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Freedom of Information in the context of Accessibility and Online Collaboration

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Abstract: The recent COP 21, the APEC summit, Trans-Pacific Partnership initiatives, the ASEAN integration, the country's membership to Asian Infrastructure Investment Bank (AIIB) and other bevy of agreements entered into by the government impact in so many ways on how people conduct their businesses and affairs. Being informed becomes a prime consideration in governance and being online is one of the ways in which citizens could properly participate in the affairs of the state. The study sought to identify the significant items which could enhance government transparency using the new media as a platform for an enabling setting of empowerment. Key government sites were reviewed using a critical analytic approach. Implications and consequences were evaluated in the context of people's participation in governance and state affairs. Results indicate that full realization of new media specifically online communicative platforms and networks in bringing relevant information to the public is in the formative stages as concerned government agencies have not engaged in massive digitalization or if such information were already digitized, government is remiss in making such information accessible to the digital public. The IT sector, academic, civil society organizations and SMEs play a vital role in keeping a functional digital network favorable to maximize citizen participation in governance. The advocacy for FOI bill now sleeping in congress could gain momentum if interest will converge along the line of general public welfare.

Key Words: Freedom of information; collaborative environment; public welfare; online communicative events; access; governance; citizen participation; digitalization

1. INTRODUCTION

Access to information and a platform for collaborative environment wherein the public and government could proactively interact are the fundamental pillars in which the essence of the FOI could be realized in the day-to-day affairs of the state.

1.1 Objectives

The study sought to identify the significant items which could enhance government transparency using the new media as a platform for empowering the citizens. The study evaluated possible indications of government efforts to create collaborative environments or online means by which citizens could engage in, for example, policy and program making processes involved in governance especially items which may have a far ranging impact on the life of communities.

1. METHODOLOGY

The researcher followed the simple critical analytical framework in evaluating gov't sites as to its effectiveness in playing a catalytic role in establishing a collaborative environment for public participation. In the case of the digital public space, given its capacity in sharing information, an energetic response of netizens in the country is expected considering the major environmental and social considerations the country currently faces and the wide reach of the new media.

2.1 Modified case study

In this study, the ASEAN integration and related items were used as the 'tracer' to map out the digital document trails which could shed light on the fine details of the agreements and mechanisms prepared by the government to implement the ASEAN integration.

Considering that the ASEAN integration is mainly economic in substance, the study focused on the Department of Trade Industry as other major government agencies affected by regional integration processes does not have data sources pertaining to the developments in

the ASEAN integration and other related items were not available.

Data gathered were evaluated as to its completeness to allow framing of critical arguments defining a solid position as to the emerging new global social-political-economic dispensation. Sufficiency of information is critical for the effective participation of citizens in governance and state affairs. Trade agreements, drafts and final document, minutes of meetings and workshops, implementing rules and guidelines as well as related government studies and deliberations were considered in this study as the bulk of pertinent documents that ought to substantially complete the set of information to allow citizens so as to form a well informed opinion.

By evaluating the flow of information and treating government as the source of information in the public domain, we may be able to identify feedback mechanisms and possible collaborative environments in the offing from which proactive responses of the citizenry could be channeled and measured.

2. KEY RESULTS

3.1 The FOI and its governance implications

The FOI bill senate version, SB 1733 or the People's Freedom of Information Act of 2013, is now in the lower house and considered as "dead" waiting for the next set of legislators from the upcoming national elections in May, this year to revive the bill.

The FOI bill has been equated with transparency and as a counterpoint to corrupt practices, while its good governance aspect and democratization in bringing about progressive and sustainable development for the people and their communities have been less articulated. Computerization and digitalization as well as making such information available in the Internet fall within the domain of effective governance and citizen participation in the affairs of the state. If the new media is to be effectively used, its usage and architectural concept should be defined as well.

3.1.1 Logic and reasoning behind the FOI bill

The core logic and reasoning of the FOI bill hinge on three pillars of democracy on which it is founded—accountability, transparency, and empowerment (Official Gazette, 2015). While these three principles of governance have long been embedded in the constitution and the Local



Government Code, the FOI according to its proponents would directly discourage corrupt practices, as this would make it difficult for anomalous transactions to push through. This aspect of the FOI is relatively well-known as compared to its developmental aspect, that is, information related to different social concerns – economic, political, cultural and ecological.

3.1.2 Free flow of information: the present scenario

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

Furthermore, a provision in Article II (Declaration of Principles and State Policies), Section 28 reads: "Subject to reasonable conditions as prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

Prof. Winnie Monsod, a UP Economics professor asserted that a blanket policy alone (constitutional right) is at the mercy of the person in the position because interpretations vary when it comes to implementation (GMANews.TV, June 22, 2010). An enabling law and a corresponding IRR are therefore required to set in place the provisions to realize this constitutional vision for a free and democratic Philippine society.

Furthermore, any citizen of the country is entitled to accessing such items from any of the government instrumentalities and these include, "the executive, legislative and judicial branches as well as the constitutional bodies of the Republic of the Philippines including, but not limited to, the national government and all its agencies, departments, bureaus, offices and instrumentalities, constitutional commissions and constitutionally mandated bodies, local governments and all their agencies, regulatory

agencies, chartered institutions, government-owned or –controlled corporations, including wholly-owned or controlled subsidiaries, government financial institutions, state universities and colleges, the Armed Forces of the Philippines, the Philippine National Police, all offices in the Congress of the Philippines including the offices of Senators and Representatives, the Supreme Court and all lower courts established by law."

3.2 Coverage of the FOI bill

The bill classifies information on government into 16 "public interest documents or records" which essentially tags financial transactions, corresponding contracts as well as details on participating parties (Official Gazette, 2014). Among others these includes annual budget of government agencies, itemized monthly collection and disbursement, summary of income and expenditures, components of the IRA or internal revenue allotment utilization, annual procurement plan and procurement list, items to bid, bid results on civil works, and goods and services.

Information on list of persons or entities who were granted licenses, permits or agreements for the extraction and or utilization of natural resources given by any government agency are also deemed of public interest by the bill. Statement of assets and liabilities (SAL) of the public officers of the government agency as stipulated in the bill will also be made accessible to the general public (Official Gazette, 2014).

The line agencies' web pages reviewed in the study provided us with a glimpse on the status of digitalization and level of participation one can engaged in.

3.3 The ASEAN integration

According to the study of Luz (2014) of the Asian Institute of Management, the Philippines, technology-wise is at the lower end of the middle technology cluster along with Indonesia. Technological development stage appears to be correlated to national income levels with Japan, Korea, Taiwan, Singapore occupying the top technology-income hierarchy (Luz,2014). Premium on higher scientific and technological education is implied and this may impact on the ongoing reformulation of the country's education strategies exemplified by the rolling out of the K-12 program. One area wherein the country is deemed competitive

considering that the technological base of the economy is yet to fully develop to be at par with leading economies in the ASEAN region, is as provider of skilled labor. Remittances from abroad, primarily from the Middle East, EU and North America are generally considered major sources of income and ASEAN is expected to be a growing service market. There were seven mutual recognition agreements (MRAS) on the free flow of skilled labor signed by ASEAN member countries. As of 2014, a total of six MRAs have been firmed up since previous years namely: engineering (2005), nursing (2006), architecture (2007), land surveying (2007), medical practice (2009) and accountancy (2009).

The Asean Framework On Services (AFAS) for example, identified nine sectors which will be impacted by the emerging integration: professional services, construction, distribution and logistics, education, environmental services, maritime transportation, health care, telecommunication and tourism. These line of works are considered to impact on the middle level management of development in countries under the ASEAN banner. (Luz, 2014).

Four sectors are considered priorities as they are deemed as fast moving or will develop faster than other sectors previously identified. These are healthcare, air transport, e-commerce and tourism. AFAS is a direct consequence of the liberalization of services and consolidation of trade and business under a standard system (Tullao, 2013, cited by Luz).

4. THE DTI AND RELATED AGENCIES

4.1 The DTI

Information content of the Department of Trade and Industry (DTI) site provides the basic documents such as the agreements, department news and business guidelines but not sources such as minutes of meetings, deliberations and communications which transpired between the parties involved. What are presented revolves on outcomes rather than on how such outcomes came about.

The DTI website serves more of an information resource rather than a platform to encourage citizens' participation in its affairs.

It is noticeable that a forum or a discussion board is missing from its website and neither does it contain links to credible sites which could serve as a communication hub for discursive interactions on pertinent items in the DTI concern menu.

4.2 The K-12

The ASEAN integration encompasses a broad spectrum which was cited as one of the major reasons in formulating the K-12 program, essentially an adjustment in the existing curriculum for high schools making it more competitive and relevant to changing economic conditions in the region (APEC Philippines, 2015). This design is a back stop to the fledgling efforts of the country to cut across social challenges and move into the sphere of prosperous economies. Under such a system, the youth once they have completed the K-12 program would be ready to enter the social-production stream flow.

It is too early to establish any trends on possible impacts of ASEAN integration or how the country would perform under the emerging economic dispensations. It is clear, however, that citizens must be informed of the pros and cons of breaking trends. The FOI, again could prime the stakeholders as active information seekers, thus, possibly motivating greater participation in the affairs of the country.

5. A FULLY FUNCTIONAL COLLABORATIVE ENVIRONMENT IS YET TO COME

A collaborative environment may form given overriding guidelines such an executive orders (EO) and various IRRs. Such guides could prevent arbitrariness in what information is to be made public and in what manner it can be availed of. Recently, Rappler, a popular online new media outfit disclosed in (Rappler, 2014) that their request for a copy of the complete SALN statements of officials had been continually denied.

5.1 The new media

The existence of an online collaborative engagement even with the prevailing notion of the public's "right to know;" will not prosper. There must be, according to the FOI a better way of obligating the public posting of all pertinent

information related to the performance of government agencies and instrumentalities. The government site evaluated is perhaps still a work in progress and a proper policy environment can stimulate the agency to put in place the basic platforms in making pertinent information available online. Making the system user friendly remains a basic tenet in programming which websites should adhere to. With the wide use of electronic devices, it is not a farfetched idea to pry open the information circulating within the government bureaucracy to make it accessible to the scrutiny of the public.

5.2 The civil society and the private sectors

The civil society and the private sectors are playing a critical role in pressuring the government to be more transparent and accountable (Rappler, 2014). Free access to information can go a long way in re-establishing trust between government and the public. Other mitigating factors such as the Internet protocols which call for unhampered flow of information and the protocols associated with the free source communities -- a system dependent on file and knowledge sharing in order to properly function can help forge transparency and accountability.

The potential is there and sooner than later, this potential will firm up and the e-community in the country will feel the empowering impact of the new media.

The recently concluded APEC summit identified e-commerce and SMEs as critical components for sustained development, and as drivers of growth and prosperity (UN, Division for Sustainable Development, 2015). It is essentially calling on private capital for investments in this growth industry. The trade and service liberalization could open possibilities for start-up companies.

Meanwhile, the 2030 UN development agenda and the COP 21 essentially prescribe something which is more or less familiar in the environmental and developmental circles and this UN imprimatur can bolster the efforts of the non-governmental networks.

5.3 The UN initiatives and national priorities.'

Obfuscation of critical issues just because the stakeholders lack the basic scientific understanding of ecologically linked issues such as climate change and bio-diversity is least desired. Lack of information is always subject to a lot of uncertainties and conscious or unconscious neglect of the more pressing matters which are now impacting all of the people.

The UN sustainable development goals could serve as a strategic framework for the country's developmental and environmental actions and the country's professionals -- scientists, teachers, scholars, artists, etc, can play a critical role in ensuring that climate actions and other thrusts propel the country into a sustainable future. The 17 goals outlined in the 2030 SDA are strategically inter-connected and defines the competencies required in meeting current challenges.

6. CONCLUSIONS AND INSIGHTS

6.1 The FOI is a driver of the digital public space

The FOI may yet stimulate the evolution of a digital public space or the significant rise in the influence of new media and social networks in political and governance affairs. The ease of handling online information, the presence of techno-savvy segments of society, the increasing intensity of new brands of environmental and social activism and the exponential growth of connectivity coverage in the country all point to a promising possibility of a more responsive government in the future. Full realization of new media specifically online communicative platforms and networks in bringing relevant information to the public is in the formative stages as concerned government agencies have not engaged in massive digitalization or if such information were already digitized, government is remiss in making such important documents available to the public.

6.2 The FOI could serve as driver to a knowledge base economy

The relative positioning of the country with respect to other economies in Asia (middle-low in technology and income) suggest where we can perform at the optimal.

Knowledge based enterprises which include e-commerce and finance, e-governance, as well as the school and university systems (public and private) are determined priorities in ASEAN and APEC pronouncements and agreements. The country is perceived by many as strategically competitive given the relatively high mastery of English as the country's second language. The FOI, if it could stimulate formation of collaborative environments involving the stakeholders may serve as a driver in pushing a knowledge based economy in the country. Potentially it could liberate the workforce and channel their efforts towards more value added ventures to social-productive cycles.

6.3 A functional collaborative environment: a work in progress

The government agencies directly concerned with ASEAN integration with respect to FOI are yet to come into terms with a more functional system of handling information in relation to what the public needs to know. The tendency is that government acts as provider or source of data generally under the transparency principle but it generally follows the typical 'source-receiver' relationship without much attempt to solicit public response and discussion on pressing issues and concerns. The FOI law could spell out what needs to be made public which could minimize arbitrariness and hence may encourage a more positive or pro-active response from the citizens in terms of open willingness for collaborative development efforts. Agencies which deliver direct services such as those in the education, health and social welfare sectors are in a special position to tap the wide range of citizen's participation to attain goals along their respective list of priorities. Public engagements could exponentially expand given access to online facilities and given inputs on how and why we use the new media in development work.

6.4 External conditions

The APEC integration, in a broader perspective, could be viewed in reference to other global governance trends such as the COP21, APEC summit and related agreements and the 2030 UN 17 sustainable develop-

ment goals. While political and economic factors in growth and development are critical factors, socio-cultural aspects manifested in day-to-day life of the communities need to be properly addressed to realize the full developmental potential of the people. Climate action for example, is one of the priority areas in the 2030 SDA and the heart and soul of the COP21 summit. Such a declaration places a great premium on green technology and alternative sources of energy as the countries of the world agreed to slowly veer away from fossil fuel (crude oil and coal) to minimize green house gas emissions. The FOI could stimulate information use as to this socio-economic aspects and potentials of this global call for action. The farming community, the industry and natural resource use could all be affected if and when government will embark on more environmentally-oriented programs and projects. Priming the communities as partners in this endeavor requires massive information and education drive as climate action may require substantial scientific inputs for the people to fully understand the implications and consequences of changing climatological trends.

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