

**REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
FIFTEENTH CONGRESS
SECOND REGULAR SESSION**

IN RE:

PETITION FOR INDIRECT INITIATIVE TO THE HOUSE OF REPRESENTATIVES UNDER SECTIONS 3(B) AND 11 OF REPUBLIC ACT NO. 6735, FOR THE ENACTMENT OF:

**“AN ACT PRESCRIBING
THE CONDITIONS AND LIMITATIONS TO ENFORCE:**

- (1) THE STATE POLICY MANDATING FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST (SEC. 28, ART. II, 1987 CONSTITUTION); AND**

- (2) THE STATE POLICY RECOGNIZING THE RIGHT OF THE PEOPLE TO ACCESS OFFICIAL RECORDS, DOCUMENTS, AND PAPERS PERTAINING TO OFFICIAL ACTS, TRANSACTIONS, AND DECISIONS OF GOVERNMENT, AS WELL AS GOVERNMENT RESEARCH DATA USED FOR POLICY DEVELOPMENT (SEC. 7, ART. III, 1987 CONSTITUTION);**

PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS THE FREEDOM OF INFORMATION ACT OF 2011.”

ANG KAPATIRAN PARTY,

Petitioner,

X ----- X

PETITION

Petitioner **ANG KAPATIRAN PARTY (“AKP”)**, by counsel, respectfully states:

NATURE OF THE PETITION

1. This is a petition for indirect initiative with the House of Representatives for the enactment of:

**“AN ACT PRESCRIBING
THE CONDITIONS AND LIMITATIONS TO ENFORCE:**

- (1) THE STATE POLICY MANDATING FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST (SEC. 28, ART. II, 1987 CONSTITUTION); AND**
- (2) THE STATE POLICY RECOGNIZING THE RIGHT OF THE PEOPLE TO ACCESS OFFICIAL RECORDS, DOCUMENTS, AND PAPERS PERTAINING TO OFFICIAL ACTS, TRANSACTIONS, AND DECISIONS OF GOVERNMENT, AS WELL AS GOVERNMENT RESEARCH DATA USED FOR POLICY DEVELOPMENT (SEC. 7, ART. III, 1987 CONSTITUTION);**

**PROVIDING PENALTIES FOR VIOLATION THEREOF,
AND FOR OTHER PURPOSES, OTHERWISE KNOWN
AS THE FREEDOM OF INFORMATION ACT OF 2011.”**

2. The filing of this petition is recognized and allowed under Sec. 3(B) and Sec. 11 of Republic Act No. 6735, also called “THE INITIATIVE AND REFERENDUM ACT,” which provide:

“Sec. 3. *Definition of Terms.* — For purposes of this Act, the following terms shall mean:

x x x

(b) "Indirect initiative" is exercise of initiative by the people through a proposition sent to Congress or the local legislative body for action.

x x x

Sec. 11. *Indirect Initiative.* — Any duly accredited people's organization, as defined by law, may file a petition for indirect initiative with the House of Representatives, and other legislative bodies. The petition shall contain a summary of the chief purposes and contents of the bill that the organization proposes to be enacted into law by the legislature.

The procedure to be followed on the initiative bill shall be the same as the enactment of any legislative measure before the House of Representatives except that the said initiative bill shall have precedence over the pending legislative measures on the committee.”

LEGAL PERSONALITY OF THE PETITIONER

3. Petitioner is a people's organization duly registered with the Commission on Elections and accredited as a political party under Philippine laws, with principal office address at No. 4 General Capinpin Street, San Antonio Village, Pasig City 1600. Petitioner may be served with processes of the Honorable Congress through the undersigned collaborating counsel at the address indicated below or through Petitioner-representative Norman V. Cabrera at 29 Guerrero Street, Xavierville 1, Loyola Heights, Quezon City; email: nv_cabrera2003@yahoo.com.

STATEMENTS TO SUPPORT THE PETITION

4. For the first time in our history, a system of people's initiative was enshrined in the 1987 Constitution in Sections 1 and 32 of Article VI, as follows:

“Sec. 1. The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives *except to the extent reserved to the people by the provisions on initiative and referendum.* (Emphasis supplied)

x x x

Sec. 32. The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the Congress or local legislative body after the registration of a petition therefor signed by at least ten per centum of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of the registered voters thereto.”

5. On August 4, 1989, Congress approved Republic Act No. 6735 entitled "An Act Providing for a System of Initiative and Referendum and Appropriating Funds Therefor." Sections 2, 3(b) and 11 of R.A. No. 6735 state:

“Sec. 2. *Statement of Policy.* — The power of the people under a system of initiative and referendum to directly propose, enact, approve or reject, in whole or in part, the Constitution, laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed.

x x x

Sec. 3 (b). — x x x ‘Indirect initiative’ is the exercise of initiative by the people through a proposition sent to Congress or the local legislative body for action.

x x x

Sec. 11. *Indirect Initiative.* — Any duly accredited people's organization, as defined by law, may file a petition for indirect initiative with the House of Representatives, and other legislative bodies. The petition shall contain a summary of the chief purposes and contents of the bill that the organization proposes to be enacted into law by the legislature.

The procedure to be followed on the initiative bill shall be the same as the enactment of any legislative measure before the House of Representatives except that the said initiative bill shall have precedence over the pending legislative measures on the committee.”

THE PURPOSES AND SPIRIT OF THE PROPOSED BILL

5. It has been more than twenty-four years since the State committed itself to the policy of full public disclosure of all its transactions involving matters of public interest. This policy was declared and memorialized in Section 28, Article II, of the 1987 Constitution, as follows:

“ARTICLE II

x x x

STATE POLICIES

x x x Section 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.”

6. In recognition and support of its commitment of full public disclosure, the State further committed itself to allow the people access to government documents when the subject matter of those documents are of a public concern. This commitment was also declared and memorialized in Section 7, Article III, of the 1987 Constitution, as follows:

“ARTICLE III
BILL OF RIGHTS

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

7. Petitioners submit that the people’s right to official information is an indispensable element of a functioning representative democracy. The ideal of a “government by the people” presupposes that the people have access to information on matters of public concern in order to effectively exercise its governing power. As observed by the Philippine Supreme Court in ***Baldoza vs. Dimaano, Adm. Matter No. 1120-MJ, 05 May 1976:***

“(T)here can be no realistic perception by the public of the nation’s problems, nor a meaningful democratic decision-making if they are denied access to information of general interest.”

It goes without saying that the free flow of information about the affairs of government paves the way for debate in public policy, and, more importantly, fosters accountability in government.

8. The free flow of information on the affairs of government paves the way for exhaustive debate and enlightened discussion on public policies. Thus, the people’s right to information on matters of public concern is not only a

political imperative, but also a necessary element to the achievement of the common good. Access to information on matters of public concern is the spring from which better government policies will be expected to flow. It provides the institutional foundation for a more responsive government planning process by enhancing the capacity of the public to provide timely feedback to such planning process. It widens the base for the generation of more knowledge about key issues, not only by researchers and academic institutions, but also by the public at large. It promotes an exhaustive and constructive debate between and among government and stakeholders, and builds an enlightened consensus around policy objectives and actions. All these promote more informed government interventions supported by a solid and broad-based constituency.

9. Moreover, access to information on matters of public concern is an essential element—if not the most vital element—to prevent and deter corrupt practices and rent seeking in government. The economic costs of corruption and rent seeking are well known. There is loss in consumer surplus arising from higher prices, as well as loss in output because resources are wasted in rent-seeking activities such as bribery. Secrecy in government transactions allows corruption and rent seeking to flourish simply because the same people who corrupt the government system cannot be expected to reveal their own conflicts of interest lest they incriminate themselves. Thus, for as long as secrecy dominates accountability, government officials and rent seekers will continue to breed a corrupt environment where lack of transparency provides a greater cover for any evidence in corruption. In contrast, transparency exposes the vested interests involved, leads to the identification of corrupt officials, and eventually develops a more level playing field among economic actors.

10. Finally, the free flow of official information enhances economic performance. The availability of information on official rules, policies, programs,

and resource allocation enables the private sector to make sound and wise long-term economic decisions. This, in turn, advances economic efficiency, competitiveness, and authentic economic development.

11. The chief purposes of this proposed FREEDOM OF INFORMATION ACT OF 2011 are also embodied in full in the Explanatory Note attached and made an integral part hereof as **Annex “A”**.

CONTENTS OF THE PROPOSED BILL

12. The contents of the proposed FREEDOM OF INFORMATION ACT OF 2011 are embodied in the bill attached and made an integral part hereof as **Annex “B”**.

P R A Y E R

WHEREFORE, it is respectfully prayed that the Congress of the Republic of the Philippines, upon receipt of this Petition, and pursuant to R.A. 6735:

- (1) Receive the Initiative Bill contained in the Petition by following the same procedure for the enactment of any legislative measure before the House of Representatives; and
- (2) Receive the Initiative Bill in such a way that it “*shall have precedence*” over pending legislative measures of the proper House Committee.

Respectfully submitted.

City of San Fernando for Quezon City. 15 July 2011.

Signed

JAMES M. IMBONG

Collaborating Counsel for the Petitioner

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PTR No. 2269329 / 08 Feb. 2011 / Angeles City

IBP No. 801782 / 01 Jan. 2011 / Quezon City

MCLE Compliance No. III-0018381 / 11 Aug. 2010

Tel No.: (045) 8414118; Email: jamesimbong@gmail.com

VERIFICATION AND CERTIFICATION

We, **MANUEL K. DAYRIT** and **NORMAN V. CABRERA**, Filipinos, both of legal age, after having been duly sworn in accordance with law, do hereby depose and state that:

1. We are the petitioner's representatives and, respectively, are the Chairman and Secretary General of the petitioner AKP in the instant Petition and have been duly authorized to cause the filing thereof. A copy of the Secretary's Certificates giving us the authority to sign and file the Petition is attached as **Annex "C"** hereof;

2. We have caused the preparation of the foregoing Petition and have read the same;

3. We attest that the factual allegations thereof are true and correct of our personal knowledge as well as based on authentic records;

4. We hereby certify that we have not commenced any other action or petition involving the same issues in Congress, in the Supreme Court, the Court of Appeals, or different divisions thereof, or in any other court, tribunal or agency, and, to the best of our knowledge, no such other action or claim is pending therein. If we should learn that the same or a similar action or claim has been filed or is pending before Congress, the Supreme Court, the Court of Appeals, or different divisions thereof, or in any other court, tribunal or agency, we shall report said fact to Congress within five (5) days from such knowledge.

Signed

MANUEL K. DAYRIT

Signed

NORMAN V. CABRERA

SUBSCRIBED AND SWORN to before me this 15th day of July 2011,
affiants exhibiting to me as competent proof of their identities:

	<u>Driver's License No.</u>	<u>Issue Date</u>	<u>Expiry Date</u>
Manuel K. Dayrit	N06-58-006112	22-Oct-2009	27-Oct-2012
Norman V. Cabrera	N02-84-0216-28	13-Oct-2009	08-Sep-2012

Signed
JOSE L. M. SANTOS
Notary Public
Comm. Until Dec. 32, 2011
Comm. No. NP-020
PTR No. 4559211-QC-1/3/11
TIN: 133-063-043
IBP No. 801367-QC-1/3/11
Roll No. 14779-3/3/60
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