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Atty. Virgilio de los Reyes
Expert Writer

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For more information, please contact:

ANSA-EAP Operations Team

Ateneo School of Government, Pacifico Ortiz Hall, Fr. Arrupe Road, Ateneo de Manila University, Loyola Heights, Quezon City 1108, Republic of the Philippines.

Telephones: +6 32 426-6062 and +6 32 426-6002 ext 4627. Fax: +6 32 426-6062.

E-mail: info@ansa-eap.net. Website: www.ansa-eap.net.

Social Accountability: A Policy Mapping Study

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Social Accountability: A Policy Mapping Study

Background

Social accountability¹ is defined as an approach toward building accountability that relies on civic engagement, i.e., in which it is the ordinary citizens and/or civil society organizations that participate directly or indirectly in exacting accountability.

Alternatively, social accountability (SAC) has been defined as “initiatives taken by the citizen groups to hold the government to account for its decisions and actions”². Sometimes called constructive engagement, that is an assumed agreement between government and citizen groups, the latter’s capability is enhanced to be able to “keep an eye” on how the government formulates its plans and performs. Thus, there are two forces that drive SAC: the citizen groups and the government. The former denotes the direct beneficiaries of public services, while the latter provides space for citizen participation in planning, monitoring and evaluating public programs. While mechanisms can be initiated and supported by the state, citizens or both, they often take place through a bottom-up manner and are demand-driven.³

In a public sector context, social accountability refers to a broad range of actions and mechanisms that citizens, communities, independent media and civil society organizations can use to hold public officials and public servants accountable. These include, among others, participatory budgeting, public expenditure tracking, monitoring of public service delivery, investigative journalism, public commissions and citizen advisory boards. These citizen-driven accountability measures complement and reinforce conventional mechanisms of accountability such as political checks and balances, accounting and auditing systems, administrative rules and legal procedures⁴. Essentially, social accountability expands the citizenry’s responsibility to hold the government accountable.

Social accountability focuses on good governance, specifically centering on the effectiveness of the delivery of government services to the general public, allocation of government spending and improvements in government which could serve the community. From shouting to counting, it enables citizens to monitor performance through the use of critical information as regards government spending priorities as reflected through the government budget vis-à-vis actual expenditures. Thus, the

¹ The term social accountability is, in a sense, a misnomer since it is not meant to refer to a specific type of accountability, but rather to a particular approach (or set of mechanisms) for exacting accountability.

² ANSA(2009). “Putting Social Accountability on the Mainstream” Affiliated Network for Social Accountability (ANSA) in the East Asia and the Pacific InfoSheet.

³ Forster, R. (2005). “Social Accountability: Enhancing citizen voice and client focus in governance and service delivery”. An interactive learning module designed by Social Impact and commissioned by the World Bank PREM Poverty Group.

⁴ Carmen Malena. Reiner Forster and Janmeiav Singh. Social Accountability: An Introduction to the Concept and Emerging

citizenry would be able to measure government performance and possible misappropriations due to corruption.

Relevance of Study

“Through social accountability, citizens are connected to government, thereby giving them a concrete handle for sustaining meaningful participation in meeting their most immediate needs, especially in health, education and community infrastructure. Social accountability contributes to advancing people’s welfare – that is, the improvement of more than just the lives of individuals and families but that of the entire community. SAc lends itself to the bigger ideal of advancing community and society, which is inarguably tied to the fundamentals of nation building. In the same way, social accountability enhances the following basic human rights: right to be heard (voice); right to expression (information); right to association (organization); and right to negotiate for change (participation).”

ANSA-EAP Strategy⁵

The Philippines has just undergone an electoral exercise, the results of which promise change. Such change, however, in order to be felt in the national level, should first be experienced in the local level through empowerment of each and every citizen in the local government unit (LGU) to which he/she belongs. Furthermore, politicians and policymakers need not to only take cognizance of what their constituents want, but also create a conducive socio-political environment and formulate the right incentives for them to deliver their service properly and create a change. Presently, there are 1,650 LGUs - all of which are potential change agents. This potential of each LGU as an agent of change could be enhanced by a tool called social accountability.

Objectives of Study

The main aim of the project is to provide a deeper understanding and informed appreciation of the policy environment that shape and contribute to the understanding and practice of SAc in the Philippines. Specifically, the objectives are:

1. To review and map out the policy environment defining SAc or its related concepts;
 2. To explore the political, legal, economic, socio-cultural, technological, and other factors influencing the SAc policy environment;
 3. To identify and define the legal framework in the context of the SAc Four Pillars;
 4. To identify institutionalized policy spaces and mechanisms that promote/hinder the practice of SAc, specifically focusing on the phases of the PFM cycle, to wit:
 - a. Participatory planning
 - b. Participatory budget formulation, review, and analysis
 - c. Participatory expenditure tracking
-

- d. Participatory performance monitoring
 - e. To identify the gaps, dilemmas, and challenges faced by SAc stakeholders (including SAc champions in government); and
5. To flag areas of concern or issues arising for the SAc agenda of ANSA EAP.

Scope of Study

This study progresses as follows:

In Chapter 2, we work towards providing a brief discussion on the basic concepts of accountability and on the evolution of thought and practice in efforts to improve the accountability to cover citizen engagement and social accountability. Having reviewed the literature on the social accountability, we then lay out a framework for social accountability picking up from the one formulated in the World Development Report 2004⁶, while taking into great consideration ANSA-EAP's enabling conditions.

In Chapter 3, we then explore the legal mechanisms of SAc in the Philippine context by looking at the legal and policy environment which satisfy the four enabling conditions suggested by ANSA-EAP. Preliminary analysis of the suitability of SAc principles and measures was conducted in this section, while providing a walk through of the existing legal infrastructures established at the local and national level. Contextually, this section elicits whether the existing legal environment provides for the possibility of empowering the citizens 'voice' into the workings and decision-making processes of the government.

In Chapter 4, upon analyzing the legal and political environment affecting the viability of SAc mechanisms in the Philippine settings, we now dwell on the appropriateness of the legal and political infrastructure to the existing socio-cultural make-up of the Philippine citizenry and government as well. In this section, we highlight the possible constraints and challenges that a group (government, private sector and the general public, intermediaries) may face in implementing the legal and organizational framework, which supports social accountability.

In Chapter 5, we contextualize the discussion on social accountability by observing and analyzing the case of the Philippine Agrarian Reform Council (PARC) in relation to implementing SAc principles and measures. We then applied our methodology and followed the flow of discussion mentioned in Chapters 3 to 4, with the view to generate a gap analysis and provide recommendations as to how to address such gaps towards full implementation of SAc principles and measures with their targeted beneficiaries.

⁶ World Bank 2002. *World Development Report 2004: Making Services Work for the Poor*. Washington, DC: World Bank.

In Chapter 6, we summarize our observation and findings and propose ways in which social accountability principles and measures can be implemented in the government, nationally and locally.

Methodology

The basis for conceptualizing the framework for the adoptability of SAc mechanism in the Philippine settings is based on the theoretical foundations of the SAc concepts presented above. The approach to be taken in this policy mapping and framework formulating exercise is in the following section.

The research for this paper began by first analyzing the basic elements whereby SAc mechanism may be adopted and implemented. As mentioned earlier, several enabling factors were presented, some of which may serve as prerequisites depending on the kind of environment and setting a certain locality, community or sector has at that time.

With reference to the four pillars of social accountability, the current legal infrastructure of the Philippines was assessed to determine whether the SAc mechanism may be adopted, and if warranted, what adjustments and policy measures are needed to be put in place in order for SAc mechanism to work. Analysis was geared towards identifying hindrances to full and effective implementation of SAc mechanism.

We then contextualized the discussion by presenting the case of the Local Development Council (LGC) and the Philippine Agrarian Reform Council (PARC) as pilot areas for conducting diagnostic analysis in relation to adopting SAc mechanisms in their respective areas. Lessons from previous attempts to initiate SAc mechanism in these councils were drawn, and served as inputs for policy consideration towards adopting SAc principles and implementing its mechanisms.

Chapter 2: Theoretical and Conceptual Framework

In order to explain the principles and measures of SAc it is important to first start with the definition of the concept and its evolution as it gear towards addressing the gaps that hinder its full implementation. This section will briefly discuss the origin of SAc and will try to trace its development to becoming more appropriate to the constantly changing demand for its principles and measures at the present time. Great emphasis was given to the discussion of the four pillars of SAc, which essentially laid down the foundation of the SAc principles and measures.

Origin of Social Accountability

The concept of social accountability evolved from the broad definition of accountability which refers to the “obligation of those holding power to take responsibility for their behavior and actions. This obligation might stem out of a moral-ethical need to account for one’s actions, or out of a legal requirement. It is a relational concept as it concerns the relationship between those that perform an action or deliver a service, i.e. the *agent*, and those whom the action or service has an effect, i.e., the *principal*.”

In the context of a government-constituent relationship arose the concept of public accountability which centers on the need for the state to be accountable to its citizens. This obligation stems out from the ‘social contract’ that the citizens share with the state. In a democratic country such as the Philippines, this contract is operationalized when citizens elect a government and invest in elected representatives with the power to govern them. The representatives in turn, as themselves and/or through bureaucrats and administrators, are obliged to perform their duties of governance in a manner that keeps the citizen’s interest at heart. There are institutions provisions and mechanisms to ensure that the government respects this contract.”

The Long Route of Accountability

Figure 1 illustrates this point using the framework of accountability proposed in World Development Report 2004. Ensuring accountability in the public sector involves a two-step process or the ‘long route’ of accountability. First, the state needs to have a clear understanding of what its citizens want. For this to occur, citizens must be able to draw on the political process to hold the state (policy makers and politicians) to account. This relationship is referred to as ‘voice’. The state, in turn, acting as the representative of the people, must be able to transmit these demands to the actual provider of services and ensure that providers perform their functions effectively. This relationship is the ‘compact’.

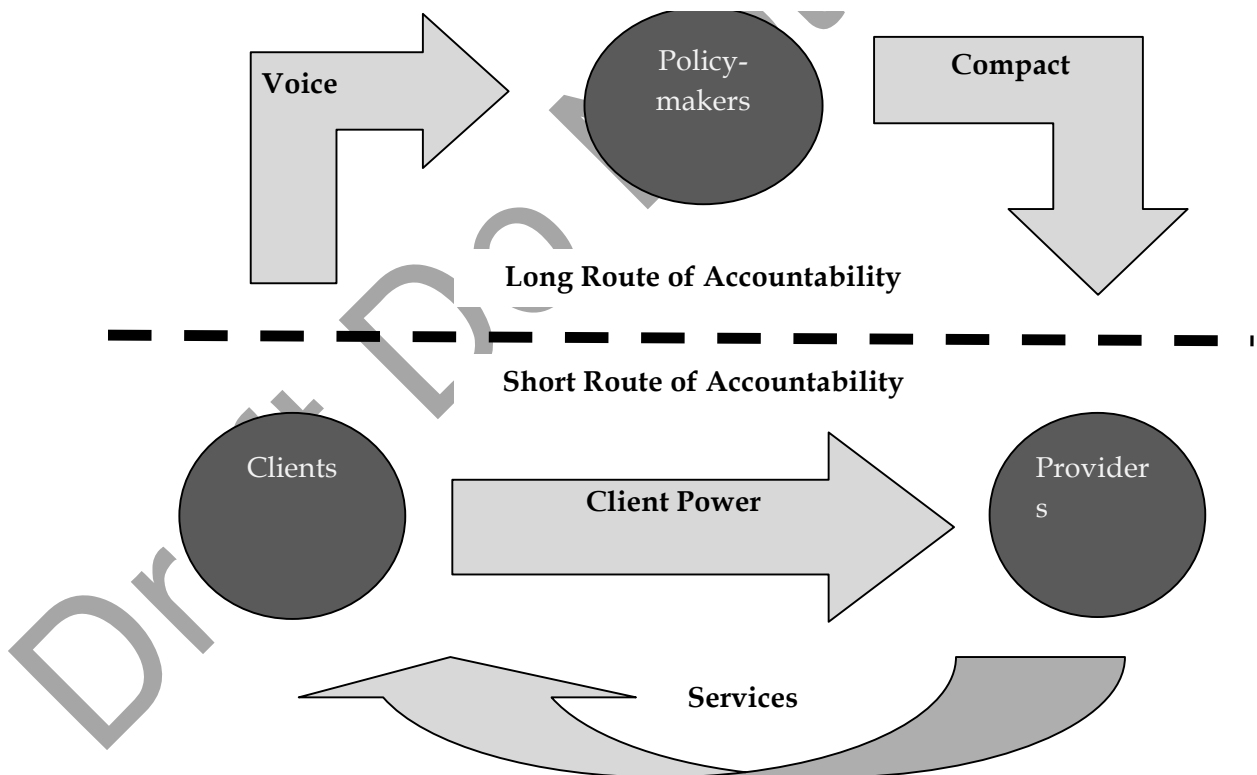
Accountability is ensured when compact creates incentives such that the providers accurately and conscientiously follow the wishes of the policy makers, who, in turn,

accurately reflect the voice of their constituents. By extension, this 'long route' of accountability fails when on the one hand, the state does not succeed in taking cognizance of its citizens' needs and demands and citizens have no mechanisms through which to articulate their voice (failure of voice), and on the other, when the state is unable to create incentives such that providers accurately and conscientiously fulfill their duties (failure of compact).

Traditional Efforts to Improve Accountability

Traditionally, efforts to improve accountability proceeded along these two axes - internal and external - largely independent of one another. On the external front, there have been electoral reforms, voter-awareness initiatives and so on, and on the internal front there have been efforts like reorganization of audit and account mechanisms. Important as they are, these efforts have had limited success in improving accountability in governance and service delivery. There are a number of reasons why.

Figure 1: The 'Long Route' of Public Accountability



Elections as an instrument of accountability have some well known limitations. Moreover, elections only hold elected officials accountable, whereas the vast majority of public officials are appointed bureaucrats and hence not subject to electoral processes. Reorganizing horizontal accountability channels on their part have limitations. It is impossible to monitor the almost infinite number of government actions (and inactions). Practices like bias and inefficient resource use lend

themselves to investigation less easily than more express forms of corruption. Absence of second order accountability (who will watch the watchers?), lack of adequate funding and limited enforcement capacity all serve to further weaken these mechanisms.

A New Social Accountability Agenda

In more recent years there has been an acknowledgement in the policy circles around the world, of these limitations in traditional accountability channels. Alongside was the recognition that citizen participation in state's activities could play an important role in strengthening accountability and responsiveness in service delivery. An increasing body of literature from around the world documented how participation of citizens in planning, implementation and monitoring of projects not only increased the effectiveness of public service delivery and made it more appropriate, but also increased accountability and reduced corruption.

Accordingly, societal participation in state's development activities was no longer seen as a 'bother', but was instead actively encouraged as a means to ensure responsiveness and accountability. However, this participation by citizens was of a limited nature in that it was circumscribed to implementation of specific government projects. Measures for responsiveness were largely limited to citizen consultations, and those for accountability largely to monitoring of outputs. There was also a sense in which society was acting as a watchdog in ensuring government accountability. All of which underlined a certain "arms-length" relationship between the state and the society. Autonomy from the state was deemed as fundamentally important not just for legitimacy of civil society in its pro-accountability role, but also in the Weberian model of modern bureaucracies, which has been emulated in most developing countries, public-sector workers were as a principle to be insulated from citizens so as to maintain objectivity in public service - and this insulation was only sparingly conceded.

More recently, a 'transgressive' stream of research and practice has questioned this separation between the state and the society. Moving on from the circumscribed participation in co-production of specific services, and arms-length relationship in pressuring the government from outside, this current stream of research argues that accountability is best obtained in "co-governance" spaces which confuse the boundary between the state and the society. These writings draw on experiences from around the world where citizen groups have been experimenting with inserting themselves more and more directly into the state apparatus: into its core functions and everyday workings, monitoring its hitherto opaque operations, and influencing policy from the inside. Participatory Budgeting in Porto Alegre, Brazil was one of the early experiences in this stream where instead of externally influencing the policy, ordinary citizens were inside the governmental apparatus, involved directly in the planning and supervision of public spending - activities normally under the exclusive purview of public officials.

Some authors argue that this form of activism represents a 'new accountability agenda'. A pioneering instance of this from India was the experience of Mazdoor Kisan Shakti Sangathan (MKSS) – a Rajasthan based grassroots organization - where citizens (as external actors) directly engage with institutions of internal accountability. MKSS employed 'social audits' to empower ordinary citizens to turn into auditors, and obtain access to the hitherto privileged state documents such as muster rolls, in order to expose malfeasance. This form of accountability has been called 'hybrid' accountability, and is remarkable in that it breaks the state's monopoly over official oversight and legitimizes citizen-inclusion into hitherto exclusive affairs of the state.

Thus, as we have traced, over the years there has been an evolution of ways in which societal actors have engaged with the state indirectly and, increasingly, directly, to improve accountability in governance and service delivery - a process that has come to be known as 'social accountability': an approach towards ensuring accountability that relies on civic engagement, i.e. in which ordinary citizens and citizen groups participate directly or indirectly in exacting accountability.

Social Accountability is being increasingly recognized worldwide as a means of enhancing democratic governance, improving service delivery, and empowering citizens. Accordingly governments around the world - from US and Brazil, to Uganda and South Africa, to Sri Lanka and New Zealand - are finding ways to facilitate citizen engagement and foster social accountability.

[Laying the Predicate: The Four Pillars of Social Accountability](#)⁷

Social Accountability encompasses a broad range of actions and mechanisms that citizens, communities, independent media, and civil society organizations use to hold public officials and public servants accountable. This involves deploying tools like participatory budgeting, public expenditure tracking, citizen report cards, community scorecards, social audits, citizen charters, and so forth. Two prominent characteristics stand out in these tools and mechanisms. First: social accountability efforts work to enhance and integrate citizen voice into the everyday workings and decision-making processes of the state. There has, in this sense, been a shift from 'vote' to 'voice' is the principal accountability tool in the hands of the citizens. Second: central to social accountability efforts is transparency in governance. The main channel through which citizens are being empowered to demand accountability is through creation of, and access to, more information. So the recurrent theme seems to be: more information means more empowerment, which in the context of greater participation means more voice, which means greater accountability.

For social accountability to materialize, certain enabling conditions must be in place. These enabling conditions, known as the Four Pillars of Social Accountability, are: access to information; an enabling environment, with government champions who are willing to engage; organized and capable citizen groups; and context and cultural appropriateness.

In the context of social accountability, an enabling environment refers to the set of eco-political and socio-cultural conditions as– the interrelated factors that define the space for constructive engagement and eventually good governance. These interactive relations between citizen groups and government are greatly influenced by the opportunities, challenges, synergies and contradictions emanating from the policies, structures, mechanism, approach, decisions about resource use, and prioritization of programs and projects resulting from government action.

Some aspects of these enabling conditions are so critical that they can almost be considered prerequisites for social accountability. Nonetheless, it should be noted that an unfavorable environment does not mean that social accountability activities cannot be pursued. Actions or reforms to create a more enabling environment— for example, by introducing freedom of information legislation or facilitating the registration of NGOs—can be critical to achieving effective and sustainable social accountability outcomes⁸.

Access to Information

The availability and reliability of public documents and data is essential to social accountability practice. Such data turned into relevant and useful information is the basis for a constructive engagement especially through activities that aspire for social accountability. Thus the quality of information and its accessibility are key factors for the success of social accountability mechanisms. Social accountability is not applicable in situations where data and information is absent or willfully denied. Social accountability efforts need to build on some form of freedom of information in the form of legislation. Information is power especially in political settings.

Accessibility here has two connotations, physical access to documents, and their availability in a format that is understandable to users. Because not all information is in documents, access also means to people who have the information (such as officials) and places where the information is lodged.

Another aspect of access to information is easy retrieval and proper processing so that timely and appropriate use of such information is possible.

Responsive Government

Government's receptivity to citizens' participation is embodied in the combination of the set of laws, rules, practices and cultural mores in any given political and economic situation. All these circumscribe the actual space for citizens to hold government officials accountable for their conduct and performance in terms of delivering better services, improving people's welfare, and protecting people's rights. In some instances, it is the eco-political, legal, institutional and cultural frameworks that give rise to another important mark of an enabling environment—a responsive government, where one finds champions of participatory governance and particularly social accountability from the ranks of the bureaucrats, government officials and public servants able and willing to engage with citizens and citizen groups.

The role and effectiveness of citizen groups as partners in ensuring good governance critically depend on the efforts of both government and citizen groups to create such an enabling environment.

Organized and Capable Citizen Groups

The capacity of civil society actors is a key factor of successful social accountability. The level of organization of citizen groups, the breadth and scope of their membership, their technical and advocacy skills, their capacity to mobilize resources, effectively use media, to strengthen their legitimation and quality of their conduct and actions including their internal accountability practices are all central to the success of SAc action. In many contexts, efforts to promote an enabling environment for civil society and to build the capacity (both organizational and technical) of citizen groups are required. After all, citizen groups, who drive the demand for good governance, need to powerfully give voice to their concerns in order to assert their rights to participate in governance. The power of citizen groups and CSOs must stand on the quality of their capacity to organize themselves, their partners who are from the sectors and communities they serve and other development stakeholders. This capacity also has technical and substantive as well as procedural requirements so that the efficient and effective initiatives in the form of agenda, platforms, projects and programs bring for the outcomes and changes aspired for.

Context and Cultural Appropriateness

The parameters for social accountability are largely determined by existing contextual and cultural conditions. To a large extent, social accountability action must respond to and operate within the larger context and framework of a sector, nation, or region. The appropriateness of the SAc approach—including tools, techniques and other mechanisms—are determined against political, socio-cultural, legal and institutional factors.

For example, the feasibility and likelihood of success of certain social accountability initiatives are highly dependent on political context – whether the political regime is democratic or authoritarian; whether basic political and civil rights are guaranteed (including access to information and freedoms of expression, association and assembly); and whether there is a culture of political transparency and probity. Legal, institutional and socio-cultural factors will also have an important influence on the success of social accountability activities. The existence of such underlying factors, and the potential risks that their absence may pose must be taken into account when planning social accountability initiatives and when deciding on the use of social accountability tools.

A seemingly unfavorable context does not mean that social accountability activities should not be pursued. In such circumstances, however, an analysis of the key factors influencing the environment for social accountability (and the risks they entail) must be undertaken and appropriate strategies for addressing potential barriers must be developed.

For SAc to flourish, an area that needs deeper exploration and understanding is informed appreciation of the policy environment that helps enable and empower governments and citizen groups to engage constructively through 3rd party monitoring in pursuit of development outcomes. Policies – laws, rules, ordinances – have a major influence in constructing the space for SAc work and eventually helping the promotion as well as integration of SAc on the community, country, or region levels. In many instances, policies define the shape and expression of the so-called Four Pillars, and thus impact on how SAc outcomes are attained (or not attained).

For this reason, social accountability is here used to refer to the broad range of actions and mechanisms (beyond voting) that citizens, communities, civil society organizations (CSOs) and independent media can use to hold public officials and servants accountable. Traditionally, these have included a variety of citizen or civil society-led actions such as public demonstrations, protests, advocacy campaigns, investigative journalism and public interest lawsuits. In more recent years, the expanded use of participatory data collection and analysis tools combined with (in many country contexts) enhanced space and opportunity for citizen/civil society engagement with the state, have led to a new generation of social accountability practices that emphasize a solid evidence base and direct interaction with government counterparts⁹. These include, for example, participatory public policy-making, participatory budgeting, public expenditure tracking, citizen monitoring and evaluation of public service delivery. They also include efforts to enhance citizen knowledge and use of conventional mechanisms of accountability (for example,

⁹ A well cited example of this are the ‘citizen report card’ surveys pioneered by the Public Affairs Center in Bangalore, India, that sought to assess the quality and effectiveness of public services in the city. See Paul (2002) as cited in Carmen Malena, Reiner Forster and Janmejay Singh, *Social Accountability: An Introduction to the Concept and Emerging Practice*, World Bank Social Development Papers Participation and Civic Engagement Paper No. 76 December 2004

through public education about legal rights and available services) and/or efforts to improve the effectiveness of “internal” accountability mechanisms, for example, through citizen involvement in public commissions and hearings, citizen advisory boards and oversight committees¹⁰.

Chapter 3. Legal Mechanisms towards Social Accountability

At the core of the novel form of activism termed as social accountability, is the systematic use and analysis of data through which performance and quality of government services could be measured against data on budget expenditures. Information is thus a key, and so is a legal framework, which enables the flow of information and feedback to and from the government and its stakeholders.

¹⁰ Carmen Malena, Reiner Forster and Janmejay Singh, Social Accountability: An Introduction to the Concept and Emerging Practice. World Bank Social Development Papers Participation and Civic Engagement Paper No. 76 December 2004

In terms of legal mechanisms, which aim to inculcate and implement social accountability in Philippine society, the 1987 Philippine Constitution endeavors to establish social accountability interspersed in various portions of said fundamental law. Some of these constitutional provisions and policies have been enabled through specific laws and rules which:

1. Provide information – primary basis for meaningful participation by citizens under the social accountability approach;
2. Allow citizens to intervene in governmental processes – By way of a clear, sound and systematic legal framework, the manner through which citizens can engage government to fulfill the SAc approach could be outlined and institutionalized, thereby enabling the citizenry to hold the government accountable to them.

Providing Information

The first class of legal mechanisms was supposed to have received a major boost with the enactment of the bill on Freedom of Information. The legislature has failed to pass this bill into law even after the reconciliation of the different versions of both chambers of the legislative. However, even without the codification of the rights of citizens to access information, there are enough provisions to allow access to vital information that will allow the SAc approach to flourish, albeit scattered and without clear provisions for remedies. These we shall explore in the succeeding portions of this discourse.

Social Accountability Through Freedom of Information

Constitutional Underpinnings

The 1987 Constitution of the Philippines recognizes the protection of the people's right to information on the transactions of the government and matters of public concern. It mandates through Section 8 of Article II¹¹ that the government must observe full public disclosure of all the transactions of the State involving public interest, subject to reasonable conditions prescribed by law. Moreover, in Article III, Section 3¹² thereof, it provides that the public must have access to official records, documents and papers pertaining to official acts, transactions or decisions, and government research data used as basis for policy development, shall be afforded the citizen. These constitutional provisions establish the legal basis for a framework of public disclosure and access to official records and data pertaining to government transactions.

¹¹ *Section 28, Article II.* 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.

¹² *Section 7, Article III.* 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.

Present Legislation Enabling Freedom of Information

At present, aside from the 1987 Constitution, the Code of Conduct and Ethical Standards for Public Officials and Employees is the closest to a statutory procedure for securing the constitutional right to information. Section 5(e)¹³ of said law mandates that public documents be made accessible and readily available for inspection by the public within reasonable working hours. Said mandate could be achieved by way of compliance with Section 5(b)¹⁴ of the same law, which requires heads or other responsible officers of government offices and agencies and of government-owned or controlled corporations to submit annual performance reports within 45 working days from the end of the year. These reports should likewise be open and available to the public within regular office hours. In case a report is to be requested by the public, said law, in Section 5(a)¹⁵ thereof mandates public officials and employees to act and respond on letters and requests sent by the public within 15 working days from receipt of the request.

A brief Critique of Present Legislation Enabling Freedom of Information

The aforesaid provisions of law in the 1987 Constitution and the Code of Conduct and Ethical Standards for Public Officials and Employees have however been recognized by the country's lawmakers as insufficient. Bills which call for the passage of a Freedom of Information (FOI) Act which would serve as the enabling law of Section 28, Article II and Section 7, Article III of the 1987 Constitution, have been prepared but have yet to be passed.

The Freedom of Information Act

The Freedom of Information ("FOI") Act recognizes the right to information and implementation of a policy of full public disclosure as indispensable to the exercise of effective and reasonable participation of citizens.¹⁶ Its passage is vital to good governance, government accountability, and the enhancement of a feedback mechanism available to the public.¹⁷

¹³ Section 5(e). Make documents accessible to the public. All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours.

I. *Official papers and documents must be processed and completed expeditiously and must contain no more than 3 signatories.*

II. *Public officials and employees must immediately attend to anyone who wants to avail himself of the services of their offices.*

¹⁴ Section 5 (b). Submit annual performance reports. All heads or other responsible officers of offices and agencies of the government and of government-owned or controlled corporations shall, within forty-five (45) working days from the end of the year, render a performance report of the agency or office or corporation concerned. Such report shall be open and available to the public within regular office hours.

¹⁵ Section 5(a). Act promptly on letters and requests. All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

¹⁶ Committee Report 534 on Senate Bill 3308

¹⁷ *See* *Transparency in Government*, Senate Bill 3308

Purpose of the FOI Act

The ratification of the FOI Act fulfills the long-overdue constitutional duty to secure for the nation a fully functional constitutional right to information while ensuring that the State performs its duty to implement a policy of full public disclosure of all of its transactions, which involve public interest. Section 2 the FOI Act declares such policy, to wit:

“The State recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided by this Act. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.”

Through the ratification of the FOI Act, a strong foundation for the political, social and economic renewal of the country will be established.

Prospects and Viable Alternatives

Presently Bills on the FOI Act - House Bill No. 3732¹⁸ and Senate Bill No. 3308¹⁹ of the 14th Congress have yet to be passed as of the time of this writing. Events seem to have overtaken the bill’s passage, as the term of the country’s former chief executives and legislators end and new terms, as well as sessions of the 15th Congress have yet to begin. As of this writing, the clamor for the Philippine Senate and House of Representatives to ratify the bicameral conference committee report on the Freedom of Information (FOI) Act as both houses resume their respective sessions subsists²⁰.

In the meantime, while passage of the FOI Act awaits, the Revised Administrative Code and the Local Government Code provides for the citizenry’s access to a select form of information: texts of administrative rules and regulations and local ordinances prior to their dates of effectivity. Likewise, to apprise the citizenry of the contents of bills pending passage, the websites of the Philippine Senate and House of Representatives contains the texts of such bills although no rule or legislation mandates such.

Disclosure through Administrative Due Process

¹⁸ An Act Implementing the Right of Access to Information on Matters of Public Concern Guaranteed under Section 28, Article II and Section 7, Article III of the 1987 Constitution and for Other Purposes

¹⁹ An Act Implementing the Right of the People to Information on Matters of Public Concern Guaranteed under Section 7, Article III of the 1987 Constitution and the State Policy for Full Public Disclosure of all its Transactions involving Public Interest under Section 28, Article II of the 1987 Constitution, and for Other Purposes

²⁰ *Specific: Freedom of Information (FOI) Congress the Matter?* an email from the Keshava Reddylist on May 20, 2010

The Administrative Code of 1987 mandates government agencies, pursuant to their rule-making power²¹ to disclose the text of administrative rules²² and regulations prior to the effectivity of said rules. This applies to instances when an agency formulates, amends or repeals a rule²³. As a general rule, such disclosure must be made fifteen days prior to the intended date of effectivity of the rule or regulation to be passed, subject to certain exceptions such as when:²⁴

- a. a different date is fixed by law since Congress has discretion in extending or shortening the usual 15-day period for publication
- b. specified in the rule in cases of imminent danger to public health, safety and welfare

Pursuant to this requirement of disclosure, administrative agencies are mandated to file with the University of the Philippines Law Center three certified copies of its rules and regulations.²⁵ Upon filing of the administrative agency, the University of the Philippines Law Center is tasked to publish a quarter bulletin stating the text of rules filed with it during the preceding quarter,²⁶ as well as keep an up-to-date codification of all rules that have been published and remaining in effect²⁷ An exception to the publication or disclosure of the actual text of the rule or regulation is when such would be cumbersome, expensive or inexpedient.²⁸ In case of such

²¹ Section 2, Chapter 1, Book VII. (1) "Agency" includes any department, bureau, office, commission, authority or officer of the National Government authorized by law or executive order to make rules, issue licenses, grant rights or privileges, and adjudicate cases; research institutions with respect to licensing functions; government corporations with respect to functions regulating private right, privileges, occupation or business; and officials in the exercise of disciplinary power as provided by law.

²² Section 2, Chapter 1, Book VII. (2) "Rule" means any agency statement of general applicability that implements or interprets a law, fixes and describes the procedures in, or practice requirements of, an agency, including its regulations. The term includes memoranda or statements concerning the internal administration or management of an agency not affecting the rights of, or procedure available to, the public.

²³ Section 2, Chapter 1, Book VII. (4) "Rule making" means an agency process for the formulation, amendment, or repeal of a rule.

²⁴ Section 4. *Effectivity*. - In addition to other rule-making requirements provided by law not inconsistent with this Book, each rule shall become effective fifteen (15) days from the date of filing as above provided unless a different date is fixed by law, or specified in the rule in cases of imminent danger to public health, safety and welfare, the existence of which must be expressed in a statement accompanying the rule. The agency shall take appropriate measures to make emergency rules known to persons who may be affected by them.

²⁵ Section 3. *Filing*. -

(1) Every agency shall file with the University of the Philippines Law Center three (3) certified copies of every rule adopted by it. Rules in force on the date of effectivity of this Code which are not filed within three (3) months from that date shall not thereafter be the basis of any sanction against any party or persons.

(2) The records officer of the agency, or his equivalent functionary, shall carry out the requirements of this section under pain of disciplinary action.

(3) A permanent register of all rules shall be kept by the issuing agency and shall be open to public inspection.

²⁶ Section 5. *Publication and Recording*. - The University of the Philippines Law Center shall:

(1) Publish a quarter bulletin setting forth the text of rules filed with it during the preceding quarter; and

(2) Keep an up-to-date codification of all rules thus published and remaining in effect, together with a complete index and appropriate tables.

²⁷ Ibid.

²⁸ Section 6. *Omission of Some Rules*. -

(1) The University of the Philippines Law Center may omit from the bulletin or the codification any rule if its publication would be unduly cumbersome, expensive or otherwise inexpedient, but copies of that rule shall be made available on application to the agency which adopted it, and the bulletin shall contain a notice stating the general subject matter of the omitted rule and new copies thereof may be obtained.

(2) Every rule establishing an offense or defining an act which, pursuant to law, is punishable as a crime or subject to a penalty shall be published in full.

exception, the bulletin shall contain a notice indicating the general subject matter of the omitted rule and an advisory on how to obtain copies of such rule, copies of which shall be available for inspection with the agency

Also, pursuant to effectively mandating the disclosure of the text of pending administrative rules and regulations, one free copy each of every issue of the bulletin and of the codified rules or supplements must be furnished to the Office of the President, Congress, all appellate courts and the National Library²⁹ Furthermore, the bulletin and the codified rules or supplements must be made available free of charge to certain public officers, agencies, and to other persons³⁰

Administrative agencies shall as far as practicable, publish or circulate notices of proposed rules and afford interested parties the opportunity to submit their views prior to the adoption of any rule.³¹ Particularly in rate-fixing, no rule or final order shall be valid unless the proposed rates have been published in a newspaper of general circulation at least two weeks before its first hearing. In case of opposition to the proposed rules, the rules on contested cases shall be observed.

However, while the general rule is the indispensability of the publication requirement of administrative rules and regulations, interpretative rules, internal regulations regulating personnel, and letters of instructions issued by the administration are not necessarily to be published through the University of the Philippines Law Center.

Disclosure through Due Process Requirements in Enacting Local Ordinances

Local ordinances must comply with the publication requirement in order to be effective.³² In so doing, the texts of ordinances pending effectivity will be disclosed to its stakeholders –constituents of the local government concerned.

²⁹ Section 7. *Distribution of Bulletin and Codified Rules.* - The University of the Philippines Law Center shall furnish one (1) free copy each of every issue of the bulletin and of the codified rules or supplements to the Office of the President, Congress, all appellate courts and the National Library. The bulletin and the codified rules shall be made available free of charge to such public officers or agencies as the Congress may select, and to other persons at a price sufficient to cover publication and mailing or distribution costs.

³⁰ Ibid.

³¹ Section 9. *Public Participation.* -

(1) If not otherwise required by law, an agency shall, as far as practicable, publish or circulate notices of proposed rules and afford interested parties the opportunity to submit their views prior to the adoption of any rule.

(2) In the fixing of rates, no rule or final order shall be valid unless the proposed rates shall have been published in a newspaper of general circulation at least two (2) weeks before the first hearing thereon.

(3) In case of opposition, the rules on contested cases shall be observed.

³² Sec. 59, RA 7160. Effectivity of Ordinances or Resolutions.

(a) Unless otherwise stated in the ordinance or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the provincial capitol or city, municipal, or barangay hall, as the case may be, and in at least two (2) other conspicuous places in

Pursuant to the publication requirement, ordinances or resolutions approving local development plans and public investment programs shall take effect after ten (10) days from posting, by the secretary, in a bulletin board at the entrance of the provincial capitol/city, municipal, or barangay hall, which must be done not later than 5 days after its approval. Such posting must also be made in at least 2 other conspicuous places in the LGU concerned. Furthermore, to ensure that the disseminate text of the ordinance or resolution is understood by the majority of the people in the LGU concerned, the text must be in Filipino or English and in the language understood by majority of the LGU's constituents.

Ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and cities of the province where the *sanggunian* of origin is situated.

As for ordinances enacted by the local legislative bodies of highly urbanized and independent component cities, they shall, in addition to being posted, be published once in a local newspaper of general circulation within the city. In the absence of a local newspaper, the ordinance or resolution shall be published in any newspaper of general circulation.

Other Possibilities in Local Government

Even without a duly-enacted FOI act, through the Constitutional mandate alone, there is sufficient basis for a local government unit to establish initiatives that enhance the public's access to information, as well as encourage public participation in government programs.

(b) The secretary to the *sanggunian* concerned shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the provincial capitol and the city, municipal, or barangay hall in at least two (2) conspicuous places in the local government unit concerned not later than five (5) days after approval thereof.

The text of the ordinance or resolution shall be disseminated and posted in Filipino or English and in the language or dialect understood by the majority of the people in the local government unit concerned, and the secretary to the *sanggunian* shall record such fact in a book kept for the purpose, stating the dates of approval and posting.

(c) The gist of all ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and cities of the province where the *sanggunian* of origin is situated.

(d) In the case of highly urbanized and independent component cities, the main features of the ordinance or resolution duly enacted or adopted shall, in addition to being posted, be published once in a local newspaper of general circulation within the

An example of an initiative to work around the absence of an FOI Act is the i-Governance Program of Naga City³³. The “I” in the program stands for inclusive governance, information openness, interactive engagement, and innovative management. These principles were made possible through analog or paper-based tools, the naga.gov initiative, TxtServe Naga, and Network Access Improvement. In particular, the analog or paper-based tools include the Citizens Charter documents the key city government services. Moreover, the Performance Pledges detail the service commitments of each city department, while the Citizens Board contains copies of the annual city budget, financial statement, ordinances and executive orders, and other important documents. Furthermore, Naga City also launched the following initiatives:

- a. The naga.gov initiative, named after the city government website at www.naga.gov.ph, which features a digital version of the Charter, the Citizens Board, and webcasts of a local radio station with a complementary message board.
- b. The TxtServe Naga, which is the mobile governance component of i-Governance that allows citizens to convey complaints and other concerns to the city government through SMS messaging.

The above initiatives are likewise made accessible to the general public by way of a “Network Access Improvement”, which is an effort to expand internet access of the public through the Computer Literacy and Instructional Center for Kids (CLICK) for public schools, and the creation of local cyber schools and cyber barangays with internet stations in key village halls³⁴.

Building an information/evidence base through a legal infrastructure

Accessing or generating relevant information and building a credible evidence base that will serve to hold public officials accountable is a critical aspect of social accountability. Through social accountability initiatives, institutionalized by the provisions of law discussed above, obtaining “supply-side” data/information and “demand-side” data/information is possible.

In accessing “supply-side” information from government and service providers (e.g., policy statements, budget commitments and accounts, records of inputs, outputs and expenditures, audit findings, etc.), the transparency of government and its capacity to produce and provide data and accounts are crucial³⁵. On the other hand, “demand-side” information from users of government services, communities and citizens (e.g., community scorecards, citizen report cards, participatory monitoring

³³ “Governance & Social Accountability Mechanisms in Naga City, Philippines”, a paper presented by Mayor Jesse M. Robredo of Naga City, Philippines during the Governance and Social Accountability Forum on September 18, 2006 in conjunction with the World Bank and IMF Annual Meeting in Singapore.

³⁴ *ibid*

³⁵ In many country contexts, the initial focus of social accountability interventions has in fact been to lobby for enhanced information rights and public transparency.

and evaluation techniques) raise awareness and promote local-level mobilization and organization.

Interpreting information

Relevant data or information, once obtained, must be interpreted and analyzed to be rendered useful. This may involve working with trained specialists (e.g., who can help to “demystify” budgets or disaggregate financial accounts) or using participatory methods to help community members or user groups analyze local data or collectively evaluate public services.³⁶

Information as evidence

In either case, the objective is to produce meaningful findings that can be understood by all stakeholders so they could use such information to move beyond mere protest to evidence-based dialogue. For instance, armed with evidence such as detailed financial records, citizen movements can audit government spending, thereby systematically exposing fraud and in the long-term, creating a social impediment for corruption³⁷.

Citizen Intervention in Governmental Processes

Citizen participation in governance plays an important role in the quest for social accountability. However, such participation would not be possible without a responsive government, and the participation of organized and capable citizen groups, especially in local governments. Public expenditure tracking is likewise a means through which citizens – as individuals and groups, could participate in the public expenditure cycle, and in so doing, increase government accountability to the public.

Thus, the second class of legal mechanisms should allow citizen participation in governance on several levels: determination of policy; monitoring of programs; performance audits; and impact assessment. Given the different types and levels of intervention in governmental processes, these are similarly dispersed in the different laws that create the different offices of government. These are mechanisms, which are generally untapped, embodied mainly in the Local Government Code of 1991, Revised Administrative Code of 1997 among others. In the next pages, we shall explore the pertinent provisions in the said laws, vis-à-vis the unclear standards of identifying stakeholders in said laws. The manner by which consultations are

³⁶ Carmen Malena, Reiner Forster and Janmejay Singh, *Social Accountability: An Introduction to the Concept and Emerging Practice*, World Bank Social Development Papers Participation and Civic Engagement Paper No. 76 December 2004

³⁷ “From Shouting to Counting: A New Frontier in Social Development,” a World Bank Publication from www.worldbank.org/sustainabledevelopment/ (last visited: March 16, 2010).

conducted, and uneven application by the different agencies, shall likewise be discussed by way of a case study.

Responsive Government

In ensuring citizen participation in governance, feedback mechanisms by which the citizens can intervene with government processes must be available. Such intervention can only be possible if the government, itself is responsive.

Current Legal Infrastructure Ensuring Responsiveness in Government

In line with the goal towards a responsive government, provisions of the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees specify directives to departments, offices, and agencies in the government. Among such provisions is Section 4 of Rule III³⁸, which provides that an updated service guide should be maintained for the transacting public. In addition, said provision requires that a workflow chart be posted in conspicuous places of the department, office or agency.³⁹

Similarly, the establishment of mechanisms to ensure the conduct of public consultations and hearings are mandated in Rule III, Section 5⁴⁰ of said implementing rules in order to gather feedback and suggestions on the efficiency of services.

Meanwhile, in the local level, the structure for a responsive government at the most basic level of government, the barangay, is found in Sections 397⁴¹ and 398⁴² of the Local Government Code.

³⁸ *Section 4, Rule III.* Every department, office and agency shall conduct continuing studies and analyses of their works systems and procedures to improve delivery of public services. Towards this end, such studies and analyses shall: (1) identify systems and procedures that lead or contribute to negative bureaucratic behavior; (2) simplify rules and procedures to avoid red tape; and (3) devise or adopt systems and procedures that promote official and employee morale and satisfaction.

Each department, office or agency shall develop a service guide or its functional equivalent, which shall be regularly updated and made available to the transacting public. A workflow chart showing procedures or flow of documents shall likewise be posted in conspicuous places in the department, office or agency for the information and guidance of all concerned.

³⁹ *Section 4, Rule III*

⁴⁰ *Section 5, Rule III.* Every department, office or agency shall consult the public they serve for the purpose of gathering feedback and suggestions on the efficiency, effectiveness and economy of services. They shall establish mechanisms to ensure the conduct of public consultations and hearings.

⁴¹ CHAPTER VI Barangay Assembly. Section 397. *Composition; Meetings.* -

(a) There shall be a barangay assembly composed of all persons who are actual residents of the barangay for at least six (6) months, fifteen (15) years of age or over, citizens of the Philippines, and duly registered in the list of barangay assembly members.

(b) The barangay assembly shall meet at least twice a year to hear and discuss the semestral report of the sangguniang barangay concerning its activities and finances as well as problems affecting the barangay. Its meetings shall be held upon call of the punong barangay or of at least four (4) members of the sangguniang barangay, or upon written petition of at least five percent (5%) of the assembly members.

(c) No meeting of the barangay assembly shall take place unless a written notice is given one (1) week prior to the meeting except on matters involving public safety or security, in which case notice within a reasonable time shall be sufficient. The punong barangay, or in his absence, the sangguniang barangay member acting as punong barangay, or any assembly member selected during the meeting shall act as presiding officer in all the meetings of the assembly. The barangay secretary, or in his

Operationalizing the Legal Infrastructure To Achieve a Responsive Government

To operationalize the aforesaid provisions in local government units, report card surveys on services of a local government unit can become a gauge in rating performance based on the level of a citizen's satisfaction or dissatisfaction. Recently conducted was a Report Card Survey on specific services of the nine cities in the National Capital Region proved successful in making the local government units more responsive to the needs of the people.⁴³ The report card graded the legislation and delivery of services like Garbage collection, Traffic management, Neighborhood safety, Public market management, Permit issuance/licensing, Water supply, Housing, and Basic Information. It succeeded in empowering the local residents and provided local officials with a performance rating set by the people resulting to the delivery of services that were more compatible with what the people actually wanted.

This report card surveys are similar to community scorecards observed in Malawi except that in the latter, the citizens eventually meet face-to-face with their service providers to discuss reforms.⁴⁴

Naga City: A Responsive and Accountable Government

A responsive and accountable government can also be achieved by fostering projects, programs, and activities that demand civic engagement. An example of such is the Kaantabay sa Kauswagan⁴⁵ program of Naga City which dealt with securing tenurial rights for urban poor beneficiaries led to the establishment of the Naga City Urban Poor Federation (NCUPF) composed of around 80 urban poor associations.

a. The Naga City Urban Poor Federation (NCUPF)

barangay assembly.

⁴² Section 398. *Powers of the Barangay Assembly*. - The barangay assembly shall:

- (a) Initiate legislative processes by recommending to the sangguniang barangay the adoption of measures for the welfare of the barangay and the city or municipality concerned;
- (b) Decide on the adoption of initiative as a legal process whereby the registered voters of the barangay may directly propose, enact, or amend any ordinance; and
- (c) Hear and pass upon the semestral report of the sangguniang barangay concerning its activities and finances.

⁴³ Hidalgo. *Report Card Survey on Specific Services of Nine Cities in the National Capital Region*. 2002. http://www.adb.org/Documents/Reports/Consultant/Report_Card_Survey.pdf (last visited: May 16, 2010)

⁴⁴ *Better Governance, Better Results with Accountable Government*

⁴⁵ Robredo. *Governance and Social Accountability Mechanisms in Naga City*. www.naga.gov.ph/cityhall/IMF_09182006.pdf (last visited: May 16, 2010)

The NCUPF now serves as a check in the observance of the provisions of the Kaantabay sa Kauswagan Ordinance of 1997⁴⁶ particularly the allocation of 10% of the local budget to the urban poor sector. At the project level, a tripartite system involving the city government and other national government agencies, urban poor associations, and private landowners ensures that all relevant parties are represented in the NCUPF in arriving at a fair resolution of tenurial rights. At the city level, the urban poor and non-government sector are represented in the local housing and urban development board, which assesses Naga's urban development policies and projects⁴⁷.

b. The Kaantabay sa Kauswagan Ordinance of 1997

The effective implementation of the Kaantabay sa Kauswagan program is guaranteed with the passage of recent ordinances establishing a home lot acquisition scheme extended to urban poor beneficiaries called the Bayanihan program⁴⁸ and by imposing graver penalties for violations of the program.⁴⁹ In addition, also in Naga City, civil society was further encouraged with the development of the NGO-PO Council and the implementation of the People Empowerment Program, which served as a precursor to the Naga City People's Council.⁵⁰

Organized and Capable Citizens Groups

Constitutional Underpinnings

Interestingly, the 1987 Constitution of the Philippines makes distinctions between Non-Governmental Organizations ("NGOs") and People's Organizations ("POs"). Article II Section 23 of the Constitution declares as a State policy the encouragement of non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.⁵¹ In so doing, it characterized NGOs as "independent people's organizations involved in promoting the welfare of majority of the population."

⁴⁶ Ordinance No. 98-033: An Ordinance Providing For A Comprehensive And Continuing Development Program For The Urban Poor Sector And Appropriating Funds For The Purpose

⁴⁷ *ibid*

⁴⁸ Ordinance No. 2001-078: An Ordinance Establishing The Bayadnihan Program For Beneficiaries Of The Naga Kaantabay Sa Kauswagan Program

⁴⁹ Ordinance No. 2003-049: An Ordinance Revising Sec.22, Article VII Of Ordinance No. 98-033, Otherwise Known As The Kaantabay Sa Kauswagan Program By Adding New Sections Thereto And Imposing Graver Penalties For Violations Thereof

⁵⁰ Robredo. *Governance and Social Accountability Mechanisms in Naga City*. www.naga.gov.ph/cityhall/IMF_09182006.pdf (last visited: May 16, 2010)

⁵¹ *Section 23, Article II*. The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

On the other hand, Specifically, Section 15⁵² of Article XIII, in a way, defines people's organizations as bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership and structure. Further, the same section, provides that:

"The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means."

Section 16⁵³ of Article XIII, which like Section 15 is devoted to the roles and rights of People's Organizations, prohibits the abridgment of people's and people's organizations' right to effective and reasonable participation at all levels of social, political and economic decision making.

The above constitutional policies are complemented by Article X, Section 3 of the Constitution provides that each local government unit shall have a local development council.

Local Government Code

The Local Government Code (LGC) implements the aforesaid constitutional mandates through provisions, which empower local development councils as well as encourage the participation of non-governmental organizations (NGOs) therein.

The Local Development Council

Section 106⁵⁴ of the LGC contains a mandate for. local development councils (LDC) at the provincial, city, municipal or barangay level to initiate a comprehensive multisectoral development plan to be approved by the sanggunian. Among an LDC's functions, as set forth in Section 109⁵⁵ is that LDCs shall assist the corresponding

⁵² Section 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

⁵³ Section 16. The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms

⁵⁴ Section 106. *Local Development Councils.* Each local government unit shall have a comprehensive multisectoral development plan to be initiated by its development council and approved by its sanggunian. For this purpose, the development council at the provincial, city, municipal or barangay level, shall assist the corresponding sanggunian in setting the direction of economic and social development, and coordinating development efforts within its territorial jurisdiction.

⁵⁵ Section 109. *Functions of Local Development Councils.* -

- (a) The provincial, city, and municipal development councils shall exercise the following functions:
- (1) Formulate long-term, medium-term, and annual socio-economic development plans and policies;
 - (2) Formulate the medium-term and annual public investment programs;
 - (3) Appraise and prioritize socio-economic development programs and projects;
 - (4) Formulate local investment incentives to promote the inflow and direction of private investment capital;
 - (5) Coordinate, monitor, and evaluate the implementation of development programs and projects; and
 - (6) Perform such other functions as may be provided by law or component authority.

sanggunian in setting the direction of economic and social development, and coordinating development efforts within its territorial jurisdiction.

a. Petition for Right to People's Participation

The need for an LDC is recognized with a petition for the right to people's participation in governance by the Maging Tapat Movement based in Quezon City.⁵⁶ This petition was done through the "Kapamahala Ordinance of 2010," which seeks to compel the local sanggunian of Quezon City to pass an ordinance to reconstitute the Quezon City Development Council (QCDC).

In particular, the movement demands that policy guidelines be provided in the accreditation of participating non-government, peoples and private sector organizations. It also asks that the development council be allowed to adopt its own selection process and organizational accountability mechanisms, including the punong barangays who are automatic members of the QCDC.

Finally, the movement seeks for a rationalized planning system, as prescribed by the National Economic Development Authority (NEDA), Department of Finance (DOF), and the Department of Interior and Local Government (DILG), to be implemented.

b. NGO Participation in LGU Special Bodies

The LGC likewise provides for the representation of non-governmental organizations ("NGOs") in special local government bodies. In Section 107⁵⁷ of the

-
- (1) Mobilize people's participation in local development efforts;
 - (2) Prepare barangay development plans based on local requirements;
 - (3) Monitor and evaluate the implementation of national or local programs and projects; and
 - (4) Perform such other functions as may be provided by law or competent authority.

⁵⁶ *Dangal at Tiwala sa Pamamahala at Pulitika PowerPoint Presentation*

⁵⁷ *Section 107. Composition of Local Development Councils.* The composition of the local development council shall be as follows:

- (a) The barangay development council shall be headed by the punong barangay and shall be composed of the following members:
 1. Members of the Sangguniang Barangay;
 2. Representatives of nongovernmental organizations operating in the barangay, who shall constitute not less than one fourth (1/4) of the members of the fully organized council;
 3. A representative of the congressman.
- (b) The City or Municipal Development Council shall be headed by the mayor and shall be composed of the following members:
 1. All punong barangays in the city or municipality;
 2. The chairman of the committee on appropriations of the Sangguniang Panlungsod or Sangguniang Bayan concerned;
 3. The congressman or his representative; and
 4. Representatives of nongovernmental organizations operating in the city or municipality, as the case may be, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council.
- (c) The Provincial Development Council shall be headed by the governor and shall be composed of the following members:
 1. All mayors of component cities and municipalities;
 2. The chairman of the committee on appropriations of the Sangguniang Panlalawigan;
 3. The congressman or his representative; and
 4. Representatives of nongovernmental organizations operating in the province, who shall constitute not less than one-fourth (1/4) of the members of the fully organized council.
- (d) The local development councils may call upon any local official concerned or any official of national agencies or offices in the local government units to assist in the formulation of their respective development plans and public investment programs.

LGC, NGO's are given a sizable number of representatives, which shall not be less than $\frac{1}{4}$ of the total number of council members in the local development councils in recognition of the vital role that the private sector plays in the development of the different provinces, cities, municipalities and barangays. In addition, Section 108⁵⁸ provides for the representation of NGOs to LDCs, subject to criteria as may be provided by law.

Local Peace and Development Council

The organization of the Local Peace and Order Council as mandated by Section 116,⁵⁹ is implemented by Executive Order ("EO") No. 309.⁶⁰ Pertinent provisions of EO 309 are:

"(c) The Provincial Peace and Order Council shall be composed of the Provincial counterparts of the department, offices and agencies as enumerated in paragraph (a) above, wherever applicable, to be appointed by their respective agency heads, with the Provincial Governor as Chairman. In addition, there shall be one representatives of the Sangguniang Panlalawigan to be chosen by it from among its members. The Chairman of the Provincial Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council at his level. Departments, offices and agencies with no provincial and/or field offices may deputize their representatives on the provincial level.

(d) The City or Municipal Peace and Order Council shall be composed of the city or municipal counterparts of the departments, offices and agencies as enumerated in paragraph (a) above, wherever applicable, to be appointed by their respective agency heads, with the City or Municipal Mayor as Chairman. In addition, there shall be one representative of the Sangguniang Panlungsod or Sangguniang Bayan, as the case may be, to be chosen by said Sangguniang from among its members. The Chairman of the City or Municipal Peace and Order Council shall appoint the three (3) representatives of the private sector, upon consultation with the members of the Council at his level. Departments, offices and agencies with no city, municipal and/or field offices may deputize their representatives on the city or municipal levels.

Local Government Procurement

In terms of local government procurement, Section 37⁶¹ and 38⁶² of the LGC, a provision on Pre-Qualification, Bids and Awards Committee (PBAC) was amended

⁵⁸ SECTION 108. *Representation of Nongovernmental Organizations.*- Within a period of sixty (60) days from the start of organization of Local Development Councils, the Non-Government Organizations shall choose from among themselves their representatives to said councils. The Local Sanggunian concerned shall accredit Non-Government Organizations subject to such criteria as may be provided by law.

⁵⁹ TITLE VII LOCAL PEACE AND ORDER COUNCIL. Section 116. *Organization.* - There is hereby established in every province, city and municipality a local peace and order council, pursuant to Executive Order Numbered Three hundred nine (E.O. No. 309), as amended, Series of 1988. The local peace and order councils shall have the same composition and functions as those prescribed by said executive order.

⁶⁰ Executive Order No. 309: Reorganization of the Peace and Order Council

⁶¹ Section 37. *Local Prequalification, Bids and Awards Committee (Local PBAC).* -

(a) There is hereby created a local prequalification, bids and awards committee in every province, city, and municipality, which shall be primarily responsible for the conduct of prequalification of contractors, bidding, evaluation of bids, and the recommendation of awards concerning local infrastructure projects. The governor or the city or municipal mayor shall act as the

by Republic Act No. 9184 or the New Procurement Law. Participation of NGOs is subject to the type of procurement.

When objects of procurement are supplies or goods, it is usually the Chamber of Commerce and Industry that sits as private sector representative. On the other hand, when Infrastructure Projects are involved, the Philippine Institute of Civil Engineers usually sits as private sector representatives in the PBAC.

NGO Participation in Local Education Matters

As regards education in the local government level, Sections 98⁶³ provides for the creation, composition and composition of a local school board, while Section 99⁶⁴

-
- (1) The chairman of the appropriations committee of the sanggunian concerned;
 - (2) A representative of the minority party in the sanggunian concerned, if any, or if there be none, one (1) chosen by said sanggunian from among its members;
 - (3) The local treasurer;
 - (4) Two (2) representatives of non-governmental organizations that are represented in the local development council concerned, to be chosen by the organizations themselves; and
 - (5) Any practicing certified public accountant from the private sector, to be designated by the local chapter of the Philippine Institute of Certified Public Accountants, if any.

Representatives of the Commission on Audit shall observe the proceedings of such committee and shall certify that the rules and procedures for prequalification, bids and awards have been complied with.

- (b) The agenda and other information relevant to the meetings of such committee shall be deliberated upon by the committee at least one (1) week before the holding of such meetings.
- (c) All meetings of the committee shall be held in the provincial capitol or the city or municipal hall. The minutes of such meetings of the committee and any decision made therein shall be duly recorded, posted at a prominent place in the provincial capitol or the city or municipal hall, and delivered by the most expedient means to elective local officials concerned.

⁶² Section 38. *Local Technical Committee.* -

- (a) There is hereby created a local technical committee in every province, city and municipality to provide technical assistance to the local prequalification, bids and awards committees. It shall be composed of the provincial, city or municipal engineer, the local planning and development coordinator, and such other officials designated by the local prequalification, bids and awards committee.
- (b) The chairman of the local technical committee shall be designated by the local prequalification, bids and awards committee and shall attend its meeting in order to present the reports and recommendations of the local technical committee.

⁶³ Section 98. *Creation, Composition, and Compensation.* -

- (a) There shall be established in every province, city, or municipality a provincial, city, or municipal school board, respectively.
- (b) The composition of local school boards shall be as follows:
 - (1) The provincial school board shall be composed of the governor and the division superintendent of schools as co-chairman; the chairman of the education committee of the sangguniang panlalawigan, the provincial treasurer, the representative of the "pederasyon ng mga sangguniang kabataan" in the sangguniang panlalawigan, the duly elected president of the provincial federation of parents-teachers associations, the duly elected representative of the teachers' organizations in the province, and the duly elected representative of the non-academic personnel of public schools in the province, as members;
 - (2) The city school board shall be composed of the city mayor and the city superintendent of schools as co-chairmen; the chairman of the education committee of the sangguniang panlungsod, the city treasurer, the representative of the "pederasyon ng mga sangguniang kabataan" in the sangguniang panlungsod, the duly elected president of the city federation of parents- teachers associations, the duly elected representative of the teachers' organizations in the city, and the duly elected representative of the non-academic personnel of public schools in the city, as members; and
 - (3) The municipal school board shall be composed of the municipal mayor and the district supervisor of schools as co-chairmen; the chairman of the education committee of the sangguniang bayan, the municipal treasurer, the representative of the "pederasyon ng mga sangguniang kabataan" in the sangguniang bayan, the duly elected president

details the functions of such boards. Section 98(b)⁶⁵ of the LGC provides that the elected President of the Provincial Federation of Parents-Teachers Associations as well as the duly elected representative of the Teachers' Organizations participates in the School Boards in the City and Municipal levels.

NGO Participation in Local Health Matters

On the matter of health, Section 102⁶⁶ of the LGC provides for the creation and composition of local health boards. In particular, Section 102(a)(1)⁶⁷ prescribes that a

organizations in the municipality, and the duly elected representative of the non-academic personnel of public schools in the municipality, as members.

(c) In the event that a province or city has two (2) or more school superintendents, and in the event that a municipality has two (2) or more district supervisors, the co-chairman of the local school board shall be determined as follows:

- (1) The Department of Education, Culture and Sports shall designate the co-chairman for the provincial and city school boards; and
- (2) The division superintendent of schools shall designate the district supervisor who shall serve as co-chairman of the municipal school board.

(d) The performance of the duties and responsibilities of the abovementioned officials in their respective local school boards shall not be delegated.

⁶⁴ Section 99. *Functions of Local School Boards.* - The provincial, city or municipal school board shall:

(a) Determine, in accordance with the criteria set by the Department of Education, Culture and Sports, the annual supplementary budgetary needs for the operation and maintenance of public schools within the province, city, or municipality, as the case may be, and the supplementary local cost of meeting such as needs, which shall be reflected in the form of an annual school board budget corresponding to its share of the proceeds of the special levy on real property constituting the Special Education Fund and such other sources of revenue as this Code and other laws or ordinances may provide;

(b) Authorize the provincial, city or municipal treasurer, as the case may be, to disburse funds from the Special Education Fund pursuant to the budget prepared and in accordance with existing rules and regulations;

(c) Serve as an advisory committee to the sanggunian concerned on educational matters such as, but not limited to, the necessity for and the uses of local appropriations for educational purposes; and

(d) Recommend changes in the names of public schools within the territorial jurisdiction of the local government unit for enactment by the sanggunian concerned.

The Department of Education, Culture and Sports shall consult the local school board on the appointment of division superintendents, district supervisors, school principals, and other school officials.

⁶⁵ Section 98. *Creation, Composition and Compensation.* (b) The Provincial School Board shall be composed of the governor and the division superintendent of schools as co-chairmen; the chairman of the education committee of the Sangguniang Panlalawigan, the provincial treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the Sangguniang Panlalawigan, the duly elected President of the Provincial Federation of Parents-Teachers Associations, the duly elected representative of the Teachers' Organizations in the Province, and the duly elected representative of the non-academic personnel of public schools in the province, as members.

⁶⁶ **TITLE V LOCAL HEALTH BOARDS. Section 102. *Creation and Composition.*** -

(a) There shall be established a local health board in every province, city, or municipality. The composition of the local health boards shall be as follows:

(1) The provincial health board shall be headed by the governor as chairman, the provincial health officer as vice-chairman, and the chairman of the committee on health of the sangguniang panlalawigan, a representative from the private sector or non-governmental organizations involved in health services, and a representative of the Department of Health in the province, as members;

(2) The city health board shall be headed by the city mayor as chairman, the city health officer as vice-chairman, and the chairman of the committee on health of the sangguniang panlungsod, a representative from the private sector or non-governmental organizations involved in health services, and a representative of the Department of Health in the city, as members; and

(3) The municipal health board shall be headed by the municipal mayor as chairman, the municipal health officer as vice-chairman, and the chairman of the committee on health of the sangguniang bayan, a representative from the private sector or non-governmental organizations involved in health services and a representative of the Department

representative from the Private Sector or Non-Government Organizations involved in Health Services be a member of the Provincial Health Board. The LGC, however, although prescribing the composition of said Board, left out the criteria and manner of selection of the NGO Representative who will sit in the Health Board.

Public Expenditure Tracking and Budgeting

The Local Government Code mandates the Department of Budget and Management to furnish local development councils information on financial resources and budgetary allocations to guide them in their planning functions.⁶⁸

Limitations in the Local Government Code

NGO Representation in LGUs

It could be recalled that the LGC provides for NGO representation in LGUs subject to criteria prescribed by law. However, no law as of yet prescribes such criteria. Thus, it is up to the Sanggunian concerned to decide on the manner of accreditation of NGO representatives to LDCs. NGO representation is likewise prescribed in matters of peace and order, and procurement, as well as education and health, in the local government level

Procurement Process. Although the LGC provides for the participation of private sector representatives in the the local procurement process, such participation is limited. Aside from the LGU BAC's power to decide whom to invite, when invited, private sector representatives are merely observers in the procurement process.

Health and Education. The LGC provides, as well, for NGO representation in matters of education and health in the LGU. However these provisions are in need of implementing rules and regulations to fill in gaps as to the selection of said NGO representatives.

(b) The functions of the local health board shall be:

- (1) To propose to the sanggunian concerned, in accordance with standards and criteria set by the Department of Health, annual budgetary allocations for the operation and maintenance of health facilities and services within the municipality, city or province, as the case may be;
- (2) To serve as an advisory committee to the sanggunian concerned on health matters such as, but not limited to, the necessity for, and application of local appropriations for public health purposes; and
- (3) Consistent with the technical and administrative standards of the Department of Health, create committees which shall advise local health agencies on matters such as, but not limited to, personnel selection and promotion, bids and awards, grievance and complaints, personnel discipline, budget review, operations review and similar functions.

⁶⁷ SECTION 102. *Creation and Composition.* (a), (1) The Provincial Health Board shall be headed by the governor as chairman, the provincial health officer as vice-chairman, and the chairman of the committee on health of the Sangguniang Panlalawigan, a representative from the Private Sector or Non-Government Organizations involved in Health Services, and a representative of the Department of Health in the province, as members;

⁶⁸ Section 115. *Budget Information.* The Department of Budget and Management shall furnish the various local development councils information on financial resources and budgetary allocations applicable to their respective jurisdictions to guide them in their planning functions.

The mandate for LDC participation in public expenditure planning and budgeting fails to tap in full the participation of citizens in the public expenditure cycle, which would have rendered the government answerable from the planning of the budget to the disbursement of funds. This can be done in the areas of budget review and analysis, budget formulation, budget/expenditure tracking, and performance monitoring.⁶⁹

Naga City: A model LGU Overcoming Limitations in the LGC

A particular LGU, however, has succeeded in overcoming the limitations contained in the abovementioned LGC provisions, and their implementing laws, if any. Naga City has already demonstrated that engaging local civil society achieves social accountability.

- a. The Naga City People's Council and the Naga City Empowerment Ordinance

The Empowerment Ordinance of Naga City,⁷⁰ enacted in 1995 eventually gave rise to the Naga City People's Council.

Through the said ordinance, the city government demonstrated its willingness to enter into a partnership with duly accredited Naga-based people's organizations and non-government organizations in the conception, implementation and evaluation of all its activities and functions. The ordinance mandated the creation of a People's Council composed of all accredited NGOs and POs, upon petition made to the Sangguniang Panlungsod. It assured sectoral representation in the Sangguniang Panlungsod from each of the non-agricultural labor, women and urban poor sectors of the city who shall be elected from among the members of the accredited NGOs and POs in each sector. Moreover, it declared the joint responsibility of the City Government and the People's Council to organize the Nagueños into cooperatives, labor unions, interest groups, non-government organizations, sectoral organizations and/or people's organizations, or to encourage and support their own efforts towards self-organization to address their common concerns, to promote their common welfare, and/or to serve the city or their communities and interests⁷¹.

As a result of the Empowerment Ordinance, the Naga City People's Council (NCPC) was established in 1997 as a city-level federation of non-governmental organizations,

⁶⁹ *Better Governance, Better Results with Accountable Government*

⁷⁰ Ordinance No. 95-092: An Ordinance Initiating A System For A Partnership In Local Governance Between The City Government And The People Of Naga

⁷¹ Robredo. *Governance and Social Accountability Mechanisms in Naga City*. www.naga.gov.ph/cityhall/IMF_09182006.pdf
Accessed March 16, 2010.

people's organizations, and business associations operating in Naga. The NCPC, aside from acting as representatives of the people in all local special bodies and committees of the City Council, is allowed to vote in the deliberation of the city's programs and is involved in policy-making and project implementation, monitoring, and evaluation⁷².

Participation, Accountability and Transparency in Quezon City

The success of the Empowerment Ordinance of Naga City paved for a proposed [Participation, Accountability and Transparency \(PAT\) Ordinance⁷³ in Quezon City](#). The proposed PAT ordinance aims for the creation of a People's Council of Quezon City (PCQC) which will be the standing and regular body and the umbrella of all accredited Civil Society Organizations and private/business organizations in Quezon City. As the active partner of Quezon City in local governance, the PCQC shall observe, participate and submit recommendations in the implementation, monitoring and evaluation of the city government's programs and projects, among its other rights and privileges.

Participative approaches in planning and budgeting

An illustration of the use of participative approaches in planning and budgeting for a city's development and land use plans is Naga City.⁷⁴ In Naga, the city's local planning office coordinated with the City Development Council composed of different civil society representatives in the crafting and costing of programs, projects, and activities as well as in mapping out its 9-year action plan. Consultations were made both at the sectoral and city levels where the consolidated outputs of the planning sessions were discussed and revised. The involvement of the Naga City People's Council and its member NGOs in formulating the departmental budgets assured the alignment of budgetary allocations according to the needs and priorities of the different sectors.

Another example of public expenditure tracking is Performance Monitoring and Expenditure Tracking by Public Watchdogs to achieve transparent and accountable institutions. The Citizen Monitoring of Infrastructure Projects initiated by the Concerned Citizens Concerned Citizens of Abra for Good Government (CCAGG) was an initiative to examine the development programs and public expenditures in the Abra region.⁷⁵ Aside from enhancing public participation in the development processes, it introduced accountability tools like social auditing. The CCAGG's

⁷² *ibid*

⁷³ Proposed Ordinance No. 2008-111: An Ordinance Strengthening And Institutionalizing the System Of Partnership In Local Governance Between The Quezon City Government And The People Of Quezon City

⁷⁴ Robredo. *Governance and Social Accountability Mechanisms in Naga City*. www.naga.gov.ph/cityhall/IMF_09182006.pdf (last visited: May 16, 2010)

⁷⁵ *Empowering the Marginalized: Case Studies of Social Accountability Initiatives in Asia*, World Bank Institute. 2007. <http://siteresources.worldbank.org/EXTSOCACCDEMISIDEGOV/Resources/EmpoweringTheMarginalizedFinalVersion.pdf?res=...>

findings resulted to the discovery of corruption and prosecution of erring public officials, improvement of infrastructure while saving scarce government resources, reduction of graft and corruption, and shift of government officials' attitude towards cooperation.

Public expenditure tracking was likewise the objective in "The Textbook Count Program: National Monitoring of Textbook Delivery"⁷⁶ as launched by the Department of Education and Government Watch project of the Ateneo School of Government. Said initiative involves the effort to check widespread corruption in textbook procurement in the Philippines.

Recognition Systems for the Establishment of NGO Participants in Agency and/or Local Government

Officially, accreditation is an acknowledgment of the merits of a person, corporation, entity, or organization in meeting the standards of an agency to deliver specific services or to represent its constituency. Accreditation is a usual requirement for specific program or project participation⁷⁷.

Often, such as in the LDC, **the organic acts of agencies do not have a clear mandate as to accreditation requirements necessary for the establishment of NGO participation in local government and/or agency processes.**

However, the the National Economic Development Agency (NEDA) through the Social Development Committee ("SDC") NEDA Board reviews national policies on NGOs at the national level. The SDC performs policy reviews, rather than regulatory functions, which are performed by the respective line agencies. The Social Welfare Development Division of NEDA acts as the SDC Secretariat⁷⁸. It has considered the heterogeneity of NGOs, and in so doing given specific requirements for participation in different programs and projects.⁷⁹

Through NEDA Board Resolution 4/89, it provides for the decentralization and devolution of all NGO accreditation systems to the respective National Government line agencies and local government units. The same NEDA policy spells out a minimal set of NGO accreditation criteria, which are:

- Broad-based membership
- Integrity/commitment
- Track records
- Complementarity of program goals and objectives
- Management capability

⁷⁶ *Empowering the Marginalized: Case Studies of Social Accountability Initiatives in Asia*, World Bank Institute. 2007. <http://siteresources.worldbank.org/EXTSOCACCEMDEMSIDEGOV/Resources/EmpoweringTheMarginalizedFinalVersion.pdf?resourceurlname=EmpoweringTheMarginalizedFinalVersion.pdf> (last visited: May 16, 2010)

⁷⁷ A Study of NGO's in the Philippines, Asian Development Bank, 1999

⁷⁸

- Financial viability
- Absorptive capacity
- Ability to provide local counterpart requirement (in cash or kind)
- Share of overhead/administrative expenses to total expenses (in range of 20-30 percent)⁸⁰

However, in line with current policy, there is no central government body that monitors NGO accreditation systems or maintains a central database on NGOs. Thus, accreditation systems still vary widely across agencies and programs, and serve different agency purposes: to identify program participants, to set up systems of representation and negotiation, to develop lists/rosters for sending general information and invitations to agency-sponsored consultations, to determine eligibility for official development assistance (ODA) or government-funding, or to determine groups with special needs or technical expertise⁸¹.

Noticeably, NGO accreditation systems tend to be stricter and more pronounced in cases where:

- There is accreditation for specific program/project participation (vs. general government agency accreditation)
- Government or foreign funding of the NGO is involved
- The representativeness or legitimacy of the NGO/PO to decide/negotiate in behalf of its constituency is in question
- The accreditation involves an evaluation of the NGO's specific technical capacities or expertise⁸².

Thus, the Department of Trade and Industry (DTI), whose involvement with the NGOs is more consultative than project-based, has developed systems and criteria for recognition instead of accreditation⁸³.

⁸⁰ ibid

⁸¹ ibid

⁸² . . .

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Chapter 4. Context and Cultural Appropriateness

Having illustrated the basic elements and success factors to attaining full and effective implementation of SAc, this section will dwell on the possible constraints and challenges that a group (government, private sector and the general public, intermediaries) may face in implementing the legal and organizational framework, which supports social accountability. These are limitations are often derived from a disparity between the context and culture in the society in which said framework is supposed to be established.

An analysis on the context and cultural appropriateness of social accountability mechanisms in the previous chapter follows. Aptly, this discussion on the fourth pillar of social accountability, context and cultural appropriateness, is anchored on the first three pillars of social accountability.

SAc Implementation Constraints and Challenges

Access to Information

Inadequate Promotion. Especially in rural areas, information, ideas and knowledge are often poorly identified and packaged for the socio-cultural context of the people. This frequently leads to non-use, non-appreciation by people or even their confusion and misdirection.

ICT Barriers. To date, most SAc mechanisms utilize ICT. Examples of which include the pursuit of the Department of Budget Management (DBM) to increase budget transparency to disclosing to public information regarding appropriations of Internal Revenue Allotment (IRA) through its electronic Lumpsum Appropriations Management Program (e-LAMP). Nonetheless, establishment of such SAc mechanism had become slow, with one factor being the agency's lack of resources to attain full implementation of the program, as well as lack of internet access in some localities.

Lack of enabling environment. The Freedom of Information Act. There is generally a low level of recognition of the true role of information in planning and implementing development programs in the country, as expressed by the unsuccessful passage of the Free Information Act (FOI) Act. The FOI Act recognizes the right to information and implementation of a policy of full public disclosure as indispensable to the exercise of effective and reasonable participation of citizens. Its passage is vital to good governance, government accountability, and the enhancement of a feedback mechanism available to the public.

Responsive Government

State capacity. A functioning public administration that has some capacity to respond to citizen demands is a prerequisite to success of social accountability. However, such capacity has not been realized by the country as the current state still lacks the effective devolution of authority and resources, among others.

Lack of clear articulation of goals that focus on improved outcomes. The first step towards creating an accountable system is the clear articulation of goals and objectives across the service delivery chain – goals that focus on improving outcomes. Such articulation provides the basis against which real performance can be measured, and accountability sought.

Lack of clear lines of accountability and rational delegation of roles. Accountability requires that roles and responsibilities be delegated such that there is no overlap of administrative boundaries, and such that specific levels of government and specific service provider can be held accountable for performance of specific functions. As currently being observed, there exists a significant overlap of roles, responsibilities across functionaries, government departments and jurisdictions.

Lack of facilities for grievance redressal. Strict and unfailing follow-up action on SAC findings through effective grievance redresses mechanisms is crucial to the success of SAC initiatives. If citizens are to be expected to challenge entrenched power dynamics and place themselves at risk, they at least need to be assured that the governments will respond and address their grievances.

Lack of support from government agencies. Lack of buy-in among government agencies and bureaucrats can serve to dissipate the strength of collective action needed for Social Accountability.

Decentralization. Nations such as the Philippines have mandated decentralization by law and have employed social accountability mechanisms to improve governance (e.g. Naga City in Bicol Region). Too often, however, the transition to decentralization or devolution suffered from different degrees of difficulty. Local governments are constrained by inadequate capacity, bureaucratic procedures, political interference, limited authority, lack of accountability of service providers and limited financial resources.

Organized and Capable Citizen Groups

Absence of informed and organized targeted beneficiaries. Ironically, targeted beneficiaries – in this case, usually the poor people, are generally excluded from participation in state institutions that makes decisions and administer resources that affect their lives. One can easily observe how organized citizenry (usually the informed rich people) get priority when competition for services occurred. As such, bringing about systemic reform changes depends crucially on the presence of well informed and well organized citizens, especially the poor people.

Emergence of Biased Civil Society Organizations (CSOs). Intermediate CSOs have critical roles to play in supporting the targeted beneficiaries' capabilities, assisting to access and understand information and helping them to link to the government and state institutions. Their empowerment in terms of citizen inclusion and participation at the local level can help ensure that basic services reach the targeted citizenry. However, local elite capture of this CSOs may distort the exercise of social accountability; and it is noted that better (and well endowed rich-supported) CSOs and interest groups can take advantage compared to other grassroots and capital-deprived groups.

Incomplete Legal Right to Participate. Participation and collective action by the citizens is especially forthcoming when people have a legal right to participate. This is because legal rights create collective interests that cut across social divisions, hence making it possible for larger collectives to form and mobilize. But more importantly, this legal right should also provide a degree of legitimacy which facilitates alliance building with other groups and gives them confidence to overcome fears of repression by powerful vested interests both within and outside apparatus.

Resistance to reform, risk of collusion and co-option. Since SAC initiatives are expected to upset the vested interests who have an incentive to maintain status quo, there is much resistance to reform. Consequently, a risk of collusion is always at bay to counteract the initiatives. Usual forms of collusion involve data manipulation and deliberate dereliction of duties. Often times, citizens are themselves co-opted by those from whom accountability is demanded, thereby compelling the former not to speak for or refusing to cooperate in SAC efforts.

Lack of resources. NGOs had little funding support to enable them to participate effectively in Local Development Councils, and the groups that participated in Local Development Councils did both have skills and technical expertise needed to fulfill their mandates. Similarly, lack of funds has impaired citizens' report cards in the country.⁸⁴

Context and Cultural Appropriateness

Institutionalization. While ad hoc or one-off social accountability mechanisms can make a difference, experience shows that impact is the greatest and most sustainable when social accountability mechanisms are institutionalized, or in other words, embedded in and systematically implemented by a civil society, state, or hybrid institution⁸⁵. Except for a few ones, most social accountability mechanisms have unfortunately not been sustained.

Perceived resistance to solutions. At times, development agencies (i.e. USAID) frequently promote inappropriate solutions that the people refuse to adopt because

⁸⁴ *Accountability and K. Sidani (2006)*

they are perceived as relevant to their felt needs. This stems from the scantiness of effective methodologies to involve the people in the identification and development of solutions, which address local needs and problems and take advantage of local resources and opportunities. In such situations, development agencies commonly blame the rural people for being resistant to change and not having the appropriate attitudes and values to recognize the usefulness of offered solutions.

State-civil society synergy. Ultimately, the success of social accountability initiatives depends on some form of effective interaction between civil society and the state. Meaningful results are most likely to be achieved when citizens, politicians and bureaucrats all have an incentive to act. Ackerman (2004) points out that “unilateral state action normally ends up in manipulation, while unilateral social action often ends in repression and violence by the state” and that “the most productive results arise when both sides actively participate”. He clarifies that such mutual participation does not necessarily depend upon agreement, nor trust and that even “conflict and suspicion” can lead to effective state-society synergies. The lesson is that social accountability initiatives must include both state and societal actors and focus on the interface between them (Ackerman, 2004, p.7).

Chapter 5. PARC: A Case Study on SAC

What is PARC?

Objectives of PARC

Stakeholders of PARC

PARC Provisions vis-à-vis the First Three Pillars of Social Accountability

Context and Cultural Appropriateness of the PARC: PARC Provisions as Applied

Gaps and Tools to Identify Gaps

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Chapter 6. Recapitulation

Summary of findings

Discussion on freedom of expression, right to peaceably assemble in the context of a democratic environment

Role of social accountability and four pillars towards achieving democratic objectives

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