

Overall Score:

72 - Moderate

Legal Framework Score:

89 - Strong

Actual Implementation Score:

58 - Very Weak

Category 1. Civil Society, Public Information and Media

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**

Comments:

Article II, Sec. 23 1987 Constitution requires the State to encourage formation of the CSOs/NGOs for the welfare of the nation. Article III, Sec. 8 1987 Constitution allows any individual to form or organize unions or associations. Article XIII Sec 15-16 provides the State shall respect the role of independent people's organizations. The State shall create adequate consultation mechanisms.

The Department of Interior and Local Government (DILG), under the leadership of former Mayor Jesse Robredo M. Robredo has been showing itself as a model in building partnerships with NGOs. See, for instance: <http://www.dilg.gov.ph/news.php?id=11&newsCategory=Regional>

References:

Local Government Code, Book 1, Chapter 1, Sec. 2.C., and Chapter 3, Sec. 26.
(See: http://www.lawphil.net/statutes/reprints/ra1991/ra_7160_1991.htm).

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

DILG Memorandum 2010-88, Certification of Non-Governmental Organizations. Downloadable e-copy: http://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/DILG-Memo_Circular-2010914-4d0c858d2f.pdf

DILG Memorandum 2007-137, Enhancing Transparency Measures Pursuant to Executive Order No. 662
http://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/MC2007-137.pdf

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

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

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

YES | **NO**

Comments:

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

"There are very limited estimates as to what amount of money is given to NGOs in the Philippines. In and around 1999, it was suggested that 'most NGOs operate on relatively small budgets (\$80,000 and below).' However, at the time, some of the larger NGOs could have been receiving up to \$1.2 million annually. Grants and international NGOs are the main way that NGOs in the Philippines receive funding. Next to foreign organizations, NGOs receive funding inside the country from 'government agencies, other Philippine NGOs, multilateral agencies and churches.'" See: Moshman, Joanna, "The Philippines NGO Sector." Downloaded from: http://www.wango.org/NGONews/February09/PhilippinesNGOs.htm#_ftn36

References:

Local Government Code Sec. 34-36

ADB, A Study of NGOs: The PHilippines, 1999. <http://www.adb.org/ngos/docs/ngophilippines.pdf>

Municipal Resolution 50, s. 2007. A Resolution granting the request of Lupang Arena Muslim Christian Development Cooperative to avail of Local Government Loan Assistance Program for cooperative, in the amount of Fifty Thousand pesos (P50,000.00).

Municipal Resolution 51, s. 2007. Granting the request of Taytay Market Multi-Purpose Cooperative to avail of Local Government Loan Assistance Program for Cooperative in the amount of Fifty Thousand pesos (P50,000.00).

Resolution 34, s. 2003. A Resolution granting the request of Ladies Livelihood Multi-Purpose Cooperative to avail of Local Government loan assistance program for cooperative, in the amount of fifty thousand pesos (P50,000.00).

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

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

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

YES | **NO**

Comments:

The attached files list resolutions and ordinances that accredit or recognize CSOs or NGOs that are active in the municipality. Many of the highlighted entries [red-lettered entries] are resolutions that relate to NGO accreditation.

Various nongovernmental organizations and people's organization are existing within the municipality of Taytay. Their legal mandate to exist stands from their constitutional right to create and join organizations and is strengthened/regulated by the municipal government of Taytay through its Sanggunian Bayan Resolutions on accreditation of NGOs/POs. An example of this is SB Resolution No. 104, "accrediting the Sitio Ynares Lupang Arena Neighborhood Association, Incorporated". The sanggunian resolution is a form of legal recognition from the local government which enables them to utilize the services of various offices of the municipal government, be a recipient of government assistance, be a partner-organizations in joint venture projects and to be eligible in participating the local special bodies in the municipal and barangay level.

References:

Various resolutions passed to accredit specific NGOs/CSOs and related matters [see attachments]

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:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Ms. Sherryll R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Engineer Santiago Cervantes of the NGO KKK said that: "Any CSO or NGO are free to cooperate in the local level as an organization only" [sic], but "only selected groups" engage in the political and policy making process, those that "side with the Mayor."

In the policymaking process, the Office of the Vice-Mayor, being the primary concerned office with regard to the legislation endeavors of the Sangguniang Bayan, has been regularly consulting the NGOs/POs in local legislation process. Public hearings and consultation were actively participated by accredited organizations and other local stakeholders. It is interesting to note that the incumbent Vice-Mayor and the Mayor considered themselves to be political rivals which places Taytay politics into bipolarization of political forces. This fact does not hinder either parties or NGOs/POs identified to those parties to engage in

political processes. On the other side, the Office of the Mayor and the rest of municipal government has been consistently conducting partnership projects with local NGOs/POs for capacity-building and livelihood programs. The Office of the Mayor has also showed its support to civil society organizations through openly accepting audience and dialogues with local organizations and stakeholders. However, there are some cases which the civil society had expressed its disappointment to the municipal government for lack/insufficiency of consultation regarding the issue of construction of the new municipal hall and concurrent operation of the old and new public markets. These two issues have caused mass protests from the residents and civil society organizations.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Various ordinances that accredit active NGOs

Government of the Republic of the Philippines, House of Representatives, House Resolution No. 1136, Introduced by Akbayan Party-List Representative Ana Theresia Hontiveros-Baraquel, "A Resolution Directing the Committee on Good Government and Public Accountability to Conduct an Inquiry, in aid of legislation, into the Alleged Anomalies and Irregularities Surrounding the Construction of the New Taytay Municipal Building." See: <http://angattaytay.wordpress.com/hr-1136/>

<http://www.greenpeace.org/raw/content/seasia/assets/binaries/mayors-resolution.pdf>

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

75: ..

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

25: ..

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

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

YES

| NO

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

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.

Comments:

Groups are accredited but it's another matter if they are allowed to participate in actual municipal governance processes.

Engineer Cervante of the NGO KKK attests that only selected groups are allowed to participate, and they are generally those that side with the Mayor.

NGOs/POs are involved in the local special bodies created, either by law or executive order, which exist within the municipal government operations. The local development council and peace and order councils are among the local special bodies which effectively involve civil society participation. However, the legitimacy of membership of some NGO/PO was questioned by other civil society organizations due to partisan identification of the partner organizations. A testimony from an organization leader in Lupang Arenda, home of the largest community organizations, that he was pressured to resign to give way for the Mayor's preferred leader. This instance is also influenced by the adversarial relations of the rival parties of the two local top executives. Other partner organizations in local special bodies are likewise identified with the current administration.

Note that the Taytay, Rizal website has yet to include and declare a full list of accredited NGOs. However, a "list" of accredited NGOs may be generated from the Municipal Hall. See: <http://www.taytayrizal.net/accreditedorganizations.htm>

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

List of Taytay Municipal Resolutions and Ordinances, 1986 to 2009. For instance: Sangguniang Bayan Resolution Number 104, "Accrediting the Sition Ynares Lupang Arenda Neighborhood Association."

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

Comments:

Groups are accredited but it's another matter if they are allowed to participate in actual municipal governance processes.

Engineer Cervante of the NGO KKK attests that only selected groups are allowed to participate, and they are generally those that side with the Mayor.

NGOs/POs are involved in the local special bodies created, either by law or executive order, which exist within the municipal government operations. The local development council and peace and order councils are among the local special bodies which effectively involve civil society participation. However, the legitimacy of membership of some NGO/PO was questioned by other civil society organizations due to partisan identification of the partner organizations. A testimony from an organization leader in Lupang Arenda, home of the largest community organizations, that he was pressured to resign to give way for the Mayor's preferred leader. This instance is also influenced by the adversarial relations of the rival parties of the two local top executives. Other partner organizations in local special bodies are likewise identified with the current administration.

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Engineer Santiago Cervantes, NGO Representative, KKK, June 28, 2011, telephone interview.

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:

No charges were filed against the political opposition and other protesters on the issues of construction of new municipal hall and concurrent operation of the old and new public market. These issues have caused massive protest rallies in front of the new municipal hall and other key places in the town. The municipal mayor was also placed under the investigation of the Office of the Ombudsman due to graft charges. In spite of this, the municipal mayor inflicted no physical or legal intimidation to the opposing parties, no police dispersal has happened and no case of political- or election-related violence have been reported for the past decade. The Office of the Mayor has in fact initiated dialogue and conciliation efforts with the opposition. However, some organizations still complain about the alleged delays in or denial of access to government services.

References:

Greenpeace in Taytay,

see: http://www.positivenewsmedia.net/am2/publish/Main_News_1/Greenpeace_Taytay_mayor_and_EcoWaste_Coalition_agree_to_shut_down_dum

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Ms. Sherry R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

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

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

YES | NO

Comments:

Even a barangay kagawad/staff was reported to have been jailed for resisting alleged illegal orders of the Mayor. If they could do it to a local government leader, what more a NGO worker.

ABC and Sta. Ana Barangay Chair Calderon and Engr. Santiago Cervantes confirm reports of harassment and intimidation.

Others emphasize or claim that no charges were filed against the political opposition and other protesters on the issues of construction of new municipal hall and concurrent operation of the old and new public market. These issues have caused massive protest rallies in front of the new municipal hall and other key places in the town. The municipal mayor was also placed under the investigation of the Office of the Ombudsman due to graft charges. In spite of this, the municipal mayor inflicted no physical or legal intimidation to the opposing parties, no police dispersal has happened and no case of political- or election-related violence have been reported for the past decade. The Office of the Mayor has in fact initiated dialogue and conciliation efforts with the opposition. However, some organizations still complain about the alleged delays in or denial of access to government services.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Ms. Sherry R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

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

1.2. Local Media

1.2. Local Media

100

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

YES | **NO**

Comments:

The law guarantees freedom of the press. There is a ban for passing any law that can suppress this freedom.

The Sangguniang Bayan has enacted no ordinance/resolution providing for the promotion/protection/regulation of local media and free speech.

References:

Art. III, Sec. 4 1987 Constitution

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

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

12. In law, freedom of speech is guaranteed.

YES | **NO**

Comments:

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

The Sangguniang Bayan has enacted no ordinance/resolution providing for the promotion/protection/regulation of local media and free speech.

References:

Art. III, Sec. 4 1987 Constitution

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:

Even negative feedback on Mayor from an ordinary citizen gets through, via a national media website. News media (tri-media and Internet) covers issues such as the Lupang Arenda case, e.g., http://www.inquirer.net/globalnation/sec_prf/2003/dec/10-05.htm

There are no local media in the municipality of Taytay. Published public news and information are provided by the Public Information Office and other agencies of the municipal government. On the aspect of free speech, there were no legal or physical intimidation to the political opposition and other opposing forces in particular issues.

References:

<http://www.abs-cbnnews.com/feedback/10/01/09/concerned-citizen-lupang-arendataytayriza>:

http://www.inquirer.net/globalnation/sec_prf/2003/dec/10-05.htm

Interview with Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40 am.

Interview with ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

<http://rizalnewsonline.blogspot.com/2011/04/news-mayor-joric-gacula-of-taytay-acts.html>

<http://www.mb.com.ph/node/234820/taytay-mayor-probe>

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:

It's not assault but the withholding of information that is experienced. Media men are "taken for granted" and according to Engr. Cevantes, "they cannot report corruption or abuse of authority for they will not be given relevant documents as their basis of reporting..."

There are no local media in the municipality of Taytay. Published public news and information are provided by the Public Information Office and other agencies of the municipal government. On the aspect of free speech, there were no legal or physical

intimidation to the political opposition and other opposing forces in particular issues. However, the Sangguniang Bayan has enacted no ordinance/resolution providing for the promotion/protection/regulation of local media and free speech.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

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:

An online search of possible cases of media harassment has turned-out nothing.

In one particular case, Mayor Gacula, after the dismissal of the case against him, has filed no counter-charges or libel case to the person/parties involved in the filing of graft charge to the Office of the Ombudsman. He was also charged with human rights violation related to the eviction/demolition of illegal settlers, but later on dismissed. Likewise, the municipal mayor did not file any civil or criminal action against his adversaries. However, the Sangguniang Bayan has enacted no ordinance/resolution providing for the promotion/protection/regulation of reporting corruption, graft, abuse of power, or abuse of resources at the municipality level.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Ana, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

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

100

1.3. Local Public Access to Information

1.3. Local Public Access to Information

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

YES | **NO**

Comments:

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

The citizens have a legal right and administrative means of access to information at the municipal level. To clarify, the legal right of access to information was established by pertinent constitutional and statutory provisions but the right stipulating from the local government is apparently inadequate. The access to information is only protected by the administrative policy of transparency of the Taytay Municipal Government. The Sangguniang Bayan could do more in transparency and accountability measures through enacting ordinances. On other aspects, the legislation process in the local level involves public consultation and hearings with concerned stakeholders. Our experience in the interview sessions with local officials became expedient. The Office of the Mayor and other government agencies were very accommodating in providing information about the operations of their office.

References:

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

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

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

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

YES | **NO**

Comments:

The Government Procurement Reform Act (R.A. 9184); Sec. 6, Sec. 8, Sec. 11 (Republic Act 9485); Local Government Code Sec. 115. RA 9184 recognizes the need for standardization and modernization but does not necessarily entail citizens having the right to obtain public documents. RA 9485 requires the local government to disseminate information but this does not mean it guarantees citizens the right of access to information. LGC sec. 115 is about DBM being required to submit financial reports to LGUs to help them better in planning. LGC sec. 213 is about concerns on properties.

References:

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

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

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

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

YES | NO

Comments:

RA 9184 recognizes the need for standardization and modernization but does not necessarily entail citizens having the right to obtain public document. RA 9485 requires the local government to disseminate information but this does not mean it guarantees citizens the right of access to information. LGC sec. 115 is about DBM being required to submit financial reports to LGUs to help them better in planning. LGC sec. 213 is about concerns on properties. There is no freedom of information law.

The citizens have a legal right and administrative means of access to information at the municipal level. To clarify, the legal right of access to information was established by pertinent constitutional and statutory provisions but the right stipulating from the local government is apparently inadequate. The access to information is only protected by the administrative policy of transparency of the Taytay Municipal Government. The Sangguniang Bayan could do more in transparency and accountability measures through enacting ordinances. On other aspects, the legislation process in the local level involves public consultation and hearings with concerned stakeholders. Our experience in the interview sessions with local officials became expedient. The Office of the Mayor and other government agencies were very accommodating in providing information about the operations of their office.

References:

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

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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:

No records on-line but can be obtained within 5 working days; responses are available readily through the help desk and the necessary officer in charge of the information.

The citizens have a legal right and administrative means of access to information at the municipal level. To clarify, the legal right of access to information was established by pertinent constitutional and statutory provisions but the right stipulating from the local government is apparently inadequate. The access to information is only protected by the administrative policy of transparency of the Taytay Municipal Government. The Sangguniang Bayan could do more in transparency and accountability measures through enacting ordinances. On other aspects, the legislation process in the local level involves public consultation and hearings with concerned stakeholders. Our experience in the interview sessions with local officials became expedient. The Office of the Mayor and other government agencies were very accommodating in providing information about the operations of their office.

References:

Various sample documents retrieved from the Taytay Municipal Hall

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 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. 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:

Records are not free to the public. However costs are reasonable. Students can access some information/records without necessary payments regarding academic purposes.

References:

Information retrieved from the municipal hall.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The assigned research assistant did the research as an ordinary citizen when he got some of the materials. Much of the needed information was readily available from the officer in charge.

Most of the materials were readily given to us. Most were photocopied. Some were given free-of-charge.

The citizens have a legal right and administrative means of access to information at the municipal level. To clarify, the legal right of access to information was established by pertinent constitutional and statutory provisions but the right stipulating from the local government is apparently inadequate. The access to information is only protected by the administrative policy of transparency of the Taytay Municipal Government. The Sangguniang Bayan could do more in transparency and accountability measures through enacting ordinances. On other aspects, the legislation process in the local level involves public consultation and hearings with concerned stakeholders. Our experience in the interview sessions with local officials became expedient. The Office of the Mayor and other government agencies were very accommodating in providing information about the operations of their office.

Chairman Calderon of Sta. Ana said: "Noong araw humungi ako sa kanila ng mga dokumento, lalo na yung procedure sa bidding, pagkatapos ng loan nila, hindi nila ako binigyan. Kailangan natin iyon, dahil doon natin makikita na transparent talaga. Yun MC [2010-73?] ni DILG na kailangan ilalathala ang mga budget ng bawat barangay ng bawat bayan, paglalaan ng mga expenditure, kailangan i-open pa ang treasury at accounting... Wala kaming nakukuhang dokumento sa Municipyo pero sa Governor nakakakuha naman. Sa documents on properties, halimbawa, sa barangay, nakakakuha ako sa Governor kahit magkapatido sila [ni Mayor]."

References:

Information retrieved from the municipal hall

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The assigned research assistant in fact pretended to be an ordinary citizen doing research when he got some of the materials. Much of the needed information was readily available from the officer in charge.

Most of the materials were readily given to us. Most were photocopied. Some were given free-of-charge.

The citizens have a legal right and administrative means of access to information at the municipal level. To clarify, the legal right of access to information was established by pertinent constitutional and statutory provisions but the right stipulating from the local government is apparently inadequate. The access to information is only protected by the administrative policy of transparency of the Taytay Municipal Government. The Sangguniang Bayan could do more in transparency and accountability measures through enacting ordinances. On other aspects, the legislation process in the local level involves public consultation and hearings with concerned stakeholders. Our experience in the interview sessions with local officials became expedient. The Office of the Mayor and other government agencies were very accommodating in providing information about the operations of their office.

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References:

Information retrieved from the municipal hall.

ABC Chair Joselito "Joey" Calderon, concurrently Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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.

Comments:

In certain cases, denial of request of information are supplemented by list of necessary requirement missed.

The Municipal Government/Office of the Mayor can just ignore appeals.

References:

Information retrieved from the municipal hall.

ABC Chair Joselito "Joey" Calderon, concurrently Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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:

"Sang-ulat" is most regular public reporting mechanism of the municipal government; it is a newsletter-magazine-like quarterly.

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Taytay Municipal Government, "Sang-ulat" Quarterly Publication of the Municipal Council, 2010-2011.

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:

An inactive, non-updated website is available for the municipality; the newsletter as mechanism is provided on a quarterly basis however it is only supplied by the Vice Mayor's Office/Municipal Development Council (and other satellite offices) thus limited; lack of information is present due to the substance of the newsletter since it runs on a quarterly basis.

The municipal government has measures on proactive information dissemination such as websites , billboards, quarterly and annual publications. The website contains invitations to bid and procurement operations. The Office of the Vice-Mayor has been distributing quarterly publications containing, among others, resolutions/ordinances of the municipal council. However, the municipal government is short of displaying the website and other announcements in public places. Very few citizens has knowledge of the local government websites and other hotlines. This is an evidence of limited promotion of public information to the public. One contributing factor to limited public knowledge of the program or policy details is the proximity of the municipal hall. The municipal hall is located in a remote area inside the Club Manila East compound which is a kilometre away from the main road. Tricycles are not allowed to enter the vicinity of the municipal hall; public utility cabs (multicab) were occasionally transporting the residents to/fro the hall.

Although the legal right to access to information is available, citizens have very little interest in public information, i.e., budget, statistics, programs and projects. The disinterest or lack of concern can be attributed to inadequate promotion of available means of obtaining relevant public information and local government data.

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

ABC Chair Joselito "Joey" Calderon, concurrently Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Taytay Municipal Council, "Sang-ulat," Quarterly Publication, 2010 to 2011.

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

75: ..

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

25: ..

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

Category 2. Local Elections

2.1. ⁷⁴ Local Voting and Citizen Participation

2.1. Local Voting and Citizen Participation

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

Comments:

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

References:

Omnibus Election Code Sec 29; Local Government Code Sec 42

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:

From: An online PCIJ report, "May 14, 2007 · Posted in: 2007 Elections, Comelec Watch, 'No truth to Comelec claim of cleaned-up voters' list'

The way voting went in many polling precincts all over the country today seems to belie pre-election claims made by the Commission on Elections (COMELEC) that the voters' list has already been purged of double registrants, deactivated and dead voters, and those who have transferred residence.

In nearby Rizal province, for instance, at least 60 dead persons were discovered to remain among registered voters in Cainta while over a hundred double registrants in Taytay had been personally approached by volunteers of the Parish Pastoral Council for Responsible Voting (PPCRV) and advised against voting twice....

...In Taytay, Austri Basinillo, the PPCRV chair of San Lorenzo Ruiz Parish, reported that of 6,000 who turned out to vote at the Tapayan Elementary School in Barangay Sta. Ana, the Church-based election watchdog was able to process about 1,000 voters who had sought its assistance in locating their precincts. Basinillo said they were able to talk to about a hundred voters with double registration to advise them about the legal implications of voting twice."

From Kotradaya Website this is specified: "Missing master list : Voters in precincts in Brgy. Niguan, Cabuyao, Laguna as well as Kapalaran Subdivision, Row S, Brgy. San Juan, Floodway A and Brgy. San Jose in Taytay, Rizal register that their names were not found on the master list."

[http://kontradaya.org/electionmonitor/index.php?subaction=showfull&id=1273471515&archive=&start_from=&ucat=2]

References:

Interview with Miss Tess Aviles, Comelec Local Officer, 26 April 2011, Comelec Office, Taytay Municipal Government Hall, 1:30 pm.

Supreme Court docketed case on an electoral protest involving the Vice-Mayoral position: http://www.lawphil.net/judjuris/juri2007/jun2007/gr_175121_2007.html.

PCIJ. "No truth to Comelec claim of cleaned-up voters' list". Downloaded from <http://pcij.org/blog/2007/05/14/no-truth-to-comelec-claim-of-cleaned-up-voters-list>

Kontrada 2010 Elections Monitoring website, See: http://kontrada.org/electionmonitor/index.php?subaction=showfull&id=1273471515&archive=&start_from=&ucat=2

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

References:

Interview with Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

Comments:

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

References:

Sec. 3 (Batas Pambansa Blg. 52)

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.

Comments:

Political parties are free to form political parties at the municipal level without opposition however there are no cases of formation of political parties at the municipal/local level, candidates are to join national level political parties and in the history of Taytay rizal, there is still not one local political party that has been formed.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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.

Comments:

Citizens are able to run for local office even if the notion of being a nuisance candidate is clearly seen. The local Comelec has no choice but to cater to the needs of local candidates.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

Comments:

No form of harassment has been reported and any other instances of wrongdoings with regard to local elections, per the interview with the COMELEC officer. However, media reports indicate a different story.

From: An online PCIJ report, "May 14, 2007 · Posted in: 2007 Elections, Comelec Watch, 'No truth to Comelec claim of cleaned-up voters' list'

THE way voting went in many polling precincts all over the country today seems to belie pre-election claims made by the Commission on Elections (COMELEC) that the voters' list has already been purged of double registrants, deactivated and dead voters, and those who have transferred residence.

In nearby Rizal province, for instance, at least 60 dead persons were discovered to remain among registered voters in Cainta while over a hundred double registrants in Taytay had been personally approached by volunteers of the Parish Pastoral Council for Responsible Voting (PPCRV) and advised against voting twice...

...In Taytay, Austri Basinillo, the PPCRV chair of San Lorenzo Ruiz Parish, reported that of 6,000 who turned out to vote at the Tapayan Elementary School in Barangay Sta. Ana, the Church-based election watchdog was able to process about 1,000 voters who had sought its assistance in locating their precincts. Basinillo said they were able to talk to about a hundred voters with double registration to advise them about the legal implications of voting twice."

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[\[http://kontrada.org/electionmonitor/index.php?subaction=showfull&id=1273471515&archive=&start_from=&ucat=2\]](http://kontrada.org/electionmonitor/index.php?subaction=showfull&id=1273471515&archive=&start_from=&ucat=2)

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Supreme Court docketed case on an electoral protest involving the Vice-Mayoral position: http://www.lawphil.net/judjuris/juri2007/jun2007/gr_175121_2007.html.

PCIJ. "No truth to Comelec claim of cleaned-up voters' list". Downloaded from <http://pcij.org/blog/2007/05/14/no-truth-to-comelec-claim-of-cleaned-up-voters-list>

Kontrada 2010 Elections Monitoring website, See: http://kontrada.org/electionmonitor/index.php?subaction=showfull&id=1273471515&archive=&start_from=&ucat=2

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

75: ..

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

25: ..

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

2.2. Integrity of Local Elections

2.2. Integrity of Local Elections

YES | **NO**

Comments:

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

References:

Omnibus Election Code Sec 52

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

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

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

YES | **NO**

Comments:

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

References:

Art IX Sec 1-2 1987 Constitution

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:

Appointments by the local COMELEC have qualifications and criteria; schedule of hiring of employees are given so that no hiring of employees are in action before and during campaign period to avoid conflict of interest.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

COMELEC has full time staff especially during electoral proceedings wherein they are mandated to work 24/7 during the said period.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Reports are delayed due to the inconsistency of passing of the requirements of the electoral candidates.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

Penalties are given to the parties with which an offense has been committed and proceedings will be handled by the national level COMELEC and its agency dedicated to their rules and regulations.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Voter registration are rendered efficient through their office at the municipal hall where it is available and open for public access.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

Election protests can be made through the judicial system. Here are examples of cases filed and decided on:

1. http://www.lawphil.net/judjuris/juri1946/aug1946/gr_I-543_1946.html
2. http://www.lawphil.net/judjuris/juri1999/aug1999/gr_127318_1999.html

There are, in particular, "Rules of Procedure in Election Contests Before the Courts Involving Elective Municipal and Barangay Officials". These are pursuant to the provisions of Article VIII, Section 5(5) of the Constitution, designed "to achieve an expeditious, inexpensive and just determination of election cases before the courts." The Philippines' Supreme Court has adopted and promulgated these rules: <http://sc.judiciary.gov.ph/rulesofcourt/2007/may/AM.NO.07-4-15-SC.pdf>

The Philippines' Commission on Elections (COMELEC) has its "Rules of Procedures" which specifies actions to be taken in case of protests (See: Part V, Particular Actions or Proceedings, A. Ordinary Actions, Rule 20 – Election Protests): <http://www.chanrobles.com/comelecrelulesofprocedure.htm>

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

References:

Joseph Gino T. Jaralve, Lecturer

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:

Military and security forces are rendered neutral during electoral procedures.

References:

Comelec Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

References:

Omnibus Election Code Sec 180

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:

The agency committed to the observation and monitoring of the electoral proceedings are effective through the COMELEC staff, designated poll watchers, and smartmatic staff.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

Equal and just campaign of candidates are advocated by the municipality as well as advertisements.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

No cases of electoral violence were reported to us.

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Councilor Carlito Gonzaga, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 12:40pm.

Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Sanguniang Bayan Secretariat Noli Del Rosario, 26 April 2011, Office of the SB Secretariat, Taytay Municipal Government Hall, Taytay, Rizal, 11:00am.

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.
ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

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.

2.3. Local Political Financing

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2.3. Local Political Financing

45

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

YES | **NO**

Comments:

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

References:

Omnibus Election Code Sec. 94-112

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

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

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

YES | **NO**

Comments:

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

References:

Omnibus Election Code Sec. 94-112

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

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

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

YES | **NO**

Comments:

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

References:
Omnibus Election Code Sec. 94-112

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

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

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

YES | **NO**

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

References:
Omnibus Election Code Sec. 99 & 108

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

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

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

YES | **NO**

Comments:
The law provides that failure to file statements or meet requirements of elected officials would result in not allowing them to perform the duties of their office. However, there is no requirement that these statements should be independently audited.

References:
Omnibus Election Code

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

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

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

YES | **NO**

Comments:

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

References:

Omnibus Election Code Sec.110

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:

Limits regarding the financing of electoral campaigns are imposed; however, monitoring is wanting and thus loopholes are possible.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, August 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:

Limits regarding the financing of electoral campaigns are imposed but there is lack of monitoring thus loopholes are possible.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

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

Comments:

The agency can investigate regarding the monitoring procedure however they are mainly reliant on the national level COMELEC and cannot act on their own.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

Penalties on offenders are only rendered available if the local COMELEC has passed the formal complaint to the national level COMELEC thus limiting its effectiveness.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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.

**Comments:**

No random auditing is being implemented. The disclosure of statement of distribution is the sole mechanism of transparency with regards to a candidates financial records.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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.

**Comments:**

Individual candidates that have been elected into office before are always submitting disclosure of statement of contributions, however candidates that are new to the electoral proceedings are not much compliant to the process.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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:

Records are to be acquired with delay and to be acquired only through strict requests of the person wishing to have the document.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, December 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:

Not all citizens are able to acquire the document, strictness of the acquisition of data is strictly observed.

References:

COMELEC Officer Tess Aviles, 26 April 2011, Local Office of the COMELEC, Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

Category 3. Local Government Accountability

3.1. ⁷²Local Executive Accountability

3.1. Local Executive Accountability

63

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

100 | 75 | 50 | 25 | 0

Comments:

Reasons were not given regarding the actions of the Mayor on the repossession of the government properties in health center of Brgy. Sta. Ana after the Brgy. Elections; informants have said that the incident was only done by the mayor and not other executives.

Actions of the Municipal Council are at least featured in the Sang Ulat publication.

References:

interview with Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

interview with Councilor Carlito Gonzaga, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 12:40pm.

interview with Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

Sang-ulat, Publication of the Municipal Council of Taytay, Rizal, 2007-2011. See: www.facebook.com/ovmtaytay?sk=app_4949752878

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 censors 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's office releases reports but fails to mention key concerns on issues such as on municipal infrastructure projects and their costs and related political dissatisfaction (e.g., imprisonment of political opponents).

References:

Interview with Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

Website of the Taytay Municipal Government.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

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

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:

Various DILG issuances indicated intervention of DILG in selected concerns. See for instance:
http://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/DILG-Memo_Circular-2011524-48a6585ba2.pdf

In the case of Barangay Sta Ana, DILG has responded to issues raised by the Chairman against the Municipal Government, but the case remains pending.

References:

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Government of the Republic of the Philippines, House of Representatives, House Resolution No. 1136, Introduced by Akbayan Party-List Representative Ana Theresia Hontiveros-Baraquel, "A Resolution Directing the Committee on Good Government and Public Accountability to Conduct an Inquiry, in aid of legislation, into the Alleged Anomalies and Irregularities Surrounding the Construction of the New Taytay Municipal Building." See: <http://angattaytay.wordpress.com/hr-1136/>

Various documents regarding appeal to the Department of Interior and Local Government regarding a case involving Barangay Sta. Ana.

<http://www.dilg.gov.ph/news.php?id=381&newsCategory=Central>

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, August 2011.

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

75: ..

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

25: ..

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

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

Comments:

A clear example is the creation of the office of "Community Development Officers" in the Puroks of Bgy. Sta Ana that clearly undermine the authority of the locally elected leaders who are not political favored by the Mayor.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Cervantes, Santiago. NGO Representative, Taytay Municipal Development Council, and head of the NGO KKK, June 28, telephone interview and email correspondence 29 June 2011.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Government of the Republic of the Philippines, House of Representatives, House Resolution No. 1136, Introduced by Akbayan Party-List Representative Ana Theresia Hontiveros-Baraquel, "A Resolution Directing the Committee on Good Government and Public Accountability to Conduct an Inquiry, in aid of legislation, into the Alleged Anomalies and Irregularities Surrounding the Construction of the New Taytay Municipal Building." See: <http://angattaylay.wordpress.com/hr-1136/>

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

Comments:

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

References:

Art. XI, Sec. 1-2 1987 Constitution

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

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

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

YES | **NO**

Comments:

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

References:

Local Government Code Sec. 91

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

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

Comments:

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

References:

Local Government Code Sec. 91

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

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

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

YES | **NO**

Comments:

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

References:

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

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

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

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.



References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Gino Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 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.



Comments:

Asset disclosures of officials are not audited nor monitored except through the COMELEC during electoral procedures.

References:

Interview with Councilor Carlito Gonzaga, 2 May 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

Interview with Jun Aquilino, Executive Secretary to the Vice-Mayor, 2 May 2011, Office of the Vice-Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

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.



Comments:

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

References:
Local Government Code Sec 91

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Records cannot be obtained by any citizen; only the COMELEC has the right to acquire such documents.

References:

Interview with Councilor Carlito Gonzaga, 2 May 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

Interview with Jun Aquilino, Executive Secretary to the Vice-Mayor, 2 May 2011, Office of the Vice-Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Records cannot be obtained by any citizen; only the COMELEC has the right to acquire such documents.

References:

Interview with Councilor Carlito Gonzaga, 2 May 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

Interview with Jun Aquilino, Executive Secretary to the Vice-Mayor, 2 May 2011, Office of the Vice-Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

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

75: ..

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

25: ..

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

3.2. Local Legislative Accountability

3.2. Local Legislative Accountability

70

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

YES | NO

Comments:

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

References:

Art. XI, Sec. 1-2 1987 Constitution

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

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

DILG Region IV-A Annual Report 2010 (http://www.dilg.gov.ph/PDF_Report/DILG-Reports-2011614-7747c78405.pdf)

DILG Memo-circular 2011-045, Review of existing ordinances enacted by the Sangguniang Barangay which imposes taxes, fees and charges beyond its taxing power which include, but not limited to micro-financing institutions operating thereat. Posted March 28, 2011, (<http://www.dilg.gov.ph/issuance.php?id=1338&issuancetype=mc>)

DILG Memo-circular 2007-024 amending circular no. 92-17 dated July 29, 1992, entitled, Policy Guidelines Governing the Submission and Review of Executive Orders, Annual Reports, Supplemental or Special Reports of Provinces, Cities, Municipalities and Barangays, and Related Information, Posted: December 28, 2007 (<http://www.dilg.gov.ph/issuance.php?id=343&issuancetype=mc>)

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

Mai Gevera, PIA Press Release, 2009/12/02, "Local execs can be sued for negligence on drugs campaign" (See: <http://www.pia.gov.ph/?m=12&fi=p091202.htm&date=12/02/2009>)

References:

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

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

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

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

YES | **NO**

Comments:

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

Section 7. Statement of assets and liabilities. — Every public officer, within thirty days after assuming office, thereafter, on or before the fifteenth day of April following the close of every calendar year, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of department or Chief of an independent office, with the Office of the President, a true, detailed sworn statement of assets and liabilities, including a statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their first statement on or before the fifteenth day of April following the close of the said calendar year. (As amended by RA3047, PD 677, January 24, 1978).

References:

Local Government Code, Sec. 91.

Sta. Ana Barangay Chairman and ABC President Joselito "Joey" Calderon. Interview, 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Code of Conduct and Ethical Standards for Public Officials and Employees, Rep. Act. No. 6713, § 8 (1987) (Phil.), at www.ombudsman.gov.ph/UserFiles/File/Republic_Act_No_6713.pdf

The Philippine Center for Investigative Journalism has posted the asset declarations of Congress and the Cabinet in an online database at <http://i-site.ph>

Anti-Graft and Corruption Practices Act (RA3019), Section 7 (As amended by RA3047, PD 677, January 24, 1978).

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:

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

Calderon, Joselito "Joey". Chairperson, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. Interview, 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

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

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | NO

Comments:

Submission of SALNs is required. However no independent auditing of these instruments is legally required. See this related discussion:
"Statements of Assets and Net Worth: A Critical Tool to Combat Public Sector Corruption," Yvonne T. Chua, 19 March 2010; from http://www.transparencymonitoring.net/index.php?option=com_content&view=article&id=74:statements-of-assets-and-net-worth-a-critical-tool-to-combat-public-sector-corruption&catid=44:stories&Itemid=79.

References:

Section 7, Republic Act 3018.

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

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

YES | NO

References:

Section 5 (e) of REPUBLIC ACT NO. 6713: AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

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:

We tried to get copies of SALNs from the Municipal Hall. We were told we will be given copies, but were later given various reasons why the documents can not be released yet.

References:

Sanguniang Bayan Secretariat Noli Del Rosario, 26 April 2011, Office of the SB Secretariat, Taytay Municipal Government Hall, Taytay, Rizal, 11:00am.

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

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:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

References:

Local Government Code Sec 52 e

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Records can be obtained within 5 working days such as copies of ordinances passed.

References:

Sanguniang Bayan Secretariat Noli Del Rosario, 26 April 2011, Office of the SB Secretariat, Taytay Municipal Government Hall, Taytay, Rizal, 11:00am.

List of Local Ordinances and Resolutions of the Municipality of Taytay Rizal

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:

Legislative records are free of charge but formal request of the document is necessary and payment regarding photocopying of the documents.

References:

Sanguniang Bayan Secretariat Noli Del Rosario, 26 April 2011, Office of the SB Secretariat, Taytay Municipal Government Hall, Taytay, Rizal, 11:00am.

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.

70

3.3. Barangay Accountability

3.3. Barangay Accountability

81

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

YES | NO

Comments:

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

References:

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

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

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

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

YES | NO

Comments:

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

References:

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

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

NO: A NO score is earned 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

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

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

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

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

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

YES | NO

Comments:

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

References:

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

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

Public documents are readily available at the Brgy offices and can be obtained within 5 working days. In addition, it has to be noted that not all the barangays are as diligent in documentation and putting things online. Some barangays chairs are not as keen in being transparent.

References:

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Webpage — FB Account: <https://www.facebook.com/home.php#!/profile.php?id=100002201693951>

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, August 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Photocopying are the only costs of retrieval of public documents in the Barangay level.

References:

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, August 2011

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

75: ..

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

25: ..

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

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

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

Comments:

Barangay Chairman Calderon himself remarked that the assemblies need more participation. Venue can be constraining; they have big barangays. The more diligent officers of course hold several assemblies in different venues. Some other chairmen are described as not being to keen on calling for assemblies.

Some local people see the assemblies as irrelevant and as merely an agenda-legitimizing instrument. See article from Mananghaya (Philippine Star) in the source identified above.

References:

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, August 2011.

"Barangay assemblies report heavy turnout," James Mananghaya (The Philippine Star) Updated March 26, 2006 12:00 AM
Comments (0)
Downloaded from: <http://www.philstar.com/Article.aspx?articleId=328139>.

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.

75

4.1. Local Budget Processes

4.1. Local Budget Processes

72

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

YES | NO

Comments:

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

No local/municipal legislation, but there are pertinent DILG Memos.

References:

Full Disclosure of Local Budget and Finances, and Bids and Public Offerings
Reference Number: MC2010-083, Posted: September 1, 2010 (<http://www.dilg.gov.ph/issuance.php?id=235&issuancetype=mc>)

Posting of Barangay Budget, Statement of Income and Expenditures and other Barangay Financial Transactions, and Annual Procurement Plan
Reference Number: MC2010-149, Posted: December 16, 2010 (<http://www.dilg.gov.ph/issuance.php?id=322&issuancetype=mc>)

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

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

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

YES | NO

Comments:

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

References:

Memorandum Circular 2010-83

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

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

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

YES | **NO**

Comments:

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

References:

Local Government Code Sec. 316 (h); IRR of the LGC Art. 412 (h)

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

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

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

YES | **NO**

Comments:

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

References:

Local Government Code Sec. 97; IRR of the LGC Art. 189, 190 (e)

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

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

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

YES | **NO**

Comments:

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

References:

Full Disclosure of Local Budget and Finances, and Bids and Public Offerings. Reference Number: MC2010-083, Date Posted: September 1, 2010 (<http://www.dilg.gov.ph/issuance.php?id=235&issuancetype=mc>).

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

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

References:

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

"Sang-ulat" Municipal Council publication, 2010-2011/

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

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

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

YES | **NO**

Comments:

The NGO Representative, Engr. Cervantes, complained that they were not provided with information that they have requested regarding the budget--these are specifics and reports on actual disbursements.

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

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

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

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

YES | **NO**

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

George Ricardo Gacula II, "Mayor's Budget Message to the Sangguniang Bayan of Taytay, Rizal", 15 October 2010 (photocopied material). See online posting at: www.facebook.com/ovmtaytay?sk=app_4949752878

Sang-ulat, Publication of the Municipal Council of Taytay, Rizal, 2007-2011. See: www.facebook.com/ovmtaytay?sk=app_4949752878

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**

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Sang-Ulat, Issue 12, April-June 2010, Published report of the Taytay Sangguniang Bayan, Office of the Vice-Mayor or Taytay, 2010.

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

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

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

YES | **NO**

Comments:

According to the Vice-Mayor, they hold Municipal Council hearings at the barangay level where even the budget is presented.

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

George Ricardo Gacula II, "Mayor's Budget Message to the Sangguniang Bayan of Taytay, Rizal", 15 October 2010 (photocopied material).

Various budget materials (photocopied) from the Municipal Council and Bgy. Santa Ana. 2010-2011.

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

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

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

YES | **NO**

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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

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

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

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

Comments:

Budget information are readily available for viewing or photocopying at the budget office of the municipal hall. Our Research Assistant tried getting copies and he was given access to documents. Detailed finance materials needed to be asked by writing a formal letter.

References:

Municipal Budget Officer David Atanacio Jr., 5 April 2011, Municipal Budget Office Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Municipal Budget Plan 2010 of Municipality of Taytay Rizal

Mercado, Janet de Leon. Vice Mayor, Municipality of Taytay, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Rimando, Alfredo. Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay. Taytay Municipal Government Hall, Hilario Avenue, San Juan, Taytay, Rizal. 30 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

Budget documents are available at a fixed cost however it is free for students regarding academic purposes; no on-line mechanisms regarding the budget documents are available.

References:

Municipal Budget Officer David Atanacio Jr., 5 April 2011, Municipal Budget Office Taytay Municipal Government Hall, Taytay, Rizal, 2:00pm.

Municipal Budget Plan 2010 of Municipality of Taytay Rizal

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 "Budget Process" at least withing the Sangguniang Bayan or SB (Municipal Council) is quite open and well-documented through reports and minutes of SB sessions. The problem is in the actual disbursements and auditing.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Published reports of the Office of the Vice Mayor, 2009-2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

Although there is no actual legislation for people's participation in budget debates and discussions, House Bill No. 3773 or the People's Participation in Budget Deliberation Act of 2010 is subject to a second reading this month. The proponents of the bill are Lorenzo Tanada and Cresent Paez. The act shall "guarantee the participation of CSOs in the formulation, monitoring and evaluation of the national and local budgets to ensure that the annual appropriations will be an instrument of development and reflective of national and local objectives, strategies and plans."

References:

No actual legislation.

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:

There is token representation in the budget deliberations. Our informant including the Barangay Chairman of Sta Ana, affirm that there is little that they can do to fully assert interests of their respective sectors/constituents.

I put 25 because the the "local opposition" network as lead by the Vice Mayor does link up with NGOs and does local assemblies at the barangay level to try to bring the municipal hearings at venues closer to the people and, at times, local people reportedly speak up in these hearings and make the councilors think twice as the Vice Mayor herself shared.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Calderon, Joselito "Joey". Chairperson, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. Interview, 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

References:

IRR of the LGC , 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

Comments:

The ABC President and Vice Mayor both share that releases are made. These are however at times delayed for "understandable reasons." They expect these delays as "natural" part of the workings of the public bureaucracy.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

The sources gave conflicting answers. The NGO representative said that they are not able to access specified information. The barangay chairperson said the data is accessible. Probably the barangay chair was, however, referring to his barangay's relative openness and transparency in managing its affairs compared to the municipal government.

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Engineer Santiago Cervantes, NGO Representative in the Municipal Development Council, KKK, June 28, telephone interview.

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

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:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

List of Taytay Municipal and Ordinances. 2004-2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

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

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

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

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

YES | NO

Comments:

The law clearly mandates the legislative council to authorize budget plan on or before the end of the current fiscal year . In cases

where the council fails, the authorized appropriations of the preceding year is reenacted. This implies that it is imperative that it is the legislative council who authorizes the budget.

References:

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

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

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

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

100 | 75 | 50 | 25 | 0

References:

Vice Mayor Janet de Leon Mercado, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Councilor Carlito Gonzaga, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 12:40pm.

Councilor JV Cabitac, 29 March 2011, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 11:40am.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

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

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

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

4.2. Local Procurement

4.2. Local Procurement

88

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

YES | NO

Comments:

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

References:

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

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

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

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

YES | NO

Comments:

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

References:

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

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

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

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

YES | NO

Comments:

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

References:

Local Government Code Sec. 364; IRR of the LGC Art. 436 (f); 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:

Procurement records are available for access by NGOs and citizens but details of procurements are not fully provided. This is what the NGOs—especially in the Angat Taytay network—give as feedback as they have been trying to monitor the Municipal Government closely. Note that in the official Taytay LGU website, the procurement plan is uploaded. This, however, provides very general information; such information is very limited.

The Barangay Chairman of Santa Ana has been asking for such detailed information but has not been provided such by the Municipal government.

References:

Auditor III Edward Estrella, 2 May 2011, Office of the Auditor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

Website of the Taytay Municipal Government. See: <http://www.taytayrizal.net/annualprocplan.htm>.

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:

Procurement records are available for access but not all of them. It seems not all information is readily available.

References:

Auditor III Edward Estrella, 2 May 2011, Office of the Auditor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

Website of the Taytay Local Government. See: <http://www.taytayrizal.net/annualprocplan.htm>.

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:

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

References:

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

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

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

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

YES | **NO**

Comments:

There are clear guidelines on corresponding penalties to be given to companies who violated procurement regulations. Specifically, 1 year suspension from the bidding process for the 1st offense and 2 years for 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 exists in the law in all stages of procurement process whereby the losing bidder submits a verified position paper and pays a non-refundable protest fee. The timeframe can be found in the LGC.

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 to what kinds of procurement 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:

It is indicated in the law that trainings are "sustained" which means that there is a requirement for the professionalization of procurement personnel. Rule XX of the IRR requires the Government Procurement Policy Board to establish a sustainable program for the procurement officers and employees, and to make sure that regular trainings are held.

References:

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

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

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

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

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

Comments:

Advertisements of the procurement projects are only advertised if the budget has allocated resources for advertising mechanisms, if there would be no budget rendered available for advertisements, there will not be any advertisements.

References:

Auditor III Edward Estrella, 2 May 2011, Office of the Auditor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

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

Comments:

Oversight of the procurement processes are the local auditors and technical support team however not much effectiveness is dedicated due to the main tasks of the local auditors which is not on the field of procurement.

References:

Auditor III Edward Estrella, 2 May 2011, Office of the Auditor, Taytay Municipal Government Hall, Taytay, Rizal, 1:00pm.

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.

88

4.3. Local Audit

4.3. Local Audit

64

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

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

Comments:

Local officials attest to the relative independence of the auditor. However, they are concerned about the fact that COA findings are not used to pursue possible cases against the incumbent, even regarding items from the previous term. An example would be on the project to set up a new Municipal building which uses loans made by the local government.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

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:

Audit findings are used to pursue possible cases against incumbent officials. It is the NGOs that find COA (audit) reports useful. The local officials interviewed however express the view that COA reports are not so useful in pursuing reforms. They believe more citizen involvement is necessary. It cannot be 100 because the informants believe that the incumbent may still unduly influence audit outputs.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

Tobit Cruz, Consultant of Bgy. Sta Ana and member of the NGO Center for People's Empowerment, Taytay, Rizal, personal correspondence, August 2011

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

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:

There is no COA reports on Taytay, Rizal that is available online, unlike some localities.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

www.dilg.gov.ph

www.coa.gov.ph

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

Although there is no law specific to requiring audit reports to be publicly accessible, the clause in the Constitution may be enough to warrant this a positive score.

Philippine Constitution, Article II, Section 28 — Declaration of Principles and State Policies Principles. Sec. 28: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

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

There are specific circulars, memoranda, resolutions, and related administrative instruments and documents which may be searched and accessed through the website of the Commission on Audit (COA).

There are also annual reports, including those from the local government units which can also be downloaded from the COA website.

See <http://www.coa.gov.ph/>.

References:

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

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

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

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

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

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

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

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

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

4.4. Local Taxes

4.4. Local Taxes

75

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:

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:

The only problem really is that the information is not updated or available online. In other municipalities, such information is readily available and is even posted openly in the Municipal Hall. In Taytay, one has to go to the LGU hall and ask for the information.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Ines, Billy. Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

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

YES | **NO**

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

An Ordinance enacting the Revenue Code of Taytay Province of Rizal 1986 (Resolution Number 9)

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

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

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

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

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Ines, Billy. Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

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

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

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Ines, Billy. Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

Category 5. Local Civil Service

5.1. ⁶⁰ Local Civil Service Regulations

5.1. Local Civil Service Regulations

75

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

YES | NO

Comments:

The law guarantees the right to self-organization of government employees to further and pursue their interests. They are also allowed to form labor management committees and other forms of worker's participation schemes in conjunction with appropriate government authorities.

References:

Administrative Code 1987, Book V Chapter 6 Sec. 38

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

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

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

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

Comments:

The primary qualification appears to be loyalty to the Mayor especially in appointment to key and sensitive positions. The Vice Mayor herself laments that even old-timers in the Municipal Hall can readily be reassigned or dismissed by the Mayor with no valid need or concern to be addressed.

References:

Cabitaç, Jan Victor, B. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 11:40am.

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

de Leon, Janet Mercado, Vice Mayor of Taytay, Rizal, 29 March 2011, Office of the Vice Mayor, Taytay Municipal Government Hall, Taytay, Rizal, 10:40am.

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:

Vice Mayor's own kins in the Municipal Hall were removed as soon as the Mayor sat in office. Those identified with the Vice Mayor are either re-assigned or removed.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

The law clearly states that one of the prohibited acts and transactions of civil servants is to solicit or accept, indirectly or directly any gift with connection to his or her function in the office.

References:

Code of Conduct and Ethical Standards for Public Officials and Employees (RA 6173) Sec. 7 (d)(1); Anti-Graft and Corrupt Practices Act (RA 3019) Sec. 3 (c)

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

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

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

YES | **NO**

Comments:

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

References:

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

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

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

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

100 | 75 | 50 | 25 | 0

References:

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 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

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

5.2. Local Whistle-blowing Measures

5.2. Local Whistle-blowing Measures

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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 law provides sufficient benefits and protection to those who are accepted in the witness protection program—this may serve the need of prospective whistle blowers.

References:

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

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

This has been proven through the imprisonment of Hon. Calderon, Hon. Cabitac, and the secretary of Hon. Calderon.

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 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:

Although the law provides sufficient benefits and protection to those who are accepted, it does not really prevent recrimination from happening. What it really provides are other benefits such as housing, alternative livelihood, removal from work because of absences, travel and subsistence expenses, medical treatment and death insurance.

References:

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

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

This has been proven through the imprisonment of Hon. Calderon, Hon. Cabitac, and the secretary of Hon. Calderon.

References:

ABC Chair Joey Calderon, Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chair, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

100: Private individual whistleblowers in the city/municipality can report abuses of power without fear of negative consequences. This may be due to robust mechanisms to protect the identity of whistleblowers or may be due to a culture that encourages disclosure and accountability.

75: ..

50: Whistleblowers among private individuals in the city/municipality are sometimes able to come forward without negative consequences, but in other cases, whistleblowers are punished for disclosing, through official, such as memo warnings and job reassignments, or unofficial means.

25: ..

0: Whistleblowers among private individuals in the city/municipality often face substantial negative consequences, such as losing a job, demotion or some form of harassment, including threats to one's life and one's family.

170. In law, there is an internal mechanism (i.e. phone hotline, e-mail address, local office) through which civil servants can report corruption in the city/municipality.

YES | NO

Comments:

The Office of the Ombudsman has an online and telephone mechanism where citizens can file a complaint. The complaints offered through these mechanisms are considered preliminary and the complainant still needs to go to their office for confirmation.

and submission of evidence. The ombudsman entertains anonymous reporting in cases where the complaints contain sufficient leads or particulars to enable the taking of further action.

References:

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 Constitution, Art. IX Sec. 5

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

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

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

100 | 75 | 50 | 25 | 0

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

No actual legislation for whistle-blowers.

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

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

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

100 | 75 | 50 | 25 | 0

References:

Calderon, Joselito "Joey". Chair, Association of Barangay Chairpersons (ABC) and concurrent Chairperson of Barangay Sta. Ana. 19 April 2011, Office of the Barangay Chairperson, Barangay Sta. Ana, Taytay, Rizal, 2:00pm.

Gonzaga, Carlito. Councilor, Office of the Councilor, Taytay Municipal Government Hall, Taytay, Rizal, 29 March 2011, 12:40pm.

Jaralve, Joseph Ginno T. Lecturer, Social Science Department, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, telephone interview and email correspondence, 25 June to 2 July 2011.

100: Whistleblowers who report incidents of corruption or misuse of resources are always rewarded according to what is provided by law.

75: ..

50: Whistleblowers who report incidents of corruption or misuse of resources are rewarded according to what is provided by law, but there are exceptions. The reward may be difficult to obtain, or it may take a long period to obtain the reward due to pressure exerted by powerful officials.

25: ..

0: Whistleblowers who report incidents of corruption or misuse of resources are rarely or never rewarded according to what is provided by law. The process of obtaining rewards is cumbersome, or powerful officials are systematically able to prevent whistleblowers from obtaining their rewards.

Category 6. Local Regulatory Functions

6.1. ⁶⁹ Local Health Regulation

6.1. Local Health Regulation

68

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.

Materials or information on specific issues may be requested from the pertinent office in the Taytay Municipal Government Hall.

References:

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

Listing of Taytay Municipal Government Resolutions and Ordinances, 1986 to present.

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 sanitation permit and other permits do not indicate any hotline or email address where complainants can report incidence of violations to health standards. The sanitation officer said that any complainant may call their office or the Office of the Mayor but even the sanitation himself can hardly recall the number of the said offices. The website does not contain telephone numbers and other hotlines in its "Contact Us" page in their website. This is a clear evidence that the public can hardly be knowledgeable on alternative electronic access to the local government aside from personally visiting the offices. However, the Office of the Mayor and the Municipal Health Office assure that anyone is welcome to visit their office for complaints and suggestions.

The environmental regulation program of municipal government is now more promising since the Municipal Environmental Office was created two months ago.

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

The Sanitation Department of the Municipal Health Office complains the insufficient manpower to effectively enforce and monitor basic health standards on business. According to Engr. Cervantes, the ratio of a sanitation officer to the population is 1: 25,000 which is evidently problematic. Many business establishments, especially food-related, do not display their sanitation permit in public view as specified by law, "must be displayed in conspicuous place". Most business establishments in the illegal-settlers area do not have sanitation permit due to the incapacity of the sanitation office to monitor the activities of small-scale business like "ihaw-ihaw" and "turo-turo". Ambulant vendors or "maglalako" do not have to secure sanitation permit for their business but only health certification for the vendor himself/herself. There are two major reasons why sanitation permit is not strictly required in small-scale business establishments in illegal settlers' community (mostly found in Mangahan Floodway and banks of Laguna de Bay) and ambulant vendors: one, lack of zoning clearance from the engineering office (logically, illegal settlers are in dispute with landownership or environmental clearances and ambulant vendors are mobile) and; two, these financial capability of these business units cannot afford to pay necessary fees and charges required by the Business Permits and Licensing Office which can amount up to P5,000.00 for a junk shop business, for example.

Again, to note, the environmental regulation program of municipal government is now more promising since the Municipal Environmental Office was created two months ago.

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

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

References:

Ms. Sherry R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

180. In practice, city/municipal government offices can make recommendations for improved public health regulations based on compliance activities.

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

Comments:

No active electronic means (e.g., website/web link) is used to gather feedback. But the Office of the Mayor and the Municipal Health Office assure that anyone is welcome to visit their office for complaints and suggestions.

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

YES | **NO**

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:

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 municipal government has measures on proactive information dissemination such as websites, billboards, quarterly and annual publications. The Office of the Vice-Mayor has been distributing quarterly publications containing, among others, resolutions/ordinances of the municipal council. However, the municipal government is short of displaying the website and other announcements in public places. Very few citizens have knowledge of the local government websites and other hotlines. This is an evidence of limited promotion of public information to the public. One contributing factor to limited public knowledge of the program or policy details is the proximity of the municipal hall. The municipal hall is relatively difficult to access as it is located in a remote area inside the Club Manila East compound which is a kilometre away from the main road. Tricycles are not allowed to enter the vicinity of the municipal hall; public utility cabs (multicab) were occasionally transporting the residents to/fro the hall.

There are mechanisms but hardly effective. For instance, the website's content is very wanting.

References:

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Ana, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

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

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

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

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

100 | 75 | 50 | 25 | 0

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

6.2. Local Safety Regulation

6.2. Local Safety Regulation

70

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

YES | **NO**

Comments:

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

References:

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

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

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

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

YES | **NO**

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

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

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

**Comments:**

The lack of staff has been consistently expressed by the informants, especially considering the growing population and number of establishments in the area. As of our last contact with the Office of the Vice Mayor, there is need to still identify the actual staff needs of the whole LGU. The important point to note is that there is a perception that there is a need to have more skilled personnel for the needed operations.

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

**References:**

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

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.

References:

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

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Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

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Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

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

References:

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

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

6.3. Local Environmental Regulation

70

6.3. Local Environmental Regulation

70

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**

Comments:

To note, the environmental regulation program of municipal government is now more promising since the Municipal Environmental Office was created two months ago.

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

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

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

100 | 75 | 50 | 25 | 0

Comments:

The environmental regulation program of municipal government is now more promising since the Municipal Environmental Office was created two months ago.

As in the related items on staffing, it should be noted that the lack of staff has been consistently expressed by the informants, especially considering the growing population and number of establishments in the area. As of our last contact with the Office of the Vice Mayor, there is need to still identify the actual staff needs of the whole LGU. The important point to note is that there is a perception that there is a need to have more skilled personnel for the needed operations.

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

100 | 75 | 50 | 25 | 0

Comments:

In 2010, local government of Taytay has expressed its dissent to EO 854 from Malacañang declaring of certain portion of Napindan Channel, Manggahan Floodway and Lupang Arenda as inhabitable. This incidence shows that the local government is giving preferential treatment to the illegal settlers thus tolerating any business and other activities therein which is in itself violable to environmental and other pertinent laws.

References:

Ms. Sherry R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

200. In practice, city/municipal government offices can make recommendations for improved environmental protection regulations based on compliance activities.

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

References:

Joseph Gino Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

YES | NO

Comments:

There 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.

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

100 | 75 | 50 | 25 | 0

References:

Ms. Sherryl R. Medina, Former SK Chairman 1992 – 1995, Brgy. Sta.Anna, Taytay, Rizal, College of Arts and Sciences of Asia and Pacific, Jem Bldg., Rizal Avenue, Taytay, Rizal, 30 June 2011.

Mr. Eduardo Macawili, PTA President and Homeowners Association President, Brgy. Sta. Ana, Taytay, Rizal, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

203. In practice, citizens can access reports on compliance of businesses with environmental protection standards at a reasonable cost.

100 | 75 | 50 | 25 | 0

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Alfredo Rimando, Executive Assistant to the Vice Mayor, Office of the Vice-Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

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

25: ..

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

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

YES | **NO**

Comments:

The law requires the city/municipal government to come up with a citizen's charter to be posted in the main entrance of offices or at the most conspicuous places which provides the procedure of filing complaints. Although not specific, complaints on public safety standards may be included here. Moreover, the DENR site, has a feedback mechanism where the citizen can send a message.

References:

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

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

References:

Joseph Ginno Tiburcio-Jaralve, Lecturer, College of Arts and Sciences of Asia and the Pacific, Taytay, Rizal, 28 June 2011.

Engr. Christian Cervantes, Sanitation Department Head, Municipal Health Office, Municipal Government of Taytay, Municipal Health Office, Ynares Center, Dolores, Taytay, Rizal, 30 June 2011.

Mr. Eleno Tolentino, Department Head Business Permit & Licensing Office, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

Mr. Billy Ines, Administrative Officer V and Executive Secretary to the Mayor, Office of the Mayor, Municipal Government of Taytay, Taytay Municipal Hall, Hilario Avenue, San Juan, Taytay, Rizal, 30 June 2011.

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

75: ..

50: The city/municipal government initiates investigations on reported violations of environmental protection standards in the city/municipality, but it is limited in its effectiveness. It may be slow to act, unwilling to take on politically powerful offenders,

reluctant to cooperate with other investigative agencies, or occasionally unable to enforce its judgments. Complainant-citizens are sometimes not updated on the status of investigations.

25: ..

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