of One-Stop-Shop for the Processing of Business Permit (Date and Place of Interview: April 13, 2011 at the One-Stop-Shop of Lapu-Lapu 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:

Ms. Dungog commented that their city had been commended for being among the first few LGU to have published their financial

statements ahead of time.

Mr. Duero added that the new mayor is very particular of deadlines and had been imposing to all her officials to publish their records early as possible.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Mr. Ruel, in-charge of maintaining Lapu-Lapu City website (<http://www.lapulapucity.gov.ph/>)
3. Ms. Helen Dungog, Head, City Accountant's Office (Date and Place of Interview: April 19, 2011 at the City Accountant's Office)

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

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

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

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

Comments:

Mr. Ybanez commented that the city had already improved in proactively providing information to the public.

Ms. Dungog and Ms. Catagcatag both expressed that they are very willing to provide information to anyone who may be interested to ask. However, both also shared that there are only a few of their constituents who actually request for information.

Mr. Duero and Ms. Andoy commented that though they are very willing and open to share public documents however, they centralize the release of these information as per the clearance of the Office of the Mayor.

References:

1. Mr. Kenzlee Ybanez, former Secretary of Brgy. Basak and currently a graduate student of the Master of Public Management and Development of the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 6, 2011 at Mang Inasal Restaurant in Gaisano Mactan)
2. Lapu-Lapu city website (<http://www.lapulapucity.gov.ph/>)
3. Ms. Helen Dungog, Head of the City Accountant's Office (Date and Place of Interview: April 19, 2011 at the City Accountant's Office)
4. Ms. Elenita Catagcatag, Head of the City Treasurer's Office (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
5. Ms. Victoria Andoy, Head of the City Budget Office (Date and Place of Interview: April 18, 2011 at the City Budget Office)

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

85

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

YES | NO

Comments:

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

References:

1. 1987 Philippine Constitution
 - a. Article V, Sections 1 and 2
2. RA 9189, Section 4
3. BP 881 Omnibus Election Code

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

Comments:

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

References:

1. RA 7160 Local Government Code, Section 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)
2. Omnibus Election Code Sec 29

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

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

28. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

Comments:

The key informants explained that they did not receive any reports of disenfranchisement of voters. Although there were stories about voters who had experienced delays in voting that made most of them give up their chance to cast their votes. This may be considered a form of disenfranchisement.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
3. Patrick Gabunada, 4th year Political Science major of the Department of Political Science of the University of San Carlos and was one of the volunteers who assisted the local COMELEC in the registration process together with his batchmates from high school (Date and Place of Interview: April 19, 2011 at Manila Foodshoppe in Gaisano Mactan)

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:

Although Atty. Lamban did not personally supervise the conduct of elections in Lapu-Lapu City, but she shared about not having

heard of any issues violating the protection of the ballots.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

Vangie Bergado shared that there was no report of any change of schedule of the May 10, 2010 elections. Although delays were experienced in the transmission phase, which was also the case in most areas in Cebu.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
3. Patrick Gabunada, 4th year Political Science major of the Department of Political Science of the University of San Carlos and was one of the volunteers who assisted the local COMELEC in the registration process together with his batchmates from high school (Date and Place of Interview: April 19, 2011 at Manila Foodshoppe in Gaisano Mactan)
4. KENZLEE Ybanez, former secretary of Brgy. Basak and is currently a graduate student of the Master of Public Management and Development of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 6, 2011 at Mang Inasal Restaurant in Gaisano Mactan)

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

Comments:

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

Atty. Lamban explained that application for a political party, even though to operate only at the local government will be processed and approved by the COMELEC National Office.

References:

1. RA 7160 Local Government Code, Section 41.c. (In addition thereto, there shall be one (1) sectoral representative from the women, one (1) from the workers, and one (1) from any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as may be determined by the Sanggunian concerned within ninety (90) days prior to the holding of the next local elections, as may be provided for by law. The COMELEC shall promulgate the rules and regulations to effectively provide for the election of such sectoral representatives)
2. Omnibus Election Code Sec 60-62
3. COMELEC Resolution on party list, political parties

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

Comments:

The law ensures that any citizens can run for political office as long as the individual fulfills the requirements.

References:

1. Batas Pambansa Blg 52, Section 3

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:

Supporters and local politicians expressed that they were able to organize their respective local parties. However, they were not reflected as in the official list of accredited political parties sourced from COMELEC. Atty. Lamban also mentioned that even in the previous elections, the opposition had always organized their own party but without assurance of whether they have been duly registered/accredited with COMELEC.

She added that this was case since registration/accreditation of political parties are centralized in their National Office.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Hon. Joselito Tibon, Barangay Captain of Brgy. Suba-Basbas and supporter of SUKOL, the opposition party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Brgy. Hall)
3. Cherry Ycong, AB-POSC Graduate March 2011, resident of Brgy. Suba- Basbas, Lapu-Lapu City
4. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The key informants shared that there are no explicit barriers for anyone to run for local positions in Lapu-Lapu City; however, they also added that having a shallow financial base would be very challenging.

Hon. Tibon emphasized that he had always been part of the opposition since he started in politics and despite difficulties in seeking victory.

Mr. Pelaez likewise shared that he had never been active in politics but took the challenge of freeing the city from graft and corruption by seeking the mayoral position against the wife of the former local chief executive.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Hon. Joselito Tibon, Barangay Captain of Brgy. Suba-Basbas and supporter of SUKOL, the opposition party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Brgy. Hall)

3. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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:

There were no noted deliberate means of disenfranchising the voters since even the supporters of the opposition were able to vote. However, there are instances or practices that have affected the efficient flow of registration and voting that caused dismay on some of the electorates that made them leave the process.

Atty. Lamban shared that every political groups have their respective creative means of encouraging the people to register, among these include the massive ferrying of registrants from their respective barangays sometimes using government-owned vehicles. But their office cannot impose sanctions as the same would mean penalizing all groups, which is absolutely impractical.

Hon. Tibon and Mr. Pelaez expressed that their supporters were deprived from being able to vote early. The administration party allegedly connived with the BEIs, the latter reserved the earlier priority numbers (1 to 600) to the administration party supporters. These numbers were allegedly distributed at the tent of the admin party who were also assisting the voters in locating their precincts. Those belonging to the opposition party were then forced to wait for their turn, most of them were dismayed and some even left the polling places.

These stories and anecdotes were corroborated by Mrs. Bergado and many of her CCIMPEL volunteers.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
3. Hon. Joselito Tibon, Barangay Captain of Brgy. Suba-Basbas and supporter of SUKOL, the opposition party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Brgy. Hall)
4. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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

64

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

YES | NO

Comments:

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

References:

1. 1987 Philippine Constitution
 - a. Article IX Constitutional Commissions, Part C – The Commission on Elections
2. Omnibus Election Code Sec 52

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

Comments:

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

References:

1. 1987 Philippine Constitution
 - a. Article IX Constitutional Commissions, Sections 1 and 2

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:

According to COMELEC appointments are based on the qualifications set by the institution and assignment of employees ensure that they are not from the LGU they are serving. Unfortunately, there had been noted comments from other personalities about their impression of COMELEC and the partiality they observe in the officials. Although the city government designated two (2) Job Orders (JO) to assist the daily affairs of their office.

The CCIMPEL volunteer specifically commented that the EO during the 2010 elections, was very biased to the Radaza's. She said that this has been the impression of most CCIMPEL volunteers since they never had the chance of talking with him in person, especially in terms of how the group can be of help to his office.

Mr. Pelaez shares the same comment.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
3. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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:

Atty. Lamban shared that there are 4 regular professional staff of their office who were employed by COMELEC. There are two jobs provided by the city government.

Their office experienced the need for more manpower during election time.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

As per the 2010 Automated Elections, all reports were efficiently produced.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

Atty. Lamban specifically said that there were violations in the practice of people especially in the process of registration, vote buying and selling. However, most people don't file complaints about them. COMELEC, on the other hand, is not that pro-active in filing cases.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

Atty. Lamban specified that there is a specific process of registration that was observed by all local COMELEC for the 2010 elections. However, due to large volume of registrants there were many whom the other informants considered to have been disenfranchised. They were mostly those who were not entertained earlier than they expected who felt disappointed about the process and ultimately left their lines.

Patrick Gabunada shared that he and some of his high school friends assisted Atty. Gujilde and his staff during the registration of voters last December 2009. There were many applicants who came during the extended deadline, who were mostly impatient. And since there were many young people who were there, they decided to help manage the crowd.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
3. Patrick Gabunada, 4th year Political Science major of the Department of Political Science of the University of San Carlos and was one of the volunteers who assisted the local COMELEC in the registration process together with his batchmates from high school (Date and Place of Interview: April 19, 2011 at Manila Foodshoppe in Gaisano Mactan)

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

References:

1. BP 881, Article XXI on Election Contests
 - a. Section 268. Jurisdiction of courts. – The regional trial court shall have the exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code, except those relating to the offense of failure to register or failure to vote which shall be under the jurisdiction of the metropolitan or municipal trial courts. From the decision of the courts, appeal will lie as in other criminal cases.
2. COMELEC Rules and Procedure Part VI on Provisions Governing Election Contests and Quo Warranto Case Before Trial Court
 - a. 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.

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:

Mr. Pelaez mentioned that during the proclamation of the winners of the 2010 elections, a huge crowd of the opposition supporters gathered in front of the city hall grounds to protest the 16-0 result, in favor of the administration party. This landslide victory was recorded to have happened for the first time in the history of Lapu-Lapu. The opposition vehemently disagreed to the result since, according to them as corroborated by observers from CCIMPEL, they had many supporters. The opposition mentioned that most, if not all, of their sorties and campaigns in every barangay had been received by many of the residents. They believed that the result was fraudulent and anomalous. To formalize their protest, Mr. Pelaez mentioned that his camp filed an electoral contest, however they did not know what happened to said complaint until now.

Mrs. Bergado and Atty. Lamban also mentioned hearing about such a complaint but never had any update about it.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)
3. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
4. COMELEC Rules and Procedure Part VI on Provisions Governing Election Contests and Quo Warranto Case Before Trial Court
 - a. Sec. 21. Appeal. – From any decision rendered by the court the aggrieved party may appeal to the Commission on Elections within five (5) days after the promulgation of the decision.

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:

Mr. Pelaez commented that law enforcers were biased to the administration party. And this has been explicitly shown in the use of police car for the benefit of the administration supporters.

Both Atty. Lamban and Mrs. Bergado commented that as per their respective experiences, the local PNP is almost always bias to the Radaza's. The police officials, instead of taking orders from the local COMELEC, privilege the orders of the Mayor. Both likewise noted that the AFP officers are more impartial than the PNP. They also added that there was no use of force or violence as means of supporting or opposing a candidate.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)
3. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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

Comments:

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

References:

1. BP 881, Section 180 (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:

Mrs. Bergado shared that the volunteers of CCIMPEL (Cebu Citizen's Involvement and Maturation for People's Empowerment and Liberation) were able to do their task efficiently and without intimidation in all phases of the electoral process. Hon. Tibon however, commented that even if the CCIMPEL volunteers were present there were still tactics from the administration party that favored their people and at the same time discouraged other voters.

References:

1. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
2. Hon. Joselito Tibon, Barangay Captain of Brgy. Suba-Basbas and supporter of SUKOL, the opposition party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Brgy. Hall)

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:

Atty. Lamban shared that even during the 2004 and 2007 elections, there had always been violations in campaign advertising committed by all parties or groups. And what their office does is just to implement their regulatory function of reprimanding the groups to abide by the rules set by law. This was also the same comment given by Mrs. Bergado.

Mr. Pelaez and Hon. Tibon, on the other hand, strongly commented that the administration party was largely favored in terms of their campaign materials. For example, the tarpaulins of the Radaza's were significantly bigger and better situated than what is prescribed.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
3. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)
4. Hon. Joselito Tibon, Barangay Captain of Brgy. Suba-Basbas and supporter of SUKOL, the opposition party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Brgy. Hall)

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 was a reported election-related violence during the October 2010 Barangay elections at Brgy. Punta Engano. One supporter of the Radaza's was shot dead.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
3. Hon. Joselito Tibon, Barangay Captain of Brgy. Suba-Basbas and supporter of SUKOL, the opposition party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Brgy. Hall)

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.

64
2.3. Local Political Financing

2.3. Local Political Financing

38

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

YES | NO

Comments:

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

References:

1. Omnibus Election Code Sec. 94-112
2. COMELEC Resolution No. 8944 and 8993 (governing the 2010 National and Local Elections)

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

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

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

YES | **NO**

Comments:

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

References:

1. Omnibus Election Code Sec. 94-112
2. COMELEC Resolution No. 8944 and 8993 (governing the 2010 National and Local Elections)

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 are no written regulations on limits of corporate donations to individual political candidates. There are no direct regulations on corporate donations.

References:

1. Omnibus Election Code Sec. 94-112
2. COMELEC Resolution No. 8944 and 8993 (governing the 2010 National and Local Elections)

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

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

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

YES | NO

Comments:

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

References:

1. Omnibus Election Code Sec. 99 & 108
2. COMELEC Resolution No. 8944 and 8993 (governing the 2010 National and Local Elections)

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

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

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

YES | NO

Comments:

The law provides that failure to file statements or meet requirements of elected officials would result in not allowing them to perform the duties of their office. However, independent auditing of the statements filed is not a requirement of the law.

References:

1. Omnibus Election Code Sec.111
2. COMELEC Resolution No. 8944 and 8993 (governing the 2010 National and Local Elections)

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

Comments:

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

References:

1. Omnibus Election Code Sec.110

2. COMELEC Resolution No. 8944 and 8993 (governing the 2010 National and Local Elections)

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:

According to Atty. Lamban the regulations are just ministerial in character. COMELEC does not look into the veracity of the contributions unless somebody lodges a complaint. This was corroborated by the presentation of Atty. Cadiz of Libertas about the experience of Pera at Pulitika.

The Pera at Pulitika 2010 Network of independent media, legal, academic and civil society groups will monitor, assess and report on campaign-finance issues in the May 2010 elections. It is our hope that our combined efforts could help inform proposals to institute reforms in campaign finance and other election laws in time.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Atty. Roberto Cadiz, Executive Director of Libertas (presentation on Pera't Pulitika: Campaign Spending during the FNF IAF Replication Seminar on Politics and Civil Society: The Role of NGOs and Political Parties, May 4-6, 2011 held at Ortigas Center, Pasig City)
3. Pera and Pulitika Introduction sourced from the PCIJ website (<http://i-site.ph/2010elections/stories/pera-at-pulitika-introduction/>)

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.

Comments:

According to Atty. Lamban the regulations are just ministerial in character. COMELEC does not look into the veracity of the contributions unless somebody lodges a complaint. This was corroborated by the presentation of Atty. Cadiz of Libertas about the experience of Pera at Pulitika.

The Pera at Pulitika 2010 Network of independent media, legal, academic and civil society groups will monitor, assess and report on campaign-finance issues in the May 2010 elections. It is our hope that our combined efforts could help inform proposals to institute reforms in campaign finance and other election laws in time.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)
2. Atty. Roberto Cadiz, Executive Director of Libertas (presentation on Pera't Pulitika: Campaign Spending during the FNF IAF Replication Seminar on Politics and Civil Society: The Role of NGOs and Political Parties, May 4-6, 2011 held at Ortigas Center, Pasig City)
3. Pera and Pulitika Introduction sourced from the PCIJ website (<http://i-site.ph/2010elections/stories/pera-at-pulitika-introduction/>)

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.

Comments:

According to Atty. Lamban investigations related to campaign financing are only initiated if a complaint is officially filed.

As far as Lapu-Lapu City is concerned, no one was reported being investigated due to campaign financing-related violation.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

According to Atty. Lamban since investigations related to campaign financing are only initiated if a complaint is officially filed, subsequent penalties are imposed under proper observance of the law.

No one from Lapu-Lapu had been meted with the penalties prescribed by law.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

Lapu-Lapu City EO mentioned that finances of individual candidates are not subject to any audit.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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 Atty. Lamban, it has been the practice of COMELEC Lapu-Lapu to remind the candidates and/or their groups about the submission of their Statement of Contributions and Expenditures on the deadline prescribed by a COMELEC Resolution. As for the 2010 elections, the deadline imposed by COMELEC Resolution No. 8993 was June 24, 2010.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

COMELEC is a highly centralized agency, and that all financial records for individual candidates are immediately forwarded by the Local COMELEC to their national office. Atty. Lamban said that their act of receiving the candidates' Statement of Contributions and Expenditures is just ministerial. Hence, any request for such documents will have to be done at their main office in Manila. This means response to requests may take a while, definitely more than 5 days.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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:

Since documents related to candidates' financial statements are in the COMELEC Manila office, the requester shall shoulder any and all expenses.

References:

1. Atty. Ann Jeanette Lamban, Election Officer of Lapu-Lapu City (Date and Place of Interview: May 18, 2011 at the COMELEC Lapu-Lapu City Office)

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

75: ..

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

25: ..

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

Category 3. Local Government Accountability

3.1. Local Executive Accountability

3.1. Local Executive Accountability

76

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

100 | 75 | 50 | 25 | 0

Comments:

Both informants shared that explanations on certain policies are done via the regular press conference organized by the office of the mayor every Wednesday 10:00AM. The heads of other offices who has substantial stake on issues are asked to join in the press conference.

According to Hon. Ycong, the City Council always makes it a point to conduct public hearings, to be “attended by all concerned and affected sectors in the society.” And it is on such gatherings where they explain the rationale and purpose of certain decisions.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor’s Office)
2. Hon. Marcial Ycong, Vice-Mayor of Lapu-Lapu City (Date of reply to questions: May 16, 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:

Mr. Duero explained that the current mayor is very particular when it comes to compliance with the reports of all the department heads to specific government offices. This was corroborated and highly emphasized by Mrs. Helen Dungog of the City Accountant's Office since they are responsible in the submission of financial reports as per DILG and DBM rules.

This in turn shows that the local chief executive of Lapu-Lapu City is also very particular about provision of reports but more for the consumption of other government offices performing regulatory functions.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)

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

Comments:

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

References:

1. 1987 Philippine Constitution
 - a. Article VIII, Section 1
 - b. Article XI, Sections 1 to 2
2. RA 7160 Local Government Code
 - a. Section 3.j

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:

Atty. Pacas emphasized to the local assessment researcher that even if the judiciary has the Power of Judicial Review, the courts do not perform this power pro-actively. Rather, they act based on cases filed before them.

References:

1. Atty. Denis L. Pacas, Branch Clerk of Court, Regional Trial Court, Br 54 Lapu-Lapu City (Date and Place of Interview: April 28, 2011 at the Lapu-Lapu City Regional Trial Court Branch 54)
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas

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:

Most of the EOs released by the Mayor are intended to provide the composition of the different Local Special Bodies. Although the local researcher was not given a copy of all the EOs issued by the mayor, Mr. Duero informed her that the Local Chief Executive utilizes the EOs for the performance of her executive functions.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 2
 - b. Article XI, Sections 1 to 2
2. RA 9485 Anti-Red Tape Act
3. RA 7160 Local Government Code, Section 3.j

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

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

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

YES | NO

Comments:

Art. XI, Sec. 1-2 1987 Philippine Constitution provides that public officers be held accountable for their actions. Grounds may

include impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.

References:

1. 1987 Philippine Constitution
A. Article XI, Sections 1 to 2

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:

RA 6713 Section 8 provides the law's mandate for the Statement and Disclosure policy covering government officials and employees.

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

References:

1. RA 6713 Code of Conduct and Ethical Standards for Public Officials and Employees, Section 8
2. RA 7160 Local Government Code, Section 91
3. Civil Service Commission Memorandum Circular No. 20, s. 1994

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:

1. RA 6173 Code of Conduct and Ethical Standards for Public Officials and Employees Section 7d
2. RA 3019 Anti-Graft and Corruption Practices Act Section 3c
3. Presidential Decree 46

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

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

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

YES | **NO**

Comments:

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

Atty. Camiguing explained that what the Office of the Ombudsman does is simply to collect and collate all the SAL-N submitted by the various government officials and employees. Such function of the office does not mandate auditing of these disclosed assets. Rather, an audit happens when complaints are raised.

References:

1. RA 7160 Local Government Code, Section 91
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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:

1. RA 3019 Anti-Graft and Corruption Practices Act Section 3 (d,g)
2. RA 7160 Local Government Code, Section 22c

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:

Mr. Limpangog shared that the practice of giving gifts to officials of the city government is part of the people's culture and not something that exclusively happens in Lapu-Lapu City government.

This was corroborated by Ms. Chona Barnaba who expressed that there is no actual application of the mechanisms governing gifts and hospitality offered to the officials of the executive branch.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Mr. Francisco Limpangog, Secretary of the Sangguniang Panlungsod (Date and Place of Interview: April 6, 2011 at the SP Secretary Office)
3. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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.

Comments:

Mr. Duero specifically underscored that the current administration is very conscious in terms of strictly following rules and regulations governing local government units. Hence, all of the mayor's decisions are conferred to her executive secretary as well as department heads, including appointments of individuals to specific positions in the city government.

Using the Plantilla of Personnel document, Ms. Barnaba shared that the mayor have not appointed anyone that violates the fourth degree of consanguinity and affinity limitation set by law.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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.

Comments:

Atty. Camiguing explained that assets disclosed by local government officials are only audited if a complaint pertaining to its veracity is filed before the office of the Ombudsman. Further, the audit is conducted by the Bureau of Internal Revenue. The Ombudsman can also conduct lifestyle checks as per requests forwarded to them.

References:

1. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)
2. Dr. Belle M. Quijano , Graft Investigation Officer II, Office of the Ombudsman – Visayas (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

RA 7160: It does not mean that even though officials are required to submit statements of assets and liabilities that it is open to the public.

The OMB Citizen's Charter specifies the processes, time period as well as the fees that will be incurred by anyone who wish to secure copies of SALN submitted by local government officials.

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article XI, Section 1
2. Local Government Code Sec 91
3. Office of the Ombudsman Citizen's Charter

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:

According to Dr. Quijano, they exert all their efforts to respond to requests within the time period specified in the Citizen's Charter of OMB. However, the actual release of requested documents varies depending on the volume of the requests.

References:

1. Office of the Ombudsman Citizen's Charter
2. Dr. Belle M. Quijano , Graft Investigation Officer II, Office of the Ombudsman – Visayas (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)
3. Ma. Irene Pintor, Associate Graft Investigation Officer III (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)

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:

The OMB Citizen's Charter likewise provides the affordable cost to be incurred by any individual who would like to request for any document from their office.

As per the experience of the local researcher in requesting the SALN of the officials of Lapu-Lapu City, OMB took care of the reproduction of the requested documents.

References:

1. Office of the Ombudsman Citizen's Charter
2. Dr. Belle M. Quijano , Graft Investigation Officer II, Office of the Ombudsman – Visayas (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)
3. Ma. Irene Pintor, Associate Graft Investigation Officer III (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)

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

Comments:

This is part of the Power of Judicial Review of the judiciary.

References:

1. 1987 Philippine Constitution
 - a. Article VIII, Section 5

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:

Atty. Pacas emphasized that even if the judiciary is lodged with the power of judicial review, the exercise of such power is highly limited upon filing of cases. Without any case the court cannot act on it.

References:

1. Atty. Denis Pacas, Branch Clerk of Court Regional Trial Court, Br 54 Lapu-Lapu City (Date and Place of Interview: April 28, 2011 at the Lapu-Lapu City Regional Trial Court Branch 54)
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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

Comments:

The law provides that public officers be held accountable for their actions.

References:

1. 1987 Philippine Constitution
- a. Article XI, Sections 1-2

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.

Atty. Camiguing likewise confirmed this requirement set by law.

References:

1. RA 7160 Local Government Code
- a. Sections 91 and 51
2. RA 6713 Code of Conduct and Ethical Standards for Public Officials and Employees
3. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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.

References:

1. RA 6713 Code of Conduct and Ethical Standards for Public Officials and Employees Code of Conduct and Ethical Standards for Public Officials and Employees
 - a. Section 7d
2. RA3019 Anti-Graft and Corruption Practices Act
 - a. Section 3c
3. Presidential Decree 46

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

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

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

YES | NO

Comments:

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

References:

1. RA3019 Anti-Graft and Corruption Practices Act
 - a. Section 3 (d,g)

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

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

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

YES | **NO**

Comments:

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

As explained above, Atty. Camiguing explained that audit of disclosed assets can only be done if a complaint about the truthfulness of the disclosed items.

References:

1. RA 7160 Local Government Code
 - a. Sections 91
2. RA 6713 Code of Conduct and Ethical Standards for Public Officials and Employees Code of Conduct and Ethical Standards for Public Officials and Employees
3. RA3019 Anti-Graft and Corruption Practices Act
4. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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:

Mr. Limpangog shared that the practice of giving gifts to officials of the city government is part of the people's culture and not something that exclusively happens in Lapu-Lapu City government.

This was corroborated by Ms. Chona Barnaba who expressed that there is no actual application of the mechanisms governing gifts and hospitality offered to the officials of the executive branch.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Mr. Francisco Limpangog, Secretary of the Sangguniang Panlungsod (Date and Place of Interview: April 6, 2011 at the SP Secretary Office)
3. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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:

Mr. Duero specifically underscored that the current administration is very conscious in terms of strictly following rules and regulations governing local government units. Hence, all of the mayor's decisions are conferred to her executive secretary as well as department heads, including appointments of individuals to specific positions in the city government.

Using the Plantilla of Personnel document, Ms. Barnaba shared that the mayor have not appointed anyone that violates the fourth degree of consanguinity and affinity limitation set by law.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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:

Atty. Camiguing explained that assets disclosed by local government officials are only audited if a complaint pertaining to its veracity is filed before the office of the Ombudsman. Further, the audit is conducted by the Bureau of Internal Revenue. The Ombudsman can also conduct lifestyle checks as per requests forwarded to them.

References:

1. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)
2. Dr. Belle M. Quijano, Graft Investigation Officer II, Office of the Ombudsman – Visayas (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)

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:

RA 7160: It does not mean that even though officials are required to submit statements of assets and liabilities that it is open to the public.

OMB Citizen's Charter: specifies the processes, time period as well as the fees that will be incurred by anyone who wish to secure copies of SALN submitted by local government officials.

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article XI, Section 1
2. Local Government Code Sec 91
3. Office of the Ombudsman Citizen's Charter

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

According to Dr. Quijano, they exert all their efforts to respond to requests within the time period specified in the Citizen's Charter of OMB. However, the actual release of requested documents varies depending on the volume of the requests.

References:

1. Office of the Ombudsman Citizen's Charter
2. Dr. Belle M. Quijano , Graft Investigation Officer II, Office of the Ombudsman – Visayas (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)
3. Ma. Irene Pintor, Associate Graft Investigation Officer III (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)

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:

The OMB Citizen's Charter likewise provide the affordable cost to be incurred by any individual who would like to request for any document from their office.

As per the experience of the local researcher in requesting the SALN of the officials of Lapu-Lapu City, OMB took care of the reproduction of the requested documents.

References:

1. Office of the Ombudsman Citizen's Charter
2. Dr. Belle M. Quijano , Graft Investigation Officer II, Office of the Ombudsman – Visayas (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)
3. Ma. Irene Pintor, Associate Graft Investigation Officer III (Date and Place of Interview: April 27, 2011 at PACPU of the Office of the Ombudsman – Visayas)

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

1. RA 7160 Local Government Code
- a. Sections 52e

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Generally, requests for information from the city follows the process and time allocation prescribed in their Citizen's Charter. However, due to some technical deficiency requests may be responded to after a week or two. This was the experience of the researcher when requesting for the list of accredited NGOs from the SP which had been updating their computers when the request was done.

References:

1. Mr. Francisco Limpangog, Secretary of the Sangguniang Panlungsod (Date and Place of Interview: April 6, 2011 at the SP Secretary Office)
2. Mr. Manuel Tampus, Staff, Sangguniang Panlungsod (Date and Place of Interview: April 19, 2011 at the SP Office)
3. Lapu-Lapu City Citizen's Charter

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:

In securing copies of documents, there are prescribed amount that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the lobby of the city hall operated privately for a cost of 2.00 per page.

References:

1. Lapu-Lapu Citizen's Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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.

81
3.3. Barangay Accountability

3.3. Barangay Accountability

84

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

YES | NO

Comments:

RA 9485 requires government to improve efficiency in delivery of services by preventing and penalizing graft and corruption. LGC sec 3 focuses on building of operating mechanisms that would make an accountable, efficient and dynamic structure. This can be applicable to the indicator. Art. XI, Sec. 1-2 1987 Constitution provides that public officers be held accountable for their actions.

References:

1. RA 9485 Anti Red Tape Act of 2007
2. RA 7160 Local Government Code
 - a. Section 3.b. and 3.j
 - b. Section 77
3. 1987 Philippine Constitution
 - a. Article XI, Sections 1-2

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:

RA 9485 requires government to improve efficiency in delivery of services by reducing red tape. Reasonable time period can be included here. LGC section 3 focuses on the building of operating mechanisms that would make an accountable, efficient and dynamic structure. This can be applicable to the indicator.

References:

1. RA 9485 Anti Red Tape Act of 2007
2. RA 7160 Local Government Code
 - a. Section 3.b. and 3.j
 - b. Section 77

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

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

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

Comments:

According to Hon. Tibon, the people become aware of the process of filing administrative complaints only when a complaint is filed.

The researcher however was able to access a list of cases filed against barangay officials from Lapu-Lapu City from January 2010 to April 2011. Most cases are about the unlawful use of public funds.

References:

1. Hon. Joselito Tibon, Barangay Captain, Suba-Basbas and supporter of Sukol Party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Hall)
2. List of cases against barangay officials filed before the of the Office of the Ombudsman – Visayas

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

Comments:

RA 9485 requires government to improve efficiency in delivery of services by reducing red tape. This does not necessarily mean transparency. LGC section 3 focuses on the building of operating mechanisms that would make an accountable, efficient and dynamic structure. This can be applicable to the indicator.

References:

1. RA 9485 Anti Red Tape Act of 2007
2. RA 7160 Local Government Code
 - a. Section 3.b. and 3.j

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

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

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

YES | NO

Comments:

RA 9485 requires government to improve efficiency in delivery of services by reducing red tape. This does not necessarily mean transparency. LGC section 3 focuses on the building of operating mechanisms that would make an accountable, efficient and dynamic structure. This can be applicable to the indicator.

References:

1. RA 9485 Anti Red Tape Act of 2007
2. RA 7160 Local Government Code
- a. Section 3.b. and 3.j

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

According to Hon. Tibon, his constituents are able to access barangay documents within the a reasonable period of time as long as said documents are readily available.

This was confirmed to be the same practice in other barangays by Mr. Ybanez. However, Mrs. Cuizon expressed that this is not the practice in their barangay in Pajo, Lapu-Lapu. Sharing further that many people don't actually practice securing documents from the barangay.

References:

1. Hon. Joselito Tibon, Barangay Captain, Suba-Basbas and supporter of Sukol Party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Hall)
2. KENZLEE Ybanez, former secretary of Brgy. Basak and is currently a graduate student of the Master of Public Management and Development of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 6, 2011 at Mang Inasal Restaurant in Gaisano Mactan)
3. Ma. Belen Cuizon, Has been residing as an informal settler and a member of the urban poor community for the past 20 years (Date and Place of Interview: April 12, 2011 at Gaisano Mactan)

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Hon. Tibon shared that it is the responsibility of the requester to pay for the reproduction of requested documents.

References:

1. Hon. Joselito Tibon, Barangay Captain, Suba-Basbas and supporter of Sukol Party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Hall)
2. KENZLEE Ybanez, former secretary of Brgy. Basak and is currently a graduate student of the Master of Public Management and Development of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 6, 2011 at Mang Inasal Restaurant in Gaisano Mactan)
3. Ma. Belen Cuizon, Has been residing as an informal settler and a member of the urban poor community for the past 20 years (Date and Place of Interview: April 12, 2011 at Gaisano Mactan)

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:

Hon. Tibon expressed that the participation of the citizens in barangay assemblies is a challenge to barangay councils led by opposition politicians. He shared his experience in his barangay. Whenever they organize barangay assemblies, only a few residents participate. Not to mention, only those members of the councils who are supportive of the barangay captain attends and participates. He added that the opposition councilors organize their own barangay assemblies or similar forms of gatherings.

References:

1. Hon. Joselito Tibon, Barangay Captain, Suba-Basbas and supporter of Sukol Party during the 2010 elections (Date and Place of Interview: April 16, 2011 at Brgy. Suba-Basbas Hall)
2. Kenzlee Ybanez, former secretary of Brgy. Basak and is currently a graduate student of the Master of Public Management and Development of the Department of Political Science of the University of San Carlos (Date and Place of Interview: April 6, 2011 at Mang Inasal Restaurant in Gaisano Mactan)
3. Ma. Belen Cuizon, Has been residing as an informal settler and a member of the urban poor community for the past 20 years (Date and Place of Interview: April 12, 2011 at Gaisano Mactan)

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. ⁹²Local Budget Processes

4.1. Local Budget Processes

84

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:

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.

References:

No actual Legislation

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:

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

References:

1. Memorandum Circular 2010-83

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:

1. RA 7160 Local Government Code
 - a. Section 316 (h)
2. IRR of RA 7160 Local Government Code
 - a. Article 412 (h)

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 preceding year.

References:

1. RA 7160 Local Government Code
 - a. Section 97
2. IRR of RA 7160 Local Government Code
 - a. Article 189 and 190 (e)

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:

No actual Legislation

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

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

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

YES | NO

Comments:

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

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 28;
 - b. Article III, Section 7

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

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

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

YES | NO

Comments:

According to the members of the Local Finance Committee, the city government of Lapu-Lapu is very strict in complying with the submission and publication requirements of budget-related documents, this has been the policy imposed by Mayor Radaza. Ms. Dungog even added that a media company even called her office and congratulated Lapu-Lapu for posting their documents online ahead of the other LGUs.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

According to the members of the Local Finance Committee, the city government of Lapu-Lapu is very strict in complying with the submission and publication requirements of budget-related documents, this has been the policy imposed by Mayor Radaza. Ms. Dungog even added that a media company even called her office and congratulated Lapu-Lapu for posting their documents online ahead of the other LGUs.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)
4. Lapu-Lapu City website containing the DILG-mandated documents for disclosure:
www.lapulapucity.gov.ph/quicklinks/reports/annual-reports

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:

According to the members of the Local Finance Committee, the city government of Lapu-Lapu is very strict in complying with the submission and publication requirements of budget-related documents, this has been the policy imposed by Mayor Radaza. Ms. Dungog even added that a media company even called her office and congratulated Lapu-Lapu for posting their documents online ahead of the other LGUs.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

According to the members of the Local Finance Committee, the city government of Lapu-Lapu is very strict in complying with the submission and publication requirements of budget-related documents, this has been the policy imposed by Mayor Radaza. Ms. Dungog even added that a media company even called her office and congratulated Lapu-Lapu for posting their documents online ahead of the other LGUs.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

According to the members of the Local Finance Committee, the city government of Lapu-Lapu is very strict in complying with the submission and publication requirements of budget-related documents, this has been the policy imposed by Mayor Radaza. Ms. Dungog even added that a media company even called her office and congratulated Lapu-Lapu for posting their documents online ahead of the other LGUs.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

Mr. Arriescado shared that even if their office also cover the audit of other national government agencies near their location, they still ensure that they are able to produce the reports at the end of the fiscal year.

References:

1. Mr. Antonio Arriescado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)

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

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

In securing copies of documents, there are prescribed amounts that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the lobby of the city hall operated privately for a cost of 2.00 per page.

References:

1. Lapu-Lapu Citizen's Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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:

The key informants expressed that the city government had been exerting efforts to make their decision-making processes more inclusive.

References:

1. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
3. Mr. Jaime Glomar, Head, Lapu-Lapu City Cooperative Development and Resource Center and was previously project officer of NORFIL – the NGO partner of Lapu-Lapu City for their foster care program (Date and Place of Interview: April 6, 2011 at the LCCDRC Office)

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 Local Government Code of 1991 only ensures that the NGOs and/or POs must be consulted by the LGUs in the crafting of their plans, even in the crafting of the local budget. Also, there is no local ordinance crafted for such a purpose.

References:

1. RA 7160 Local Government Code
 - a. Section 2 (b)
2. Mr. Jaime Glomar, Head, Lapu-Lapu City Cooperative Development and Resource Center and was previously project officer of NORFIL – the NGO partner of Lapu-Lapu City for their foster care program (Date and Place of Interview: April 6, 2011 at the LCCDRC Office)
3. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April19, 2011 at the City Budget Office)

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:

Mr. Glomar and Ms. Andoy mentioned that NGOs and POs are invited and encouraged to participate during budget review and deliberations and their inputs heard and acknowledged. However, they did not specify whether said inputs from NGOs and POs are significantly shaping the budget. What is important is their presence in these occasions.

References:

1. Mr. Jaime Glomar, Head, Lapu-Lapu City Cooperative Development and Resource Center and was previously project officer of NORFIL – the NGO partner of Lapu-Lapu City for their foster care program (Date and Place of Interview: April 6, 2011 at the LCCDRC Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April19, 2011 at the City Budget Office)

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:

RA 7160 allots a provision specifying that LGUs shall have a share in the national wealth, which must be given based on the schedules provided by the Department of Budget and Management. This was acknowledged by the city accountant during the interview.

References:

1. RA 7160 Local Government Code
- a. Sections 289 to 294, Chapter 2 – Share of Local Government Units in the National Wealth
2. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)

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:

Both the city accountant as well as the city budget officer expressed that they have not experienced delays in receiving their share of the national wealth.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

According to the city accountant and budget officer anyone can request for a copy of any documents related to the finances of the city. However, all these requests must be done in writing. The letter requests will then be forwarded to the office the mayor for approval. Only after the mayor approves the request will any document be released. The rationale for this is control.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

In securing copies of documents, there are prescribed amounts that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the lobby of the city hall operated privately for a cost of 2.00 per page.

References:

1. Lapu-Lapu Citizen's Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

According to the key informants interviewed, Lapu-Lapu City has a fully-functioning Local Finance Committee. Their opinion regarding the finances as well as the financial performance of the city is highly considered. Proof of this is their frequent appearance before the sanggunian to answer finance and budget-related queries. Their recommendations are often carried.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)
3. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

1. RA 7160 Local Government Code
 - a. Section 321
2. IRR of RA 7160
 - a. Article 415 and 417

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

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

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

YES | NO

Comments:

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

References:

1. RA 7160 Local Government Code
 - a. Section 319
2. IRR of RA 7160
 - a. Article 415, Section a

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

The key informants shared that the city council is able to discuss the budget with ample time since budget proposals are submitted on time. There are even instances when the Local Finance Committee members are called to appear in the session.

References:

1. Mrs. Helen Dungog, City Accountant (Date and Place of Interview: April 28, 2011 at the City Accountant's Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

The Local Government Code of 1991 mandates that the mayor has the power to veto ordinances passed by the sanggunian, provided however that said veto is properly communicated to the sanggunian.

References:

1. RA 7160 Local Government Code
- a. Section 54 and 55

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

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

4.2. Local Procurement

4.2. Local Procurement

98

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

YES | NO

Comments:

The law guarantees transparency in the procurement process and implementation of procurement contracts. It also ensures public monitoring of the 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:

1. Government Procurement reform Act (RA 9184)
 - a. Article I, Section 3 a,e
 - b. Article IV, Section 10
2. Memorandum Circular 2010-83

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

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

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

YES | NO

Comments:

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

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article V, Section 12
 - b. Article VII, Sections 20-22
2. Local Government Code of 1991
 - a. Section 362
3. IRR of the Local Government Code of 1991
 - a. Article 433 (a and b)
4. Memorandum Circular 2010-83
5. Memorandum Circular 2011-01

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

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

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

YES | NO

Comments:

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

References:

1. Local Government Code of 1991
 - a. Section 364
2. IRR of the Local Government Code of 1991
 - a. Article 436 (f)
3. Memorandum Circular 2010-83

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:

The Chair of the Bids and Awards Committee had been busy during the duration of the data gathering and never granted the researcher time for an interview. The researcher did, however, interview some members of the BAC. They expressed that any interested party/bidder can easily access procurement records easily as long as the records and the signatories are available.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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.

Comments:

The Chair of the Bids and Awards Committee had been busy during the duration of the data gathering and never granted the researcher time for an interview. The researcher had a chance of interviewing some members of the BAC. They expressed that any interested party/bidder can easily access procurement records at a reasonable cost.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Victoria Andoy, City Budget Officer (Date and Place of Interview: April 19, 2011 at the City Budget Office)

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:

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

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article I, Section 3 (b)
 - b. Article IV, Section 10
2. Local Government Code of 1991
 - a. Section 366
3. IRR of the Local Government Code of 1991
 - a. Article 429 and 433

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

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

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

YES | NO

Comments:

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

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article V, Section 12
 - b. Article XI, Section 37
2. Local Government Code of 1991
 - a. Section 364
3. IRR of the Local Government Code of 1991
 - a. Article 435 (a)

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

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

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

YES | NO

Comments:

There are clear guidelines on corresponding penalties are to be given to companies who violated procurement regulations. Specifically, one year suspension from the bidding process for the first offense and two years for the second offense.

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article XXIII, Section 69

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

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

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

YES | NO

Comments:

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

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article XVII, Section 55
2. IRR of the Local Government Code of 1991
 - a. Article 436 (g)

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

Comments:

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

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article XVI, Section 48-54
2. Local Government Code of 1991
 - a. Section 366
3. IRR of the Local Government Code of 1991
 - a. Article 437 (a-e)

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

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

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

YES | NO

Comments:

The law provides the Professionalization of BAC, BAC Secretariat and Technical Working Group Members. Specifically, it provides that the GPPB shall establish a sustained training program for developing the capacity of the BACs, BAC Secretariats and Technical Working Groups of Procuring Entities are all professionalized.

References:

1. Government Procurement reform Act (RA 9184)
 - a. Article V, Section 16

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:

Mr. Duero emphasized that as far as procurement is concerned, the city government of Lapu-Lapu is very strict in complying with advertorial requirements. In fact, the website of the city government provides some announcements pertaining procurement.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Lapu-Lapu City website containing the posted notices related to procurement: www.lapulapucity.gov.ph

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.

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:

1. Local Government Code of 1991
 - a. Section 383
2. IRR of RA 9184
3. 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

References:

1. Mr. Antonio Arriesgado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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.

4.3. Local Audit

86

145. In law, there is a Commission on Audit that audits all accounts of the city/municipality including government revenues and expenditures.

YES | NO

Comments:

The law clearly states the responsibilities of the COA including disallowance of expenditures or uses of government funds and properties found to be illegal, irregular, unnecessary, excessive, extravagant or unconscionable and Audit of the books, records and accounts of public utilities as provided by law. The local government is included in the jurisdiction of COA. The LGC mandates the COA or any of its duly authorized representatives to inspect books, account papers, and cash of local treasurer, accountant, budget officer or other accountable officers.

References:

1. 2009 Revised Rules and Procedures of the Commission on Audit Rule II
 - a. Sections 1,3 & 5
2. Local Government Code of 1991
 - a. Section 348

YES: A YES score is earned if there is a Commission on Audit whose primary mandate is to audit and track the movement of money through the city/municipality. This agency should be specifically charged to investigate and document the misuse of funds. A system of agencies located in each department is equivalent.

NO: A NO score is earned if no such agency exists, or that function is a secondary concern of a larger body, such as the executive.

146. In law, the Commission on Audit is protected from political interference.

YES | NO

Comments:

The law provides COA with the exclusive authority to define the scope of its audit and examinations, establish the techniques and methods required therefor, and promulgate accounting and auditing rules and regulations. It also gives the auditor complete independence guided by applicable laws in auditing, accounting and preparation of audit and financial reports.

References:

1. 1987 Philippine Constitution
 - a. Article IX-D
2. 2009 Revised Rules and Procedures of the Commission on Audit Rule II
 - a. Section 1

YES: A YES score is earned only if the agency has some formal organizational independence from the government. A YES score is earned even if the entity is legally separate but in practice staffed by partisans.

NO: A NO score is earned if the agency is a subordinate part of any government department or agency, such as the Department of Interior or the Justice Department.

147. In practice, audit institution personnel assigned at the city/municipality level are free from political interference by city/municipality government officials.

100 | 75 | 50 | 25 | 0

Comments:

Mr. Arriesgado shared that their office always sees to it that they maintain the independence expected of them. There are no known collusions between city officials and COA personnel. Although, Mr. Pelaez accused that such a collusion exists especially that the office of COA is located in the city hall.

References:

1. Mr. Antonio Arriesgado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

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:

Although, Mr. Arriesgado emphasized that their office ensures that their recommendations are acted upon. However, due to the wide coverage of their audit, which includes other government offices in the area, most often actions become dependent to filed complaints.

References:

1. Mr. Antonio Arriegado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)

100: Audit agency reports are taken seriously by the city/municipal government, with negative findings drawing prompt corrective action.

75: ..

50: In most cases, audit agency reports are acted on, though some exceptions may occur for politically sensitive issues, or particularly resistant agencies.

25: ..

0: Audit reports are often ignored by the city/municipal government, or given superficial attention. Audit reports do not lead to policy changes.

149. In practice, the Commission on Audit is able to initiate its own investigations.

100 | 75 | 50 | 25 | 0

Comments:

Mr. Arriegado of COA and Atty. Camiguing of OMB-7 shared that the conduct of investigation only happens upon request from OMB, which in turn is usually done based on complaints lodged before said office. Absence of these complaints and requests, COA rarely conducts investigations.

References:

1. Mr. Antonio Arriegado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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.

Comments:

All COA field offices are mandated to comply with reporting requirements, hence, according to Mr. Arriesgado, they submit their reports on time with almost always 100% completion rate on a yearly basis.

References:

1. Mr. Antonio Arriesgado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)

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:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article III, Section 7

YES: A YES score is earned if all Commission on Audit reports for the city/municipality are available to the general public.

NO: A NO score is earned if any auditor reports for the city/municipality are not publicly available. This may include reports made exclusively to the legislature or the executive, or to other national agencies, which those bodies may choose not to distribute.

152. In practice, citizens can access audit reports within a reasonable time period

Comments:

Though the COA field offices make the reports, said reports are generally available for their national office. Access by the public can be facilitated by submitting a letter request to the Regional Director who shall clear and grant the request. This means that the requestor will have to wait until such time that the director is able to respond to his/her request. However, the COA website also makes downloadable some annual reports from LGUs.

References:

1. Mr. Antonio Arriesgado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)
2. Commission on Audit website (<http://www.coa.gov.ph/Audit/AAR.htm>)

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

Comments:

Since some COA reports are already available online, these data can be accessed at a reasonable cost.

References:

1. Mr. Antonio Arriesgado, Officer of the Commission on Audit for Lapu-Lapu City (Date and Place of Interview: April 19, 2011 at the Commission on Audit Office)
2. Commission on Audit website (<http://www.coa.gov.ph/Audit/AAR.htm>)

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

100

154. In law, citizens have the right to access information such as policies and guidelines in paying taxes.

YES | NO

Comments:

The LGC mandates the publication of the city/municipal tax ordinance within 10 days after approval. It ensures that the ordinances are posted in conspicuous spaces e.g., for LGUs with local newspapers, 3 consecutive days; for LGUS with none, at least 2 days.

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article III, Section 7
2. Local Government Code of 1991
 - a. Section 188
3. IRR of the Local Government Code of 1991
 - a. Article 276 (a)

YES: A YES score is earned if tax information is required by the law to be made public.

NO: A NO SCORE is earned if there is no law that requires the local government to make tax information public.

155. In practice, the local taxation schemes are made available to the public

100 | 75 | 50 | 25 | 0

Comments:

The SP secretary showed to the researcher that they have worked on codifying the various ordinances of the city that are related to each other. They are finished with their Local Revenue Code and Market Code that contain all the pertinent matrices of local taxes. This provides easy reference for their constituents. Furthermore, the city treasurer shared that their office had been conducting barangay and company visits to disseminate the tax schemes as well as other fees imposed by the city government.

References:

1. Mr. Francisco Limpangog, Secretary of the Sangguniang Panlungsod (Date and Place of Interview: April 6, 2011 at the SP Secretary Office)
2. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)

100: Local taxation schemes are available on-line or in the city/municipal hall, and the provision of information is indiscriminate.

75: ..

50: Local taxation schemes are available online or in the city/municipal hall, but is hard to obtain. The site is not updated or records are not always available in the city/municipal hall.

25: ..

0: Local taxation schemes are not available online or in the city/municipal hall. Citizens have to undergo a long process before they can get the information. Information may be orally communicated to inquiring citizens, but no document is available to show officially adopted local taxation schemes.

156. In law, the rules governing the collection of city/municipal taxes are fair and do not discriminate against any particular group or taxpayers.

YES | **NO**

Comments:

The LGC allows the LGU to levy taxes as long as the charges are not "unjust, excessive, oppressive, confiscatory or contrary to declared national policy." Although not explicitly stipulated, the LGC provides a reasonable time period for tax collection. Art. 253 even allows for the extension of payments within 6 months, based on the judgment of the council. MC2009-42 also ensures that tax collection is uniform and equitable.

References:

1. Local Government Code of 1991
 - a. Sections 130, 186, and 187
2. IRR of the Local Government Code of 1991
 - a. Article 219 (a, e)
 - b. Article 253 and 255
3. Memorandum Circular 2009-42

YES: A YES score is earned if the rules governing the collection of city/municipal taxes are not unjust, excessive, oppressive, confiscatory or discriminatory to particular groups or taxpayers.

NO: A NO score is earned if the rules governing the collection of city/municipal taxes are unjust, excessive, oppressive, confiscatory or discriminatory to particular groups or taxpayers.

157. In practice, tax laws at the city/municipality level are enforced uniformly and without discrimination.

100 | 75 | 50 | 25 | 0

Comments:

The city treasurer emphatically told the researcher that their office is imposing their tax laws uniformly and without discrimination. This was corroborated by Mr. Duero.

References:

1. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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:

Ms. Catagcatag shared that in the past there were rumors of irregularities happening in their office but when the current mayor was installed in office, there had been very strict imposition of anti-corruption rules that strongly prevents the commission of any anomalies.

References:

1. Ms. Elenita Catagcatag, City Treasurer (Date and Place of Interview: April 14, 2011 at the City Treasurer's Office)

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. ⁴⁹Local Civil Service Regulations

5.1. Local Civil Service Regulations

75

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 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:

1. Administrative Code 1987
- a. Book V, Chapter 6, Section 38

YES: A YES score is earned if there are specific formal rules establishing that the civil service carry out its duties independent of political interference in the city/municipality level. "Civil service" here refers to department personnel employed by the city/municipal government, rather than personnel of national government agencies assigned to the city/municipality.

NO: A NO score is earned if there are no formal rules establishing an independent civil service in the city/municipality.

160. In practice, city/municipality civil servants who are appointed/promoted are qualified for the positions they fill.

100 | 75 | 50 | 25 | 0

Comments:

The OIC of the city's HRMD emphasized to the researcher that employment in the city government is generally based on the trust of the local chief executive, even among utility employees. Everyone who is employed in the city hall has the blessing of the mayor. Ms. Barnaba even added that their office has not received any application letter since the same are directly channeled to the office of the mayor.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)

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:

Ms. Barnaba shared that there had never been any documented case of an employee who was arbitrarily dismissed or demoted. However, Mr. Pelaez and Mrs. Bergado cited that there were issues before that a number of city hall employees who did not support the mayor were re-assigned to an island barangay of the city as a form of punishment. Although these were rendered untrue by the HRMD head.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)
3. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)

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:

1. Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6173)
 - a. Section 7 (d)(1)
2. Anti-Graft and Corrupt Practices Act (RA 3019)
 - a. Section 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 for their actions.

References:

1. Anti-Graft and Corrupt Practices Act (RA 3019)
 - a. Section 3 (d, g)
2. Government Procurement Reform Act (RA 9184)
 - a. Section 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 HRMD OIC, Ms. Barnaba explained that even with the existence of laws governing the giving of gifts to the officials or employees of the city hall, there are still those who accept gifts that are not known. Also, Mr. Limpangog added that it is difficult to strictly impose these rules since gift giving is considered part of the Filipino culture.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Mr. Francisco Limpangog, Secretary of the Sangguniang Panlungsod (Date and Place of Interview: April 6, 2011 at the SP Secretary Office)

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:

Ms. Barnaba explained to the researcher that the possibility of a relative of the officials being appointed into office or being granted public concessions is not far from being impossible. However, she added that there are no standing complaints on such regard.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)

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

23

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:

Although the law provides sufficient benefits and protection to those who are accepted, it does not really prevent recrimination from happening. What it really provides 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:

1. The Witness Protection, Security and Benefit Act (RA 6981)
 - a. Sections 3 and 8

YES: A YES score is earned if there are specific laws against recrimination against public sector whistleblowers in the city/municipality. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for public-sector whistleblowers in the city/municipality.

167. In practice, civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

Comments:

The HRMD head explained to the researcher that it is quite difficult for her to answer this item considering that there had not been any case when a city hall employee had reported graft and corruption cases, although there were many accusations coming from the media and other private citizens.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)

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 provides are other benefits such as housing, alternative livelihood, removal from work because of absences, travel and subsistence expenses, medical treatment and death insurance.

References:

1. The Witness Protection, Security and Benefit Act (RA 6981)
 - a. Sections 3 and 8

YES: A YES score is earned if there are specific laws against recrimination against private individual whistleblowers in the city/municipality. This may include prohibitions on termination, transfer, harassment or other consequences.

NO: A NO score is earned if there are no legal protections for private individual whistleblowers in the city/municipality.

169. In practice, private individuals who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

100 | 75 | 50 | 25 | 0

Comments:

Officials and employees of the city government told the researcher that private citizens who lodge complaints of graft and corruption against sitting officials are always protected from recrimination and other negative consequences. However, Mr. Pelaez shared that his business suffered after he disclosed the alleged anomalous transaction of computers and the lamppost issue involving the former mayor. His mall was allegedly forcibly locked down accusing him of not complying with the necessary business permit.

The other key informants also shared about the other graft and corruption rumors involving the Radaza's and how they used their position and power in the city hall in limiting the business options of their complainants.

References:

1. Mr. Efrain Pelaez, candidate for Mayor during the May 2010 Elections (Date and Place of Interview: April 15, 2011 at Marco Polo Hotel)
2. Vangie Bergado, CCIMPEL Lay Coordinator for Lapu-Lapu (Date and Manner of Interview: Phone interview on April 25, 2011)
3. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
4. Patrick Gabunada, 4th year Political Science major of the Department of Political Science of the University of San Carlos and was one of the volunteers who assisted the local COMELEC in the registration process together with his batchmates from high school (Date and Place of Interview: April 19, 2011 at Manila Foodshoppe in Gaisano Mactan)

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 Office of the Ombudsman has an online and telephone mechanism where citizens can file a complaint. The complaints offered through these mechanisms are considered preliminary and the complainant still needs to go to their office for confirmation and submission of evidence. The ombudsman entertains anonymous reporting in cases where the complaints contain sufficient leads or particulars to enable the taking of further action.

References:

1. Citizen Charter of the Office of the Ombudsman
a. Page 9 on "Filing of a complaint"

YES: A YES score is earned if there is a mechanism, or multiple mechanisms for multiple city/municipality agencies, through which civil servants can report cases of graft, misuse of public funds, or corruption. A YES score is earned if these mechanisms allow for anonymous reporting.

NO: A NO score is earned if no such mechanism (or equivalent series of mechanisms) exists in the city/municipality.

171. In law, independence of the internal reporting mechanism in the city/municipality is protected to avoid political interference.

YES | **NO**

Comments:

The internal reporting mechanism is under the Ombudsman. In general, the Constitution guarantees the independence of the Ombudsman. However, as far as the city of Lapu-Lapu is concerned, there is no existing internal mechanism for reporting of graft and corruption issues.

References:

1. 1987 Philippine Constitution
- a. Article IX, Section 5

YES: A YES score is earned if there is a law that guarantees the independence of internal monitoring from any political interference in the city/municipality.

NO: A NO score is earned if there is no law that guarantees the independence of internal monitoring from any political interference in the city/municipality .

172. In practice, the internal reporting mechanism for public sector corruption in the city/municipality receives regular funding.

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

Comments:

Since there is no existing internal mechanism there is also no regular funding. The office of the Ombudsman, on the other hand, has a regular funding as an agency of the government.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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:

As far as the Office of the Ombudsman is concerned, they initiate investigation based on complaints filed before their office.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Atty. Philip C. Camiguio, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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 No. 2112 (same title) – An act providing protection, security and benefits of whistle-blowers (both from Miriam Santiago) House Bill No. 00132 – An act providing for protection, security and benefits of whistle-blowers (Teddy Casino), House Bill No. 02110 – An act mandating the protection and reward of whistle-blowers in the Philippines (Rufus Bautista).

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.

100 | 75 | 50 | 25 | 0

Comments:

Since there is no existing law for whistle-blowers, there are no rewards available.

References:

1. Ms. Chona Barnaba, OIC – Human Resource Management Department (Date and Place of Interview: April 7, 2011 at the HRMD Office)
2. Atty. Philip C. Camiguing, Graft Investigation and Prosecution Officer II, Office of the Ombudsman – Visayas and Instructor of law subjects in the Department of Political Science in the University of San Carlos (Date and Place of Interview: April 25, 2011 at the Department of Political Science of the University of San Carlos)

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. ⁹³Local Health Regulation

6.1. Local Health Regulation

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

Comments:

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here.

References:

1. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

YES: A YES score is earned if there is a legal framework that requires the city/municipal government to make public health regulatory requirements for businesses publicly available.

NO: A NO score is earned if there is no such legal framework.

177. In practice, basic regulatory requirements for meeting public health standards covering businesses operating in the city/municipality are made available to the public.

YES | NO

Comments:

The city health officer expressed that all pertinent information that the residents and establishments of Lapu-Lapu need to know about public health standards are readily available to them. Their staff maximize the barangay health workers for the conduct of information dissemination campaigns. Also, said information may be accessed through their bulletin boards located both inside and outside their building.

References:

1. Dr. Rodolfo Berame, Head – City Health Office (Date and Place of Interview: April 26, 2011 at the City Health Office)
2. Lapu-Lapu City Citizen's Charter

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:

According to Dr. Berame their office's personnel have the necessary competence needed to perform specific assigned task. However, there are just too many tasks to do compared to their number. Hence, they train their barangay health workers to assist in the implementation of their projects.

References:

1. Dr. Rodolfo Berame, Head – City Health Office (Date and Place of Interview: April 26, 2011 at the City Health Office)
2. Lapu-Lapu City Plantilla of Personnel for fiscal year 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 head of the Lapu-Lapu City One Stop Shop division explained to the researcher that in terms of the conduct of inspection to establishments they give priority to newly organized establishments. The old ones are inspected randomly thereafter. The inspection team is composed of the City Treasurer, City Health, City Engineer, City Planning, and the Fire Department. The inspectors make use of their One-Stop-Shop Inspection Report to facilitate this task. This option was used by the city due to the large number of establishments in the area vis-à-vis the lack of manpower.

References:

1. Ms. Herminia Tumalak, Head – One Stop Shop (Business Permit Processing) (Date and Place of Interview: April 14, 2011 at the Lapu-Lapu City One-Stop Shop)
2. Dr. Rodolfo Berame, Head – City Health Office (Date and Place of Interview: April 26, 2011 at the City Health Office)

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:

All business establishments are mandated to comply with the health regulations imposed by the city. All individuals seeking employment in the city of Lapu-Lapu must pass through the City Health Office for the required health examinations. They must secure from said office their health cards signifying that they are fit to work in the city. All those without clearance from the city health office cannot be legally employed.

References:

1. Dr. Rodolfo Berame, Head – City Health Office (Date and Place of Interview: April 26, 2011 at the City Health Office)

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 guarantees the right of citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article III, Section 7
2. Local Government Code of 1991
 - a. Sections 444, 445 and 465
3. Memorandum Circular 2006-162
4. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 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:

Dr. Berame explained that any request for reports that their office can provide must be done in writing, which needs to be approved by him or, if need be, must be cleared by the mayor. As long as the request is approved, the documents can be easily accessed.

References:

1. Dr. Rodolfo Berame, Head – City Health Office (Date and Place of Interview: April 26, 2011 at the City Health Office)

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

Comments:

In securing copies of documents, there are prescribed amounts that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the lobby of the city hall operated privately for a cost of 2.00 per page.

References:

1. Lapu-Lapu Citizen's Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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

75: ..

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

25: ..

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

184. In law, there is a mechanism (i.e. phone hotline, e-mail address, local office) through which citizens can report businesses that violate public health standards in the city/municipality.

YES | NO

Comments:

The law requires the city/municipal government to come up with a citizen's charter to be posted in the main entrance of offices or at the most conspicuous places which provides the procedure of filing complaints. Although not specific, complaints on public health standards may be included here.

References:

1. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

YES: A YES score is earned if there is a mechanism in the city/municipality through which citizens can report businesses that violate public health standards. These mechanisms include a phone hotline, e-mail address, or local office through which citizens' complaints are received.

NO: A NO score is earned if no such mechanism exists in the city/municipality.

185. In practice, investigations are carried out to act on reports from citizens about businesses that violate public health standards in the city/municipality.

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

Comments:

Dr. Berame emphasized that there had never been any complaints lodged to their office on any violations of public health standards. This is best prevented by their aggressive compliance campaigns done in every barangay and even among establishments. The city government emphasized that whenever there are complaints, the city assures them of immediate action

so as not to cause any forms of delay to the operation of their business so long as they have complied with the requirements set for them.

This was corroborated by some of those who were in the City Health Office at the time when the local researcher interviewed the City Health Officer. Since it is the agenda of the city to give value to the business enterprises operating in their jurisdiction, complaints insinuating any form of violations pertaining to health standards are acted upon instantly.

References:

1. Dr. Rodolfo Berame, Head – City Health Office (Date and Place of Interview: April 26, 2011 at the City Health Office)
2. Ms. Herminia Tumulak, Head – One Stop Shop (Business Permit Processing) (Date and Place of Interview: April 14, 2011 at the Lapu-Lapu City One-Stop Shop)

100: The city/municipal government aggressively investigates reported violations of public health standards in the city/municipality. Complainant-citizens are provided timely information about the status of investigations. Investigations lead to appropriate sanctions for violators.

75: ..

50: The city/municipal government initiates investigations on reported violations of public health standards in the city/municipality, but it is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments. Complainant-citizens are sometimes not updated on the status of investigations.

25: ..

0: The city/municipal government does not effectively investigate reported violations of public health standards in the city/municipality. It may start investigations but not complete them, refuse to cooperate with other investigative agencies, or fail to detect offenders. It may be partisan in its application of power. Complainant-citizens rarely hear about the status of violations they report.

6.2. Local Safety Regulation

6.2. Local Safety Regulation

93

186. In law, basic regulatory requirements for meeting public safety standards covering businesses operating in the city/municipality are available to the general public.

YES | NO

Comments:

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in entrance of offices or conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here.

References:

1. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

YES: A YES score is earned if there is a legal framework that requires the city/municipal government to make public safety requirements for businesses publicly available.

NO: A NO score is earned if there is no such legal framework.

187. In practice, basic regulatory requirements for meeting public safety standards covering businesses operating in the city/municipality are made available to the public.

YES | NO

Comments:

The city engineer expressed that all pertinent information that the residents and establishments of Lapu-Lapu need to know about public safety standards, especially for establishments, are readily available to the public. These are posted in conspicuous places in the city hall as well as in their bulletin boards located both inside and outside their building. Not to mention, the office of the mayor also initiates their own information dissemination activities such as the electricity permit seminars.

References:

1. Engr. Rogelio Veloso, Head –City Engineer’s Office (Date and Place of Interview: April 14, 2011 at the City Engineer’s Office)
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor’s Office)

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:

According to Engr. Veloso their office’s personnel have the necessary competence needed to perform specific assigned task. Also, he added that they have enough manpower to cover the tasks of their office, they just set the schedule for everything so they can cover all establishments.

References:

1. Engr. Rogelio Veloso, Head –City Engineer’s Office (Date and Place of Interview: April 14, 2011 at the City Engineer’s Office)
2. Lapu-Lapu City Plantilla of Personnel for fiscal year 2011

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:

The head of the Lapu-Lapu City One Stop Shop division explained to the researcher that in terms of the conduct of inspection to establishments they give priority to newly organized establishments. The old ones are inspected randomly thereafter. The inspection team is composed of the City Treasurer, City Health, City Engineer, City Planning, and the Fire Department. The inspectors make use of their One-Stop-Shop Inspection Report to facilitate this task. This option was used by the city due to the large number of establishments in the area vis-à-vis the lack of manpower.

References:

1. Ms. Herminia Tumalak, Head – One Stop Shop (Business Permit Processing) (Date and Place of Interview: April 14, 2011 at the Lapu-Lapu City One-Stop Shop)
2. Engr. Rogelio Veloso, Head –City Engineer’s Office (Date and Place of Interview: April 14, 2011 at the City Engineer’s Office)

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:

All business establishments are mandated to comply with the public safety standards imposed by the city government of Lapu-Lapu. An establishment cannot operate legally if there is no proper clearance from the city engineering office. As per the explanation of the respondent, especially from the city’s one-stop shop division, the Engineering Division is independent in the enforcement of the standards since their representative sits within a team comprised of representatives from other offices. Furthermore, this mechanism of forming an inspection team of diverse composition allows them to comprehensively communicate to establishments local policy decisions.

References:

1. Engr. Rogelio Veloso, Head –City Engineer’s Office (Date and Place of Interview: April 14, 2011 at the City Engineer’s Office)

100: City/municipal government offices that enforce public safety standards on businesses are able to operate independently. They produce regular reports describing compliance. Recommendations for improving compliance are seriously considered by local businesses and other governmental entities and acted upon.

75: ..

50: City/municipal government offices that enforce public safety standards produce regular reports with appropriate recommendations, but these recommendations are sometimes not acted upon.

25: ..

0: No investigations are conducted to assess compliance with public safety standards. If investigations are conducted, they are generally not acted upon and/or made public.

191. In law, citizens can access reports on compliance of businesses with public safety standards.

YES | NO

Comments:

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:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article III, Section 7
2. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

YES: A YES score is earned if all compliance reports are available to the general public.

NO: A NO score is earned if any compliance reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

192. In practice, citizens can access reports on compliance of businesses with public safety standards within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Engr. Veloso explained that any request for reports that their office can provide must be done in writing, which needs to be approved by him or, if need be, must be cleared by the mayor. As long as the request is approved, the documents can be easily accessed.

References:

1. Engr. Rogelio Veloso, Head –City Engineer’s Office (Date and Place of Interview: April 14, 2011 at the City Engineer’s Office)

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:

In securing copies of documents, there are prescribed amount that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the lobby of the city hall operated privately for a cost of 2.00 per page.

References:

1. Lapu-Lapu Citizen’s Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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

75: ..

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

25: ..

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

194. In law, there is a mechanism (i.e. phone hotline, e-mail address, local office) through which citizens can report businesses that violate public safety standards in the city/municipality.

YES | NO

Comments:

The law requires the city/municipal government to come up with a citizen's charter to be posted in 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.

References:

1. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

YES: A YES score is earned if there is a mechanism in the city/municipality through which citizens can report businesses that violate public safety standards. These mechanisms include a phone hotline, e-mail address, or local office through which citizens' complaints are received.

NO: A NO score is earned if no such mechanism exists in the city/municipality.

195. In practice, investigations are carried out to act on reports from citizens about businesses that violate public safety standards in the city/municipality.

100 | 75 | 50 | 25 | 0

Comments:

Engr. Veloso emphasized that if there are complaints as regards violations of public safety standards, they try to address them as efficiently as possible. However, there are none of those complaints now due to their very strict implementation of public safety standards. Same as the comment pertaining to violations of health standards, the city government emphasized that whenever there are complaints, the city assures them of immediate action so as not to cause any forms of delay to the operation of their business so long as they have complied with the requirements set for them.

Since it is the agenda of the city to give value to the business enterprises operating in their jurisdiction, complaints insinuating any form of violations pertaining to public safety are acted upon instantly.

References:

1. Engr. Rogelio Veloso, Head –City Engineer's Office (Date and Place of Interview: April 14, 2011 at the City Engineer's Office)
2. Ms. Herminia Tumalak, Head – One Stop Shop (Business Permit Processing) (Date and Place of Interview: April 14, 2011 at the Lapu-Lapu City One-Stop Shop)

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.

93

6.3. Local Environmental Regulation

6.3. Local Environmental Regulation

95

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:

1. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6
2. DENR Citizen's Charter

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 city engineer expressed that all pertinent information that the residents and establishments of Lapu-Lapu need to know about public safety standards, especially for establishments, are readily available to the public. These are posted in conspicuous places in the city hall as well as in their bulletin boards located both inside and outside their building. Not to mention, the office of the mayor also initiates their own information dissemination activities such as the electricity permit seminars.

References:

1. Mr. Franco Villaruel, former Social Development officer of the Project Seahorse Foundation. (Date and Place of Interview: April 1, 2011 at the Filipiniana Library, USC Main Campus)
2. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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:

According to Mr. Duero, Lapu-Lapu City sets environmental protection as a priority considering that aside from the operation of the various business enterprises, they are likewise a notable tourist destination since they house many popular hotels and resorts.

There are a number of mechanisms that are put in place to ensure this priority. The most significant is the massive employment of the urban poor as the city's street sweepers who ensure that all places, especially in the various business centers are kept clean all the time. These two mechanisms meant the employment of enough manpower who can cover the tasks. In terms of operations, the Urban Poor Council is tapped to assist in identifying who can be employed as street sweepers. Hence, as per the observation of Mrs. Cuizon, the city has enough people who enforce standards on environmental protection.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Lapu-Lapu City Plantilla of Personnel for fiscal year 2011
4. Ma. Belen Cuizon, Urban Poor of Lapu-Lapu City (Date and Place of Interview: April 12, 2011 at Gaisano Mactan)

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 head of the Lapu-Lapu City One Stop Shop division explained to the researcher that in terms of the conduct of inspection to establishments they give priority to newly organized establishments. The old ones are inspected randomly thereafter. Mr. Duero emphasized that all establishments are mandated to obey the environmental laws and ordinances imposed by the city. The city officials conduct regular information dissemination to establishments in complying to said environmental regulations.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Herminia Tumalak, Head – One Stop Shop (Business Permit Processing) (Date and Place of Interview: April 14, 2011 at the Lapu-Lapu City One-Stop Shop)

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:

The city is able to operate independently in the imposition and implementation of their environmental rules and regulations.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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 RA 9485 does guarantee the right of citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

References:

1. 1987 Philippine Constitution
 - a. Article II, Section 28
 - b. Article III, Section 7
2. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

YES: A YES score is earned if all compliance reports are available to the general public.

NO: A NO score is earned if any compliance reports are not publicly available. This may include reports made exclusively to the legislature or the executive, which those bodies may choose not to distribute.

202. In practice, citizens can access reports on compliance of businesses with environmental protection standards within a reasonable time period.

100 | 75 | 50 | 25 | 0

Comments:

Mr. Dureo explained that any request for reports that their office can provide must be done in writing, which needs to be approved by the mayor. As long as the request is approved, the documents can be easily accessed.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)

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

Comments:

In securing copies of documents, there are prescribed amounts that the requester needs to pay. However, for reproduction of public documents, the requester can avail of the photocopying service located at the lobby of the city hall operated privately for a cost of 2.00 per page.

References:

1. Lapu-Lapu Citizen's Charter also provides how much documents may cost the requester.
2. Liz, private individual/photocopier operator stationed in the lobby of the city hall (April 19, 2011 at Lapu-Lapu City Hall)

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:

1. Anti-Red Tape Act of 2007 (RA 9485)
 - a. Section 6

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:

The city emphasizes as a priority environmental protection since Lapu-Lapu is not just a business hub but is likewise a notable tourist destination with their many popular hotels and resorts. The latter are also subject to the strict implementation of environmental laws.

One concrete example is the strict implementation of RA 9003 or the Solid Waste Management Act wherein all establishments are mandated to do segregation from the source. It was emphasized that if the establishment concerned does not segregate, there will be no collection of garbage and a penalty is imposed to both the establishment and the barangay officials. This has led to stricter compliance on the part of the constituents.

Whenever there are complaints regarding the implementation of environmental standards, the city designates their City Environmental Management Office to lead the investigation.

References:

1. Mr. Rolando Duero, Executive Secretary of the Mayor (Date and Place of Interview: April 13, 2011 at the Mayor's Office)
2. Ms. Herminia Tumalak, Head – One Stop Shop (Business Permit Processing) (Date and Place of Interview: April 14, 2011 at the Lapu-Lapu City One-Stop Shop)

100: The city/municipal government aggressively investigates reported violations of environmental protection standards in the city/municipality. Complainant-citizens are provided timely information about the status of investigations. Investigations lead to appropriate sanctions for violators.

75: ..

50: The city/municipal government initiates investigations on reported violations of environmental protection standards in the city/municipality, but it is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders, reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments. Complainant-citizens are sometimes not updated on the status of investigations.

25: ..

0: The city/municipal government does not effectively investigate reported violations of environmental protection standards in the city/municipality. It may start investigations but not complete them, refuse to cooperate with other investigative agencies,

or fail to detect offenders. It may be partisan in its application of power. Complainant-citizens rarely hear about the status of violations they report.
