

PCIJ Interview with Jesse Robredo, Secretary of the Department of the Interior and Local Government, April 2011

Philippine Center for Investigative Journalism (PCIJ): What are the efforts that the department is making for the improvement of transparency?

Jesse Robredo (JR): First, we required all the agencies under DILG to do full disclosure insofar as budget. When we say budget, of course it covers procurement of equipment, it covers maintenance and operating expenses of different offices. Now that directive was in preparation for the next directive which requires full disclosure on the part of the local government units.

For DILG, the basic requisites cover budget procurement and statement of expenses. For the LGUs I think we cover 12 documents, including the use of the economic development fund, procurement, budget statements of department's financial operations, even a document showing all the obligations of LGUs as far as borrowings and amortizations.

PCIJ: How successful has been these directives?

JR: For last year, it was an initial effort, I think compliance was between 25-30% Last year, it was a directory, meaning the circular encouraged them to do full disclosure, but for this year there is a special provision of General Appropriations Act requiring the LGUs mandatory full disclosure, in fact one NGO group filed a case against a governor for failing to comply with requirements of the full disclosure. So for this year it is compulsory, we have agreed that we will issue several warnings initially. If we need to file cases, we will file cases.

PCIJ: Do you think once the Freedom of Information [FOI] bill is ratified it can help on a case like of the governor?

JR: First of all, if you look at what the DILG did, [it was] FOI in relation to budget and finance only. I think the proposal is more encompassing and that is the reason why there is some delay in the full passage of the whole bill is concerned.

For instance, budget procurement finances are not internal or national security issues, the public has the right to know how taxes are being spent, and so all national agencies like the LGUs are required to disclose how the budget is spent.

In fact I think it should be offered. I think they should not be compelled to do it as we have maintained. This administration should be a model of transparency and accountability and there is no need for prodding the head of the agencies to do disclosure on the finances.

PCIJ: How useful is it to have the threat of litigation? In the FOI there is a provision that if a government agency doesn't provide the information they will be penalized for it and it is very similar to what you are doing. How helpful is this in changing our culture of transparency?

JR: I think if we try to examine this closely there are LGUs who would do this voluntarily but there will be LGUs who might be hiding something if they can get away with non-disclosure. They try to avoid the disclosure, so it's necessary that if they failed to do full disclosure, legal sanctions should

be imposed. Now I'm certain think the threat of legal sanction will significantly improve compliance. In time, probably there is no need for it.

Inasmuch as this is the first step, this radical pressure from the kind of system we had before wherein in any given point of time in the term of any local official, they can get away with not disclosing how he or she had spent the money. So it might be good if at least that it is compulsory, that will be backed up by legal sanctions if they do not comply.

PCIJ: How for example would the FOI bill be, in the case probably against the government official in Ormoc?

JR: This one is more procedural than anything else. I think the logical next step is to not just to require them to publish general accounts. I think the next step should be to compel them to give the details.

In the case of Ormoc, the violation is really procedural, not complying with the publication required on financial statements. I guess the first step is if they decided not to heed the requirement, there is this case. If word gets around that an NGO filed a case against a local government unit regarding disclosure, I think from here on [it will show] that the NGO groups are rather serious to compel them to comply.

PCIJ: What do you mean by the case being more procedural?

JR: Because as of this point in time, we are requiring them to just publish their documents. Now those documents from them, probably at one glance wouldn't reveal exactly what is happening in the LGU.

Let's say for instance, operational and maintenance are general account, budgets... it may be true that budget is a general account items, we have not gone deeper insofar as examining exactly how the specifics on to how these general accounts are being utilized, so just as I said the next logical step will be requiring them to do the details. But we will do it one step at a time, simply the act of disclosing, later on it will be more on how the money is being spent.

PCIJ: The projects that you had in Naga like the i-governance and Netserve were effective for the Nagauenos, how does it improve the transparency?

JR: You know there is always the right of the constituents to information that is provided.

Let's say, for instance, I publish a notice of bidding – this will serve as a benchmark to suppliers if they are interested in engaging with the LGU. If I'm a supplier, I now know the benchmark of the cost in order supply material or equipment. Now the other constituents will be watchdogs; if it is overpriced, then they will certainly know that it is overpriced. So what happens now is that you will have people with varied interest in the information provided, but this varied interest would ultimately [serve] the interest of the public.

If you take a look on budgets, at least on a general basis, we will be able to provide what the priorities are of the local government units. If you take a look at the statement of loans and amortizations, they would be able know how much the LGU is indebted and whether leadership is prudent insofar as fiscal management is concerned, or whether they are concerned at all not only with the finances on their term but also the finances even after their term.

PCIJ: What else do you do to advocate transparency?

JR: In my case, when I was a mayor, the success of the city is the result of the engagement between the elected official and the community. Now, the community cannot engage their government if they are not informed. It should be an informed engagement, because informed engagement will facilitate constructive participation – by way of “fiscalizing,” by way of presenting recommendations on how jurisdiction implemented could be improved.

Ultimately, disclosure is just a part of the process that the governance outcomes, in my experience, improved as a participation of the citizen. The other element is trust; when you do full disclosure, it means you like to engage with the public and that to a large extent, the leadership is not hiding anything.

You don't want full disclosure if you intend to be opaque in terms of how the government money is being utilized. And then with this kind of engagement you want to promote, the constituents will trust the elected leader.

Let's say for an instance, you wanted to raise the taxes, when people do know where the taxes are being spent, while they oppose, they agree from time to time, because they do know where the money is going. These sacrifices can be solicited and secured only if constituents trust their leaders.

When the constituents don't trust the governors, then you cannot demand them to make sacrifices, inasmuch that they don't know where their money is going and whether this is worth of their sacrifice.

PCIJ: Malacañang already expressed some reservations about the bill, as you mentioned operational and intelligence matters that they really don't want to disclose. Talking about your department, do you have any more concern in the passage of the FOI bill when it comes to the agencies under your leadership?

JR: Insofar, as police operation is concerned, I don't think that they do disclosure in so far as meetings with the intelligence agencies or meetings of national police, but outside of that I think there are no other concerns on the Freedom of Information bill is concerned.

PCIJ: Do you think the FOI bill should be prioritized, why or why not?

JR: I think it should be prioritized, I think this administration is prioritizing it, we just need to fine-tune it, so that once we say that this is it, then we are ready.

There is a directive coming from the President that this disclosure arrangement that we did in DILG and LGUs is being supported by the president. I'm quite certain that as a matter of principle, he would like the transparency and accountability to be promoted, now insofar the FOI bill is concerned, there is really some need to fine-tune the administration bill, so once it is certified then we can say we ready for it.

PCIJ: What are the examples that should be fine-tune in the FOI bill?

JR: What can be disclosed insofar with meetings, let's say the Cabinet is concerned, National Security Council is concerned and some other agencies wherein if information is leaked or if

provided will jeopardize the security of some persons involved or in fact the security of agencies or our security agencies. So these are the things that are needed to be settled.

PCIJ: Can you talk about the culture you are trying to build, the culture of transparency and how it is the first step to good governance?

JR: You know the kind of governance culture we would like to promote is a process of wherein the governors engage with the governed, and the only way to do that is if the governed are informed. Then this will be an informed engagement.

And the other dimension, as I've said, is trust. When people do not trust their governors, no matter how good they are, no matter how well their intentions are, then this will not work. So we would like to promote the culture of trust for those who are responsible for making decisions and those being affected by their decisions and we would also like to promote culture of engagement wherein will be better off both by government's leadership and those affected by the decision of the decision-makers.

PCIJ: How could you continue to commit to this culture of transparency?

JR: We have with the program here in DILG wherein we are soliciting the participation of all civil society organizations and non-government organizations, and those who are interested to engaged with us. Whoever is interested to work with us, we are willing to take them in. Recently we had 3 bishops from Cubao, Novaliches and Malabon, [working] for transparency. In the barangays we have an agreement with the NGOs for full disclosure: with the Transparency and Accountability Network on procurement, with Balay Mindanao for budget and monitoring in Mindanao. We are all over. If there is anyone who wishes to take part in [this effort with] us, we will always welcome them and hopefully we will be able to develop community with those interested in the affairs of the government. - *Interview conducted by Stephanie Directo, Kristal Jimena, and Essen Miguel, PCIJ, May 2011*