



REQUESTING DATA RELEVANT TO THE SIN TAX LAW AND MENTAL HEALTH

FOI Practice of the Alternative Budget Initiative Health Cluster through the Action for Economic Reforms

I. ORGANIZATIONAL PROFILE

The Alternative Budget Initiative (ABI) Health Cluster, a network of more than 70 health and human rights organizations engaging the national health budget process since 2006, pushes for substantive investment in health, efficient and effective utilization, and meaningful participation of people's organizations in the budget process. The members of the coalition represent diverse sectors such as labor groups, children and young people, older persons, indigenous peoples, persons with disability, and individuals and groups working on health promotion and integrative health, sexual and reproductive health, access to medicines, and social protection.

The FOI practice was conducted by one of the steering committee members, Action for Economic Reforms (AER). AER is a public interest organization that conducts policy analysis and advocacy on key economic issues. The data request was undertaken as part of its continuing engagement on the advancement of the gains of the Sin Tax Law, and its ongoing efforts to pass a Comprehensive Tax Reform, which includes as well further reforms in tobacco and alcohol taxes.

II. CONTEXT FOR THE DOCUMENTS REQUESTED

Alongside the Department of Health and other groups at the forefront of health sector reforms, the Sin Tax Coalition, with which ABI Health Cluster and AER actively work, pushed for and supported the passage of the amendment to the Excise Tax on Tobacco and Alcohol Products (Sin Tax) law that was approved in 2012.

The Sin Tax Law is critical to the work of ABI Health. Since the passage of the law, there have been significant increases in the DOH budget, drawn mainly from incremental revenues earmarked for health. In the previous administration, allocation for health increased almost five-

fold -- from P25 Billion in 2010 to P124 Billion in 2016, a record high in the history of the DOH budget. Increases mainly finance Social Health Insurance, the health facilities enhancement program, and other “MDG-related” programs, activities, and projects.

The work of AER and ABI Health continues under a new political landscape. Initiatives are being pursued to protect the gains from Sin Tax Reform Law in terms of increased resources for health and better outcomes in tobacco consumption that prevent non-communicable diseases and mortality.

Today, AER’s Fiscal Policy Team who worked for the Sin Tax law remains to be in close collaboration with the Department of Finance (DOF) this time to push for the passage and implementation of Comprehensive Tax Reform Program (CTRP), AER mainly provides research and legislative engagement support, the former specifically including research on cigarette taxes in the country.

Although the intended chronology for the official call higher tobacco taxes was supposedly after the scheduled 2017 Oversight Review, the need for being proactive as well as the need to respond to new emerging issues (such as the tobacco-sponsored proposal to revert tax tiers from unitary to dual) have made the FOI practice perfectly in line with the activities of AER.

As expected, DOH has had pronouncements on joining the DOF in the move to further make cigarettes less affordable, especially for vulnerable groups like the poor and the young people. In order to provide rich evidence to the campaign, a letter of request was sent to Secretary Paulyn Jean B. Rosell-Ubial to ask for data that could provide insights in estimating elasticity of cigarette demand among Filipino smokers. AER also requested data on tobacco volume of removals and revenues from the Bureau of Internal Revenue (BIR), which is now headed by its new Commissioner Caesar Dulay. Lastly, AER also relays through this report the results of FOI practice by former Youth for Sin Tax Convener and current chair of Transparency PH, Francis Endrinal, on the topic that is very relevant to smoking—mental health.

In addition, on an annual basis, the Health Cluster comes out with alternative health budget proposals presented to legislators and legislative offices and partners in the executive such as the DOH and the DBM. These proposals, go through an internal participatory and consultative process. Various sub-clusters drafting their respective alternative proposals make specific data requests from the DOH. Shared analysis drawn from the Comprehensive Tax Reform agenda campaign feeds into the health cluster’s framework and policy discussions, as in other policy advocacy it is engaged in.

III. SPECIFIC DOCUMENTS REQUESTED

To provide AER with the necessary information for the conduct of the research mainly on the Comprehensive Tax Reform Agenda, the following documents were requested from DOH the following:

- Raw data of Global Adult Tobacco Survey (GATS) 2015
- Raw data of Social Weather Stations (SWS) Survey on Smoking conducted in 2015.

The requests sent to the Bureau of Internal Revenue (BIR), meanwhile, include:

- Volume of removals for tobacco and alcohol (by tobacco tiers and type of pack, and by type of alcohol) from 2009 to 2016, or whatever is latest

- Total and disaggregated excise tax collected from the same, from 2009 to 2016

The requests of Mr. Endrinal on mental health include data on:

- Detailed plans on the construction or accessibility of mental health facilities
- Data on budget proposal and allocation in relation to mental health

Both GATS (2015) and SWS Smoking Survey 2015 could provide links between the increased cigarette taxes across brands and the various aspects of smoking behavior. These data can also complement the data from the National Nutrition Survey (NNS) 2015, which has initially showed decline in consumption of the poor and the youth. Although some reports on GATS are published online, specific variables can only be provided in raw set of data.

The data on volume of removals (volume of cigarettes withdrawn from warehouses and monitored facilities) and on total value of excise tax collections from this volume are useful in matching the prevalence of smokers, with national trend in consumption and revenues. Both data from the DOH and the BIR are crucial to the completion of estimates of elasticity figures as well as revenue potentials of future proposed reform in tobacco and alcohol taxes.

A phase “in the exercise of our right to information” was explicitly stated in the request, to make a point on people’s Freedom of Information. Since these data may reflect personal data/information such as survey respondents’ names, the letter indicates that DOH may send a redacted document.

The letter also includes another request that the agency also responded to. The Sin Tax Coalition and the Coalition for Primary Care requested for a meeting with the health secretary. The meeting took place early in December.

IV. RESULTS

Almost one month after the request, AER was able to get hold of the hard copy of the following files from the Department of Health:

- Raw data of Social Weather Stations (SWS) 2015 Smoking Survey
- Copies of Administration Order (AO) 2016 – 0039 and Department Memo (2016 – 0257) that shows plan on access to mental health facilities

The following files are either denied or are still pending as of this moment:

- (Denied) Raw data of Global Adult Tobacco Survey (GATS) 2015(Pending) Details on the budget and allocation to support mental health plan of government.

For the smoking-related data, the initial letter was sent to the Office of the Secretary. Afterwards, they forwarded the same requests to the relevant sub-offices. After the series of follow-ups, the only the raw data of Social Weather Stations (SWS) Smoking Survey 2015 was sent back to the Office of the Secretary for final sign off. The request for raw data of GATS, however, was declined.

Meanwhile, the BIR was able to provide in printed form all two (2) documents requested from them.

AER Request Log

AGENCY	DOCUMENTS REQUESTED	NO. OF PHONE CALLS AND REFERRALS	NO. OF LETTERS SENT	NO. OF DAYS WAITED	DOCUMENTS RETRIEVED
Department of Health (Documents 1 and 2 were requested on October 26; Documents 3 and 4 were requested on February 7, 2017)	1. Raw data of Global Adult Tobacco Survey (GATS) 2015)	13	1	29	Request for raw GATS was denied
	2. Raw data of Social Weather Stations (SWS) Survey on Smoking conducted in 2015	0	1	6 working days	Raw data of Social Weather Stations (SWS) Survey on Smoking conducted in 2015. Relevant AO and DM
	3. Document showing framework or plan regarding Mental Health facilities				Pending
	4. Document regarding budget for Mental Health program				
Bureau of Internal Revenue	5. Volume of removals of cigarettes and alcohol, corresponding excise tax collections	13		14 working days	Requested documents were delivered on November 25

V. INSIGHTS AND RECOMMENDATIONS

REQUEST FOR DATA FROM SMOKING SURVEYS

The letter requesting for the data from smoking surveys was sent via fax and email on October 26, 2016. During the period of follow-ups, it went through a number of officers-in-charge before the requested document was provided and signed off on November 24. The documented layers are the following: Office of the Secretary, Secretary's Executive Assistant, Disease Prevention and Control Bureau, and a specific program under the Degenerative Disease Offices.

The letter was refaxed when the second follow-up was made, due to difficulty in tracking the document. The tracking number provided to the requester at the program level follow-up was helpful in tracing the status of the request. The tracking number was referred to in subsequent calls, making the follow ups speedy thereon. The requester was able to do away with describing

the typical details of the letter of request asked, such as the topic, name of sender, date sent, among others, at each call.

The delays rested in the “there is no feedback yet” response by the DOH staff, due to the absence of the program manager/point person in charge of the data requested.

The idea that the request was already at a specific program office when the fifth call was made, then reverted to the bureau level, and was referred back to the program level again seemed erratic. When asked to respond about this inconsistency via phone conversation, the staff's reply was, for prudence's sake, document requests are vetted by proper offices before they can be released. The requesters believe that the process of relaying the letter to the supposed proper person/office also caused the delay.

FOI Request Log of Action For Economic Reforms/ABI Health Cluster						
Target Agency: Department of Health						
DATE	ACTION (INITIAL REQUEST)	FAX/ HAND-CARRIED	EMAIL	CALL	CONTACT PERSON	RESPONSE / REMARKS
26 Oct 2016	Letter sent via fax and email	Letter faxed	Emailed to Secretary's official email address	71195 02/ 65178 00 loc 1108	Dianne	Letter has been forwarded to the Office of the Secretary's Executive Assistant
	Office of EA requested for refax	Letter refaxed		Loc 1125, 114, 113	Nancy	
27 Oct 2016				Loc. 1700	Rina Andrei/Chi	Office of EA forwarded the letter to Disease Prevention and Control Bureau (DPCB)
28 Oct 2016				Loc 1701	May	DPCB Provided tracking No. of Document: 90979 Letter was with Dr Mario Baquilod (Director of DPCB), for his action
4 Nov 2016	Referred to the tracking number provided from this point				May	Letter was already forwarded to Dr Christy Galang's Office, one in-charge of the program related to the data requested
7 Nov 2016				Loc 1750	Jovan	Dr. Baquilod's note/action on the letter was, "for compliance"

10 Nov 2016				Loc 1750	Jovan	Dr Caluag Chief, Lifestyle Related Diseases and Thyroid Disorders Division of DPCB, endorsed the request to Dr Galang. As of the date of call, there was no feedback yet from Dr Galang as she was out of the country. Was asked to call again on Monday
17 Nov 2016					Jovan	Dr Galang was out of office, no feedback yet
21 Nov 2016					Jovan	No feedback yet, was asked to call again on Monday
23 Nov 2016					Lai	No feedback yet
24 Nov 2016					Lai	The document was already forwarded to Dianne (staff at Office of the Secretary) for Dr Ubial's signature
25 Nov 2016						AER staff picked up the document (SWS Smoking Survey data) at the office of the Secretary

REQUESTS FOR CIGARETTE VOLUME AND TAX COLLECTIONS

In the similar efforts of AER in the past years, a letter requesting for cigarette volume and tax collection data was simply sent to the Office of the Commissioner, which would later on respond with the data.

Perhaps due to being relatively new as a Commissioner and thus some reorganizational activities inside BIR, the request was forwarded to numerous bureaus or departments, prolonging the response time. The good thing, however, is that despite the bureaucracies the request went through, the request was retrieved within 14 days.

FOI Request Log of Action for Economic Reforms/ABI Health Cluster					
Target Agency: Bureau of Internal Revenue					
DATE	ACTION (INITIAL REQUEST ETC.)	EMAIL	CALL	CONTACT PERSON	RESPONSE / REMARKS

7 Nov 2016	Letter has been sent to the Commissioner's official email address	Emailed to the Secretary's official email address, and CC-ed email addresses of officials in the next line	9223293 9817121 9817124	Evelyn	No answer
8 Nov 2016	Follow up		9223293 9817121 9817124		Data requesters were informed that Comm. Dulay was sick
9 Nov 2016	Follow up		9223293 9817121 9817124	Evelyn	BIR Commissioner's office said that they forwarded the letter to the Large Tax Payer's Service
15 Nov 2016	Follow up		981 7168	Lilet	Several tries to call in the morning, no answer The letter was not forwarded to them, according to Ms. Beth.
17 Nov 2016	Follow up		981 7168	Evelyn	The letter was said to have already been forwarded to the Head of Revenue Exec. Asst. Office last November 10
21 Nov 2016	Follow up		981 7168		Request was referred to another office: Large Taxpayer Performance Monitoring Program Division
23 Nov 2016	Follow up		981 7168	Beth	Authorization or release of data requested, still for signature of Comm. Dulay
25 Nov 2016					Requested documents were received

REQUEST FOR DATA ON MENTAL HEALTH

Mr. Francis Endrinal's experience, being relayed in this report, is crucial in helping see the FOI practice in the lens of the students who request data for academic purposes. Here, Mr. Endrinal's efforts are purely email-based, which is a common situation to most students who do not have access to landline during school hours.

The initial request was addressed to Ms. Crispinita A. Valdez, Director IV of the Knowledge Management and Information Technology Service of the Department of Health (DOH). To contact her, the email addresses used were those publicly available in the DOH website.

Despite the lack of phone-based follow ups, Mr. Endrinal was able to receive from the DOH some documents and files that were sent partially and in tranches (February 21, 24, and 27).

Of the two major requests done by Mr. Endrinal, the only request pending until now—wherein DOH requested Mr. Endrinal to draft a new letter—is the information on the budget allocation and details regarding overall mental health plan of the DOH. Copies of Administration Order (AO) 2016 – 0039 and Department Memo (2016 – 0257) show plan on access to mental health facilities, but no information on the 2017 budget on mental health was disclosed.

However, the DOH has approved a personal meeting with Mr. Endrinal for further clarifications and discussions on data needed.

From the log sheet of Francis Endrinal (purely through email)

TIMESTAMP	ACTION TAKEN	EMAIL CONTACTED	CONTACT PERSON	RESPONSE/ REMARKS
7 Feb 2017	Request made	cavaldez@doh.gov.ph ,cavaldez2005@yahoo.com	Dir. Crispinita A. Valdez	
15 Feb 2017	Followed-up request	cavaldez@doh.gov.ph ,cavaldez2005@yahoo.com aidasaracap@gmail.com	Dir. Crispinita A. Valdez	Files received from Ms. Aida Aracap They noted that other requested documents are to follow
21 Feb 2017	Followed-up request of remaining files	aidasaracap@gmail.com	Aida Aracap	Ms. Aracap forwarded request to another email. Afterwards, documents were received
24 Feb 2017	Followed-up request	fro.hpdpb.doh@gmail.com	Rodley Carza	Additional documents were received
27 Feb 2017		fro.hpdpb.doh@gmail.com	Rodley Carza	Additional documents were received
28 Feb 2017	Followed-up request	fro.hpdpb.doh@gmail.com	Rodley Carza	
8 Mar 2017	Followed-up request	Personal	Frances Cuevas	Recommendation to make a new request for specific data indicated