

Overall Score:

**83 - Strong**

Legal Framework Score:

**86 - Strong**

Actual Implementation Score:

**80 - Moderate**

Category 1. Civil Society, Public Information and Media

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1.1. <sup>91</sup> Local Civil Society Organizations/Non-Government Organizations  
1.1. Local Civil Society Organizations/Non-Government Organizations

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1.1. Local Civil Society Organizations/Non-Government Organizations  
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1. In law, citizens can freely form CSOs/NGOs as watchdogs/advocates.

YES

NO

**References:**

According to the Local Government Code of 1991, Book I, Chapter 4, Sec 34 (Role of People's and Non-government Organizations) "local government units shall promote the establishment and operation of people's and non-governmental organizations to become active partners in the pursuit of local autonomy."

According to the Participation, Accountability and Transparency Ordinance (Ordinance No. SP 1942, S-2009) of Quezon City, Sec 2 (Declaration of Principles and State Policies), Right to Self-Organization: "It shall be the responsibility of the people to organize themselves into cooperatives, industrial labor organizations, interest groups, non-government organizations, sectoral organization, and or people's organizations, or to encourage and support their own efforts towards self-organization to address their common concerns, to promote their common welfare and/or to serve the city or their communities and interests."

**YES:** A YES score is earned when freedom to assemble into groups as watchdogs/advocates is protected by law regardless of political ideology, religion or objectives. Groups with a history of violence or terrorism (within the last ten years) may be banned. Groups sympathetic to or related to banned groups must be allowed if they have no history of violence. A YES

score is still earned if citizens have the legal right to organize into CSOs/NGOs freely but in practice encounter obstacles in accreditation for inclusion in local political processes.

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

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

**YES** | NO

**References:**

According to the Local Government Code of 1991, Book I, Chapter 4, Sec 36 (Assistance to People's and Nongovernmental Organizations), "a local government may through its local chief executive and with the concurrence of the Sanggunian concerned, provide assistance, financial or otherwise, to such people's and nongovernmental organizations for economic, socially-oriented, environmental, or cultural projects to be implemented within its territorial jurisdiction."

According to the Participation, Accountability and Transparency Ordinance (Ordinance No. SP 1942, S-2009) of Quezon City, regarding the People's Council of Quezon City (Sec 5d), "The PCQC shall enter into partnership with other organizations, development funding agencies, and other entities/offices, locally and internationally, which are in line with its principles and programs, and for resource mobilization. All partnerships and contracts entered into with the government shall be subject to the compliance with the national accounting and auditing procedures. A Memorandum of Agreement shall be signed by the city government and the PCQC to ensure accountability and transparency of funds management. Likewise, the PCQC shall assure that its internal fund management and programs, projects and activity reports are open to all inquiries from all concerned stakeholders including the local government."

In addition, Sec 13 of the same ordinance states that, "The PCQC shall generate its own funds and shall be allowed to accept donations. With funds coming from government and quasigovernment institutions, the PCQC shall comply with the prescribed national accounting and auditing procedures. However, with funding from private organizations, the PCQC shall apply its own internal auditing procedures."

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

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

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

**YES** | NO

**References:**

The Quezon City Council passed Ordinance No. 1942 S 2009 or the "Participation, Accountability and Transparency Ordinance" (or PAT ordinance) on 20 July 2009. This ordinance cites the provisions of the 1987 Philippine Constitution and the 1991 Local Government Code regarding the role of local government units in promoting the establishment of people's organizations and non-government organizations to become active partners in the pursuit of local autonomy. Section 4 of the PAT Ordinance "institutionalizes the regular convening of the General Assembly of civil society organizations and

private/business organizations to be known henceforth as the People's Council of Quezon City (PCQC). According to Section 5, the PCQC "shall act as the active partner of the local government in local governance".

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

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Herbert Bautista, Mayor, Quezon City, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., Quezon City  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philippine Consortium on Migration and Development (Philcomdev), 2 June 2011, PRRM Office, Quezon City

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The mayor himself cited that the participation of civil society organizations (while they are many) in the governance processes of Quezon City still needs substantive improvement.

**References:**

Interview, Herbert Bautista, Mayor, Quezon City, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., Quezon City  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC

**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 such media report on this, as attested by the interviewees.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Avenue, Quezon City  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC

**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:**

According to the Mayor, all civil society organizations are free to apply for accreditation and the process is open to all. The Quezon City government also informs the CSOs about the procedures by conducting an orientation and making information available. He also says that the city government encourages both the legal registration and accreditation of people's organizations and non-government organizations.

**References:**

Interview with Herbert Bautista, Mayor of Quezon City, 2 April 2011, Via Mare Restaurant, Tomas Morato Avenue, Quezon City. Media report: The website of the group, Philippine Consortium on Migration and Development (PHILCOMDEV) ([http://www.philcomdev.org/index.php?option=com\\_content&view=article&id=85:opportunities-for-participation-in-local-governance-in-quezon-city-expanded&catid=36:recent-activities&Itemid=58](http://www.philcomdev.org/index.php?option=com_content&view=article&id=85:opportunities-for-participation-in-local-governance-in-quezon-city-expanded&catid=36:recent-activities&Itemid=58)) posted an article entitled, "Opportunities for participation in local governance in Quezon City expanded". This article basically reports about the orientation conducted by the QC government for the accreditation of POs and NGOs. It likewise states that the QC government encourages both the accreditation and legal registration of all POs and NGOs in QC.

**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:**

While the QC government declares its openness to the participation of NGOs in local governance, the quality of participation cannot be considered as excellent.

**References:**

Department of Interior and Local Government (DILG) website, [ncr.dilg.gov.ph/ncrnews/quezon%20city%20activity.html](http://ncr.dilg.gov.ph/ncrnews/quezon%20city%20activity.html), Accessed 24 May 2011, Two-day orientation conducted by the Quezon City government for NGO-PO participation in local governance. Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., Quezon City. Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC

**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 have been no media reports of CSO/NGO activists who have been threatened because of their work.

**References:**

Interview with Herbert Bautista, Mayor, Quezon city, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., Quezon City  
Interview with Mencio Galang, editor in chief, PAISO QC, 28 March 2011, Quezon City Hall.

**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 is no media report on such incidents during the study period.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato, QC

**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.

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## 1.2. Local Media

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### 1.2. Local Media

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

YES | NO

**References:**

According to Section 4 of the 1987 Constitution's Bill of Rights, "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

In addition, Section 10 of the General Provisions of the 1987 Philippine Constitution mandates that: "The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press."

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

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

12. In law, freedom of speech is guaranteed.

YES | NO

**References:**

According to Section 4 of the 1987 Constitution's Bill of Rights, "No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances."

In addition, Section 10 of the General Provisions of the 1987 Philippine Constitution mandates that: "The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press."

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Mr. Galang says that the PAISO does not impose any restriction to the media in the coverage of news. The office encourages media personnel to be independent and factual. According to Mayor Bautista and Mr. Galang, there is no local media in Quezon City. National media cover the events, etc. in the city.

**References:**

Interview with Mencio Galang, Chief Editor, Public Affairs and Information Services Office (PAISO) of Quezon City, 28 March 2011, PAISO, Quezon City Hall.

Interview with Herbert Bautista, Mayor, Quezon City, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., Quezon City.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

There have been no media reports of such case during the study period. Freedom of the press is a right guaranteed by the Philippine Constitution and other laws.

**References:**

Interview, Mencio Galang, Chief Editor, PAISO, 28 March 2011, Quezon City Hall.

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

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

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

YES | NO

**Comments:**

There have been no reports of cases of media personnel being killed because of reporting a corruption case during the study period. In fact, corruption cases in QC have been covered by national television (e.g. ghost employees in QC reported by GMA-7).

**References:**

Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, Quezon City Hall.  
Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato, QC.

**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.

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100  
1.3. Local Public Access to Information

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1.3. Local Public Access to Information

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

YES | NO

**References:**

According to Section 7 of the 1987 Constitution's Bill of Rights, "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

Section 5 (e) of the Code of Conduct and Ethical Standards for Public Officials and Employees entitled Duties of Public Officials and Employees states that: All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours."

The Local Government Code of 1991 (Republic Act 7160) also mandates that there be an appointive information officer at the local government unit as stated in Article XVI, Section 486.

**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:**

Public access to information is a right guaranteed by the constitution. There is, however, no specific law that guarantees freedom of information. While Rule 4 of the Rules Implementing Republic Act 6713 issued by the Civil Service Commission requires all public officials to fully disclose all public documents, it also states that a request for information can be denied based on reasons such as national interest, security, etc. The law does not indicate a specific procedure of appeal in case a request is denied.

**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:**

Although access to information and public documents is guaranteed by the Philippine Constitution and other laws (RA 6713, RA 9485, Local Government Code) and public officials are required to respond promptly to requests, there is no specific law that prescribes a formal mechanism or institution through which citizens can access city/municipal government records.

**References:**

Republic Act 6713 Sec. 5, RA 9485 (Government Procurement Reform Act) Sec. 6, 8, 11, and the Local Government Code Sec. 115.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Based on the researcher's own experience, the various offices of the Quezon City government responded promptly to requests for data. Most data needed by the public are also available through the internet.

**References:**

Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, Quezon City Hall.

**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:**

Most information are available online. Posters announcing how to access information are also abundant within the area of the QC Hall. In some offices, flowcharts on accessing information are posted in walls/corridors.

**References:**

Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, Quezon City Hall

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

There is a fairly updated website being maintained by the Quezon City government ([www.quezoncity.gov.ph](http://www.quezoncity.gov.ph)). Significant information can be accessed by QC residents through this website.

There is a quarterly publication, QC Now.

Press releases are issued. Press conferences are also held. There are also posters announcing relevant information all over the premises of the QC Hall.

**References:**

Interview with Mr. Mencio Galang, Chief Editor, Public Affairs and Information Services Office, Quezon City, 28 March 2011, PAISO Quezon City Hall.

**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.

**Comments:**

Although the website is functioning, not all information are up-to-date.

**References:**

Interview with Mr. Mencio Galang, Chief Editor, Public Affairs and Information Services Office, Quezon City, 28 March 2011, PAISO Quezon City Hall.

**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.

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## Category 2. Local Elections

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### 2.1. Local Voting and Citizen Participation

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#### 2.1. Local Voting and Citizen Participation

93

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

YES | NO

**References:**

According to Section 1 of Article V on Suffrage of the 1987 Philippine Constitution, "Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the

Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.”

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

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

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

YES | NO

**References:**

According to Section 42 of the 1991 Local Government Code (Republic Act No. 7160) on the Date of Election, “Unless otherwise provided by law, the elections for local officials shall be held every three (3) years on the second Monday of May.”

Section 29 of Article IV of the Omnibus Election Code (Batas Pambansa 881) on the Election of Local Officials also mandates that:

“Regular elections of local officials. – 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. The officials elected shall assume office on the thirtieth day of June next following the election and shall hold office for six years and until their successors shall have been elected and qualified. All local incumbent officials whose tenure of office shall expire on March 23, 1986 shall hold office until June 30, 1986 or until their successors shall have been elected and qualified: Provided, That they cannot be suspended or removed without just cause.”

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

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

28. In practice, all adult citizens can vote.

100 | 75 | 50 | 25 | 0

**Comments:**

The disenfranchisement of diverse political groups problem was cited by the QC mayor as an election issue. Despite the constitutional guarantee, not all citizens actually exercise the right to vote and participate in elections.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Andreo Calanzo, “Voter registration woes hounds RP’s target voting district”, gmanews.tv, 25 May 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:**

Elections problems/issues reported did not include “ballot snatching” or anything related to non-secrecy or lack of protection of the ballot primarily because the election was automated. It was “vote buying” which was identified by the sources as the main problem during the election period.

**References:**

Media Report: Julie Aurelio, “Herbert Bautista wins in Quezon City mayoral race”, [newsinfo.inquirer.net](http://newsinfo.inquirer.net), 05/11/2010.  
Interview, Jose T.L. Morato, private citizen/businessman, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC

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:**

The conduct of regular elections (i.e., according to a definite schedule) is mandated by law. Elections in Quezon City were held as scheduled.

**References:**

Interview, Herbert Bautista, Mayor QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC.  
[newsinfo.inquirer.net](http://newsinfo.inquirer.net), 11 May 2010, “Herbert Bautista wins in Quezon City mayoral race”

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**References:**

Article VIII of the Omnibus Election Code (Batas Pambansa 881) on Political Parties states the following:

Sec. 60. Political party. – “Political party” or “party”, when used in this Act, means an organized group of persons pursuing the same ideology, political ideas or platforms of government and includes its branches and divisions. To acquire juridical personality, quality it for subsequent accreditation, and to entitle it to the rights and privileges herein granted to political parties, a political party shall first be duly registered with the Commission. Any registered political party that, singly or in coalition with others, fails to obtain at least ten percent of the votes cast in the constituency in which it nominated and supported a candidate or candidates in the election next following its registration shall, after notice and hearing be deemed to have forfeited such status as a registered political party in such constituency.

Sec. 61. Registration. – Any organized group of persons seeking registration as a national or regional political party may file with the Commission a verified petition attaching thereto its constitution and by-laws, platform or program of government and such other relevant information as may be required by the Commission. The Commission shall, after due notice and hearing, resolve the petition within ten days from the date it is submitted for decision. No religious sect shall be registered as a political party and no political party which seeks to achieve its goal through violence shall be entitled to accreditation.

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

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

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

**YES** | NO

**References:**

In Chapter 1 of the Qualifications and Election of Elective Officials in The Local Government Code of 1991 (Republic Act 7160), it states the following:

SECTION 39. Qualifications.

(a) An elective local official must be a citizen of the Philippines; a registered voter in the Barangay, municipality, city, or province or, in the case of a member of the Sangguniang Panlalawigan, Sangguniang Panlungsod, or Sanggunian bayan, the district

where he intends to be elected; a resident therein for at least one (1) year immediately preceding the day of the election; and able to read and write Filipino or any other local language or dialect.

(b) Candidates for the position of governor, vice-governor or member of the Sangguniang Panlalawigan, or Mayor, vice-mayor or member of the Sangguniang Panlungsod of highly urbanized cities must be at least twenty-three (23) years of age on election day.

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

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

(e) Candidates for the position of Punong Barangay or member of the Sangguniang Barangay must be at least eighteen (18) years of age on election day.

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

SECTION 40. Disqualifications. – The following persons are disqualified from running for any elective local position:

(a) Those sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;

(b) Those removed from office as a result of an administrative case;

(c) Those convicted by final judgment for violating the oath of allegiance to the Republic;

(d) Those with dual citizenship;

(e) Fugitives from justice in criminal or nonpolitical cases here or abroad;

(f) Permanent residents in a foreign country or those who have acquired the right to reside abroad and continue to avail of the same right after the effectivity of this Code; and

(g) The insane or feeble-minded.

**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 right to form political parties is guaranteed by laws. However, there are no specific laws about the functions of political parties. In general, political parties are formed for the purpose of building political alliances during elections. In Quezon City, the local politicians are members of national political parties.

**References:**

Friedrich Ebert Stiftung, Reforming the Philippine Political Party System: Ideas and Initiatives, Debates and Dynamics, 2009 (downloaded from [www.fes.org.ph](http://www.fes.org.ph))

"Herbert Bautista wins in Quezon City mayoral race", [newsinfo.inquirer.net](http://newsinfo.inquirer.net), 11 May 2010.

**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:**

In principle, anyone who meets the requirements in law can run for office. But, the cost of campaign can be restrictive.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Avenue, QC.

Interview, Jose T.L. Morato, private citizen/businessman, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC

**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:**

While citizens have the right to vote during elections, in practice, the exercise of this right is limited by problems encountered during registration. For the May 2010 national elections, many first-time registrants complain about the long lines and other requirements. There were also problems encountered during voting day such as missing names, etc.

**References:**

Interview, Herbert Bautista, QC Mayor, 2 April 2011, Via Mare Restaurant, Via Mare, Tomas Morato Ave., QC

Sophia Dedace, "Same problems hound national and barangay elections", gmanews.tv, 25 October 2010.

Andreo Calonzo, "Voter registration woes hound largest voting district", gmanews.tv.

**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.

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## 2.2. Integrity of Local Elections

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### 2.2. Integrity of Local Elections

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

YES | NO

**References:**

Section 53 of the Omnibus Election Code (Batas Pambansa 881), states that “the City/Municipal Election Office is headed by the City/Municipal Registrar who shall be assisted by an election clerk and such other employees as the Commission may appoint.” In addition, Section 55 of the Omnibus Election Code requires that “the local government concerned shall provide a suitable place for the office of the provincial election supervisor and his staff and the election registrar and his staff: Provided, That in case of failure of the local government concerned to provide such suitable place, the provincial election supervisor or the election registrar, as the case may be, upon prior authority of the Commission and notice to the local government concerned, may lease another place for office and the rentals thereof shall be chargeable to the funds of the local government concerned.”

**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:**

Omnibus Election Code (Batas Pambansa 881)  
1987 Philippine Constitution

[http://www.lawphil.net/statutes/bataspam/bp1985/bp\\_881\\_1985.html](http://www.lawphil.net/statutes/bataspam/bp1985/bp_881_1985.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:**

In principle, the appointment of election officers at the city level is independent because they are required to have civil service eligibility and are staff of the Commission on Elections which is an independent, constitutional body. Although there is generally no allegation of political bias against the COMELEC personnel during the last elections (2010), it cannot be established that there is clearly no connection between them and the politicians in the city. The alleged anomalies during the 2010 elections were not due to this.

**References:**

Interview, Jose T.L. Morato, businessman, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC.

**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:**

One of the problems during the last elections was the registration of voters. Long queues and waiting time were experienced by those who registered due to insufficiency of staff and equipment.

**References:**

Interview, Jose T.L. Morato, businessman, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC.

**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

**References:**

Karol Anne Ilagan, "Where did all the 2010 election campaign funds go?", Philippine Center for Investigative Journalism, 4 July 2011, <http://www.gmanews.tv/story/225197/nation/where-did-all-the-2010-campaign-funds-go>.

**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:**

Reports of irregularities (such as cheating) are made by citizens but the COMELEC is generally slow in enforcing the rules and regulations.

**References:**

Interview, Jose T.L. Morato, businessman, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC

**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

**References:**

Media report: Andreo Calonzo, "Voter registration woes hound largest voting district," <http://www.gmanews.tv/eleksyon2010/story/news/175829/voter-registration-woes-hound-rps-largest-voting-district>, 10/28/2009. Accessed 25 May 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

**References:**

Omnibus Election Code, BATAS PAMBANSA BLG. 881

[http://www.lawphil.net/statutes/bataspam/bp1985/bp\\_881\\_1985.html](http://www.lawphil.net/statutes/bataspam/bp1985/bp_881_1985.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:**

Both candidates and citizens can file protests and complaints with the COMELEC. This could delay the results of the elections. However, during the 2010 elections, allegations of irregularities and electoral protests did not prevent the COMELEC from declaring the results of the election.

**References:**

Interview, Jose T.L. Morato, businessman, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC

Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC.

**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:**

There were no reports or allegations of police and military interference in the 2010 elections in Quezon City. The issues during the campaign were largely about vote buying and intimidation by supporters of local candidates. The actual involvement of local police cannot really be determined.

**References:**

Jerry Botial, "Quezon City candidates sign peace covenant", Philippine Star, 25 February 2010.  
Interview, Jose T.L. Morato, businessman, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**References:**

Omnibus Election Code, BATAS PAMBANSA BLG. 881

[http://www.lawphil.net/statutes/bataspam/bp1985/bp\\_881\\_1985.html](http://www.lawphil.net/statutes/bataspam/bp1985/bp_881_1985.html)

**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:**

Mayor Bautista noted that PPCRV and NAMFREL were active observers during the last elections.  
The article of Ruiz cited the activities of a foreign group which observed elections in the country, including some areas in QC.

**References:**

Media report: Dyan Ruiz, "Chaos, vote buying, violence", <http://www.philippinereporter.com/2010/06/01/foreign-observers-of-philippine-elections-chaos-vote-buying-violence/>, 01 June 2010.

Interview, Herbert Bautista, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC

**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:**

In general, it had been observed that during the 2010 elections in QC candidates and parties/groups were able to freely campaign although there were instances of "intimidation" mentioned.

**References:**

Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC

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

**75:** ..

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

**25:** ..

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

49. In practice, elections are free from violence.

YES | NO

**Comments:**

While there had been reports and observed incidences of irregularities, these are not considered “organized violence.”

**References:**

Media report: Dyan Ruiz, <http://www.philippinereporter.com/2010/06/01/foreign-observers-of-philippine-elections-chaos-vote-buying-violence/>, 01 June 2010.

Interview, Jose T.L. Morato, private citizen/businessman, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC

**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.

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2.3. Local Political Financing

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2.3. Local Political Financing

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

YES | NO

**References:**

Section 95 of Article XI of the Omnibus Election Code (Batas Pambansa 881) states the following on prohibited contributions:

“No contribution for purposes of partisan political activity shall be made directly or indirectly by any of the following:

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

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

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

**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:**

The law requires the disclosure of the amount donated and the identity of the donor.

**References:**

The law (Omnibus Election Code) does not stipulate any limit pertaining to size of individual contributions.

**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:**

The law requires the disclosure of the amount donated as well as the identity of the donor.

**References:**

The law (Omnibus Election Code) does not stipulate any limit pertaining to size of corporate donations.

**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 98 of the Omnibus Election Code (Batas Pambansa 881) states that: "True name of contributor required. – No person shall make any contribution in any name except his own nor shall any candidate or treasurer of a political party receive a contribution or enter or record the same in any name other than that of the person by whom it was actually made. In addition, Section 99 of the Omnibus Election Code states that: "Report of contributions. – Every person giving contributions to any candidate, treasurer of the party, or authorized representative of such candidate or treasurer shall, not later than thirty days after the day of the election, file with the Commission a report under oath stating the amount of each contribution, the name of the candidate, agent of the candidate or political party receiving the contribution, and the date of the contribution."

**YES:** A YES score is earned if there are any 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:**

Independent auditing is not mentioned in the resolution.

**References:**

COMELEC Resolution 8944 (Rules and Regulations Governing the 2010 Elections) Sections 3, 11, 12, 13, 16. Candidates and parties are required to disclose all donations received through filing of a statement. They are also required to keep detailed of all donations. These documents can be accessed and checked by COMELEC and other interested parties. However, independent auditing of these financial statements is not required.

**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:**

COMELEC is mandated by law to monitor campaign financing.

[http://www.comelec.gov.ph/oav/2010\\_natl\\_local/resolutions/com\\_res\\_8806.pdf&sa=U&ei=fpDgT8y6DebZ6gHY6vx-&ved=0CAcQFjAB&client=internal-uds-cse&usg=AFQjCNFR-13BJYOa7P4AcNBK4n99ngxfwA](http://www.comelec.gov.ph/oav/2010_natl_local/resolutions/com_res_8806.pdf&sa=U&ei=fpDgT8y6DebZ6gHY6vx-&ved=0CAcQFjAB&client=internal-uds-cse&usg=AFQjCNFR-13BJYOa7P4AcNBK4n99ngxfwA)

**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 effectiveness of the existing regulations cannot be determined because private individuals are not required to report their donations for campaign funds. Only the candidates and parties are required to file their Statement of Contributions and Expenditures. The limits are likewise not set.

**References:**

Karol Anne Ilagan, "Where did all the 2010 election campaign funds go?", PCIJ, gmanews.tv, 4 July 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 effectiveness of the existing regulations cannot be determined because companies or corporations are not required to report their donations for campaign funds. Only the candidates and parties are required to file their Statement of Contributions and Expenditures. The limits are likewise not set.

**References:**

Karol Anne Ilagan, "Where did all the 2010 election campaign funds go?", PCIJ, gmanews.tv, 4 July 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:**

COMELEC usually acts when irregularities are reported by the media.

**References:**

Karol Anne Ilagan, "Where did all the 2010 campaign funds go?", PCIJ, gmanews.tv, 4 July 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.

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

**Comments:**

Scholars and observers of Philippine politics generally assert that the enforcement of election laws in the Philippines is weak.

**References:**

Karol Anne Ilagan, "Where did all the 2010 election campaign funds go?", PCIJ, gmanews.tv, 4 July 2011.  
Cleo Calimbahin, "Exceeding (Low) Expectations: Autonomy, Bureaucratic Integrity and Capacity in the 2010 Elections", Philippine Political Science Journal (PPSJ) 32 (55) 2011: 103-126.

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

**75:** ..

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

**25:** ..

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

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

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

**Comments:**

While candidates and parties are required to submit their SECE, there is no random auditing done by a specific government agency.

**References:**

Karol Anne Ilagan, "Where did all the 2010 election campaign funds go?", PCIJ, gmanews.tv, 4 July 2011.  
Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato, QC.

**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:**

All candidates are required by law to disclose their statement of contributions and expenditures 30 days after election day. The report of COMELEC has yet to include the names of local officials who have failed to comply with this requirement.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Avenue, QC.

"No poll expense reports, candidates can't take office", PCIJ, <http://www.pcij.org/blog/2011/07/03/no-poll-expense-reports-for-candidates-can%E2%80%99t-take-office>, 3 July 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:**

While documents can be accessed through the internet, it is through media organizations such as PCIJ. It usually takes 5 working days for a researcher requesting such data to access these from a government office, with the appropriate written requests.

**References:**

Philippine Center for Investigative Journalism (PCIJ), "No poll expense report, candidates can't take office", <http://www.pcij.org/blog/2011/07/03/no-poll-expense-reports-for-candidates-can%E2%80%99t-take-office>, 3 July 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:**

Statements of Contributions and Expenditures (SCE) are accessible from the COMELEC website. However, this is not exactly easy to do especially for citizens who are not very familiar with searching for documents. The website does not have a direct link to the documents.

If the request for the document is granted, the cost of photocopying is usually shouldered by the one who made the request.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato, QC.

Media report, Philippine Center for Investigative Journalism (PCIJ), "Access to info in Metro Manila: Opaque LGUs the norm in NCR", 27 July 2011. Accessed through <http://pcij.org/stories/opaque-lgus-the-norm-in-ncr/> 27 June 2012.

**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.

### 3.1. Local Executive Accountability

#### 3.1. Local Executive Accountability

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

100 | 75 | 50 | 25 | 0

**Comments:**

There is a regular publication and an official website maintained by the city government (<http://www.quezoncity.gov.ph/>). National media also cover the news, events and activities happening in the city.

**References:**

Interview, Mencio Galang, editor-in-chief, PAISO QC, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The Mayor delivers the “State of the City Address” once a year. There QC government also has regular publications and maintains a fairly updated website, [www.quezoncity.gov.ph](http://www.quezoncity.gov.ph).

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Mencio Galang, Chief Editor, PAISO, 28 March 2011, QC Hall

**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:**

Section 4 (2) of Article VIII (The Judicial Department) of the 1987 Philippine Constitution states that: All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court en banc, and all other cases which under the Rules of Court are required to be heard en banc, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

In addition, Section 5 (2) of Article VIII (Judicial Department) states that: the Supreme Court has the power to:

"Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

- (a) All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question;
- (b) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto;
- (c) All cases in which the jurisdiction of any lower court is in issue;
- (e) All cases in which only an error or question of law is involved."

**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.

**Comments:**

Actions of the mayor, vice-mayor and other executive officials of the LGU can reviewed by the DILG, when necessary. Thus far, there has been no report of any executive act on the part of the QC mayor that requires review by the DILG. Cases can be filed against local government executives and officials in the Sandiganbayan (special court that tries graft and corruption cases of public officials and employees).

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato, QC.

**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.

**Comments:**

Although the executive orders issued by Mayor Bautista have been limited in terms of scope, these are not necessarily few. From July to December 2010, there were already about 30 executive orders issued by the Mayor. These EOs are mostly about the reconstitution of local government bodies as mandated by the LGC and the creation of task forces to address immediate problems/concerns.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Rest., Tomas Morato, QC.

**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:**

Section 1 of Rule I on Coverage of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) states that: "These rules shall cover all officials and employees in the government, elective and appointive, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount."

Section 1 of Rule XI on Penalties of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) also states that: "Any official or employee regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of the Code shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Section 7, 8, or 9 of the Code shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00) or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office. Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of an official employee, even if no criminal prosecution is instituted against him. Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with officials or employees, in violation of the Code, shall be subject to the same penal liabilities as the officials or employees and shall be tried jointly with them. The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (d) of the Code. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply."

Section 2 of the same IRR states that: "Administrative proceedings for violation of these Rules shall be in accordance with the Civil Service Law and Rules."

**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:**

Section 1 of Rule I on Coverage of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) states that: "These rules shall cover all officials and

employees in the government, elective and appointive, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount.”

Section 1 of Rule XI on Penalties of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) also states that: “Any official or employee regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of the Code shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Section 7, 8, or 9 of the Code shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00) or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office. Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of an official employee, even if no criminal prosecution is instituted against him. Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with officials or employees, in violation of the Code, shall be subject to the same penal liabilities as the officials or employees and shall be tried jointly with them. The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (d) of the Code. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply.”

Section 2 of the same IRR states that: “Administrative proceedings for violation of these Rules shall be in accordance with the Civil Service Law and Rules.”

**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:

Section 8 on Statements and Disclosure of the Code of Conduct and Ethical Standards for Public Officials and Employees” (Republic Act 6713) states that:

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

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

(B) The two documents shall contain information on the following: (a) real property, its improvements, acquisition costs, assessed value and current fair market value; (b) personal property and acquisition cost; (c) all other assets such as investments, cash on hand or in banks, stocks, bonds, and the like; (d) liabilities, and; (e) all business interests and financial connections. The documents must be filed: (a) within thirty (30) days after assumption of office; (b) on or before April 30, of every year thereafter; and (c) within thirty (30) days after separation from the service. All public officials and employees required under this section to file the aforesaid documents shall also execute, within thirty (30) days from the date of their assumption of office, the necessary authority in favor of the Ombudsman to obtain from all appropriate government agencies, including the Bureau of Internal Revenue, such documents as may show their assets, liabilities, net worth, and also their business interests and financial connections in previous years, including, if possible, the year when they first assumed any office in the Government. Husband and wife who are both public officials or employees may file the required statements jointly or separately.

The Statements of Assets, Liabilities and Net Worth and the Disclosure of Business Interests and Financial Connections shall be filed by: (1) Constitutional and national elective officials, with the national office of the Ombudsman; (2) Senators and Congressmen, with the Secretaries of the Senate and the House of Representatives, respectively; Justices, with the Clerk of Court of the Supreme Court; Judges, with the Court Administrator; and all national executive officials with the Office of the President. (3) Regional and local officials and employees, with the Deputy Ombudsman in their respective regions; (4) Officers of the armed forces from the rank of colonel or naval captain, with the Office of the President, and those below said ranks, with the Deputy Ombudsman in their respective regions; and (5) All other public officials and employees, defined in Republic Act No. 3019, as amended, with the Civil Service Commission. (B) Identification and disclosure of relatives. – It shall be the duty of every

public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Government in the form, manner and frequency prescribed by the Civil Service Commission.

In addition, Section 91 of the Local Government Code of 1991 states the following regarding the Statement of Assets and Liabilities: Officials and employees of local government units shall file sworn statements of assets, liabilities and networth, lists of relatives within the fourth civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law.

**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:**

Section 7 of the Code of Conduct and Ethical Standards for Public Officials and Employees” (Republic Act 6713) prohibits the: “Solicitation or acceptance of gifts. Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.”

**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:**

Independent auditing is not required by law.

**References:**

Section 91 of the Local Government Code requires the local officials to disclose their assets through the filing of the Statement of Assets and Liabilities. Independent auditing is however not required.

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

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

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

YES | NO

**Comments:**

RA 3019 prohibits public servants and their family members from engaging in business transactions with government and for family members to be employed in private firms that have direct transactions with government. RA 6713 also requires all public servants to declare all their relatives who are serving the government.

**References:**

Republic Act 3019, Section 3 (d) (g).

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The regulations are generally followed. There are reporting mechanisms in place. To date, there are no reports of allegations of executive officials accepting gifts from the private sector and interest groups. However, in general, it cannot be determined if the regulations are enforced "to the letter."

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, QC, 28 March 2011, QC Hall.

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC.

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

**75:** ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The regulations and processes are all in place and are transparent in accordance with the provisions of the LGC and other pertinent laws on procurement and awarding of public concessions. However, the effectiveness of the regulations cannot be fully determined.

**References:**

Interview, Manuel Sabalza, Asst. City Administrator for Operations and Chairman, BAC-Infrastructure, 8 April 2011, QC Hall.  
Interview, Victor Endriga, City Administrator, 15 June 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

**Comments:**

The SALN submitted by LG officials are subject to random auditing according to RA 6713. However, it is not certain if this is done systematically and regularly.

**References:**

Interview, Cardito Callangan, Head, Civil Service Commission, QC Field Office, 28 March 2011, QC Hall.  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**References:**

Section 8 on Statements and Disclosure of the Code of Conduct and Ethical Standards for Public Officials and Employees” (Republic Act 6713) states that:

(C) Accessibility of documents.

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

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

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

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

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

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

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

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

**Comments:**

The SALN of all government officials are public documents, and therefore, must be accessible to the public. These documents while required by law to be accessible are not available online but must be requested.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC

Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC

**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:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Mencio Galang, PAISO, 28 March 2011, QC Hall.

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

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## 3.2. Local Legislative Accountability

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### 3.2. Local Legislative Accountability

83

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

YES | NO

**Comments:**

Ordinances passed by the city council may be challenged in court.

**References:**

Section 56 and 57 of the Local Government Code

**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:**

Ordinances of the City Council are subject to review by the courts when questions are raised. However, the effectiveness of the higher authorities in addressing such questions cannot be determined.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC

Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC.

**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:**

Section 1 of Rule I on Coverage of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) states that: "These rules shall cover all officials and employees in the government, elective and appointive, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount."

Section 1 of Rule XI on Penalties of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) also states that: "Any official or employee regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of the Code shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Section 7, 8, or 9 of the Code shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00) or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office. Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of an official employee, even if no criminal prosecution is instituted against him. Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with officials or employees, in violation of the Code, shall be subject to the same penal liabilities as the officials or employees and shall be tried jointly with them. The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (d) of the Code. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply."

Section 2 of the same IRR states that: "Administrative proceedings for violation of these Rules shall be in accordance with the Civil Service Law and Rules."

**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:**

Section 91 of the Local Government Code of 1991 states the following regarding the Statement of Assets and Liabilities: Officials and employees of local government units shall file sworn statements of assets, liabilities and networth, lists of relatives within the fourth civil degree of consanguinity or affinity in government service, financial and business interests, and personnel data sheets as required by law.

In addition, Section 51 of the Local Government Code of 1991 (Republic Act 7160) requires the "Full Disclosure of Financial and Business Interests of Sanggunian Members" such that:

(a) Every Sanggunian member shall, upon assumption to office, make a full disclosure of his business and financial interests. He shall also disclose any business, financial, or professional relationship or any relation by affinity or consanguinity within the fourth civil degree, which he may have with any person, firm, or entity affected by any ordinance or resolution under consideration by the Sanggunian of which he is a member, which relationship may result in conflict of interest. Such relationship shall include:

- (1) Ownership of stock or capital, or investment, in the entity or firm to which the ordinance or resolution may apply; and
- (2) Contracts or agreements with any person or entity which the ordinance or resolution under consideration may affect. In the absence of a specific constitutional or statutory provision applicable to this situation, "conflict of interest" refers in general to one where it may be reasonably deduced that a member of a Sanggunian may not act in the public interest due to some private, pecuniary, or other personal considerations that may tend to affect his judgment to the prejudice of the service or the public.

(b) The disclosure required under this Act shall be made in writing and submitted to the secretary of the Sanggunian or the secretary of the committee of which he is a member. The disclosure shall, in all cases, form part of the record of the proceedings and shall be made in the following manner:

(1) Disclosure shall be made before the member participates in the deliberations on the ordinance or resolution under consideration: Provided, That, if the member did not participate during the deliberations, the disclosure shall be made before voting on the ordinance or resolution on second and third readings; and

(2) Disclosure shall be made when a member takes a position or makes a privilege speech on a matter that may affect the business interest, financial connection, or professional relationship described herein.

**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:**

Section 7 of the Code of Conduct and Ethical Standards for Public Officials and Employees” (Republic Act 6713) prohibits the: “Solicitation or acceptance of gifts. Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.”

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

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

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

**YES** | NO

**Comments:**

The law prohibits public officials and their relatives to engage in business transactions with government. Relatives of public officials are also prohibited from being employed by firms that have business transactions with government. RA 6713 also requires all government employees to declare their relatives working for the government.

**References:**

RA 3190 Section 3 (d) (g)

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

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

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

YES | **NO**

**References:**

There is no requirement for independent auditing provided in law. Based on desk research.

**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:**

The regulations are generally followed. There are reporting mechanisms in place. To date, there are no reports of allegations of executive officials accepting gifts from the private sector and interest groups. However, in general, it cannot be determined if the regulations are enforced “to the letter”

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, QC, 28 March 2011, QC Hall.

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Rest., Tomas Morato Ave., QC.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The regulations and processes are all in place and are transparent in accordance with the provisions of the LGC and other pertinent laws on procurement and awarding of public concessions. However, the effectiveness of the regulations cannot be fully determined.

**References:**

Interview, Manuel Sabalza, Asst. City Administrator for Operations and Chairman, BAC-Infrastructure, 8 April 2011, QC Hall.  
Interview, Victor Endriga, City Administrator, 15 June 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

**Comments:**

The SALN submitted by LG officials are subject to random auditing according to RA 6713. However, it is not certain if this is done systematically and regularly.

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, QC, 28 March 2011, QC Hall.  
Interview, Maya Bans-Cortina, Point Person (Secretariat), Philcomdev, 2 June 2011, PRRM Office, QC.

**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

**References:**

Section 8 on Statements and Disclosure of the Code of Conduct and Ethical Standards for Public Officials and Employees” (Republic Act 6713) states that:

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

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

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

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

**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:**

The SALN of local officials are public documents that are made available/accessible to the public. But these documents must be requested and are not available online.

**References:**

Interview, Mencio Galang, PAISO, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Mencio Galang, Chief Editor, PAISO, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**References:**

Article III Section 7 (Bill of Rights) of the 1987 Philippine Constitution states that: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to limitations as may be provided by law."

**YES:** A YES score is earned if there is a general legal right to access records of legislative proceedings/decisions/ agenda including voting records and the city/municipality development plan. A YES score can still be given if there are formal rules

for specific exemptions to the right to disclosure (special secret sessions related to city/municipal security).

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Records and documents are accessible but are not available online.

**References:**

Interview, Mencio Galang, Public Affairs and Information Services Office, 28 March 2011, QC Hall.  
Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Rest., Tomas Morato, QC.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Those requesting the documents pay for the cost of photocopying.

**References:**

Interview, Mencio Galang, Public Affairs and Information Services Office, 28 March 2011, QC Hall.  
Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Rest., Tomas Morato, QC.

**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.

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## 83 3.3. Barangay Accountability

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### 3.3. Barangay Accountability

88

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

**YES** | NO

#### References:

Section 1 of Rule I on Coverage of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) states that: "These rules shall cover all officials and employees in the government, elective and appointive, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless of amount."

Section 1 of Rule XI on Penalties of the RULES IMPLEMENTING THE CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES (REPUBLIC ACT NO. 6713) also states that: "Any official or employee regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of the Code shall be punished with a fine not exceeding the equivalent of six (6) months salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Section 7, 8, or 9 of the Code shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00) or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office. Any violation hereof proven in a proper administrative proceeding shall be sufficient cause for removal or dismissal of an official employee, even if no criminal prosecution is instituted against him. Private individuals who participate in conspiracy as co-principals, accomplices or accessories, with officials or employees, in violation of the Code, shall be subject to the same penal liabilities as the officials or employees and shall be tried jointly with them. The official or employee concerned may bring an action against any person who obtains or uses a report for any purpose prohibited by Section 8 (d) of the Code. The Court in which such action is brought may assess against such person a penalty in any amount not to exceed twenty-five thousand pesos (P25,000.00). If another sanction hereunder or under any other law is heavier, the latter shall apply."

Section 2 of the same IRR states that: "Administrative proceedings for violation of these Rules shall be in accordance with the Civil Service Law and Rules."

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

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

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

YES | NO

**Comments:**

There are no written uniform procedures or guidelines for barangays.

**References:**

Section 61 (c) of the 1991 Local Government Code states that complaints against elective barangay officials shall be filed in the city council. This citizen right is also guaranteed in the 1987 Constitution. In addition, complaints against elective officials can be filed with the Office of the Ombudsman, in accordance with Administrative Order 07, Rule III Sections 2 and 3.

**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 if 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:**

Complaints against elected barangay officials can be filed in the City Council. While the information is available online, it is not easily accessible to citizens, especially those with limited internet access. In certain cases, such as in Barangay Roxas District, there are mechanisms available to express citizens' grievances.

**References:**

Interview, Isabelita Gravides, Barangay Chairperson, UP Campus, 6 April 2011, Barangay Hall, Barangay UP Campus.

Interview, Teresa E. Tadem, Professor of Political Science, University of the Philippines, and resident of Barangay Roxas District, Quezon City, Department of Political Science, University of the Philippines, 28 June 2012.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

There is no explicit provision for this but in general, the right of the public to have access to barangay council sessions is guaranteed by the law.

**References:**

Section 3 b of the Local Government Code generally guarantees that a local government unit shall have "an accountable, efficient, and dynamic organizational structure and operating mechanism that will meet the priority needs and service requirements of its communities". Chapter 6 Section 397 of the Code also provides for the right of the citizens in barangays to participate in barangay assemblies.

**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:**

Chapter 5 Section 394 of the Local Government Code requires the Barangay Secretary to keep the minutes and proceedings of all meetings of the barangay assembly.

**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:**

The LG officials attested that barangay documents are available to be accessed by private citizens as mandated by law. It cannot be determined however how many days it usually takes to gain access to barangay documents for all barangays in QC.

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Rest., Tomas Morato, QC.

Interview, Isabelita Gravides, Chairperson, Barangay UP Campus, QC, 4 April 2011, Barangay Hall, UP Campus, QC.

**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.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Rest., Tomas Morato, QC.

Interview, Isabelita Gravides, Chairperson, Barangay UP Campus, 4 April 2011, Barangay Hall, UP Campus QC.

**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:**

Although the barangay assemblies are open to citizens and are well publicized and held in spaces accessible to barangay residents, the quality of participation of those who attend cannot be determined.

**References:**

Interview, Isabel Gravides, Chairperson, Barangay UP Campus, 4 April 2011, Barangay Hall of Barangay UP Campus.

**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.

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## Category 4. Local Fiscal Processes

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### 4.1. Local Budget Processes

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#### 4.1. Local Budget Processes

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

YES | NO

**Comments:**

There is no specific legislation that requires the LGU to do such. Section 318 of the Code requires the local chief executive to submit a budget proposal to the Sanggunian. But there is no requirement for public disclosure of such.

**References:**

1991 Local Government Code

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

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

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

**YES** | NO

**Comments:**

These policies require full disclosure of all financial transactions — including appropriation, expenditures and collection — of local government units. According to Sections 318 and 319 of the LGC, the executive prepares the budget while the Sanggunian (council) approves.

**References:**

DILG Memorandum Circular 2010-83; 1991 Local Government Code

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

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

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

**YES** | NO

**Comments:**

The requirements for the local chief executive to publicly disclose information related to financial transactions (including in-year budget reports) of the LGU is specified in the DILG Memorandum Circular.

**References:**

1991 Local Government Code; DILG Memorandum Circular 2010-83

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

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

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

YES | NO

**Comments:**

Section 97 of the LGC states that: "On or before March 31 of each year, every local chief executive shall submit an annual report to the Sanggunian concerned on the socioeconomic, political and peace and order conditions, and other matters concerning the local government unit, which shall cover the immediately preceding calendar year. A copy of the report shall be forwarded to the Department of Interior and Local Government. Component cities and municipalities shall likewise provide the Sangguniang Panlalawigan copies of their respective annual reports."

**References:**

1991 Local Government Code Section 97; DILG Memorandum Circular 2010-83

**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:**

There is no such requirement under Philippines laws. The Local Government Code only requires the disclosure of the annual budget but not specifically a "citizen's budget."

The Philippine Center for Investigative Journalism with International Budget Partnership produced a National Open Budget Index in 2010. According to the survey, there was an effort by the DBM to produce a citizen budget in 2008, but failed in 2009 due to lack of funds. Although national in scope, this may be reflective of the absence of a national law that guarantees the publication of a citizen's budget.

**References:**

1991 Local Government Code

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

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

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

YES | NO

**Comments:**

Although there is no specific law on this, the financial reports of all LGUs can be accessible through the Commission on Audit, accessible through the COA website.

**References:**

1987 Philippine Constitution, Article II Section 28, Article III Section 7.

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

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

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

YES | NO

**Comments:**

Although there is no published executive budget proposal, information is made available as regards the priority programs of the city government through declarations by the mayor and through the official website.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

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

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

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

YES | NO

**Comments:**

The information is made available immediately upon request from the office of the city administrator and through the website of QC.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

**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:**

Even a daily update of the budget, expenditure, collection, etc. is available upon request at the City Administrator's office.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

**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:**

Although the end of year budget report is not available through the QC website, it is readily available upon request from the Budget Office and the City Administrator's Office.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

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

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

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

YES | NO

**Comments:**

Although there is no such thing as a “citizen’s budget” in QC, the budget report that is easily accessible upon request is relatively easy to understand. Specific budget reports (such as for education and gender and development) are also available through the QC website.

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

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

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

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

YES | NO

**Comments:**

The COA publishes the annual audit report for Quezon City although it is quite late in doing so. The 2010 report is still currently unavailable.

**References:**

Interview, Emilda Navarro, State Auditor, 28 March 2011, COA office, QC Hall.  
Interview, Victor Endriga, City Administrator of QC, 15 June 2011, City Administrator’s Office, QC Hall.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Based on the experience of the researcher, accessing the budget reports is quite easy. It took only one visit and a few minutes. In practice, according to Mr. Imjada, any request made for a document should be acted upon within three days.

**References:**

Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

Interview, Reynald Paul Imjada, QC Information Technology Officer, 29 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Based on the researcher's own experience, it took only one visit and a few minutes to get the information for free (without cost). On a regular basis, according to Mr. Imjada, the fee depends on the type of information being requested.

**References:**

Interview, Reynald Paul Imjada, QC Information Technology Officer, 29 March 2011, QC Hall.

Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The information regarding the budget formulation process is easily available to the citizen since a flowchart is posted on a wall near the door of the City Budget Department.

**References:**

Interview, Reynald Paul Imjada, QC Information Technology Officer, 29 March 2011, QC Hall.

Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

There is no specific national legislation on the participation of CSOs in budget deliberations at the city/municipality level. However, a PAT ordinance has been enacted in QC in 2009. In general, the LGC also guarantees the participation of NGOs and POs in local governance processes.

**References:**

1991 Local Government Code; Participatory, Accountability and Transparency (PAT) Ordinance of Quezon City

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

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

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

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

**Comments:**

While there are available avenues for participation, the actual impact of citizen's input in determining budget priorities is in general difficult to determine.

**References:**

Interview, Victor Endriga, City Administrator, 15 June 2011, Office of the City Administrator, QC Hall.

Interview, Maya Bans-Cortina, Secretariat, Philcomdev and labor sector representative in People's Council of QC (PCQC), 2 June 2011, PRRM Office, QC.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

There is clear provision in the law that the Department of Budget and Management, national government agencies and government-owned and controlled corporations must provide local government units with budget preparations and allocations not later than 15th of June of every year.

**References:**

IRR of the 1991 Local Government Code, Art. 409

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

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Victor Endriga, City Administrator, QC, 15 June 2011, QC Hall.

News article, "DBM releases P71.74-billion IRA shares of LGUs for 1st quarter", SunStar Bacolod, 24 March 2011, <http://www.sunstar.com.ph/bacolod/business/2011/03/24/dbm-releases-p7174-billion-ira-shares-lgus-1st-quarter-146624>

**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:**

Information about the status of finances of the QC government is easily accessible through the Office of the City Administrator and the Budget Office. Although the information is not available online, it is available upon request within a few days. Based on the researcher's own experience, the information was accessed on the same day of visit.

**References:**

Interview, Victor Endriga, City Administrator, QC, 15 June 2011, QC Hall.

**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:**

While the city administrator claimed that access to information is easy, data from a PCIJ report indicated that Quezon City's rate of full action taken on request was only 76% (rate of full action = number of requests with complete documents/total number of requests x 100). See also PCIJ, "Access to info in Metro Manila: Opaque LGUs the norm in NCR", 27 July 2011.

**References:**

Interview, Victor Endriga, City Administrator, QC, 15 June 2011, QC Hall.

Media report, Philippine Center for Investigative Journalism (PCIJ), "Accessing information tough task in the metro", 28 July 2011, Accessed through <http://pcij.org/stories/accessing-information-tough-task-in-the-metro/>, 27 June 2012.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Herbert Bautista, Mayor, QC, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC  
Interview, Victor Endriga, City Administrator of QC, 15 June 2011, City Administrator's Office, QC Hall

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

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

**References:**

1991 Local Government Code, Sec. 321, IRR of LGC, Art. 415, 417

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

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

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

**YES** | NO

**Comments:**

The law clearly mandates the city council to authorize the budget plan on or before the end of the current fiscal year. In cases of failure by the council to act on the proposed budget, the authorized appropriations of the preceding year is reenacted.

**References:**

LGC Sec. 319, IRR of LGC Art. 415 Sec. a

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

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Restaurant, Tomas Morato Ave., QC.

Interview, Victor Endriga, City Administrator, 15 June 2011, City Administrator's Office, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

The LGC stipulates the veto power of the local chief executive when the the ordinance is prejudicial to public welfare. The exercise of veto should however be accompanied by a written explanation.

**References:**

1991 Local Government Code Section 55; IRR of the LGC Art. 415

**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.

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## 4.2. Local Procurement

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### 4.2. Local Procurement

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

**YES** | NO

**Comments:**

The law guarantees transparency in the procurement process and implementation of procurement contracts. It also ensures public monitoring of procurement process. Art. IV Sec. 10 ensures that all procurement shall be done through competitive bidding. Moreover, DILG Memorandum Circular 2010-83 requires the local chief executive to post an annual procurement plan including invitation to bid in conspicuous places, e.g. website, print for public viewing.

**References:**

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

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

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

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

**YES** | NO

**Comments:**

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

**References:**

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

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

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

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

YES | NO

**Comments:**

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

**References:**

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

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Although the officials declare that the procurement records are accessible to the public, only the regulations are available online.

**References:**

Interview, Manuel Sabalza, Assistant City Administrator for Operations and Chairman, Bids and Awards Committee – Infrastructure, 8 April 2011, QC Hall.

Interview, Victor Endriga, City Administrator of QC, 15 June 2011, City Administrator’s Office, QC Hall.

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

defined here as the rules governing the competitive procurement process, as well as the results of public bidding.

**75:** ..

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

**25:** ..

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

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

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

**Comments:**

The procurement regulations are available online.

**References:**

Interview, Manuel Sabalza, Asst. City Administrator for Operations and Chairman of the BAC – Infrastructure, 8 April 2011, QC Hall.

Interview, Reynald Paul Imjada, Information Technology Officer, 29 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

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

**References:**

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

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

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

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

**YES** | NO

**Comments:**

The BAC decides who the winning bidder is. It can recommend to award contracts to the head of the procuring entity or his duly authorized representative except in cases of alternative bidding or procurement without bidding.

**References:**

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

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

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

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

**YES** | NO

**Comments:**

Clear guidelines as regards penalties to be imposed in cases of violation of procurement rules are stipulated in the law. For example, one year suspension from the bidding process for the first offense and two years for the second offense.

**References:**

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

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

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

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

YES | NO

**Comments:**

A formal appeals mechanism is provided by law in all stages of the procurement process. The losing bidder submits a verified position paper and pays a non-refundable protest fee. The LGC also provides the period when appeals could be made.

**References:**

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

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

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

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

YES | NO

**Comments:**

Both RA 9184 and the LGC provide clear guidelines as regards the types of procurement that can be made without public bidding.

**References:**

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

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

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

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

YES | NO

**Comments:**

The law states that training should be “sustained’ which means that there is a requirement for the professionalization of procurement personnel. Rule XX of the IRR requires the Government Procurement Policy Board to establish a sustainable program for the procurement officers and employees, and to make sure that regular trainings are held.

**References:**

Government Procurement Reform Act (RA 9184) Art. V Sec. 16; IRR of RA 9184 Rule XX, Sec. 63.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The schedule and call for bids is available online. There are also advertisements published in national dailies.

**References:**

Interview, Manuel Sabalza, Asst. City Administrator for Operations and Chairman, BAC – Infrastructure, 8 April 2011, QC Hall.  
Interview, Victor Endriga, City Administrator of QC, 15 June 2011, QC Hall.

**100:** There is a formal process of advertising public procurements. This may include a government website, newspaper advertising, or other official announcements. All major procurements are advertised in this way. Sufficient time is allowed for bidders to respond to advertisements.

**75:** ..

**50:** There is a formal process of advertisement but it is flawed. Some major procurements may not be advertised, or the advertising process may not be effective. The time between advertisements and bidding may be too short to allow full participation.

**25:** ..

**0:** There is no formal process of advertising major public procurements or the process is superficial and ineffective.

143. In law, there is an oversight agency that examines city/municipality public procurement processes and results.

YES | NO

**Comments:**

The LGC mandates COA to promulgate rules and regulations for the effective implementation of the provisions of the LGC, including requirements for testing, inspection and standardization of supply and property. Moreover, the Office of the Ombudsman and PSLINK signed a MOA last April 10, 2010 where PSLINK will act as BAC observer and monitor of procurement proceedings. They are to submit feedback in line with RA 9184.

**References:**

Local Government Code Sec. 383; IRR of RA 9184; Memorandum of Agreement between the Office of the Ombudsman and the PSLINK.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The Annual Audit Report of the COA, which contains a report regarding the procurement process, is available online but there is a delay in coming out with the report. The 2010 AAR is still unavailable at this time.

**References:**

Interview, Manuel Sabalza, Asst. City Administrator for Operations and Chairman, BAC – Infrastructure, 8 April 2011, QC Hall.  
Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, COA Office, QC Hall.

**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.

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### 4.3. Local Audit

92

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

YES | NO

**Comments:**

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

**References:**

2009 Revised Rules and Procedures of the Commission on Audit Rule II, Sec. 1,3 & 5; Local Government Code Sec. 348.

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

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

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

YES | NO

**Comments:**

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

**References:**

1987 Philippine Constitution Art. IX-D; 2009 Revised Rules and Procedures of the Commission on Audit Rule II, Sec. 1

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

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

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

100 | 75 | 50 | 25 | 0

**References:**

Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, COA Office, QC Hall  
Interview, Victor Endriga, 15 June 2011, City Administrator's Office, QC Hall

**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 state auditor assigned in QC cited the "exit" conference with the QC officials before the entry of the new administration under Mayor Bautista. In such conference, she cited the practices that should not be continued by the various agencies of the QC government.

**References:**

Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, COA Office, QC Hall  
Interview, Victor Endriga, 15 June 2011, City Administrator's Office, QC Hall

**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:**

Although COA, according to the source, is able to initiate its own investigations, she also noted that the COA personnel have to do a “balancing act,” meaning that they have to communicate to the officials of QC in a strict but most cordial manner. She also said that if there are certain practices of the officials that are not allowed, the officials are advised that the practice is inappropriate and cannot be allowed by COA.

**References:**

Interview, Emilda Navarro, State Auditor, 28 March 2011, COA Office, QC Hall.

Interview, Victor Endriga, City Administrator, 15 June 2011, City Administrator’s Office, QC Hall.

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:**

Although the COA publishes its reports online ([www.coa.gov.ph](http://www.coa.gov.ph)), specifically the Annual Audit Report for Quezon City, it is not up to date. The AAR for 2010 is still unavailable at the time the research was conducted.

**References:**

Interview, Emilda Navarro, State Auditor, 28 March 2011, COA Office, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

Although there are no specific laws on this, the constitutional provisions are adequate. There are also audit reports on local government units (including QC) that are available through the COA website.

**References:**

1987 Philippine Constitution, Art. II Sec. 28, Art. III Sec. 7

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

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

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

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

**Comments:**

The Annual Audit Report for Quezon City is accessible through the COA website, [www.coa.gov.ph/Audit/AAR/htm](http://www.coa.gov.ph/Audit/AAR/htm)

**References:**

Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, COA Office, QC Hall.

**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:**

The Annual Audit Report for QC is accessible through the COA website, [www.coa.gov.ph](http://www.coa.gov.ph).

**References:**

Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, COA Office, QC Hall.

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

75: ..

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

25: ..

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

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## 4.4. Local Taxes

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### 4.4. Local Taxes

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

YES | NO

**Comments:**

The LGC mandates the publication of the city/municipal tax ordinance within 10 days after approval. It ensures that the ordinance

are posted in conspicuous spaces (e.g., for LGUs with local newspapers, 3 consecutive days; for LGUS with none, at least 2 days).

**References:**

1987 Philippine Constitution, Article II, Section 28; and Article III, Section 7; Local Government Code Sec. 188; IRR of the LGC Art. 276 (a)

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Information on local taxation scheme is available online.

**References:**

Interview, Edgar Villanueva, City Treasurer, QC, 29 March 2011, City Treasurer's Office, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

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

**References:**

Local Government Code Sec. 130, 186, 187; IRR of the LGC Art. 219 (a,e), Art. 253, 255; Memorandum Circular 2009-42

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Although taxation in QC can generally be considered as fair and non-discriminatory, there are still problems including the presence of “fixers” and the elimination of “human intervention” in the collection of taxes.

**References:**

Interview, Edgar Villanueva, City Treasurer, QC, 29 March 2011, City Treasurer’s Office, QC Hall

**100:** Tax laws (which may be economically unfair as written) at the city/municipality level are enforced consistently for all citizens. No general group of citizens is more or less likely to evade tax law than another.

**75:** ..

**50:** Tax laws at the city/municipality level are generally enforced consistently, but some exceptions exist. For example, some groups may occasionally evade tax law. Some arbitrary and discriminatory tax rules exist.

**25:** ..

**0:** Tax law at the city/municipality level is unequally applied. Some groups of citizens are consistently more or less likely to evade tax law than others. Tax regulations are, as a rule, written to be discriminatory and/or arbitrary.

158. In practice, the city/municipality tax collection agency practices are free from irregularities in the conduct of tax collection.

100 | 75 | 50 | 25 | 0

**Comments:**

Some challenges have been identified as regards the collection of taxes in QC. Among the major ones include the prevalence of “fixers” and irregularities within the process itself resulting from “human intervention.”

**References:**

Interview, Edgar Villanueva, City Treasurer, QC, 29 March 2011, City Treasurer's Office, QC Hall.  
Interview, Victor Endriga, City Administrator, QC, 15 June 2011, City Administrator's Office, QC Hall.

**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.

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## Category 5. Local Civil Service

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### 5.1. <sup>70</sup>Local Civil Service Regulations

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#### 5.1. Local Civil Service Regulations

89

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

**YES** | NO

**Comments:**

The 1987 Constitution and the Administrative Code of 1987 provide the establishment of an independent Civil Service Commission with decentralized personnel functions (Book V Chapter 1, Section 1). The Administrative Code further states that: "All government employees, including those in government-owned or controlled corporations with original charters, can form, join or assist employees' organizations of their own choosing for the furtherance and protection of their interests. They can also form, in conjunction with appropriate government authorities, labor-management committees, work councils and other forms of workers' participation schemes to achieve the same objectives" (Book V Chapter 6, Section 38).

**References:**

Administrative Code 1987, Book V.

**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 Civil Service Commission has a merit selection plan that guides its policies on recruitment, promotion and reparation. The CSC provides general rules but the local government can have its own rules that should be in accordance with the CSC rules but not below CSC standards.

**References:**

Interview, Cardito Callangan, Head, Civil Service Commission Field Office, 28 March 2011, QC Hall.  
Interview, Herbert Bautista, Mayor, 2 April 2011, Via Mare Rest., Tomas Morato, QC

**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:**

Civil servants are protected against arbitrary dismissal or demotion since, once their appointments have been approved, they enjoy security of tenure. A public servant cannot be terminated without cause and due process.

**References:**

Interview, Cardito Callangan, Head, Civil Service Commission Field Office, 28 March 2011, QC Hall.

**100:** City/municipality civil servants are protected by the law against arbitrary dismissal or demotion. Officers and employees can only be removed from their position if there is a valid cause. There is a hearing and a notice given to the

officer/employee prior to his/her dismissal.

75: ..

50: Although city/municipality civil servants are protected by the law, there are some instances where employees/officers are removed from the position without just cause.

25: ..

0: City/municipality civil servants are routinely removed from office indiscriminately without any documented just cause.

162. In law, there are regulations governing gifts and hospitality offered to civil servants at the city/municipality level.

YES | NO

**Comments:**

The law prohibits government personnel from soliciting (directly or indirectly) and accepting gifts of any kind or form in the course of their official duties.

**References:**

Republic Act 6713 Section 7d.

**YES:** A YES score is earned if there are formal guidelines regulating gifts and hospitality for civil servants at the city/municipality level.

**NO:** A NO score is earned if there are no guidelines or regulations with respect to gifts or hospitality offered to civil servants at the city/municipality level. A NO score is earned if the guidelines are general and do not specify what is and is not appropriate.

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

YES | NO

**Comments:**

The law prohibits any act done for the personal gain of the public servant. This includes accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination and entering into contracts on behalf of the government which may be disadvantageous to the latter. Moreover, RA 9184 ensures a system of accountability where public officials and private parties involved in the procurement process, when warranted by circumstance are investigated and held liable for their actions.

**References:**

Anti-Graft and Corrupt Practices Act (RA 3019) Sec. 3 (d,g); Government Procurement Reform Act (RA 9184) Sec. 3 (d).

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

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

164. In practice, the regulations governing gifts and hospitality offered to civil servants at the city/municipality level are effective.

100 | 75 | 50 | 25 | 0

**Comments:**

While the CSC and the Ombudsman strictly enforce the rules on accepting gifts, it is not a secret that there are still violations of such rules.

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, QC Hall, 28 March 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:**

While regulations are in place and these are meant to be implemented, there are still instances of “conflict of interest,” according to Callangan.

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, 28 March 2011, QC Hall.

Interview, Manuel Sabalza, Asst. City Administrator for Operations, Chair, BAC-Infra, 8 April 2011, QC Hall.

**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.

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## 5.2. Local Whistle-blowing Measures

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### 5.2. Local Whistle-blowing Measures

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

YES | **NO**

**Comments:**

The provisions of the law do not specifically pertain to whistleblowers.

**References:**

The Witness Protection, Security and Benefit Act (RA 6981) Sec. 3 & 8

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

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

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

**Comments:**

There are processes to be followed. An allegation should be followed by an investigation. But in some cases, finding solid evidence against the one accused is very difficult.

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, QC Hall, 28 March 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**

**Comments:**

A whistle blower may be protected, in general, by laws that are in place. However, there are no provisions that are specific to protection against recrimination and other negative consequences.

**References:**

The Witness Protection, Security and Benefit Act (RA 6981) Sec. 3 & 8

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

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

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

**Comments:**

Thus far, there are no well-known or publicized cases of whistle blowers who have suffered negative consequences.

**References:**

Interview, Cardito Callanga, Head CSC Field Office, QC Hall, 28 March 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

**Comments:**

Both the Ombudsman and the Civil Service Commission have hotlines that can be used by citizens to report cases of corruption, abuse of power and complaints against civil servants and public officials.

**References:**

Citizen Charter of the Office of the Ombudsman, p. 9 "Filing of a complaint".

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

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

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

YES | NO

**Comments:**

The internal reporting mechanism is under the Ombudsman. In general, the Constitution guarantees the independence of the Ombudsman.

**References:**

1987 Philippine Constitution, Article IX, Section 5.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Reporting of misconduct, irregularities, corruption is done through a constitutional body (Civil Service Commission) or through the Ombudsman. These agencies are independent of LGUs and thus their funding sources should be free from political interference.

**References:**

Interview, Cardito Callangan, Head, CSC QC Field Office, 28 March 2011, QC Hall.

Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, QC Hall.

**100:** The agency/entity has a predictable source of funding that is fairly consistent from year to year. Political considerations are not a major factor in determining agency funding.

**75:** ..

**50:** The agency/entity has a regular source of funding but may be pressured by cuts, or threats of cuts to the agency budget. Political considerations have an effect on agency funding.

**25:** ..

**0:** Funding source is unreliable. Funding may be removed arbitrarily or as retaliation for agency actions.

173. In practice, when necessary, the internal reporting mechanism for public sector corruption in the city/municipality initiates investigations.

**Comments:**

Ms. Navarro admitted that most of the time, it is difficult for them to start the investigation right away when they observe that some practices are not in accordance with auditing rules and regulations. What they do is to give advice to correct the practices.

**References:**

Interview, Emilda Navarro, State Auditor, COA, 28 March 2011, QC Hall.

Interview, Cardito Callangan, Head, CSC Field Office, 28 March 2011, QC Hall.

**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:**

Even at the national level, no law on "whistle-blowers" exists. However, there are pending bills both in the Senate and the House of Representatives. Senate Bill No. 2427 (Whistle-Blower Protection Act) – An act providing for whistle-blower Bill of Rights; Senate Bill No. 2112 (same title) – An act providing protection, security and benefits of whistle-blowers (both from Miriam Santiago) House Bill No. 00132 – An act providing for protection, security and benefits of whistle-blowers (Teddy Casino), House Bill No. 02110 – An act mandating the protection and reward of whistle-blowers in the Philippines (Rufus Bautista).

**References:**

No such law or policy exists at the city level.

**YES:** A YES score is earned if there is a law that guarantees whistle-blowers to be rewarded.

**NO:** A NO score is earned if such law does not exist.

175. In practice, whistle-blowers are rewarded for reporting incidents of corruption or misuse of power according to what is provided by law.

**Comments:**

There are no rewards/incentives for whistle-blowers because there are no laws that give them protection. According to Mr. Callangan, although there is a mechanism to address complaints from the general public, there is still no process in place.

**References:**

Interview, Cardito Callangan, Head, CSC Field Office, QC, 28 March 2011, QC Hall.  
 Report of the Senate Committees on Justice and Human Rights and Finance, No. 47. Senate Bill No. 2860, "An Act Providing for Protection, Security and Benefits of Whistle Blowers", Accessed through [www.senate.gov.ph](http://www.senate.gov.ph).

**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. <sup>87</sup>Local Health Regulation

6.1. Local Health Regulation

90

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

YES | NO

**Comments:**

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in conspicuous areas which

provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here.

**References:**

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

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

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

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

YES | NO

**Comments:**

The following mechanisms are utilized by the city government in publishing health regulatory requirements for businesses: website, bulletin boards, billboards, tarpaulins in different offices and letters to clients.

**References:**

Interview, Antonieta Inumberbale, City Health Officer, 7 April 2011, QC Hall.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

The source did not indicate that staff inadequacy is a major problem in enforcing public health standards.

**References:**

Interview, Antonieta Inumberable, City Health Officer, 7 April 2011, QC Hall.

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

**75:** ..

**50:** City/municipal government offices that enforce public health standards on businesses are somewhat constrained by staffing problems.

**25:** ..

**0:** There are no functioning city/municipal government offices that enforce public health standards on businesses.

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

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

**Comments:**

Inspections are carried out regularly, and according to the source, in a uniform and even-handed manner. There is, however, no available evidence to validate this claim.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

The LGC and MC2006-162 empowers all local chief executives to cancel or revoke business permits and close down businesses that imports or distribute consumer products dangerous to health and safety. Supported by the Constitution, these compliance issues are to be made public. Also, RA 9485, which guarantees the right of the citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

**References:**

1987 Philippine Constitution, Article II, Section 28; and Article III, Section 7; Local Government Code Sec. 444, 445 and 465; Memorandum Circular 2006-162; Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

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

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

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

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

**Comments:**

The information are not available online and there is no guarantee that the requested document/information can be obtained within 5 working days. Also, establishment-specific reports on compliance of businesses are accessible only to the business itself.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

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

**References:**

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

According to the source, inspections are carried out on reports of violations of public health standards of citizens. However, there is no indication that status reports are provided to those who reported the violations.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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.

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## 6.2. Local Safety Regulation

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### 6.2. Local Safety Regulation

83

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:**

There are no specific laws regarding citizen access of compliance reports on public safety standards. However, RA 9485 guarantees the right of citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

**References:**

Constitution, Article II, Section 28; and Article III, Section 7; Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

**YES:** A YES score is earned if 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:**

Regulatory requirements are published in the website, bulletin boards, billboards, tarpaulins in different offices.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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 source did not identify the inadequacy of personnel as a challenge in enforcing public safety standards. She noted that the personnel who enforce basic health standards on businesses are deployed in different offices that are also revenue generating offices since health and sanitation permits are required for the renewal or granting of a business permit. She further noted that most of these transactions are done during the first two months of the year.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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:**

Although the source suggested that public safety standards are met and are carried out in a uniform fashion since there are procedures that have to be followed, there is no available additional source to validate the claim.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

**Comments:**

General reports and statistics on compliance of business establishments are prepared and are accessible upon request. Establishment specific reports on compliance with public health standards are also done, although not accessible by entities other than the business establishment.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

There are no specific laws regarding the citizen access of compliance reports on public safety standards but given RA 9485, which guarantees the right of the citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

**References:**

Constitution, Article II, Section 28; and Article III, Section 7; Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

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

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

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:**

The establishment specific compliance reports are not accessible to everyone. The reports are not available online and no specific period required to obtain the documents was given.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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:**

The general practice is that the one requesting the documents pay for the cost of the photocopying. In accessing public safety compliance reports, not all reports or types of information are accessible to the ordinary citizens.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

YES | NO

**Comments:**

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

**References:**

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

According to the source, there is a compliance monitoring team that acts on citizens reports. The effectiveness of such team in monitoring cannot however be determined.

**References:**

Interview, Antonieta Inumerable, City Health Officer, 7 April 2011, QC Hall.

**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.

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## 83 6.3. Local Environmental Regulation

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### 6.3. Local Environmental Regulation

88

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

**YES** | NO

**Comments:**

The law requires the city/municipal government to come up with a Citizen's Charter to be posted in entrance of offices or conspicuous areas which provided in detail the procedure of obtaining a particular service. Although not specified, the basic regulatory requirements for meeting public safety standards may be included here. The purpose of the DENR Charter is to promote transparency in the DENR with regard to the manner of transacting with the public through the simplification of frontline service procedures, formulation of service standards for every transaction, and making these known to the customer. However, it is not specifically indicated whether it covers basic regulatory requirements.

**References:**

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6., DENR Citizen's Charter

**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:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

**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:**

Lack of personnel was not cited as a problem or challenge in enforcing environmental regulations.

**References:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Both the official interviewed as well as the information in the QC website indicated that the enforcement of regulations are carried out in a uniform fashion. However, there is no evidence available to show that the enforcement carried out by the EPWMD as such.

**References:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

**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

**References:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

201. In law, citizens can access reports on compliance of businesses with environmental protection standards.

**YES** | NO

**Comments:**

There are no specific laws regarding the citizen access of compliance reports on public safety standards. However, RA 9485 which guarantees the right of the citizens to access information from the government especially to promote transparency in the manner of transacting with the public.

**References:**

Constitution, Article II, Section 28; and Article III, Section 7; Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

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

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

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

100 | 75 | 50 | 25 | 0

**Comments:**

Compliance reports can be accessed by request to the concerned office since EPWMD does not publish the compliance reports of business establishments. The number of days required to obtain the documents was not specified.

**References:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

**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:**

The documents are not available online. It is generally assumed that the cost of photocopying will be shouldered by the one who is requesting for the documents. Although based on the researcher's experience, there are times when the documents are made available free of charge.

**References:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

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

**75:** ..

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

**25:** ..

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

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

**YES** | NO

**Comments:**

The law requires the city/municipal government to come up with a citizen's charter to be posted in the main entrance of offices or in the most conspicuous places which provides the procedure for filing complaints. Although not specific, complaints on environmental standards may be included here. Moreover, the DENR site has a feedback mechanism where citizens can send a message.

**References:**

Anti-Red Tape Act of 2007 (RA 9485), Sec. 6.

**YES:** A YES score is earned if there is a mechanism in the city/municipality through which citizens can report businesses that violate 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:**

Although the source indicated that any violation of compliance to local and national environmental policies provides the local government grounds for revocation of the Environmental Compliance Certificate (ECC), there is no available additional source to indicate that citizens reports of violations are acted upon promptly and that citizens are provided status reports.

**References:**

Interview, Remel Hiram, Acting Administrative Officer, Pollution Control Division, EPWMD, 28 March 2011, QC Hall.

**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.

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