

Overall Score:

85 - Strong

Legal Framework Score:

89 - Strong

Actual Implementation Score:

81 - Strong

Category 1. Civil Society, Public Information and Media

1.1. ⁹² 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

93

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

YES | NO

Comments:

The 1987 Philippine Constitution provided for “right of the people peaceably to assemble and petition the government for redress of grievances” and “right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged”. This means that the people has the constitutional right to associate and they can freely form organizations.

References:

Art. III, Secs. 4 and 8 of the 1987 Philippine Constitution. link available here. <http://www.chanrobles.com/philsupremelaw1.htm>

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

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

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

YES | NO

Comments:

Since this is a guaranteed constitutional right, there is no restriction on the affairs of the organization including the finances from any sources.

References:

Art. III, Secs. 4 and 8 of the 1987 Philippine Constitution. Link available here <http://www.chanrobles.com/article3.htm>

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

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

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

YES | NO

Comments:

There are existing local ordinances in the municipality that enable the participation and important contribution of NGOs/CSOs to the affairs of the local government. This includes the Municipal Gender and Development Code (Ordinance No. 09, Series of 2009) where NGOs and POs are provided as a part of the Municipal Gender and Development Coordinating Council (MGDCC), the coordinating and advisory body of the Municipality Government in the implementation of the code. Furthermore, in the Environmental Code of the Municipality, NGOs' together with barangay people's active participation is given importance on the policy and management direction of resource management in the municipality. Also, in the Municipal Child and Youth Welfare Code, the active support and participation of POs and NGOs are given importance in ensuring the protection of children's rights. This describes the important role of NGOs and POs in the municipality in various aspects as reflected in the codes cited previously.

References:

Miagao Sangguniang Bayan. 2009d. "Municipal Child and Youth Welfare Code." Ordinance No. 05 Series of 2009. <http://miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/50-municipal-child-and-youth-welfare-code-of-2009> ; Miagao Sangguniang Bayan. 2009c. "An Ordinance Enacting the Municipal Environment Code of Miagao, Iloilo." Ordinance No.06 Series of 2009. <http://miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/49-municipal-environment-code-of-2009> ; Miagao Sangguniang Bayan. 2009b. "An Ordinance Enacting the Gender and Development Code of the Municipality of Miagao, Iloilo and for other Purposes." Ordinance No. 03 Series of 2009. <http://miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/52-gender-and-development-code-of-2009>

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

process at the city/municipality level.

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

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

100 | 75 | 50 | 25 | 0

Comments:

They can organize and apply for accreditation in the sangguniang bayan. The only time they have to secure permit is when they will use the public areas and services when they conduct their activities and when they will post a streamer. Other than that, they don't have to secure permit.

References:

J. M. Muyong, Licensing Unit In-Charge, Interview, April 14, 2011
John Nocal, Municipal Administrator, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The accredited NGOs and POs in the municipality form part of the development council and has an important role in the implementation of various ordinances. In the development council, they participate in the decision making. They also form part of the budget hearing in the process of municipal budgeting. This describes that NGOs actively participate in the policymaking process in the municipality. But the lack of diversity in the number of accredited NGOs means that not all sectors may be represented in the policy making process.

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

There is no particular NGO in the municipality that serve as watchdogs/advocates. And also, in general, there have been no NGO that was shut down forcefully as ordered by the municipal government.

References:

J. M. Muyong, Licensing Unit In-Charge, Interview, April 14, 2011
John Nocal, Municipal Administrator, Interview, April 14, 2011

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Source number two does really fall on number three option because its just a list, not a study, but that is the closest among the choices above.

There is no watchdog type NGO working in the municipality.

Most registered organizations (more than 50%) are transport groups. The lack of diversity in registered organizations means that not all sectors in the municipality are represented.

References:

J. Nocal, Municipal Administrator, Interview, April 14, 2011

Office of the Sangguniang Bayan. 2011. "Duly Accredited Non-Government Organization/People's Organization in the Municipality of Miagao as of March 15, 2011." Miagao, Iloilo.

Office of the Sangguniang Bayan. 2011. "NGO 2007-2010." Miagao, Iloilo.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

This council is required by law to meet regularly. In this case, the participation of the accredited NGOs allow them to have voice in the decisionmaking process of the municipality. In this case, the NGOs have an important participation in the local special body of the municipality specifically in the development council.

References:

J. Nocal, Municipal Administrator, Interview, April 14, 2011

Jon Mark Muyong, Licensing Unit In-Charge, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

There were no cases of NGO/CSO imprisoned in the municipality.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011
Jon Mark Muyong, Licensing Unit In-Charge, Interview, April 14, 2011

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

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

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

YES | NO

Comments:

There were no case of NGO/CSO being imprisoned or complaining of harassment in the municipality.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011
Jon Mark Muyong, Licensing Unit In-Charge, Interview, April 14, 2011

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

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

1.2. Local Media

1.2. Local Media

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

YES | NO

References:

Art. III, Sec. 4 of the Philippine Constitution link available here <http://www.chanrobles.com/article3.htm>

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

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

12. In law, freedom of speech is guaranteed.

YES | NO

References:

Art. III Sec. 4 of the 1987 Philippine Constitution link available here <http://www.chanrobles.com/article3.htm>

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

In general, the media only has to secure permit when they have to use public facilities and services and post streamers. But there are cases when the media do not find the officials they needed to interview accommodating enough.

References:

J. M. Muyong, Licensing Unit In-Charge, Interview, April 14, 2011

Tara Yap, The Daily Guardian and Manila Bulletin Correspondent, Interview, May 13, 2011, The Daily Guardian Office, Iloilo City

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

There had been no documented cases of assault or cases filed against media personnel in the municipality for the period from June 2010 to present. Media personnel can report about corruption in the municipality.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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

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

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

YES | NO

Comments:

According to the respondent, there had been no documented cases of harassment, assault or cases filed against a media personnel in the municipality for the period from June 2010 to present. Media personnel can report about corruption in the municipality.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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.

95
1.3. Local Public Access to Information

1.3. Local Public Access to Information

88

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

YES | NO

References:

Art. III Sec. 7 of the Philippine Constitution link available here <http://www.chanrobles.com/article3.htm>

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

References:

Art. III Sec. 7 of the Philippine Constitution link available here <http://www.chanrobles.com/article3.htm>

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 citizens can access information through offices concerned by a request in the local chief executive. This is a mechanism done in accordance with the citizens' right to access public documents provided for by Art. III Sec. 7 of the Philippine Constitution

References:

Art. III Sec. 7 of the Philippine Constitution link available here <http://www.chanrobles.com/article3.htm>

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Local Government website is accessible as a source but does not fall within the categories provided above.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

J. Nocal, Municipal Administrator, Interview, April 14, 2011

Miagao Local Government Website <http://www.miagao.gov.ph/#>

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The documents are available at reasonable time and cost. The records as requested may be photocopied and everyone can secure these documents with a letter sent to the local chief executive. Some documents are secured for free. Some are available online in the website of the municipality

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011
J. Nocal, Municipal Administrator, Interview, April 14, 2011
Miagao Local Government Website <http://www.miagao.gov.ph/#>

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 documents are available at reasonable time. The records as requested may be photocopied and everyone can secure these

documents with a letter sent to the local chief executive. Some documents can be secured for free. Some are available online in the website of the municipality.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

J. Nocal, Municipal Administrator, Interview, April 14, 2011

Miagao Local Government Website <http://www.miagao.gov.ph/#>

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 documents are available at reasonable time and cost. The records as requested may be photocopied and everyone can secure these documents with a letter sent to the local chief executive. Some documents are secured for free. Some are available online in the website of the municipality.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

J. Nocal, Municipal Administrator, Interview, April 14, 2011

Miagao Local Government Website. Link available here <http://www.miagao.gov.ph/#>

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

They are mostly able to provide requested information.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

J. Nocal, Municipal Administrator, Interview, April 14, 2011

Miagao Local Government Website. Link available here <http://www.miagao.gov.ph/#>

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:

The Municipality of Miagao has a working website (www.miagao.gov.ph) and reports are posted on three conspicuous places in the municipality. Likewise, financial and budget reports as well as development plans are being published through the newsletter of the municipality. It is not, however, proactive enough because the postings are only in the town center and the website is not accessible for residents in the remote areas of the municipality.

References:

J. Nocal Municipal Administrator, Interview, April 14, 2011 ;

N. Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011

Miagao Local Government Website. Link available here <http://www.miagao.gov.ph/#>

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:

The Municipality of Miagao has a working website (www.miagao.gov.ph) and reports are posted on three conspicuous places in the municipality. Likewise, financial and budget reports as well as development plans are being published through the newsletter of the municipality. It is not, however, proactive enough because the postings are only in the town center and the website is not accessible for residents in the remote areas of the municipality.

References:

J. Nocal Municipal Administrator, Interview, April 14, 2011 ;
N. Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011
Miagao Local Government Website. Link available here <http://www.miagao.gov.ph/#>

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. ⁷⁷Local Voting and Citizen Participation

2.1. Local Voting and Citizen Participation

90

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

YES | NO

Comments:

Art V, Sec. 1 of the Philippine Constitution states, "Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage" This guarantees the right to suffrage of the citizens of voting age.

References:

Art V, Sec. 1 of the Philippine Constitution link available here <http://www.chanrobles.com/article5suffrage.htm>

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:

Art IV, Sec 29 of the Omnibus Election Code provides for the regular elections of local officials. It says, "The election of provincial, city and municipal officials whose positions are provided for by the Local Government Code shall be held throughout the Philippines in the manner herein prescribed on the first Monday of May, Nineteen hundred and eighty-six and on the same day every six years thereafter." This describes the interval of local elections.

References:

Art IV, Sec 29 of the Omnibus Election Code.
Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881.
Link available here <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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:

All registered voters can vote during elections. There are 37, 485 registered voters in Miagao. Last May 10 elections, 80% of the registered voters have voted. In the case of the October barangay and SK elections, 85-90% voted. There are 2, 127 SK registered voters. The percentage varies per barangay. In general, the turn out does not go below 70%.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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:

Ballots are protected by ballot secrecy folders and ballot boxes among others in accordance with the Omnibus Election Code. Also, there are observers from various sectors during elections. The Board of Election Inspectors are tasked to maintain the integrity of elections.

Though unverified, there are circulating stories of vote buying, which has implications to secrecy of votes beyond the voting precincts.

References:

Jessie H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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:

Local elections are held as scheduled. The municipality has its elections last May 2010 with the national elections and the barangay and SK elections last October 2010.

References:

Jessie H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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:

There are no restrictions in forming political parties in the municipality. This form part of the right of the people to associate and form organizations as guaranteed in the constitution. Moreover, the Art. VIII of the Omnibus Election Code provides for the guidelines for registration of political parties. The requirements are to have constitution and by-laws, platform or program of government and such other relevant information as may be required by the COMELEC.

References:

Art. VIII of the Omnibus Election Code

Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. Link available here <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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

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

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

YES | NO

References:

Art. IX of the Omnibus Election Code, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. link available here <http://www.chanrobles.com/electioncodeofthephilippines.htm>

Title 2 Chap. 1, Sec. 39-40 of the Local Government Code, Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

Link available here <http://www.chanrobles.com/localgovfulltext.html>

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:

The major political parties in Miagao are the local chapters of Lakas, Liberal and Nacionalista Party. There are also Party Lists existing in the locality like Banat and AAMBIS-OWA. There is no permit required for these political parties. They only need to be accredited. The existence of political parties and party lists in the locality is verified. One of the basic requirements is the presence of an organized group, with logistics, funds and supporters. This is only a verification of what has been submitted in the national level. There are, however, issues like the predominance of the Flores family, like they are making politics in the town a family enterprises and reducing the chance of others to participate.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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 requirement to run for office is to file for a Certificate of Candidacy. If you are part of and nominated by a political party, you need to have a certificate of nomination from that particular party. Last elections, there are 3 independent candidates for councillor. The rest are standard bearer of these three national political parties. There are, however, issues like the predominance of the Flores family, like they are making politics in the town a family enterprises and reducing the chance of others to participate.

References:

Jessie H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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 do 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 are 37, 485 registered voters in Miagao. Last May 10 elections, 80% of the registered voters have voted. In the case of the October barangay and SK elections, 85-90% voted. There are 2, 127 SK registered voters. The percentage varies per barangay. In general, the turn out does not go below 70%. The COMELEC conducts voters' education. For the last May 10 elections, this included teaching the voters how to operate the machine, how to write in the ballots, and how to take care of their ballots. This is undertaken per barangay or barangay cluster. The candidates, upon filing, there is an assumption that people already know who are running for office. Information is disseminated through barangay captains. Every first Tuesday during the election period, voters' education activities are conducted.

There are, however, issues like the predominance of the Flores family, like they are making politics in the town a family enterprises and reducing the chance of others to participate. Though unverified, there are circulating stories of vote buying.

References:

Jessie H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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

88

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

YES | NO

References:

Art. IX(C) of the 1987 Philippine Constitution 1987 Constitution of the Philippines. link available here. <http://www.chanrobles.com/philsupremelaw2.html>

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

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

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

YES | NO

References:

Art IX (A) of the 1987 Philippine Constitution. 1987 Constitution of the Philippines. link available here <http://www.chanrobles.com/philsupremelaw2.html>

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:

The Election Officer in the municipality is not based in Miagao. He occasionally comes to the municipality. And the agency is not under the jurisdiction of the local government but the national government.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011
Ding Loguibis, Staff, Jaro Archdiocesan Social Action Center (JASAC), Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The COMELEC at the local level has an election officer and a regular staff. They perform the mandate of the COMELEC at the municipal level. Though, in the last election, there were reports of technical problems regarding the PCOS machine.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011
Ding Loguibis, Staff, Jaro Archdiocesan Social Action Center (JASAC), Interview, May 16, 2011

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:

The COMELEC reports the results of elections through various media, television, radio and the internet. Posting of results is also done. In the website of the COMELEC, the certified list of elected candidates is posted according to the database on May 10, 2010

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Link to Comelec Result available here. http://www.comelec.gov.ph/results/2010natl_local/2010electionresults_local.aspx

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

There were no electoral cases filed in the municipality so there is no basis for judging the effectivity of the local COMELEC. Issues of vote buying are not investigated therefore remain unresolved.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The COMELEC conducts voters' education. For the last May 10 elections, this included teaching the voters how to operate the machine, how to write in the ballots, and how to take care of their ballots. This is undertaken per barangay or barangay cluster. The candidates, upon filing, there is an assumption that people already know who are running for office. Information is disseminated through barangay captains. Every first Tuesday during the election period, voters' education activities are conducted. They tackle guidelines for the election apart from the information about the candidates. There are reports of intimidation but these are not verified.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

Art. IX(C) of the Philippine constitution provides for the function of the COMELEC to decide on electoral cases

References:

Art. IX(C) of the 1987 Philippine Constitution, 1987 Constitution of the Philippines. link available here. <http://www.chanrobles.com/philsupremelaw2.html>

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:

An electoral appeals mechanism exists for election contests in municipalities called the “2010 Rules Of Procedure In Election Contests Before The Courts Involving Elective Municipal Officials.” This was approved by the Supreme Court en banc on 27th April 2010.”. According to the resolution, these rules apply to election contests under the Automated Election System using the Precinct Count Optical Scan, and govern the filing of pleadings, practice and procedure in these contests. It covers the conduct of the polls, including the listing of voters, the holding of the electoral campaign, the casting and counting of ballots, the consolidation and transmission of results, and the canvassing of returns. The resolution also states that Regional Trial Courts (RTC) have exclusive jurisdiction over all election contests involving municipal officials. Commission on Election’s (COMELEC’s) decision in a disqualification case does not bar the petitioner from filing a petition to the RTC based on the same ground unless the Supreme Court has already affirmed the COMELEC decision.

With regard to election-related cases, Mr. Borro. Election officer, said that for 15 years there have been no such cases so it is difficult to assess the effectiveness of the existing mechanism in the local level.

However, the problem is not so much with the local government itself as it is with the entire electoral system, according to investigative journalist Miriam Grace Go. At the municipality level, denial of suffrage can happen if a person is delisted from the voter’s list for that area. Complaints over denial of suffrage are supposed to be filed at the Regional Trial Court level. For one to file, one must prove that one has the right or the “personality” to file a complaint—namely, one is either a voter in the area or a candidate in the area. This is difficult to prove since the Comelec failed to release Voter’s IDs for many voters.

Nevertheless, Miagao appears to punch above its weight when it comes to transparency and economic development. It is a recipient of the Local Government Transparency and Accountability Awardee. It has also received two other special awards: Excellence in Social Services and Excellence in Economic Development including an extensive gender program.

References:

Philippine Supreme Court, Supreme Court En Banc Resolution, “2010 Rules Of Procedure In Election Contests Before The Courts Involving Elective Municipal Officials”, 27th April 2010, <http://sc.judiciary.gov.ph/admin%20matters/others/A.M.No.%2010-4-1-SC.pdf>

Municipality of Miagao, Basta Miagao Serbisyo ang Dagun, <http://www.miagao.gov.ph/>

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Investigative journalist Miriam Grace Go

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:

The police and military are deputized agencies. Their role is to maintain peace and order in the municipality and in the polling precincts. They have to be 30-50 meters away from the polling precincts unless otherwise requested in written form by the board of election inspectors. The distance is to prevent them from influencing the decision of the voters. For the candidates, they are not allowed to stay in the polling places during the elections.

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011
SPO1 Norberto M. Nabuab, Chief Investigator, Interview, April 18, 2011

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:

No specific law govern the actual conduct of election monitoring by entities other than those who belong to the political parties as watchers. However, the provisions in the Omnibus Election Code pertaining to poll watchers may be liberally interpreted to cover the interest in making sure that election procedures and records are transparent and accessible to many.

References:

Art. XV, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. Link available here <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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:

There is no law prohibiting the observation of domestic and international observers in the electoral process.

Watchers are acknowledged in the Omnibus Election Code. Miagao resident-parishioners are themselves election observers for honest and credible elections. They serve under the Parish Pastoral Council for Responsible Voting (PPCRV), a country-wide lay organization comprised of civic-minded volunteers who use the Catholic Church as a "moral guide" during the election process. The PPCRV is a well-regarded organization and duly accredited by the government and is even given a copy of the election results before they are published. It participates in election fora, meetings, and preparations of elections paraphernalia, presence in every precinct or voting center during the conduct of elections or casting of votes, canvassing of votes, and transportation of ballot boxes and equipment. PPCRV volunteers also educate the electorate to "vote responsibly" based on Catholic Church guideline. Aside from parishioner-observers, each political party is allowed to send three election observers or watchers and paralegal officers per voting precinct or center to watch the counting of ballots.

However in the 2010 elections, municipal authorities claimed that the New People's Army, a left-wing militia group, burnt a school building down which was used as a polling station. However, no evidence was found that the left-wing group had been involved. There was a suspicion that the arson could have been committed by political groups who felt they would be unable to cheat with the new computerized machines.

Although there are observers to guard the ballot, it seems that arson and other means are still being used to taint the integrity of elections.

References:

Art. 15 of the Omnibus Election Code. Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. <http://www.chanrobles.com/electioncodeofthephilippines.htm>

Parish Pastoral Council for Responsible Voting, <http://www.ppcrv.org>

Interview with John Nocal

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:

Regarding campaign period, the national candidates have 90 days to campaign before the election day while local candidates have 45 days. For standard election propaganda materials, the leaflets must not exceed the letter size bond paper. For streamers, the maximum 2 by 3 ft. For billboards, the maximum is 16 by 24 ft. There are designated common poster areas where they can post their campaign materials. Other than those areas, they cannot post any campaign materials except for their residence and the residence of their supporters with consent. Violations of these rules mean disqualification. However, it is difficult to know who posted as they argue that the illegal postings are done by their opponent. During grand rallies, streamers are allowed. But, they have to be cleared after 24 hours. The grand rallies requires permit from the mayor. If no action is taken after 3 days, the request is considered approved. The municipality requires payment depending on the use of services. Other than that, there is no fee collected.

Factors like the long entrenched Flores dynasty, vote buying, however, cast a doubt on the actual freedom of all candidates to campaign.

References:

Anonymous, Miagao Citizen, Interview, April 30, 2011
J. H. Borro, Jr., Election Officer, Interview, April 14, 2011
Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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

75: ..

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

25: ..

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

49. In practice, elections are free from violence.

YES | NO

References:

J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

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.

88 2.3. Local Political Financing

2.3. Local Political Financing

54

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

YES | NO

References:

Sec. 95, Omnibus Election Code, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. Link available here <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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:

Current national laws provide for a limit to campaign expenditures, but there are no existing limits on campaign contributions.

References:

Sec. 95, Omnibus Election Code, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. link available at <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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:

Current national laws provide for a limit to campaign expenditures, but there are no existing limits on campaign contributions.

References:

Sec. 57 of the Omnibus Election Code, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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

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

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

YES | NO

References:

Section 94 of the Omnibus Election Code. Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. link available here. <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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:

Candidates are required by law to file statements of contributions and expenditures, but there is no requirement for the independent auditing of these statements.

References:

Sec. 57 of the Omnibus Election Code, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. link available here <http://www.chanrobles.com/electioncodeofthephilippines.htm>

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

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

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

YES | NO

References:

Sec. 57 of the Omnibus Election Code, Philippine Congress. 1985. "Omnibus Election Code of the Philippines." Batas Pambansa Bilang 881. Link Available here.

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:

The statements of accounts the candidate submit to the COMELEC does not always reflect the actual expenditure and no further counter checking is conducted by the agency to verify this.

The documentary source fall under the category not listed in the choices provided above.

References:

COMELEC 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The statement of expenses and contributions does not reflect the actual expenditures of the candidates. It is difficult to know when they already claim that they did not spend for some election-related activities. Moreover, the limits on expenditures are said to be very low.

The documentary source does not fall under the categories provided above.

References:

COMELEC 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

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

Comments:

The issue on finances is answered by the election officer based on the rules that govern the expenditures of the candidates. Also, he refers to the statement of contributions and expenditures as requirement and remarked the non-disclosure of all money flows. But, he said that this is difficult to prove. This seems to mean that the agency does not initiate investigations after receiving the copy of the statement of contributions and expenditures of the candidates.

References:

COMELEC. 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo
J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

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.

Comments:

Based from the answer of the election officer, he is aware that the candidates don't disclose all of their finances. But, he did not mention of anything about imposing penalties on them as he said it is hard to prove.

References:

COMELEC 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

References:

COMELEC. 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

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:

In accordance with the resolution passed by the COMELEC, the candidates need to submit their Statement of Contributions and Expenditures ten days after elections. However, since this is not verified or counter checked the disclosure seems to appear simply procedural and not necessarily an exercise of accountability.

References:

COMELEC 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo
J. H. Borro, Jr., Election Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

In accordance with the resolution passed by the COMELEC, the candidates need to submit their Statement of Contributions and Expenditures ten days after elections. The documents can be secured from the local COMELEC office. They are readily available.

References:

COMELEC 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo
Jessie H. Borro, Jr., Election Officer, Interview, April 14, 2011

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:

The statement of contributions and expenditures of the candidates are readily available at the COMELEC office in the municipality. It can be obtained by photocopying the documents as requested from the election officer.

References:

COMELEC 2011c. "Statement of Election Contributions and Expenditures." Miagao, Iloilo
Jessie H. Borro, Jr., Election Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

Category 3. Local Government Accountability

3.1. Local Executive Accountability

3.1. Local Executive Accountability

87

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

100 | 75 | 50 | 25 | 0

Comments:

The municipality has the website where the executive agenda are posted. The local chief executive gives a state of municipal address and this is also posted in the website. During flag ceremonies every monday, the officials are gathered in a program where specific policy themes are discussed. This is based from the observation of the program itself. The program is held outside the municipality and everybody can watch and see.

References:

Suzita M. Go, Councilor, Interview, April 19, 2011
Research Assistant's Observation of the Program.

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

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011
STATE OF THE MUNICIPAL ADDRESS 2010, Miagao Website link available here <http://www.miagao.gov.ph/index.php/the-lgu/executive/executive-issuances/item/57-state-of-the-municipal-address-2010>
12 Point Agenda for 2010-2013 Miagao Website link available here <http://www.miagao.gov.ph/index.php/the-lgu/executive/item/6-12-point-executive-agenda>

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

75: ..

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

25: ..

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

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

YES | NO

References:

Art. 1 Chapter 3 Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. link available here <http://www.chanrobles.com/localgov1.htm>

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:

The provincial office is doing its function in checking the affairs of the municipality

References:

A. Deramas, Municipal Treasurer, Interview, April 14, 2011

G. Cepe, Municipal Accountant, Interview, April 14, 2011;

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

References:

Suzita M. Go, Councilor, Interview, April 19, 201

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

YES | NO

References:

SPO1 Norberto M. Nabuab, Chief Investigator, Interview, April 18, 2011; Book I, Title 2, Chap. 4, Sec. 61, Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. Link: <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Book I, Title 3, Secs. 83-85, Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

Link: <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Book I, Title 3, Sec. 91(a), Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

Link: <http://www.chanrobles.com/localgovfulltext.html>

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

References:

(Sec 3 (c)(d), Anti Graft and Corruption Practices Act, Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019. <http://www.chanrobles.com/republicactno3019.htm>

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:

Current national laws require local officials to disclose their assets through the filing of Statements of Assets and Liabilities. However, there is no requirement for the independent auditing of these statements.

References:

Sec 3(d) , Anti Graft and Corruption Practices Act ; Sec 4, Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019. Link: <http://www.chanrobles.com/republicactno3019.htm>

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

References:

Sec 3(d) , Anti Graft and Corruption Practices Act ; Sec 4, Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019. Link: <http://www.chanrobles.com/republicactno3019.htm>

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

According to the respondent there has been no case filed against any official regarding receiving of gifts and other favors.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011

Ma. Merle F. Nacionales, Citizen, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

While there was an indication that the local government follow the procedures for procurement, some purchases under 100,000 pesos can be subjected to "shopping" where they select the lowest among the surveyed price for a particular goods or services. In this aspect, there can be a possibility of procuring products and services from entities related to the officials especially if it is purchased in the locality owing to the prominence of some officials and their family members in local business community.

References:

A. Nufuar, General Services Officer, Interview, April 14, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

Anonymous, Miagao Citizen, Interview, April 30, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

B. Villa, State Auditor, Interview, May 4, 2011
Suzita M. Go, Councilor, Interview, April 19, 2011

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:

if assets disclosure record exist they become part of the public documents and are therefore covered under the access to official information provisions of the Constitution.

References:

Art. III Sec. 7 of the Philippine Constitution, 1987 Constitution of the Philippines. <http://www.chanrobles.com/philsupremelaw2.html>.

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

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011;
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011;
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

50: Records impose a financial burden on citizens, journalists or CSOs/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

73

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

YES | NO

References:

Sec 3(e), Chapter 1, Book One and Art. 1 Chapter 3 Book One Philippine Congress 1991. "The Local Government Code." Republic Act 6170. link available here <http://www.chanrobles.com/localgov1.htm>

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:

There is a working mechanism for this but it has not been tested since no case under this category have been filed in the municipality. There is, however, a suggestion that the political affiliation of higher level offices can still affect partiality/impartiality.

References:

Book III, Title 5, Chap. 4 Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

link: <http://www.chanrobles.com/localgovfulltext.html> ;

Grace Cepe, Municipal Accountant, Interview, April 14, 2011; Aida Deramas, Municipal Treasurer, Interview, April 14, 2011 ;

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

75: ..

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

25: ..

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

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

YES | NO

References:

Sec 61, Chapter 4, Title Two, Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

Link: <http://www.chanrobles.com/localgovfulltext.html>

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

References:

Book I, Title 3, Sec. 91(a), Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

Link: <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Sec 3 (c)(d), Anti Graft and Corruption Practices Act, Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019. <http://www.chanrobles.com/republicactno3019.htm>

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

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

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

YES | NO

References:

Sec 3(d) , Anti Graft and Corruption Practices Act ; Sec 4, Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019. Link: <http://www.chanrobles.com/republicactno3019.htm>

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

Current national laws require local officials to disclose their assets through the filing of Statements of Assets and Liabilities. However, there is no requirement for the independent auditing of these statements.

References:

Sec 3(d) , Anti Graft and Corruption Practices Act ; Sec 4, Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019. Link: <http://www.chanrobles.com/republicactno3019.htm>

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:

According to the respondent there has been no case filed against any official regarding receiving of gifts and other favors.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011

Ma. Merle F. Nacionales, Citizen, Interview, May 16, 2011

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:

While there was an indication that the local government follow the procedures for procurement, some purchases under 100,000 pesos can be subjected to "shopping" where they select the lowest among the surveyed price for a particular goods or services. In this aspect, there can be a possibility of procuring products and services from entities related to the officials especially if it is purchased in the locality owing to the prominence of some officials and their family members in local business community.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011

Gina Taton, Clerk, Cashier, Salesperson, Asian Lumber, Molo, Iloilo City, May 17, 2011

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

References:

Suzita M. Go, Councilor, Interview, April 19, 2011

B. Villa, State Auditor, Interview, May 4, 2011

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:

if assets disclosure record exist they become part of the public documents and are therefore covered under the access to official information provisions of the Constitution.

References:

Art. III Sec. 7 of the Philippine Constitution, 1987 Constitution of the Philippines. <http://www.chanrobles.com/philsupremelaw2.html>.

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:

While there is no outright prohibition or restriction about access to asset disclosure data, not collecting the data itself or the lack of asset audit is a major issue in local transparency and accountability.

References:

B. Villa, State Auditor, Interview, May 4, 2011
J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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:

While there is no outright prohibition or restriction about access to asset disclosure data, not collecting the data itself or the lack of asset audit is a major issue in local transparency and accountability.

References:

B. Villa, State Auditor, Interview, May 4, 2011

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

75: ..

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

25: ..

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

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

YES | NO

References:

Art. III Sec. 7 of the Philippine Constitution, 1987 Constitution of the Philippines. <http://www.chanrobles.com/philsupremelaw2.html>.

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

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011;
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011;
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

73
3.3. Barangay Accountability

3.3. Barangay Accountability

81

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

YES | NO

References:

Art 1. Chapter 3 Book 1. Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Sec 61 Chapter 4 Title 2 Book One and Secs. 83 to 85 Title 3 Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170

Link: <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

The time it takes to obtain the records depends on the documents requested. Sensitive information may not be given and in some cases they are delayed due to political reasons.

References:

L. Lucero, Councilor, Brgy. Malagyan, Miagao, Iloilo, Interview, April 16, 2011

Rose Mary F. Galvan, Punong Barangay, Malagyan, Miagao, Iloilo, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

YES | NO

References:

Sec. 52. Chapter 3 Book 1 Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Sec. 52. Chapter 3 Book 1 Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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.

Comments:

Citizens can access records by requesting them to the barangay captain. The time it takes to obtain the records depends on the documents requested. Sensitive information may not be given and in some cases they are delayed due to political reasons.

References:

L. L. Lucero, Councilor, Brgy. Malagyan, Miagao, Iloilo, Interview, April 16, 2011

Rose Mary F. Galvan, Punong Barangay, Malagyan, Miagao, Iloilo, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

Comments:

Citizens can access records by requesting them to the barangay captain. The time it takes to obtain the records depends on the documents requested. Sensitive information may not be given and in some cases they are delayed due to political reasons

References:

L. L. Lucero, Councilor, Brgy. Malagyan, Miagao, Iloilo, Interview, April 16, 2011

Rose Mary F. Galvan, Punong Barangay, Malagyan, Miagao, Iloilo, Interview, May 16, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The barangay conducts general assemblies. There is one synchronized schedule nationwide every October and March. There is also special Gas conducted to talk about the affairs of the barangays. This is conducted twice a year.

The people participate through asking questions. The usual concerns include the issue of peace and order and security like frat initiation conducted in the barangay, cases of theft, and the increase in the number of out-of-school youth. The usual number of people attending ranges from 150 to 200 people representing every household.

References:

L. L. Lucero, Councilor, Brgy. Malagyan, Miagao, Iloilo, Interview, April 16, 2011

Rose Mary F. Galvan, Punong Barangay, Malagyan, Miagao, Iloilo, Interview, May 16, 2011

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

75: ..

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

25: ..

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

Category 4. Local Fiscal Processes

4.1. Local Budget Processes

4.1. Local Budget Processes

82

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:

Only approved allocations are posted. Proposals are for internal use of various local government committees and offices.

References:

Aida Deramas, Municipal Treasurer, Interview, April 14, 2011

Grace Cepe, Municipal Accountant, Interview, April 14, 2011

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

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

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

YES | NO

References:

Sec. 352, Chap. 4, Book II, Local Government Code, Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

DILG Memorandum Circular 2010-083

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

References:

Sec. 316(h) Art. 1 Chapter 3 Title 5 Book II Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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

References:

Sec. 352, Chap. 4, Book II of the Local Government Code Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

Comments:

While there is no national law or local ordinance that mandates that budget information be provided in easy to access format, the practice here is that it is posted in conspicuous places and in the local newsletter in easy to understand form.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

Office of the Municipal Accountant. 2011a. "Consolidated Statement of Income and Expenses for the Year ended December 31, 2010." Miagao, Iloilo.

_____. 2011b. "Consolidated Statement of Cash Flows for the Year ended December 31, 2010." Miagao, Iloilo.

_____. 2011c. "Consolidated Balance Sheet as of December 31, 2010." Miagao, Iloilo.

Municipality of Miagao. 2011. "Banwang Pinalangga." Official Newsletter of the Municipality of Miagao. January Issue.

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:

Audit reports need to be requested from the office of the mayor. There is no law requiring them to proactively disclose it to the public.

However, the Commission on Audit is mandated by law to disclose audit reports, including those on the use of local budgets.

References:

Grace Cepe, Municipal Accountant, Interview, April 14, 2011
Belen Villa, State Auditor, Interview, May 4, 2011

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:

The documents at the budget office are readily available. It can be secured by sending a request letter to the local chief executive. The local chief executive then directs the office concerned to provide the needed documents.

References:

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011
Municipality of Miagao. 2011. "Banwang Pinalangga." Official Newsletter of the Municipality of Miagao. January Issue.

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

References:

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

Municipality of Miagao. 2011. "Banwang Pinalangga." Official Newsletter of the Municipality of Miagao. January Issue.

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:

The municipality publish usually publish at the start and at the end of the year. But, they publish quarterly, through its newsletter, its cash flows, income and expenditures

References:

G. Cepe, Municipal Accountant, Interview, May 4, 2011

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

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

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

YES | NO

Comments:

The municipality publishes its Statement of Receipts and Expenditures at the end of the year. This shows the actual revenues and expenditures of the municipality. Also, the municipality publishes its annual budget plan.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

N. Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011

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

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

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

YES | NO

References:

Grace Cepe, Municipal Accountant, Interview, April 14, 2011

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

Municipality of Miagao. 2011. "Banwang Pinalangga." Official Newsletter of the Municipality of Miagao. January Issue.

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

References:

B. Villa, State Auditor, Interview, May 4, 2011

Grace Cepe, Municipal Accountant, Interview, April 14, 2011

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

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

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

100 | 75 | 50 | 25 | 0

References:

Grace Cepe, Municipal Accountant, Interview, April 14, 2011
J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Grace Cepe, Municipal Accountant, Interview, April 14, 2011
J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The opinions and recommendations of the CSOs and NGOs accredited by the municipality are heard and considered during the budget hearings. During these hearings, each stakeholder presents their case and the rationale for the budget they proposes. Usually, the opinions of the NGOs and CSOs are incorporated in the development council, but there is no mention of individuals participating in their private capacity.

References:

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011
Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

YES | NO

References:

Title 6, Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.

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.

Comments:

The opinions and recommendations of the CSOs and NGOs accredited by the municipality are heard and considered during the budget hearings. During these hearings, each stakeholder presents their case and the rationale for the budget they propose. And usually, the opinions of the NGOs and CSOs are incorporated in the development council. This is, however, also a sign of weakness because independent individuals who may see the need to participate in the process may not have access to it.

References:

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011
 Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011

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

75: ..

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

25: ..

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

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

YES | NO

References:

Sec. 115, Title 6, Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.
 Link: <http://www.chanrobles.com/localgovfulltext.html>

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.

Comments:

There are no delays experienced on receiving the IRA of the municipality. The money is deposited monthly to the bank account of the LGU.

References:

Aida Deramas, Municipal Treasurer, Interview, April 14, 2011
 Grace Cepe, Municipal Accountant, Interview, April 14, 2011
 Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

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

Comments:

The information or documents in the municipality is accesible as requested to the local chief executive through a letter. The office concerned is directed the the mayor to provide the documents needed. And the documents or information will already be provided by the office concerned. However, because the usually published data are only the year-end budget, records pertaining to transfer may not be readily available in forms that are accessible to the general public.

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011;
 Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The information or documents in the municipality is accesible as requested to the local chief executive through a letter. The office concerned is directed the the mayor to provide the documents needed. And the documents or information will already be provided by the office concerned.

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011;
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

There is a finance committee in the municipality composed of the planning and development office head, municipal treasurer and municipal budget officer with also the participation of the municipal accountant. This functions in accordance with Sec. 316, Art. 1, Chap. 3, Book II of the Local Government Code

References:

S. Montehermoso, Assessment Clerk, Interview, May 4, 2011
Sec. 316, Art. 1, Chap. 3, Book II of the Local Government Code Link here <http://www.chanrobles.com/localgovfulltext.html>

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

References:

Sec 447 (2)(i) Art. III Chapter 2, Book Three Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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

References:

Sec. 319 Art. 1 Chapter 3 Title 5, Book Two Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. link: <http://www.chanrobles.com/localgovfulltext.html>

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 budget is deliberated through a budget hearing where every department proposes a budget per year. The proposals are

deliberated in the budget hearing. From the hearing, the local chief executive will decide and propose the budget to the local legislative. The local legislative, then, will enact and authorize the budget.

References:

Aida Deramas, Municipal Treasurer, Interview, April 14, 2011;
Grace Cepe, Municipal Accountant, Interview, April 14, 2011;
Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

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

75: ..

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

25: ..

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

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

YES | NO

References:

Sec 55(b) Chapter 3 Title 2 Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.
Link: <http://www.chanrobles.com/localgovfulltext.html>

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

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

YES | NO

References:

Sec 21, Art. 7 Philippine Congress. 2003. "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes." Republic Act 9184

Link: http://www.gppb.gov.ph/laws_rules/laws/RA_9184.pdf Republic Act 9184

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

References:

Sec 21, Art. VII Philippine Congress. 2003. "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes." Republic Act 9184

Link: http://www.gppb.gov.ph/laws_rules/laws/RA_9184.pdf Republic Act 9184

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 bid awards are posted in the PhilGEPS. This is in accordance to the Revised Implementing Rules and Regulations of Republic Act No. 9184, or the Government Procurement Reform Act

References:

Philippine Congress. "Revised Implementing Rules and Regulations of Republic Act No. 9184, Otherwise Known As the Government Procurement Reform Act" http://www.coa.gov.ph/tsolmp/TSOIntra/Appendices/Appendix%203/Revised%20IRR.RA9184_2009.pdf

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:

Call for bidders and result of bidding are posted in the local government's website.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011; A. Nufuar, General Services Officer, Interview, April 14, 2011
Local Government of Miagao Website <http://www.miagao.gov.ph/>

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

A. Nufuar, General Services Officer, Interview, April 14, 2011;
J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011;
Miagao Local Government Website, <http://www.miagao.gov.ph/>

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

75: ..

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

25: ..

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

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

YES | **NO**

References:

Sec 21, Art. VII Philippine Congress. 2003. "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes." Republic Act 9184

Link: http://www.gppb.gov.ph/laws_rules/laws/RA_9184.pdf Republic Act 9184

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

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

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

YES | **NO**

References:

Sec 12, Art V Philippine Congress. 2003. "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes." Republic Act 9184.

Link: http://www.gppb.gov.ph/laws_rules/laws/RA_9184.pdf Republic Act 9184.

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

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

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

YES | NO

References:

Sec 8.2.2 (d) Rule 2 Philippine Congress. "Revised Implementing Rules and Regulations of Republic Act No. 9184, Otherwise Known As the Government Procurement Reform Act"

Link:http://www.coa.gov.ph/tsolmp/TSOIntra/Appendices/Appendix%203/Revised%20IRR.RA9184_2009.pdf

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

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

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

YES | NO

References:

Art. XVII Philippine Congress. 2003. "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes." Republic Act 9184. http://www.gppb.gov.ph/laws_rules/laws/RA_9184.pdf Republic Act 9184.

Sec 60 Rule XVIII Philippine Congress. "Revised Implementing Rules and Regulations of Republic Act No. 9184, Otherwise Known As the Government Procurement Reform Act"

Link:http://www.coa.gov.ph/tsolmp/TSOIntra/Appendices/Appendix%203/Revised%20IRR.RA9184_2009.pdf

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

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

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

YES | NO

References:

Art XVI Philippine Congress. 2003. "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government and for Other Purposes." Republic Act 9184. http://www.gppb.gov.ph/laws_rules/laws/RA_9184.pdf Republic Act 9184.

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

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

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

YES | NO

References:

Sec 63.1(e) Rule XX Philippine Congress. "Revised Implementing Rules and Regulations of Republic Act No. 9184, Otherwise Known As the Government Procurement Reform Act" http://www.coa.gov.ph/tsolimp/TSOIntra/Appendices/Appendix%203/Revised%20IRR.RA9184_2009.pdf

YES: A YES score is earned if public procurement officials receive regular mandatory training to ensure professional standards in supervising the tendering process. A YES score is earned if such training is mandated for portions of the broader civil service, to include procurement officials.

NO: A NO score is earned if there is no regular required training of public procurement officials or if training is sporadic, inconsistent, unrelated to procurement processes, or voluntary.

142. In practice, major procurement projects in the city/municipality level are effectively advertised.

100 | 75 | 50 | 25 | 0

References:

A. Nufuar, General Services Officer, Interview, April 14, 2011
Miagao Local Government Website <http://www.miagao.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.

YES | NO

References:

Rule XX Philippine Congress. "Revised Implementing Rules and Regulations of Republic Act No. 9184, Otherwise Known As the Government Procurement Reform Act"

Link:http://www.coa.gov.ph/tsolmp/TSOIntra/Appendices/Appendix%203/Revised%20IRR.RA9184_2009.pdf

YES: A YES score is earned if there exists an oversight agency, whether at the national or local level, to examine city/municipality public procurement processes and results, including adherence to procurement guidelines.

NO: A NO score is earned if no such body exists. A NO score is earned if such body exists but does not implement public procurement policies.

144. In practice, the oversight agency that examines city/municipality public procurement processes and results is effective.

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

Comments:

Through the PhilGEPS, all bid and procurement documents are available online and the Government Procurement Policy Board (GPPB) is able to monitor the bidding processes of the municipality. The procurement process under "shopping category, however, is not covered by this mechanism.

References:

A. Nufuar, General Services Officer, Interview, April 14, 2011

Miagao Local Government Website <http://www.miagao.gov.ph/>

100: The oversight agency that examines city/municipality public procurement processes and results is able to produce reports in a timely manner. Its findings prompt the appropriate corrective action.

75: ..

50: In most cases, oversight agency reports are acted on, though some exceptions may occur.

25: ..

0: Oversight agency reports are often ignored, and do not lead to corrective action of public procurement processes and results.

98
4.3. Local Audit

4.3. Local Audit

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

References:

Sec. 348, Chapter 4, Book Two Philippine Congress. 1991. "The Local Government Code." Republic Act 6170.
Link: <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Art. IX 1987 Constitution of the Philippines. <http://www.chanrobles.com/phiisupremelaw2.html>

Sec 25(6) Chapter 2 Presidential Decree No. 1445. Ordaining and Instituting a Government Auditing Code of the Philippines. <http://www.chanrobles.com/presidentialdecrees/presidentialdecreeno1445.html>

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:

Miagao ensures audits are transparent by holding a dialogue every first Tuesday of the month with one hundred nineteen punong barangays (heads of barangays which are the smallest units of government) to discuss audit processes (Nocal). An internal audit has been established with an internal auditor who is a qualified CPA, ensuring that all disbursements conform to standard government accounting and auditing rules and regulations. This in turn supports external Commission on Audit procedures. The external auditor is not part of the municipality and is not based on the municipality. There is a risk however that internal and external auditors could end up colluding and defrauding local government although this has a low probability of happening.

Miagao has also been a consistent winner in the area of fiscal management in provincial, regional and national levels. It is a consistent regional winner in the Excellence in Local Governance Award and the recipient of Seal of Good Housekeeping – Transparency & Accountability by the Department of the Interior and Local Government (DILG). These awards demonstrate that Miagao's objective is to try and execute an efficient budget process, which would also include independent audit procedures.

There are also several reporting mechanisms in Miagao to ensure transparency in fiscal management, which would also involve auditing processes. For instance, the LGU (Local Government Unit) conducts an annual State of Local Governance Report, which is a Local Government Performance Management System assessment to foster public trust and integrity in local governance. Further, Miagao Mayor Julieta Flores reports to her constituents' governance initiatives undertaken by the municipality, including information on fiscal administration, revenues and resource utilization, in the yearly State of the Municipality Address (SOMA). A citizens' feedback mechanism exists through the LGU Public Assistance and Complaints Desk.

These awards and initiatives demonstrate Miagao's adherence to good governance particularly in the area of transparent audit and budget execution, which should satisfy the Commission on Audit regarding Miagao's internal audit procedures.

References:

A. Deramas, Municipal Treasurer, Interview, April 14, 2011;

G. Cepe, Municipal Accountant, Interview, April 14, 2011;

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

Miagao Government Site, Adora B. Mande, 119 ka Barangay Ginpaidalum sa Maid-id nga Audit, <http://www.miagao.gov.ph/about-miagao/news-and-announcements/news/76-119-ka-barangay-ginpaidalum-sa-maid-id-nga-audit>

First runner-up national level for exemplary performance in Local Budget Administration and strict adherence to fiscal management system by the Department of Budget and Management (DBM).

Interview with John Nocal

Municipality of Miagao-Issueances, State of the Municipal Address 2010, State Of The Municipal Address Delivered By Mayor Julieta N. Flores During The Regular Session Of The Sangguniang Bayan Held On January 13, 2010 At The SB Session Hall, <http://www.miagao.gov.ph/?Itemid=127>

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:

The local government receives copy of the audit reports. They may use of the report as reference but the COA in charge does not necessarily make recommendations.

References:

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011
Aida Deramas, Municipal Treasurer, Interview, April 14, 2011 ; Grace Cepe, Municipal Accountant, Interview, April 14, 2011;
Belen Villa, State Auditor, Interview, May 4, 2011; Grace Cepe, Municipal Accountant, Interview, May 4, 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The Commission on Audit, as a body independent from the municipality can conduct investigation but there has been no case of actual investigation yet, only routine auditing of the local government's expenses.

References:

Jane Valenzuela, Municipal Budget Officer, Interview, April 15, 2011

100: The audit agency can control the timing and pace of its investigations without any input from the executive or legislative bodies in the city/municipality.

75: ..

50: The audit agency can generally decide what to investigate, and when, but is subject to pressure from the executive or legislative bodies in the city/municipality on politically sensitive issues.

25: ..

0: The audit agency must rely on approval from the executive or legislative bodies in the city/municipality before initiating investigations. Politically sensitive investigations are almost impossible to move forward on.

150. In practice, the Commission on Audit submits and publishes audit reports within the required time period.

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

Comments:

The CoA gives audit findings to the municipality but there was no mention of making it available to the wider public. In practice, the CoA website publishes the annual audit reports of LGUs, but as of this time, the report for Western Visayas is not yet available.

References:

J. Valenzuela, Municipal Budget Officer, Interview, April 15, 2011
Belen Villa, State Auditor, Interview, May 4, 2011

100: The agency makes regular, publicly available, substantial reports to the legislature and/or to the public directly outlining the full scope of its work.

75: ..

50: The agency makes publicly available reports to the legislature and/or to the public directly that are sometimes delayed or incomplete.

25: ..

0: The agency makes no reports of its activities, or makes reports that are consistently out of date, unavailable to the public, or insubstantial.

151. In law, citizens can access reports of the audit agency.

YES | NO

References:

Art. III Sec. 7 of the Philippine Constitution 1987 Constitution of the Philippines. <http://www.chanrobles.com/philsupremelaw2.html>

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Audit reports undergo the same process of requesting to the mayor's office. Upon approval, the mayor will ask to concerned office or personnel to take actions for the request.

References:

G. Cepe, Municipal Accountant, Interview, May 4, 2011
Belen Villa, State Auditor, Interview, May 4, 2011

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

75: ..

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

25: ..

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

153. In practice, citizens can access the audit reports at a reasonable cost

100 | 75 | 50 | 25 | 0

Comments:

Audit reports undergo the same process of requesting to the mayor's office. Upon approval, the mayor will ask to concerned office or personnel to take actions for the request.

References:

G. Cepe, Municipal Accountant, Interview, May 4, 2011
Belen Villa, State Auditor, Interview, May 4, 2011

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

75: ..

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

25: ..

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

4.4. Local Taxes

4.4. Local Taxes

100

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

YES | NO

References:

Reference: Art. III Sec. 7 1987 Constitution of the Philippines. <http://www.chanrobles.com/philsupremelaw2.html>

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:

Amendments to the Municipal Revenue Code is available online in the website of the municipality . Also, this can be obtained as requested from the office of the sangguniang bayan.

References:

Nicolas Moragas, Municipal Planning and Development Officer, Interview, April 14, 2011, Miagao Sangguniang Bayan. 2009. "An Ordinance Amending the 2003 Municipal Revenue Code of the Municipality of Miagao, Province of Iloilo." Ordinance No. 02 Series of 2009. <http://miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/58-amendments-to-the-municipal-revenue-code-of-2003>

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

75: ..

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

25: ..

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

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

YES | NO

References:

Miagao Sangguniang Bayan. 2003. "Municipal Revenue Code" First Amendment: July 06, 2005, Second Amendment: March 25, 2009, Third Amendment: August 04, 2010, Fourth Amendment: December 29, 2010. Miagao, Iloilo. available at <http://www.miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/58-amendments-to-the-municipal-revenue-code-of-2003>

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

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

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

100 | 75 | 50 | 25 | 0

References:

Miagao Sangguniang Bayan. 2003. "Municipal Revenue Code" First Amendment: July 06, 2005, Second Amendment: March 25, 2009, Third Amendment: August 04, 2010, Fourth Amendment: December 29, 2010. Miagao, Iloilo.; Miagao Sangguniang Bayan. 2009. "An Ordinance Amending the 2003 Municipal Revenue Code of the Municipality of Miagao, Province of Iloilo." Ordinance No. 02 Series of 2009. <http://miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/58-amendments-to-the-municipal-revenue-code-of-2003>

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

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011
Beverly Fernandez, Heaven's Bliss Restaurant, Interview, April 19, 2011
Dolores Murillo, Owner, MCB Native Products, Interview, May 5, 2011
Nancy Fajarito, Tricycle for Hire Business, Interview, May 5, 2011

100: When irregularities are discovered, there is aggressive investigation and prosecution of erring city/municipal public officials. Tax collection agencies referred to here are those that collect local taxes.

75: ..

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

25: ..

0: The agency does not effectively investigate financial irregularities. It may start investigations but not complete them, or may fail to detect offenders. Agency personnel may be partisan in their application of power.

Category 5. Local Civil Service

5.1. ⁷⁴ Local Civil Service Regulations

5.1. Local Civil Service Regulations

82

159. In law, there are regulations requiring an impartial, independent, and fairly managed civil service at the city/municipality level.

YES | NO

References:

Sec. 76, Title 3, Book I Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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 municipality follows the civil service rules and guidelines in general. And promotion is based on merit. But, sometimes seniority plays a factor in promotion.

References:

Angeli Alli, Supervising Administrative Officer, Interview, April 14, 2011 ; John Nocal, Municipal Administrator, Interview, April 14, 2011

100: City/municipality civil servants are generally appointed and promoted on the basis of merit. They possess competencies required for the performance of their duties.

75: ..

50: City/municipality civil servants are generally appointed and promoted on the basis of merit, with some exceptions. Though there is no systematic favoritism in the local civil service, basic competencies in the performance of duties is somewhat lacking.

25: ..

0: Appointment and promotion of city/municipality civil servants are generally made due to favoritism and patronage. Basic competencies in the performance of duties is systematically lacking.

161. In practice, city/municipality civil servants are protected by law against arbitrary dismissal or demotion.

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

Comments:

The employees enjoy security of tenure that protects them from arbitrary dismissal. If they complain, they are not demoted or whatsoever and it is settled in the office of the mayor

References:

Angeli Alli, Supervising Administrative Officer, Interview, April 14, 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

References:

Sec 7(d) Philippine Congress. "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for other purposes." Republic Act 6713.

Link: http://www.lawphil.net/statutes/repacts/ra1989/ra_6713_1989.html

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

References:

Sec. 3 (b)(c) Philippine Congress. "Anti-Graft and Corrupt Practices Act." Republic Act 3019.

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

Sec 7(d) Philippine Congress. "An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for other purposes." Republic Act 6713.

Link: http://www.lawphil.net/statutes/repacts/ra1989/ra_6713_1989.html

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:

There are no cases or records of this aspect in the municipality so the effectiveness cannot be judged concretely. However, there was no indication of structural barrier in case a regulation may be required. This means that there is no particular sector/office or factions that is against the effective implementation of regulations regarding gifts and hospitality to civil servants.

References:

N. M. Nabuab, Chief Investigator, Interview, April 18, 2011

Ma. Merle F. Nacionales, Citizen, Interview, May 16, 2011

100: The regulations governing gifts and hospitality to civil servants at the city/municipality level are enforced. Civil servants at the city/municipality level never or rarely accept gifts or hospitality above what is allowed.

75: ..

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

25: ..

0: The regulations governing gifts and hospitality to civil servants at the city/municipality level are routinely ignored and unenforced. Civil servants routinely accept significant amounts of gifts and hospitality from outside interest groups and actors seeking to influence their decisions.

165. In practice, the regulations governing the grant of public concessions, such as contracts for government projects or the procurement of goods and services, to family members and relatives of civil servants at the city/municipality level are effective.

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

Comments:

The municipality follows the rules and regulations governing bidding and procurement. Shopping is regulated by a threshold of 100,000. The municipality does shopping for urgent projects and determines the supplier through canvassing. This is a high threshold for shopping. Although it is in accordance with the Implementing Rules and Regulations of RA 9184, this allows for favored procurements in the absence of bidding.

References:

Anonymous, Miagao Citizen, Interview, April 30, 2011
Arlene Nufuar, General Services Officer, Interview, April 14, 2011;
Arlene Nufuar, General Services Officer, Interview, May 4, 2011
Gina Taton, Clerk, Cashier, Salesperson, Asian Lumber, Molo, Iloilo City, May 17, 2011

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

75: ..

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

25: ..

0: The regulations governing the grant of public concessions to family members and relatives of civil servants at the city/municipality level are routinely ignored and unenforced. Public concessions are routinely granted to family members and relatives of civil servants.

5.2. Local Whistle-blowing Measures

5.2. Local Whistle-blowing Measures

65

166. In law, city/municipality civil servants who report cases of corruption, graft, abuse of power, or abuse of resources are protected from recrimination or other negative consequences.

YES | NO

References:

Sec. 8 Philippine Congress. 1991. "An Act Providing for a Witness Protection, Security and Benefit Program and for Other Purposes." Republic Act 6981. <http://philippinelawcentral.com/witness-protection-security-and-benefit/>

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

The local government has not yet experienced dealing with complaint on corruption, graft, abuse of power, or abuse of resources. There is an existing mechanism in the form of a grievance committee for complaints against officials. There was a pending complaint at the grievance committee and the complainant did not report any negative effect as a consequence of the complaint.

References:

SPO1 Norberto M. Nabuab, Chief Investigator, Interview, April 18, 2011
Angeli Alli, Supervising Administrative Officer, Interview, April 14, 2011

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

References:

Sec. 8 Philippine Congress. 1991. "An Act Providing for a Witness Protection, Security and Benefit Program and for Other Purposes." Republic Act 6981. <http://philippinelawcentral.com/witness-protection-security-and-benefit/>

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:

There has been no case of report of abuse in the municipality. There is a grievance committee for complaints against official and written complaints are required for complaints against corruption issues. Lifestyle checks have not been undertaken. If there are complaints, complainants are not demoted or whatsoever and it is settled in the office of the mayor. So far, there has been no complaint filed against employees, therefore, while there is no structural impediment to complaining against officials, it has not been tested yet in a specific case.

References:

SPO1 Norberto M. Nabuab, Chief Investigator, Interview, April 18, 2011; Angeli Alli, Supervising Administrative Officer, Interview, April 14, 2011

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

References:

Sec. 83, Title 3, Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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

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

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

YES | NO

References:

Sec. 83, Title 3, Book One Philippine Congress. 1991. "The Local Government Code." Republic Act 6170. <http://www.chanrobles.com/localgovfulltext.html>

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:

Based on the budget summary published by the municipality, there is no allocation for the grievance committee or any agency or item that may function as a mechanism for reporting and addressing issues of corruption.

References:

Municipality of Miagao. 2011. "Banwang Pinalangga." Official Newsletter of the Municipality of Miagao. January Issue. Angeli Alli, Supervising Administrative Officer, Interview, April 14, 2011

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:

There is relatively no concern about this within the municipality, perhaps owing to the relatively long stay of one dynasty in power. It is therefore difficult to gauge if the absence of a working mechanism in investigating complaints is due to the actual lack of corruption issues or if it is only because the ruling family have been so entrenched in local politics that opposition is almost non-existent or easily intimidated.

References:

Anonymous, Miagao Citizen, Interview, April 30, 2011

Rod Tecson, Special Projects Head, Anchor Man: Straight to the Point and Ground Zero, Interview, May 16, 2011

100: When irregularities are discovered, the agency/entity is aggressive in conducting investigations or in cooperating with other agencies' investigations. Investigations lead to appropriate sanctions for offenders.

75: ..

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

25: ..

0: The agency/entity does not effectively investigate. The agency/entity may start investigations but not complete them, may refuse to cooperate with other investigative agencies, or may fail to detect offenders. The agency/entity may be partisan in its application of power.

174. In law, there is an incentive/reward mechanism for whistle-blowers at the city/municipality level.

YES | **NO**

Comments:

While there is a Witness Protection Program, this law is inadequate for purposes of establishing a reward mechanism for whistle-

blowing. This reward system is included in the proposed national bill on whistle-blowing, but this proposal has not yet been enacted into law.

References:

Sec. 8 Philippine Congress. 1991. "An Act Providing for a Witness Protection, Security and Benefit Program and for Other Purposes." Republic Act 6981. <http://philippinelawcentral.com/witness-protection-security-and-benefit/>

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:

There has been no case of report of abuse in the municipality and there is no existing mechanism pointing that a reward scheme is likely.

References:

SPO1 Norberto M. Nabuab, Chief Investigator, Interview, April 18, 2011; Angeli Alli, Supervising Administrative Officer, Interview, April 14, 2011

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. ⁹⁵Local Health Regulation

6.1. Local Health Regulation

100

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

YES | NO

References:

Miagao Sangguniang Bayan. 1995. "An Ordinance Providing for the Health and Sanitation Code of the Municipality of Miagao, Province of Iloilo." Ordinance No. 01 Series of 1995. Miagao, Iloilo.

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

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

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

YES | NO

References:

L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011;
Dolores Murillo, Owner, MCB Native Products, Interview, May 5, 2011; Nancy Fajarito, Tricycle for Hire Business, Interview, May 5, 2011

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.

Comments:

The municipal health office is composed of sanitation inspector that is in charge for the giving of health and medical certificate and the sanitary permit. The sanitation inspector is also the one tasked to check the businesses if they follow the requirements. Likewise, the municipal health office inspects the ambulant vendors if they have secured a certificate showing their compliance of the health requirements of the municipality. The office is headed by a medical doctor.

References:

L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011;
Dr. Jessel Gellada, Municipal Health Officer, Interview, April 14, 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.

Comments:

The municipality inspects businesses in a random manner. There is a personnel in charge in the field to monitor the compliance of the businesses. The inspection of business if they follow the requirements on health and sanitation is done by the sanitary inspector. All businesses are required to have a sanitary permit and medical certificate.

References:

L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011;
Dr. Jessel Gellada, Municipal Health Officer, Interview, April 14, 2011

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:

The municipal health office makes recommendations to the policy making body. The sanitation inspector also said that the office recommends based on the problems it faces in implementing the requirements. The concerns are forwarded to have action from the policymakers of the municipality.

References:

J. Gellada, Municipal Health Officer, Interview, April 14, 2011;
L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011

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

75: ..

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

25: ..

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

181. In law, citizens can access reports on the compliance of businesses with public health standards.

YES | NO

References:

Miagao Sangguniang Bayan. 1995. "An Ordinance Providing for the Health and Sanitation Code of the Municipality of Miagao, Province of Iloilo." Ordinance No. 01 Series of 1995. Miagao, Iloilo.

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

References:

L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011.
Sample forms references: Municipal Health Office. 2011a. "Medical Certificate." Miagao, Iloilo.;
Municipal Health Office. 2011b. "Sanitary Permit to Operate." Miagao, Iloilo.;
Municipal Health Office. 2011d. "Health Certificate" EHS Form No. 102-A. Miagao, Iloilo.;
Municipal Health Office.2011c. "Health Certificate" EHS Form No. 102-B. Miagao, Iloilo.

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

75: ..

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

25: ..

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

183. In practice, citizens can access reports on compliance of businesses with public health standards at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011
Sample forms references: Municipal Health Office. 2011a. "Medical Certificate." Miagao, Iloilo.;
Municipal Health Office. 2011b. "Sanitary Permit to Operate." Miagao, Iloilo.;
Municipal Health Office. 2011d. "Health Certificate" EHS Form No. 102-A. Miagao, Iloilo.;
Municipal Health Office.2011c. "Health Certificate" EHS Form No. 102-B. Miagao, Iloilo.

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 practices in environmental policing, where environmental police patrol the locality, and health regulations can also apply to reporting in business violations. The regulation does not specifically mention citizen reporting, only reporting in general. The respondents, however, mentioned that citizen reporting is also covered in the regulation.

References:

Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011
Lucia N. Nualla, Sanitation Inspector, Interview, April 15, 2011
Sec. 28 Chapter 3. Miagao Sangguniang Bayan. 1995. "An Ordinance Providing for the Health and Sanitation Code of the Municipality of Miagao, Province of Iloilo." Ordinance No. 01 Series of 1995. Miagao, Iloilo.

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:

The violators are reminded and given fines as they are caught by the staff of MHO in the field. The MHO also encourages the public to report those who have no medical certificates especially those ambulant vendors.

References:

L. N. Nualla, Sanitation Inspector, Interview, April 15, 2011
Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011; Arlene Nufuar, General Services Officer, Interview, May 4, 2011

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

85

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 municipality has good public safety standards covering businesses. This is in part due to the fact that LGU Miagao is targeted to become a business-friendly municipality with a focus on micro enterprises for women and has been recognized as a finalist and one of the top five entrepreneurial LGUs by the by the Philippine Chamber of Commerce and Industry. The Public Employment Service Office and Licensing Unit have been established to do periodic inspections of business establishments.

These establishments were required to conform to labor standards and safety regulations of the Department of Labor and Employment. For example, The municipality makes available the guidelines and rules for building permit and fire safety requirements. These are based from the national building code of the Philippines. There is no local legislation present in the municipality in this case. The local zoning ordinance is the only local legislation related to this aspect. The land use map which guides the zoning of the municipality is posted in the municipality. And the requirements in accordance with the national law are available for the public.

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011

Municipality of Miagao, Visions, Goals and Purpose, <http://www.miagao.gov.ph/programs/gender-and-development/vision-goals-and-purpose>

Interview with John Nocal

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 municipality makes available the guidelines and rules for building permit and fire safety requirements. These are based on the national building code of the Philippines. There is no local legislation present in the municipality in this case. But, the requirements in accordance with the national law are available for the public.

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011

YES: A YES score is earned if there is a mechanism through which the city/municipal government publishes public safety requirements for businesses. These mechanisms may include a website, publication in a local newspaper, bulletin boards, or billboards.

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

188. In practice, city/municipal government offices that enforce public safety standards on businesses are appropriately staffed.

100 | 75 | 50 | 25 | 0

Comments:

The engineer's office and the fire bureau are in charge in implementing the safety regulations of the municipality. According to the municipal engineer, aside from their main work of inspecting the buildings in the municipality, other office workload is given to them. This makes it difficult for them to focus on inspecting the buildings, their main responsibility.

References:

D. Facon, Municipal Engineer, Interview, April 18, 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 municipality conducts inspection and requires businesses to secure safety permit every year. The building permit requires inspection and examination of the building plan and other building aspects. The process is done based on the national building code of the Philippines.

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011; Beverly Fernandez, Heaven's Bliss Restaurant, Interview, April 19, 2011; Dolores Murillo, Owner, MCB Native Products, Interview, May 5, 2011; Nancy Fajarito, Tricycle for Hire Business, Interview, May 5, 2011

100: Business inspections by the city/municipal government to ensure that public safety standards are being met are designed and carried out in such a way as to ensure comprehensive compliance by all businesses with transparent regulatory requirements. Business inspections may be carried out through random monitoring of compliance.

75: ..

50: Business inspections by the city/municipal government to ensure public safety standards are met are generally carried out in an even-handed way though exceptions exist. Bribes are occasionally paid to extract favorable treatment or expedited processing.

25: ..

0: Business inspections to ensure that public safety standards are met are routinely carried out by city/municipal government officials in an ad hoc, arbitrary fashion designed to extract extra payments from businesses in exchange for favorable treatment, or to harass supporters of political opponents.

190. In practice, city/municipal government offices can make recommendations for improved public safety standards based on compliance activities.

100 | 75 | 50 | 25 | 0

References:

Diosdado Facon, Municipal Engineer, Interview, April 18, 2011; Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

The local government code does not require posting of reports on the compliance of businesses with public safety standards although it requires local governments to establish an archival system to ensure the safety and protection of all public documents or records. These records include business permits, and such other records or documents of public interest. There is a provision in the Philippine Constitution that mandates access by the public to public documents but the implementing law for this mandate is still in pending in Congress.

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011

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:

Building permit is required to be posted in an area easily seen by the public. Likewise safety permit needs to be posted. These mean that the business complied with the safety requirement of the municipality.

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011

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

75: ..

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

25: ..

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

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:

Building permit is required to be posted in an area easily seen by the public. Likewise safety permit needs to be posted. These mean that the business complied with the safety requirement of the municipality.

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011

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

75: ..

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

25: ..

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

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 practices in environmental policing, where environmental police patrol the locality, and health regulations can also apply to reporting in business violations. The regulation does not specifically mention citizen reporting, only reporting in general. The respondents, however, mentioned that citizen reporting is also covered in the regulation. Also, the municipal engineer mentioned that they base their implementation in the National Building Code. The National Building Code, however, was enacted in 1972, making it unable to capture more modern reporting mechanism.

References:

Diosdado Facon, Municipal Engineer, Interview, April 18, 2011

Noreen N. Nordeste, Clerk 2-MENRO, Interview, April 19, 2011

Lucia N. Nualla, Sanitation Inspector, Interview, April 15, 2011

Philippine Congress. "An Act to Ordain and Institute a National Building Code of the Philippines." RA 6541. <http://www.chanrobles.com/republicactno6541.htm>

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:

The businesses are required to post their building permit number to notify the people that they complied with the requirement. Violations mean a fine of around P50, 000

References:

D. Facon, Municipal Engineer, Interview, April 18, 2011

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.

85
6.3. Local Environmental Regulation

6.3. Local Environmental Regulation

100

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

YES | NO

References:

Miagao Sangguniang Bayan . 2005. "An Ordinance Enacting the Comprehensive Solid Waste Management of the Municipality of Miagao, Province of Iloilo." Ordinance No. 01 Series of 2005. Miagao, Iloilo. ;
Miagao Sangguniang Bayan. 2009c. "An Ordinance Enacting the Municipal Environment Code of Miagao, Iloilo." Ordinance No.06 Series of 2009. <http://miagao.gov.ph/index.php/the-igu/legislative/ordinances/item/49-municipal-environment-code-of-2009>

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

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

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

YES | NO

References:

N. N. Nordeste, Clerk 2-MENRO, Interview, April 19, 2011;
Dolores Murillo, Owner, MCB Native Products, Interview, May 5, 2011

YES: A YES score is earned if there is a mechanism through which the city/municipal government publishes public environmental protection requirements for businesses. These mechanisms may include a website, publication in a local newspaper, bulletin boards, or billboards.

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

198. In practice, city/municipal government offices that enforce environmental protection standards on businesses are appropriately staffed.

100 | 75 | 50 | 25 | 0

Comments:

The Municipality employ environmental police who roams around the poblacion area to check the compliance of the businesses and citizens. Applicants for clearance/permits did not see any problem in terms of staffing.

References:

Beverly Fernandez, Heaven's Bliss Restaurant, Interview, April 19, 2011

100: City/municipal government offices that enforce basic environmental protection standards on businesses are staffed with adequate personnel. These personnel have the necessary competencies for their tasks.

75: ..

50: City/municipal government offices that enforce environmental protection standards on businesses are somewhat constrained by staffing problems.

25: ..

0: There are no functioning city/municipal government offices that enforce environmental protection standards on businesses.

199. In practice, business inspections by city/municipal government officials to ensure environmental protection standards are being met are carried out in a uniform and even-handed manner.

100 | 75 | 50 | 25 | 0

References:

N. N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011
Beverly Fernandez, Heaven's Bliss Restaurant, Interview, April 19, 2011

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 concerns and problems are discussed during staff meeting of the municipality. This includes all department heads. In the meeting, they present accomplishment reports and voice out their concerns. This meeting is done every Tuesday. The concerns are also discussed in the local development council.

References:

John Nocal, Municipal Administrator, Interview, April 14, 2011
N. N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011

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 is no provision in the Environment Code that mandates the disclosure of an actual report, but there is a provision for the posting of sanitary permits in the Local Health and Sanitation Code (Chap. III Sec. b). These permits may be taken as compliance with standards and requirements.

References:

N. N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011

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:

Businesses secure solid waste management certificate which means that they have complied with the regulations of the municipality. The records on citation tickets is available in the mayor's office.

References:

N. Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011;
Arlene Nufuar, General Services Officer, Interview, May 4, 2011

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

75: ..

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

25: ..

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

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:

Businesses secure solid waste management certificate which means that they have complied with the regulations of the municipality. The records on citation tickets is available in the mayor's office.

References:

Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011; Arlene Nufuar, General Services Officer, Interview, May 4, 2011

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

75: ..

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

25: ..

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

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

References:

Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011

Lucia N. Nualla, Sanitation Inspector, Interview, April 15, 2011

Art. IV. Sec. 99 39 Miagao Sangguniang Bayan. 2009c. "An Ordinance Enacting the Municipal Environment Code of Miagao, Iloilo." Ordinance No.06 Series of 2009. <http://miagao.gov.ph/index.php/the-lgu/legislative/ordinances/item/49-municipal-environment-code-of-2009>

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 environmental police issues citation tickets to those who have been caught violating the rules and these are reported directly to the mayor. The mayor calls for those who received citation tickets. Usually, at the third offense will the violators be facing sanctions. At the first two offenses, the mayor reminds them of the rules.

References:

Noreen N. Nordesta, Clerk 2-MENRO, Interview, April 19, 2011;

Arlene Nufuar, General Services Officer, Interview, May 4, 2011

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.

