



**LEGACY OR IGNOMINY:  
WILL SPEAKER NOGRALES AND HIS HOUSE RATIFY  
THE FREEDOM OF INFORMATION BILL?**

by

**The Right to Know. Right Now! Coalition**  
4 June 2010

When the leaders of the House of Representatives want a measure passed, we have seen them find a way. But when they want a measure aborted, they simply stay away and quibble about the absence of quorum.

For 14 years, the 160 member-organizations of the ***Right to Know. Right Now! Coalition*** have waged, separately and together, an advocacy campaign for the passage of the Freedom of Information Act. We have done so in good faith, in the most positive and trustful manner, and with all due respect to the members of Congress who swore to serve the people, by the Constitution and the laws of the land.

Even now, we thank Speaker Prospero Nograles Jr., the legislators who authored and passed the Freedom of Information Act, and all the members of the 14<sup>th</sup> Congress, for taking the bill to its farthest, an accomplishment that previous Congresses had all failed to achieve.

Today, the Freedom of Information Act hangs on the precipice, and the leaders of the House, on the threshold of either making history or being cast aside to its dustbin.

In the last two weeks, the people have been offered promise after promise to ratify the Freedom of Information Act.

- On February 2, 2010, copies of the Bicameral Conference Committee Report on the FOI scheduled for distribution to the House members suddenly went missing at the session hall.
- On February 3, the House Floorleader, after moving to defer the calling of the roll, proceeded to secure the House members' concurrence vote for no less than 15 Senate bills, and one conference committee report. However, the FOI conference committee report was conveniently left out. A congressman who sought a copy of the FOI Act was told by House officials that the instruction from the office of the House Secretary General was to "hold distribution" of the copies that day, the last day before the Congress adjourned for the election campaign season.
- On May 24, the House leadership implored proponents of the bill to withdraw their motion to ratify the conference committee report after the Speaker and the Majority and Minority leaders declared their commitment to enroll it on the agenda of the House on May 31.
- But on May 31, Speaker Nograles opened the session and the Majority Floorleader moved to suspend session until June 4, for the closing of the 14<sup>th</sup> Congress. In 10 seconds flat, they opened and closed the session, ignoring motions from proponents of the bill to ratify the FOI Act. The proponents led by Manila Rep. Bienvenido M. Abante Jr., chair of the House committee on public information, had wanted to raise a point of order but the House leaders simply ignored them. In truth, the proponents were muzzled and gagged – the microphones on the floor were turned off.

The fate of the Freedom of Information Act is in peril of being hostage to the whims and fancies of the House leadership. In media interviews, Speaker Nograles has declared that the FOI Act – or what he calls "the *foie gras* bill" that he, in fact, co-authored – remains "my priority" and that the House will take it up today, supposedly the last session day of the 14<sup>th</sup> Congress.

Today, the truth or falsity of his avowed commitment to ratify the Freedom of Information Act, will be known. He can yet prove skeptics wrong.

If the Speaker chooses not to live up to his commitment, the Freedom of Information Act dies today; if he proves true to his words, it will live and be ratified, at last.

And well it should. The right to know is an inalienable right of the people that has been firmly guaranteed by the Constitution since 23 years ago. Enshrined in the Bill of Right, it is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, economic and political decision-making.

The Freedom of Information Act fills the legal gaps that have made our constitutional right to information practically inoperable. It provides standard and definite procedures in dealing with requests for information. It clearly defines a narrow list of exceptions, carefully balancing the public interest in securing the widest availability of information while recognizing the public interest in withholding certain information identified in the bill. It secures for citizens concurrent remedies in cases of denial of access to information.

Where a denial is illegal, the citizen concerned may also file the appropriate criminal or administrative complaint. It provides for the public disclosure, without need of request from anyone, of important government transactions. It introduces numerous mechanisms for the active promotion of openness in government.

The Filipino people need and truly deserve this law. It is a demand of the times, a vote for transparency, democratic participation, accountability and good governance. It will empower both the people and their leaders to plant the seeds of strategic governance reforms and start the process of renewal for Philippine institutions.

We take this opportunity to thank Senators Alan Peter Cayetano and Juan Miguel Zubiri for shepherding the bill through the tedious legislative process in the Senate.

We express most especially our gratitude and salute to Senate President Juan Ponce Enrile for leading the Senators in completing the necessary Senate actions for the passage of the Freedom of Information Act. The Senate was in turmoil at the time when the session was about to adjourn in February, yet still it managed to fulfill its legislative commitments.

Last May 31, the Senate passed a resolution urging the House of Representatives to act on the FOI Act conference committee report before the 14<sup>th</sup> Congress adjourns *sine die*. This is clear testimony to the leadership of Senate President Enrile and the sense of duty to people and country of our Senators.

Today, we ask that Speaker Nograles and the House members show proof that they measure up to the same standards. Indeed today, by their choices they will be judged. And they have only two: Legacy or Ignominy.

They have now a historic opportunity to fulfill their constitutional duty to provide an essential law that will secure for the nation the full functioning of their constituents' right to information.

Recognizing that the duty of the state to enforce a policy of full disclosure of all its transactions involving public interest is the hallmark of good governance, there are already more than 80 governments around the world that have adopted a Freedom of Information Act. The passage today of the Freedom of Information Act would be a testament to our maturity as a nation, which is vaunted to be the exemplar of democracy in Asia.

The people of the Philippines are claiming their constitutional right to access to information on matters of public concern. The bicameral conference committee has reconciled the House and Senate versions of the FOI bill. There should be no obstacle to ratifying this bill.

Today, Speaker Nograles and his House will face the judgment of history. Will they be judged as a Congress with a legacy of honor or of ignominy?

In truth, for reasons other than the public interest, they can delay the Freedom of Information Act but not ever defeat it. The people's right to know springs forth from our democracy; it will endure.

Right to Know. Right Now!

**SIGNATORIES:**

1. Bishop Broderick Pabillo      Auxillary Bishop, Manila; National Director of CBCP-National Secretariat for Social Action Justice&Peace (NASSA-JP)
2. Atty. Wigberto Tañada      Senator, 1987-1995
3. Dr. Wilfrido V. Villacorta      Member, 1986 Constitutional Commission; Author of Right to Information on Matters of Public Concern (Art. III, Sec.7, 1987 Constitution)
4. Dr. Florangel Rosario - Braid      Member, 1986 Constitutional Commission and Chair, Communication, UNESCO National Commission of the Philippines
5. Mr. Vincent T. Lazatin      Transparency and Accountability Network
6. Ms. Malou Mangahas      Philippine Center for Investigative Journalism
7. Ms. Adelina Alvarez  
Mr. Red Batario      Center for Community Journalism and Development
8. Atty. Roberto Cadiz      LIBERTAS
9. Prof. Luis Teodoro      Center for Media Freedom and Responsibility
10. Ms. Jenina Joy Chavez      Focus on the Global South – Philippines Programme
11. Mr. Sonny Fernandez  
Mr. Nestor Burgos  
Ms. Rowena Paraan      National Union of Journalists of the Philippines
12. Mr. Alberto Lim      Makati Business Club
13. Ms. Teresita Ang See      Citizens Action Against Crime
14. Mr. Joshua Mata      Alliance of Progressive Labor (APL)
15. Ms. Yuen Abana      Partido ng Mangagawa
16. Ms. Precy Bellomes      Makabayan
17. Mr. Teody Navea  
Mr. Gem de Guzman      Bukluran ng Mangagawang Pilipino (BMP)
18. Atty. Byron Bocar      Akbayan
19. Ms. Judy Pasimio      Legal Rights and Natural Resources Center - Kasama sa Kalikasan
20. Ms. Starjoan Villanueva      Alternate Forum for Research in Mindanao (AFRIM)
21. Dean Antonio La Viña      Ateneo School of Government (ASoG)
22. Dr. Sixto K. Roxas      Maximo T. Kalaw Institute for Sustainable Development
23. Mr. Isagani Serrano      Philippine Rural Reconstruction Movement
24. Mr. Joseph Purugganan      EU-ASEAN FTA Campaign Network-Philippines; Stop the New Round Coalition
25. Mr. Al Alegre      Foundation for Media Alternatives (FMA)

- |     |                              |  |
|-----|------------------------------|--|
| 26. | Ms. Annie Geron              | Public Services Labor Independent Confederation (PSLINK)   |
| 27. | Prof. Leonor M. Briones      | Social Watch Philippines   |
| 28. | Dr. Rene Ofreneo             | Center for Labor Justice   |
| 29. | Dr. J. Prospero De Vera III  | National College of Public Administration and Governance   |
| 30. | Atty. Tanya Lat              | IDEALS   |
| 31. | Mr. Raul Socrates Banzuela   | PAKISAMA   |
| 32. | Chester Amparo               | Kilusan para sa Pambansang Demokrasya (KPD)  |
| 33. | Mr. Pete Pinlac              | Mangagawa para sa Kalayaan ng Bayan (MAKABAYAN)  |
| 34. | Mr. Ramon Tuazon             | Philippines Communication Society  |
| 35. | Ms. Mae V. Buenaventura      | Women's Legal Bureau, Inc.   |
| 36. | Ms. Ana Maria R. Nemenzo     | WomanHealth Philippines  |
| 37. | Ms. Mercedes Fabros          | WomanHealth Philippines  |
| 38. | Mr. Sixto Donato Macasaet    | CODE-NGO   |
| 39. | Mr. Jun S. Aguilar           | Filipino Migrant Workers   |
| 40. | Mr. Pablo Rosales            | Progresibong Alyansa ng mga Mangingisda (PANGISDA); Pambansang Katipunan ng Makabayang Magbubukid (PKMM) |
| 41. | Mr. Crispino Aguelo          | Pambansang Kilusan ng mga Samahang Magsasaka (PAKISAMA)  |
| 42. | Ms. Karen Tañada             | Gaston Z. Ortigas Peace Institute  |
| 43. | Atty. Eirene Jhone E. Aguila | Team RP  |
| 44. | Prof. Gigi Francisco         | Development Alternatives for Women in the New Era (DAWN)   |
| 45. | Mr. Byron Abadeza            | Affiliated Network for Social Accountability in East Asia and the Pacific                                |
| 46. | Mr. Abby Y. Pato             | Task Force on Food Sovereignty Mindanao  |
| 47. | Ms. Carolyn Arguillas        | MindaNews  |
| 48. | Mr. Abner Francisco          | DXCA – FM  |
| 49. | Mr. Rey Hulog                | Kapisanan ng mga Brodkaster sa Pilipinas   |
| 50. | Mr. Jose Pavia               | Philippine Press Institute   |
| 51. | Ms. Angelica Simone Mangahas | Ateneo Debate Society  |
| 52. | Mr. Bartholome Guingona      | pagbabago@pilipinas  |
| 53. | Atty. Virginia S. Jose       | Citizens' Battle Against Corruption (CIBAC)  |
| 54. | Ms. Ellene Sana              | Center for Migrant Advocacy (CMA)  |
| 55. | Ms. Ester Perez Tagle        | Concerned Citizens Against Pollution (COCAP)   |

56.	Ms. Luz Malihiran	Community Organizers Multiversity
57.	Mr. Milo Tanchuling	Freedom from Debt Coalition (FDC)
58.	Mr. Jude Esguerra	Institute for Popular Democracy (IPD)
59.	Mr. Doy Cinco	Institute for Popular Democracy (IPD)
60.	Mr. Ric Serrano Mr. Roland Cabigas	La Liga Policy Institute
61.	Mr. Rey Rasing	Labor Education and Research Network (LEARN)
62.	Atty. Farah Marie Decano	Lady Local Legislators' League of the Philippines, Inc.
63.	Mr. Raymond Marvic Baguilat	UP Law Student Government
64.	Mr. Ed Mora	Pambansang Kaisahan ng Magbubukid sa Pilipinas
65.	Prof. Carlos Magtolis, Jr.	Siliman University – ASPAP
66.	Ms. Evi-Ta Jimenez	Center for People Empowerment in Governance
67.	Mr. Ben-Hur Sacopla	Southern Luzon State University ASPAP – Region IV
68.	Dr. Buenaventura B. Dargantes	Program on Integrated Water Resources
69.	Mr. Boy Nuera	Pandayan para sa Sosyalistang Pilipinas (PANDAYAN)
70.	Mr. Roy Calfoforo	People's Alternative Studies Center for Research and Education in Social Development (PASCRES)
71.	Mr. Alain Pascua	Katipunan ng mga Anak ng Bayan All Filipino Democratic Movement (KAAKBAY)
72.	Mr. Reggie Guillen	GCAP-Phils
73.	Mr. Horacio T. Cadiz	The Philippine Network Foundation, Inc (PHNET)
74.	Mr. Joe Valencia	KASAPI-HELLAS
75.	Mr. Nestor Villanueva	Akbayan Greece
76.	Ms. Mardi Mapa-Suplido	Negros Peace Watch
77.	Dr. Jose Reuben Alagaran	Philippines Communication Society
78.	Ms. Aurora Regalado	Management Organization for Development and Empowerment
79.	Mr. Ernesto Lim Jr.	People's Campaign on Agrarian Reform (AR NOW!)
80.	Mr. Anthony Marzan	KAISAHAN
81.	Mr. Nonoy Oplas	Minimal Government Thinkers
82.	Mr. Jesus Vicente Garganera	Alyansa Tigil Mina
83.	Ms. Luz Cabucos-Fegarido	RSW
84.	Ms. Ma. Lourdes M. Tison	Paghiliusa sa Paghidaet-Negros (PsPN)
85.	Ms. Trinidad Domingo	Pambansang Koalisyon ng Kababaihan sa Kanayunan
86.	Mr. Richard Gutierrez	Ban Toxics
87.	Mr. Harvey Keh	Kaya Natin! Movement

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|------|--|---|
| 88.  | Mr. Czarina Sacaguing                    | Confederation of Student Government in the Philippines  |
| 89.  | Dr. Ma. Olivia Domingo                   | Center for Leadership, Citizenship and Democracy, UP NCPAG  |
| 90.  | Dr. Angelo Ramos                         | Philippine Community e-Center Network   |
| 91.  | Ms. Mae Sabio                            | Sulong CARPER   |
| 92.  | Mr. Diosdado Calmada                     | PEACE   |
| 93.  | Ms. Lanie Factor                         | Task Force Mapalad  |
| 94.  | Ms. Maris Dela Cruz - Cardenas           | EmPOWER Consumers   |
| 95.  | Atty. Elpidio Peria                      | Third World Network; Vice Chairman, Social Concerns Committee, IBP South Cotabato – General Santos City |
| 96.  | Mr. Angelito R. Mendoza                  | Coalition for Health Advocacy and Transparency  |
| 97.  | Mr. Omi Royandoyan                       | Centro Saka   |
| 98.  | Ms. Florencia Casanova-Dorotan           | Women’s Action Network for Development  |
| 99.  | Ms. Violeta Corral                       | Aksyon para sa Kapayapaan at Katarungan   |
| 100. | Ms. Michelle Domocol                     | Visayas Climate Action Network  |
| 101. | Judge Dolores L. Español (Ret.)          | Transparency International – Philippines  |
| 102. | Mr. Roby Alampay                         | Southeast Asian Press Alliance  |
| 103. | Ms. Teresita Quintos Deles               | International Center on Innovation, Transformation and Excellence in Governance (INCITEGov)             |
| 104. | Ms. Maita Gomez                          | Bantay Kita   |
| 105. | College Editors Guild of the Philippines |   |
| 106. | Ms. Emy M. Santos                        | National Confederation of Cooperatives (NATCCO)   |
| 107. | Ms. Tes M. Borgoños                      | Manggagawang Kababaihang Mithi ay Paglaya (MAKALAYA)  |
| 108. | Ms. Marilyn Fuentes                      | National Union of Building and Construction Workers   |
| 109. | Atty. Michael Yu                         | Integrated Bar of the Philippines- Cebu City Chapter  |
| 110. | Dr. Sylvia Estrada Claudio               | Center for Women’s Studies, University of the Philippines   |
| 111. | Mr. Viktor Samuel Fontanilla             | UP ALYANSA  |
| 112. | Ms. Anna Luz Lopez                       | UP BUKLOD CSSP  |
| 113. | Mr. Jeffrey Crisostomo                   | AKBAYAN Youth - UP Diliman  |
| 114. | Ms. Susan Ople                           | Blas Ople Foundation  |
| 115. | Mr. Romeo Cabagnasan                     | Alyansa ng Maralitang Pilipino  |
| 116. | Mr. Gus Micalat                          | Initiative for International Dialogue   |
| 117. | Mr. Antonio Claparols                    | Ecological Society of the Philippines   |
| 118. | Mr. Javier Claparols                     | Ecological Society of the Philippines   |



119. Dr. Helen N. Mendoza	Soljuspax
120. Dr. Mario Joyo Aguja	Mindanao State University System Faculty Federation
121. Ms. Maria Rita Melecio	Task Force Detainees of the Philippines – Davao
122. Mr. Juanito Enriquez	Civil Society Organization Forum for Peace
123. Ms. Edeliza Hernandez	Medical Action Group
124. Ms. Laudica Casana	Anda Rural Women Workers Alliance for Progress
125. Ms. Flordeliz Abanto	Philippine Association of Communication Educators Foundation, Inc. (PACE)
126. Ms. Victoria M. Segovia	Partnership for Clean Air
127. Ms. Grace Chua	Consumer Rights for Safe Food
128. Ms. Noemi Tirona	Network Opposed to GMOs
129. Ms. Leah Primitiva Samaco-Paquiz	Ang Nars
130. Mr. Manny C. Calonzo	Global Alliance for Incinerator Alternatives
131. Atty. Solomon Lumba	Institute for Freedom of Information
132. Ms. Paula Mae B. Tanquieng	Ayos na Gamot sa Abot-Kayang Presyo (AGAP)
133. Ms. Annie M. Sandalo	Code Foundation, Inc.
134. Ed Caharian	Philippine Agency for Community and Family
135. Fr. Victor "Junvic" Diolata, Jr., SSS	Co-Executive Secretary of AMRSP
136. Fr. Jesus Malit, SSS	AMRSP
137. Sr. Mary John Mannanzan, OSB	AMRSP
138. Mr. Narciso Jover Jr.	Tri-people Concern for Peace, Progress and Development of Mindanao (TRICOM)
139. Atty. Gloria Estenzo Ramos Atty. Dante T. Ramos	Phil. Earth Justice Center, Inc.
140. Maria V. Mendoza	Fair Trade Alliance - Philippines (FairTrade)
141. Mr. Tirso N. Paglicawan, Jr. Dean M. Barola	Kapisanan ng mga Kawani ng Koreo sa Pilipinas Mr. Dante (KKKP); Hukuman ng Mamamayan Movement, Inc.
142. Mr. Manuel G. Rama	PhilPost Rank-and-File Employees Association
143. Ms. Marlene Ramirez	AsiaDHRRA
144. Ms. Minerva Gonzales	Economic, Social and Cultural Rights Asia
145. Mr. Angelito Calderon	Lakas Mangagawa Labor Center (LMLC)
146. Ms. Ember Cruz	Trade Advocates Group
147. Ms. Mary Joycer Filomeno	Youth Advocates for Economic Progress (YAEP)
148. Ms. Eileen Matute	Coconut Industry Reform Movement (COIR)
149. Mr. David Diwa	National Labor Union
150. Mr. Angel Dimalanta	Automotive Industry Workers Alliance

151. Ms. Lia Jasmin Esquillo	Interface Development Interventions
152. Mr. Nazaño Cacayan	Yamog Foundation
153. Mr. Frank Meno	Philippine Metalworkers Alliance (PMA)
154. Mr. Eleuterio Tuazon	Philippine Association of Free Labor Unions
155. Mr. Ronaldo Tuazon	Workers Welfare Watch – Philippines
156. Mr. John Gamit	Christian Life Community of the Philippines
157. Mr. Manny Arias	Kongreso ng Pagkakaisa ng Mangagawa sa Pilipinas
158. Ms. Romina Astrid Lim	Fisheries Improved for Sustainable Harvest Project
159. James Auste	Cancer Warriors Foundation
160. Mr. Vince Cinches	Central Visayas Fisherfolk Development Center Inc.
161. Ms. Heidi L. Mendoza	
162. Dr. Suzette H. Lazo, MD	
163. Mr. Ronald Adlawan	Youth for Nationalism and Democracy
164. Fr. Carmelo O. Diola	Dilaab Foundation Inc.
165. Mr. Roberto Versola Mr. Riedo Panaligan	Philippine Greens
166. Ms. Jessica Reyes-Cantos	Rice Watch and Action Network
167. Atty. Nepomuceno Malaluan	Action for Economic Reforms (AER)