

# Opening the Gates: Will Open Data Initiatives Make Local Governments in the Philippines More Transparent?

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## **Abstract**

In 2011, the Department of Interior and Local Government of the Philippines mandated the implementation of the Full Disclosure Policy that requires local government units (LGUs) to post financial and procurement –related information in LGU websites. To date, more than 75% of the local government units in the country have complied. This research investigates whether the provision of local government information through government websites has affected both the providers of the information and its supposed audience – the public, as represented by citizen groups. To answer the questions, the researchers made use of a case study approach by selecting three provinces as research sites. The primary methods used were review of secondary data, focus group discussions, and key informant interviews.

The research found out two major significant findings. On the supply side, incentivising openness is a critical aspect in ensuring that local governments have the interest to disclose financial data. While at this stage, local governments are still on compliance behaviour, it encourages the once reluctant LGUs to disclose financial information in the use of public funds, especially when technology and institutional arrangements are in place. However, LGUs do not make an effort to inform the public that information is available online and has not made data accessible in such a way that it can allow the public to perform computations and analysis. Currently, no data standards have been made yet by the Philippine national government in terms of format and level of detail. On the demand side, there is limited awareness on the part of the public, and more particularly the intermediaries (e.g. business groups, civil society organizations, research institutions), on the availability of data, and thus, its limited use. As most of these data are financial in nature, it requires a certain degree of competence and expertise so that they will be able to make use of the data in demanding from government better services and accountability.

This paper argues that openness is not just about governments putting meaningful government data out into the public domain, but also about making the public meaningfully engage with governments through the use of open government data. This requires policies that will require observance of open government data standards and a capacity building process of ensuring that the public, to whom the data is intended, are aware and able to use the data in ensuring more transparent and accountable governance.

**Keywords:** *Open government, open data, local government transparency, Philippines*

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# 1. Introduction

## 1.1. Background of the Study

The Philippines is one of the 8 pioneering countries in the world that founded the Open Government Partnership in September 2011. The partnership calls for greater availability of government information to the public, implement standards of transparency and accountability in governments, as well as use technology for openness and accountability. President Benigno Aquino Jr., current president of the republic, pushed for congress to ratify that the Freedom of Information (FOI) bill, which the legislative failed to pass in May 2010 in the term of the previous president. As of this year, the FOI has been awaiting enactment for 16 years now.

The bill as it was deliberated then, and as proposed in the 2012 version<sup>1</sup>, requires government agencies, including local government units, a mandatory disclosure of information to the public, more particularly in websites, all public interest documents, including budget, itemized collection and disbursements, procurement documents including invitations to bid, contracts, and public funding awarded to private entities, among others. Further, it acknowledges that every Filipino has the right to access government records, exempting only those that are in the nature of national security, or that which relate to foreign policy, trade secrets, privileged communication, or subject to constitutional limitations.

As the bill sits pending deliberation and enactment in Congress, there is limited effort, if not wilful refusal to make public certain government records<sup>2</sup>. This becomes more pronounced especially in the context of local government units. However, the Department of Interior and Local Government (DILG)<sup>3</sup> in 2011, pushed for the implementation of the Full Disclosure Policy through Memorandum Circular 2010-83 entitled “Full Disclosure of Local Finances, and Bids and Public Offerings”.<sup>4</sup> As a way

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<sup>1</sup> The legislative measure is reintroduced again in 2011 both in the House of Representatives (Congress) and the Senate. While endorsements of 23 out of 24 senators are recorded in the Senate, the bill still sleeps in the House of Representatives.

<sup>2</sup> Except in the case of the Department of Budget and Management which spearheads public disclosure of government documents in the country.

<sup>3</sup> The Department of Interior and Local Government has jurisdiction over local government units in the country. There are four layers of what is referred as local government unit (LGU) – the province, city, municipality, and the barangay.

<sup>4</sup>The following laws became the basis of DILG’s Full Disclosure Policy directive:

- a. Section 352 of the Local Government Code: “..posting within 30 days from end of each fiscal year in at least three publicly accessible and conspicuous places in the local government unit, a summary of all revenues collected and funds received, including the appropriations and disbursements of such funds during the preceding fiscal year.”
- b. Republic Act No. 9184, known as the Government Procurement Reform Act: “...posting of the Invitation to Bid, Notice to Proceed at Approved Contract in procuring entity’s premises, in newspapers of general circulation, the Philippine Government Electric Procurement System (PhilGEPS) and the website of the procuring entity.”
- c. Section 90 of Republic Act No. 10147 (General Appropriation Act) FY 201, re, “Use and Disbursement of Internal Revenue Allotment of LGUs: “..Strict compliance with Sections 288 and 354 of RA No. 7160 and DILG Memorandum Circular No. 2010-83, entitled “Full Disclosure of Local Finances, and Bids and Public Offering”, is hereby mandated: Provided, that in addition to the publication or posting requirement under Section 352 of RA No. 7160 in three (3) publicly accessible and conspicuous places in the local government unit, the LGUs shall also post the detailed information on the use and disbursement, and status of programs and projects in the LGUs’ websites. Failure to comply with these requirements shall subject the responsible officials to disciplinary actions in accordance with existing laws.”
- d. Commission on Audit Internal Memorandum, dated October 8, 2010, enjoining concerned COA officials and auditors to monitor management’s compliance to DILG Memorandum Circular 2010-83, and any deviation therefrom or non-compliance therewith shall be a subject of an Audit Observation Memorandum, and eventually forms part of the Annual Audit Report or Management letter, if necessary.

to encourage compliance, DILG awards Seal of Good Housekeeping (SGH)<sup>5</sup> to compliant LGUs and makes this as a basis in awarding certain project loan or grants to local government units. It must be noted that as a punitive measure, LGUs' failure to comply with the directive is punishable by suspension or removal from office on the ground of gross negligence or dereliction from duty.

The interesting feature of MC 2010-83 is the directive, on the part of local government units, to post the summary of revenues collected and funds received, appropriations and disbursement of funds, procurement –related documents, status and use of funds as well as projects, in LGU websites. To date, eighty-two percent (82%) of provinces, eighty-two percent (82%) of cities, and seventy-six percent (76%) of municipalities were granted the SGH in 2011. In effect, we can say, that more than seventy-five percent (75%) of the number of total local government units in the country complied with the full disclosure policy. As such, these compliant LGUs have incorporated governance information in their websites for use and access by people who are interested to do so.

In an attempt to further the initiatives on full disclosure, the DILG launched on 26 November 2012, the Full Disclosure Policy Portal (<http://fdpp.blgs.gov.ph/>) where local government units can post the documents required to be posted in the web by the full disclosure policy. It must be noted though, that documents uploaded here, and even in LGU websites, are PDF files or scanned documents, with little or no opportunity for user action besides printing, saving, and viewing<sup>6</sup>.

Nevertheless, this open data initiative, hastened by national legislation and agency directive, and implemented by local government units seeks to make local governance more transparent and accountable by providing information to the public. Further, it is envisioned that it would create more democratic spaces where citizens can influence on how they are governed.

This study will focus on how three provincial governments in the Philippines engage in open data initiatives through its compliance to the full disclosure policy and how it impacts on making governments more transparent and accountable; and whether this process of opening up yields a cyclical process of more opening up of spaces for the governed to engaged with the bureaucracy.

## **1.2. State of Open Local Governance in the Philippines**

Literature on the use of open data in the context of local governance in the country is limited. Papers that deal with open data and E-governance are oftentimes done at the level of national governments though much of their implications apply significantly to local government units (see Lallana et al, 2001, for example). When open data and E-governance is discussed about LGUs, much of the discussion is also done at the level of cities (see Siar, 2005; Mendes et al, 2007; Iglesias, 2010), though assessment papers include also some reference to provinces (see Alampay, 2005; NCC 2006). These papers, however, focus on readiness (NCC 2006), quality of information (Siar, 2005), level of E-government (Lallana et al, 2001), and use of ICT (Iglesias, 2010).

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<sup>5</sup> The Seal of Good Housekeeping is awarded by DILG to LGUs which complied with the Full Disclosure Policy and does not have adverse findings in the Commission on Audit's Annual Audit Report.

<sup>6</sup> The new Full Disclosure Policy Portal is launched in 16 January 2014.

Methodologically, none of these studies asked perceptions of citizens or those of their representatives regarding how open data is used. It also did not ask about how making data available to the public online has affected positively or negatively local government bureaucracy.

The major contribution of this paper the assessment of open data at the level of provincial governments and how the political, organisational, and technical context affects data availability as well as the behaviour of holders of open data sources. It will look into data flows – what types of data are made available, what is the level of detail disclosed, how this is provided, and who decides, implements, and oversees open data provision. It discusses how those who provide the data and those who made use or are expected to make use of them are impacted by this emerging phenomenon. Finally, as the research will also touch on how open is open government data in local government units, it will put the case and explore suggestions on how the country, more particularly in the context of local government units, could advance in moving towards Open Government Data where any user can “use, reuse and redistribute [a piece of content or data] – subject only to the requirement to attribute and share-alike<sup>7</sup>”.

Using provincial governments as the focus of the case study is intentional. Firstly, and as earlier mentioned, most of the studies in the country regarding open government data deal with city and municipal governments. Secondly, provincial governments, unlike cities and municipalities, do not have direct constituents. Constituents of city and municipal governments are also constituents of provincial governments. Thirdly, the distance, both physical and political, between the provincial government and citizens are more remote, and thus the need for better information sharing. For example, in the case of the Provincial Government of Bohol, one of the case study sites, there are 47 municipalities and 1 city, and one of the municipalities is located in an island. Thus, information sharing between the provincial government and the citizens through the use of the internet, for example, is most critical.

### **1.3. Questions and Methods**

While making information available to the public through local government websites is conditioned more by an external push than the intrinsic expression to be accountable, it is admitted that the act, as it is, has the potential to change the landscape of public governance, especially in the context of readily available technology for access and the opening up of government records that once were shielded from public scrutiny. As such, this research will answer at least five questions:

1. How do provincial local governments provide government data through websites? How do the governed (or their intermediaries) access and utilise the information? Do current local systems, as required by national mandate, conform to the characteristic of Open Government Data (OGD) where any user can “use, reuse and redistribute [a piece of content or data] – subject only to the requirement to attribute and share-alike”?
2. What local government systems, structures, and processes were impacted by the compliance to share governance information publicly through the LGU website?

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<sup>7</sup> This definition of Open Government Data is taken from Open Knowledge Foundation as cited in Gigler et al, 2011.

3. How has the sharing of governance information affected the governed – civil society representatives, business groups, the media, academic institutions, civic groups, and other stakeholders- in terms of their participation in local governance?
4. What facilitating or hindering factors have affected the way by which information was made available to or accessed by citizen intermediaries? In what ways will national and local context be improved to ensure that the Full Disclosure Policy makes local governments more transparent and accountable?
5. What policy, mechanisms, or processes are necessary for the Philippines to fully realize Open Government Data especially in the context of local government units? What are existing challenges for local government units to achieve Open Government Data?

The research used a case study approach and utilized quantitative and qualitative methods. The entities to be studied are three provincial governments. The selection of the provinces is purposive. The following selection criteria wa used to identify the three provinces to be included in the study:

- a. The three cases should represent the major island groups of Luzon, Visayas, and Mindanao. Thus, one case should represent Luzon, another for the Visayas, and another one for Mindanao.
- b. The provinces to be selected should be those which are compliant to the full disclosure policy.
- c. The provinces should be one of the top ten best governed provinces in the country in the 2011 ranking of DILG.
- d. The provinces should have the highest rating<sup>8</sup> in the Local Government Performance Measurement System<sup>9</sup> in the domain on Valuing Fundamentals of Good Governance and more particularly, the two rated areas on financial accountability, and transparency.

With these selection guidelines, the following provinces were selected.

Selected Province	From Major island group of	Best Governed province in 2011?	Rating in Transparency	Rating in Financial Accountability
<b>Bulacan</b>	Luzon	Yes, rank 3	5.0	5.0
<b>Bohol</b>	Visayas	Yes, rank 1	5.0	5.0

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<sup>8</sup> Highest rating is 5, lowest rating is 1.

<sup>9</sup> The Local Governance Performance Measurement System (LGPMS) is designed as a self-assessment tool which covers 5 performance areas subdivided into 17 service areas. These are fundamentals of governance (financial accountability, transparency, participation), administration (development planning, revenue generation, revenue allocation and utilization, financial accountability, customer service, human resource management and development), social services (health and nutrition, education, housing and basic utilities, peace, security and disaster management), economic development (agriculture and fisheries development, entrepreneurship, and business and industry promotion) and environmental management (natural resource management, waste management and pollution control).

South Cotabato	Mindanao	Yes, rank 5 <sup>10</sup>	5.0	5.0
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Table 1. Provinces Selected

There are three processes involved in generating research findings and conclusions in this paper. This is illustrated in Figure 1 below:

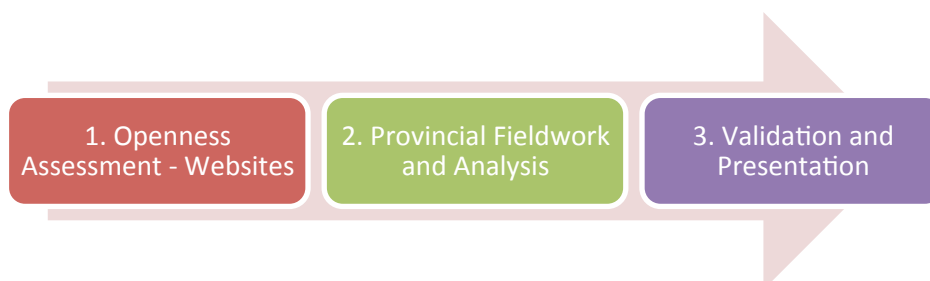


Figure 1. Research Process

Firstly, the websites of the provincial governments were analysed in terms of three things – information availability, compliance to the FDP, and openness. In terms of information availability, a content analysis was conducted to determine the types of information contained in the government websites.

Secondly, assessment of compliance to the FDP was done through the compliance checklist. Finally, the openness assessment was done using the data openness tool that the Open Data in Development Countries project formulated as part of its open data barometer study.

Thirdly, fieldwork was conducted to conduct key informant interviews and focus groups. **Key informant interviews (KII)** were conducted to gather relevant data more on the five questions (e.g. LGU leaders and personnel on question 1, 3 and 4, CSO and business group representatives on questions 3, 4 and 5, and DILG on question 5). The major instrument of the KII is a questionnaire which was developed, content validated and pilot tested prior to actual conduct. **Focus group discussion** was also conducted for the purpose of generating qualitative information from the point of view of the key people in the local communities and also with local government representatives. An FGD guide was constructed for this purpose. All instruments were pilot-tested in the Province of Negros Oriental.

Qualitative analysis of themes from transcripts of discussions was the basis in formulating sound conclusions. For purposes of validating results and generating feedback from provincial stakeholders, a results validation workshop was conducted in all three sites.

#### 1.4. Structure of this Paper

This paper is structured into four parts. The first part is this introduction that provides a background to the paper including the questions raised and the methods to arrive at answers to the questions. The second part will present and discuss the findings on the supply side of open data while the

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<sup>10</sup> Rank 3 and 4 in the 2011 survey all belong to Luzon. No other province in Mindanao is on the top 10 best governed provinces except South Cotabato.

succeeding section discusses the findings on the demand side. The fourth part offers an analysis of both supply and demand findings and offer concluding remarks.



## 2. Findings and Discussion on the Supply Side

### 2.1. What sorts of information are provided in the website?

Information presented in the websites of the three provinces varied significantly from each other, especially in terms of presentation and focus. The similarities and differences are indicated in the table below:

	<b>Bulacan</b>	<b>Bohol</b>	<b>South Cotabato</b>
<b>General look</b>	Focused on provincial development agenda and disaster warning, contains essential information for citizens on key government functions and services	Focused on provincial development agenda and quick response, contains links to provincial government branches and offices	Focused on the province's natural resources, general theme is tourism and what the province can offer to guests
<b>Tabs/pages available</b>	General information, business, tourism, government information, cities and municipalities,	Governor's office, sangguniang panlalawigan (legislative council), transparency, department/offices, municipalities, about Bohol, contact page	General information, government information, tourism, business, cities and municipalities, contact page
<b>Updates</b>	News page regularly updated, visible	News page regularly updated, visible	News page regularly updated and visible

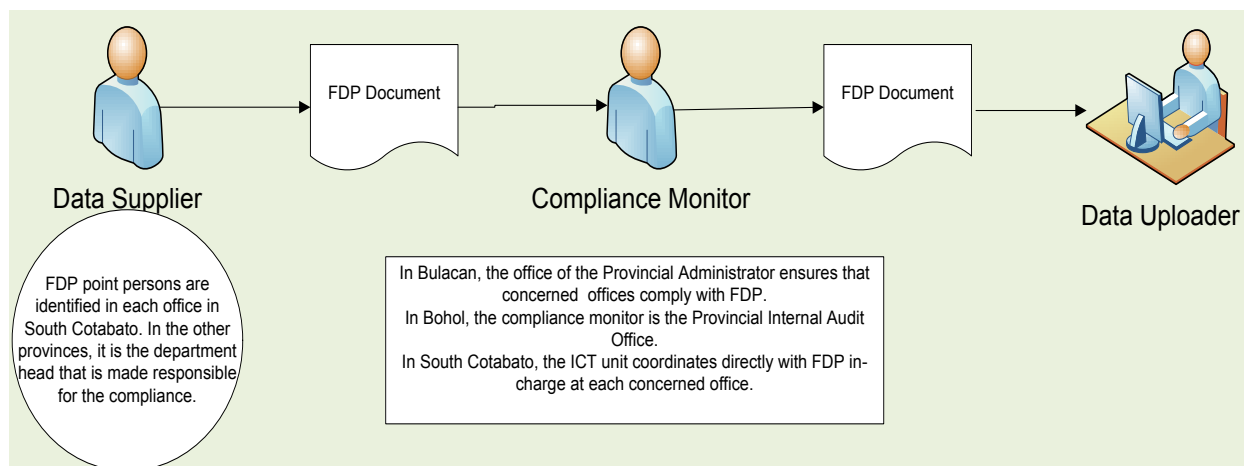
**Table 2. Characterisation of the websites of Bulacan, Bohol, and South Cotabato**

In the website of the province of Bulacan, the Full Disclosure Policy information is shown under the "government" tab while in Bohol, this is a separate tab/page in the website which is directly visible to visitors through the "transparency" tab. In the new website of South Cotabato, FDP documents are not available at this time, though in 2013, before the website was redesigned, the FDP documents can be seen in the government section or through the "Full Disclosure" tab.

### 2.2. Did provinces comply with the FDP?

The three provinces were rated by the Department of Interior and Local Government as fully compliant to the FDP. All the three provinces have published FDP-required information through the Full Disclosure Policy Portal, and at the time of its assessment (prior to the redesign of the website of South Cotabato), the same information is also uploaded in the provincial government websites.

The provinces have different mechanisms in ensuring compliance to this process. This is illustrated in the diagram below:



**Figure 2. FDP Compliance Process**

The data suppliers in the three cases are the departments who are mandated to prepare the required documents. For example, the Statement of Receipts and Expenditures is prepared by the Provincial Treasurer’s Office, while the Annual Budget is prepared by the Provincial Budget Office. In the case of South Cotabato, and FDP In-charge is designated in each concerned department while in Bohol and Bulacan, this is the responsibility of the department heads. It must be noted that all of the documents required to be published by FDP (as of November 2011<sup>11</sup>), are financial in nature (see Table 3 below).

<b>A. Budget Reports</b>
1. Annual Budget Report
2. Statement of Debt Service
3. Statement of Receipts and Expenditures
4. Quarterly Statement of Cash Flow
<b>B. Procurement reports</b>
1. Annual Procurement Plan or Procurement List
2. Items to Bid
3. Bid Results on Civil Works, Goods and Services, and Consulting Services
4. Abstract of Bids as Calculated
5. Supplemental Procurement Plan, if any
<b>C. Special Purpose Fund Reports</b>
1. SEF Income and Expenditure Estimates
2. Report of SEF Utilization
3. Annual GAD Accomplishment Report
4. Trust Fund (PDAF) Utilization
5. 20% Component of the IRA Utilization
6. Report of Local Disaster Risk Reduction and Management Fund (LDRRMF) Utilization

**Table 3. List of documents required to be published by FDP (Source: DILG 2011)**

<sup>11</sup> A new directive on the FDP was released in 2014 requiring LGUs to publish documents other than the original set (15 all in all) required in 2011. This paper only deals with the original set of documents.

Compliance monitoring is installed in the three provinces, although in different structures. In Bulacan, the Office of the Provincial Administrator (OPA) acts as the compliance monitor which makes regular follow-up with data suppliers regarding data submission. When these are complete, the OPA forwards the documents to the ICT unit for uploading. In the case of Bohol, the Provincial Internal Audit Office (PIAO) works in coordination with the ICT unit in ensuring that all data requirements are uploaded. PIAO ensures that the province complies with the FDP. In South Cotabato, on the other hand, the designated FDP officers in each of the concerned departments ensure compliance. The ICT unit has a checklist of documents that are needed to be uploaded and based on this list, they ask the FDP officers from each department to said the documents.

The data uploaders, in the three cases, are the ICT units of the provincial government. Their work is largely concentrated on ensuring that government IT systems are working, that the website is maintained, and that IT needs for the whole bureaucracy is responded to. Uploading documents at the website and at the FDP portal is just a small part of their total mandate.

### 2.3. Did FDP encourage LGU openness?

To assess openness, the research team made use of the Openness Criteria proposed and used by the World Wide Web Foundation. The openness criteria are explained in the table below:

Question	Key questions/explanation
1. Does the data exist?	The data has to be collected by a national or local government in any form.
2. Is it available online [from government] in any digital form?	The data should be available online in any digital format. This might include tables on web pages, PDF files, or scanned copies of paper documents, as well as other formats like Excel. A substantial proportion of the data itself is available and not just a summary or a part of it.
3. Is the dataset provided in machine readable formats?	The data can be opened in appropriate data manipulation and analysis software. PDF, JPEG and other formats are not machine-readable.
4. Is the machine readable data available in bulk?	Bulk access to data files allows developers and analysts to more flexibly build upon the data and to integrate it into other products, services and activities.
5. Is the dataset available free of charge?	Dataset access should be for free. If a subscription or log-in is required, it is considered free if payment of fees are not required to get access.
6. Is the data openly licensed?	The website from which the information comes from should clearly state that anyone with the data has permission to re-use it. Also, it does not restrict who can re-use the data (for example, through non-commercial restrictions)

Question	Key questions/explanation
7. Is the dataset up to date?	Website should contain a recent copy of the data. For example, for a dataset that is updated monthly, then the website should have a copy of the date of the current month, or the month prior.
8. Is the publication of this dataset sustainable?	Publication of the data set should not only be one-off. There should be a strong commitment on the part of the government to regularly publish the data.
9. Was it easy to find information on this dataset?	A regular Internet user with a degree level education would be able to locate and find out about this dataset if they were looking for it.
10. Are Linked Data URIs provided for key elements in the dataset?	Linked Data is a way of publishing data on the web which allows connections to be made between datasets, increasing the value that can be realised from open government data.

Table 4. Open Data Assessment Criteria (Web Foundation 2013)

Based on the above criteria, the three provinces subjected to the study were rated.

Openness Criteria	Bulacan	Bohol	South Cotabato
1. Does the data exist?	✓	✓	✓
2. Is it available online in digital form?	✓	✓	✓
3. Is the data machine readable?	✗	✗	✗
4. Is the data available in bulk?	✗	✗	✗
5. Is the dataset available free of charge?	✓	✓	✓
6. Is the data openly licensed?	✗	✗	✗
7. Is the data up-to-date?	✓	✓	✓
8. Is the publication of the dataset sustainable?	✗	✗	✗
9. Was it easy to find information on the dataset?	✓	✓	✓
10. Are linked data URIs provided?	✗	✗	✗

Table 5. Openness Assessment of the Three Provincial Cases

Data required by the FDP are all **existing** at the level of local government units studied and **available** both in hard and soft copy format. These reports are **updated regularly** by the different offices (suppliers) because these are required reports by national government agencies with regulatory power over local government units. Because these are required to be posted online by the FDP, the local governments ensure that these are **available online** on a regular basis. An internet user with a degree-level of education can **find the data easily** and these are provided for **free**.

However, the data made available online are **not in machine-readable formats**. Data cannot be opened in appropriate data manipulation and analysis software (not in format that will allow data manipulation like sorting, summarizing, filtering, or others). Data are usually provided in PDF; either converted to PDF from a word processing or spreadsheet or scanned as picture and converted to PDF. It is also **not possible to easily collect a list of download file URLs** and then grab this data and feed it into an application. Further, **the files do not allow connections** to be made between datasets and thus prohibit creating further value out of the data sets published.

It is interesting to note that all three provinces explicitly indicate in the website that they hold the **copyright to whatever information** posted therein. As such, users of the data seem not to have any right to re-use data for whatever purpose. And because full disclosure policy is only a national agency memorandum, it runs the risk of being superseded or revised. Even when the FDP is a law, it still is subject to repeal by congress. Thus provision of information through the website is only momentary, especially that provinces are only in a compliance mode.

Thus, it can be said that the three provinces failed to score high in the openness criteria. This is largely brought about by the fact that the publication of documents as open data is not required by the FDP. However, this paper argues that FDP is the beginning of open data in local governance. If FDP extends itself as a policy by requiring LGUs to publish FDP documents as open data, then this will be the beginning of open local government data in the country. Given the compliance rate of LGUs to the FDP, the possibility that a significant number of LGUs will publish local government data as open data sets is not far-fetched. Data required to be published by FDP, after all, are in open formats before the decision to secure them is made.

But what among the remaining criteria of openness will the LGUs have a significant difficulty to comply with? The table below shows the degree of difficulty of LGUs to comply with openness requirement and the underlying reasons.

Openness Criteria	Degree of Difficulty	Reasons
3. Is the data machine readable?	High	LGU officials fear that when data is published as machine-readable data sets, somebody with bad intentions messes up with the data or use it for inappropriate purposes.
4. Is the data available in bulk?	Low	Current data provided through FDP can be provided in bulk, with a level of detail that allows better data use.
6. Is the data openly licensed?	Medium	Some LGU officials still think that data in the websites should be their property. There is less

		appreciation of common licensed data.
8. Is the publication of the dataset sustainable?	Medium	LGUs are still in compliance mode. If the FDP is not legislated, then this will face the risk of cancellation if a new DILG secretary is appointed after the presidential elections in 2016.
10. Are linked data URIs provided?	Medium	There is less appreciation as to the necessity of providing linked data URIs. LGU officials find this unnecessary.

**Table 6. Degree of Difficulty and Reasons in Complying with Openness Requirement**

As indicated in the table above, there are at least three reasons why there might be a possibility that the LGUs covered in this study will not be able to comply with the remaining five requirements – fear, lack of interest or appreciation, and behaviour on the part of the local government officials. But among these three, the fear that data that they will publish will fall into and be used by wrong hands is the most prevalent. This is the reason why, that even without explicit instruction, any data in open format that the data uploaders receive, they automatically convert to PDF. This is also the reason why data suppliers send signed PDF documents, if not hard copy, to the compliance monitors for uploading to government websites and the FDP portal.

The fear comes from the recognition that the data to be uploaded is the responsibility of the data preparers, the suppliers. They do not want users to be tampering with the data. In a politically-charged environment especially during election times, this is the least that they would like to experience. In the past, data suppliers experienced being called by the media regarding data and documents that reporters were able to get from their office (or probably provided by politicians of opposing camps). They fear that things will become more complex when data are provided in open formats, as these can be easily changes or manipulated. This is also the reason why, provincial officials think that they should retain copyright over the data.

For the other openness requirements, provincial officials do not see the need or the justification why these should be complied with. For example, they do not see the necessity of providing linked URIs to becoming transparent as a government. They also do not see the importance of ensuring that data is commonly licensed. For them, providing the data on the web is already indicative of the provincial government’s commitment to become transparent.

It is important to note however, that the data sets provided in the websites through the FDP has a very high potential to be converted into meaningful open data sets that can be used as foundational basis for information dissemination of critical local governance information. For example, the annual provincial budget is a powerful document that can be used by citizen groups in understanding the priorities of its local government unit; whether the bulk of the provincial budget is spent on health, education, or local economic development. The statement of receipts and expenditures, when published as open data can be a good basis for analysing the revenue profile of

the province – whether it is able to collect taxes or is reliant on the national governments Internal Revenue Allotment<sup>12</sup> for public spending.

#### **2.4. Did FDP compliance change anything in provincial governments?**

A critical question to be answered in this paper is whether provision of data through government websites changed something within provincial government structures, systems and staff. Using McKinsey's definition of the three elements, we looked at the changes in the provincial governments covered by this study. The following are the key findings in this case.

- a. **Structure** – The compliance process created a new structure within the provincial governments covered by this study. As indicated in Figure 2 above, the compliance process created horizontal and vertical linkages among data suppliers, compliance monitors, and data uploaders. This process has never existed prior to the FDP. This means that information provision will yield positive changes in structures within the local bureaucratic system.

It is important to note that the chief executive (Governor) of the provinces is not part of this structure, potentially indicating that the process is not politicized. The legislative council (Sangguniang Panlalawigan) is off the structure as well.

Note that in local government units, there are two major divisions in the structure – the political part where the governor, vice governor, provincial legislators and other elective positions belong, and the technical structure where the career employees hold tenured posts.

In the three provinces, the sharing and uploading of information did not require any intervention from the political part of the structure and seemed an independent work of technical personnel in the provincial governments.

- b. **Systems** - The compliance process also yielded changes in the systems and processes of the provincial governments. While mostly undocumented, the procedures of compliance, from the time information provision was done by suppliers to the point where the data is uploaded to websites and the FDP portal, is systematized in such a way that it ensured that all required documents are uploaded in a timely manner.

Note that in terms of preparing information, there is no significant change in the processes of provincial governments because the information required to be posted online by the FDP are information that is regularly prepared by local government unit offices. Thus, FDP does

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<sup>12</sup> Internal Revenue Allotment (IRA) is the share of local government units of the revenues collected by the national government (Santos, 2011). Income taxes, for example, are collected by the national government from individuals, partnerships, and corporations operating within local government units. The IRA is its share of that tax collected. Distribution of IRA is based on an LGU's population and area, without consideration of population density, poverty condition, or income classification (ibid.)

not require the preparation of new information. It only requires that information that has not been habitually provided online, are posted in government websites and in the FDP portal.

- c. **Staff** – The FDP also changes the roles and responsibilities of local government personnel involved in the compliance process. While again, these are not documented in their terms of reference, the staff assigned to ensure that the province complies with FDP requirements, perform the tasks informally assigned to them, on top of their other responsibilities.

It also increased their knowledge and skills regarding government reports and transactions. Data uploaders, for example, who were previously not aware of the existence of the government reports, begin to familiarize themselves with the different reports because they engage with these documents by uploading them, on a quarterly basis. The compliance monitors, on the other hand, needs to acquaint themselves with the structure and format of the documents, so that they will be able to assess whether the province was indeed able to comply.

However, in the case of data suppliers, because they have been habitually preparing the documents and these are also provided or posted publicly in three conspicuous places, there is no significant change in their knowledge, attitudes, and skills.

It must be noted that providing information through websites is just an additional requirement on transparency, and thus has not impacted significantly on the government regarding information provision. Also, since the time the provinces complied with FDP in 2011, they have not received any inquiry from the public regarding the documents posted in the website, except for the province of Bulacan.

The Bulacan Provincial Budget Officer received inquiries regarding provincial data, more particularly on the provincial budget, in the recent provincial elections in 2013. The questions were raised in the media about certain budget items of the provincial government.



### **3. Findings on the Demand Side**

#### **3.1. The context of citizen participation in the Philippine provinces**

In the Philippines, the concept of citizen participation became prominent in public discourse after the collapse of the Marcos dictatorship and the promulgation of the 1987 constitution (Fabros, 2002). More importantly, citizen participation, in the local context, advanced greatly when decentralization reform was introduced in 1991 with the passage of Republic Act 7160, otherwise known as the Local Government Code (LGC) (Nierras, 2005). This landmark legislation, while laying down the framework of decentralized governance, provided legally mandated avenues for participation, and though tainted with ambiguities, some conceptual while others procedural, provided citizens a handful of options to have their stakes considered in local governance (Iszatt, 2002).

The LGC highlighted one avenue by which a citizen can participate in local development discourse – through the legally mandated active partnership with non-government organizations (NGOs), people's organizations, and the private sector in the pursuit of local autonomy. This was also considered the most utilized mechanism for participation by citizens (Villarin 1996, Iszatt 2002) primarily because of its legal mandate and of the foreseen benefits of collective action. When the LGC was implemented, over 16,000 NGOs throughout the country were accredited for membership in local special bodies (Azfar, et al 2000). Since then, NGOs are said to have become very active in local development, more particularly in the areas of health, education, peace and order, and procurement processes (Tuano, 2011). NGOs cover a whole range of actors – from non-profit institutions, community associations, universities and colleges, civic groups, sector organizations (e.g. women, farmer, youth, differently-abled), religious organizations, and charitable institutions (ibid).

This is not to say that NGO participation in the realm of governance in the Philippines were perfect representations of the will of the citizenry. This formal participation of NGOs were noted to be dubious, where in some cases, municipal mayors created rubber-stamp NGOs to serve on development councils in order to advance their own interests (Azfar, et al 2000). Also, NGOs felt that despite the provisions of the LGC, their roles in the local arena were limited and restricted due to issues of 'political roadblocks', 'token' recognition, intentional or unintentional bureaucratic and political hindrances, and the NGO's lack of skills to engage in local government processes (Fabros 2002).

However, NGOs gradually became significant actors in national development in the process of transition from a dictatorship to representative democracy, and from a highly centralized to a decentralized polity (Ocampo 2001). Undoubtedly, they have played a broad range of roles in addressing issues of poverty and governance (ADB 1999) and have engaged extensively with client communities, governments, business sector, and donors (Quizon 2005). This type of representative citizen engagement is the major focus of this paper, set against a provincial background in the province of Bohol.

Since 1991, there were laudable innovations developed and implemented by local governments in addressing public needs in different avenues – health and sanitation, local finance, housing, education, tourism, investment promotion, among others – through participatory processes (Karaos,

2002). These practices have inspired replication of initiatives in other local contexts and in various avenues. Certain projects in the Philippines, initiated and funded by international donors as the United States Agency for International Development, the Australian Agency for International Development, and the United Nations Development Program, encouraged, if not propelled, the use of participatory methods in different aspects of local governance.

The implementation of the Governance and Local Development Project (GOLD Project) in Bohol and Bulacan in 1995 paved the way towards greater citizen participation in the province in the realm of governance. It yielded the creation of several local legislations (e.g. Bohol Environment Code, Bulacan Investment Code), the institutionalization of several offices (e.g. Bohol Investment and Promotion Center, Bulacan Information and Management Office), improved financial systems and procedures (e.g. Bulacan Financial Management Information System) and activation of local special bodies (e.g. Provincial Planning and Development Council, Provincial Bidding and Awards Committee). These innovations were products of participatory processes and characterized the emerging trend of participatory governance in the two provinces.

The legacy that the GOLD Project left Bohol and Bulacan when it folded in 2000 was the greater involvement of people in the realm of governance that withstood even changes in power holders (Paredes, Lugos, interviews). Participatory mechanisms as representations in local bodies, NGO involvement in service delivery, and institutionalization of a academe-initiated public opinion polling, were among those that were started back then and continues until now. This condition assumed that development is better achieved since local people were given a chance to have their voices heard in planning for their own development.

South Cotabato, on the other hand, has a long tradition of participatory governance processes after the enactment of the Local Government Code. The province is home to strong civil society organizations (CSO) that engaged proactively with government. The Coalition of Sustainable Development Organizations, established in 1994 was an offshoot of the Local Government Code. It is a forerunner in citizen participation in local governance and a critical partner of the local government in its programs. The presence of a strong and active CSO in the province is considered one of the reasons why the province has gained good reputation from donor institutions and the national government.

### **3.2. Citizens and open government data**

Citizen's direct interaction with government data is acknowledged to be limited and thus open data is seen to offer only limited opportunities for direct citizen engagement, because in most cases it is the "intermediaries" that are perceived as direct consumers of open data (Shkabatur, 2013). The initial findings of this paper point to the fact that citizens indeed do not directly engage with documents provided through the FDP.

At the beginning of the research, it was initially thought that the method to be used to assess whether FDP has an impact on citizen's engagement with government was to conduct random surveys of 400 respondents per province that would yield a +10/-10 degree of confidence. However, when a test run of the questionnaire was done in the city of Tagbilaran, the capital of Bohol province, not a single person out of the 50 respondents were aware of the Full Disclosure Policy, or

have accessed the provincial government website, or have seen local government documents posted online.

This finding is not entirely novel. Even the open readiness assessment tool of the World Bank (2014) implies that citizens are not essentially expected to directly engage with open government data. Out of the 25 questions under the assessment on demand for open data/citizen engagement, only three questions were related to citizens actually accessing or using government data while the rest of the questions focus on citizen groups and intermediaries – media, activist groups, business groups, civil society among others. Thus, the study looked into citizen groups and intermediaries as potential audience of open government data and thus the direct consumers of information provided through the FDP.

### 3.3. Do citizens access through and use government data from the web?

In the three provinces, it was found out that majority of the representatives from citizen groups – civil society organizations, businesses, media, academia, sectoral organizations – are not aware of the Full Disclosure Policy and have not learned that government data is available online. Thus, while local governance documents are accessible through websites, citizen groups (hereafter to be called citizen intermediaries) access government information through traditional media. The different organisations did not look for documents in the provincial government’s website.

Majority (85%) of the groups access government documents included in the FDP by requesting copies from government offices in the provincial government. Thus, because in the first place, citizen intermediaries were not able to access documents from

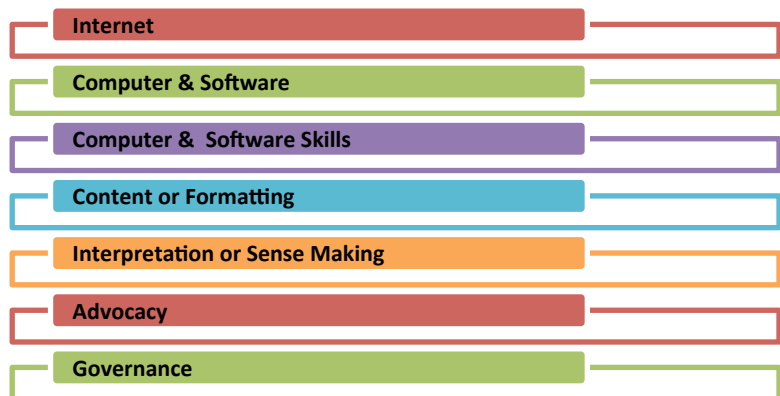


Figure 3. Seven Elements in Putting Data to Use (Adapted from Gurstein, 2011)

government websites, use is also very limited.

Among the case study sites, only the businessmen in South Cotabato were able to make use of government data published through websites. The businesses use the Annual Procurement Plan of the provincial government to anticipate future bidding activities that will be conducted where they will likely have the possibility of participating in.

Michael Gurstein (2011) argues that there are at least 7 elements necessary for end-users (or for that matter, citizen groups) to effectively use open data (See Figure 3). We use these elements to assess what is preventing citizen intermediaries from accessing, and thereby using the government data provided through the FDP.

Citizen intermediaries, being formal organizations, have internet access despite the fact that in recent studies, internet penetration in the country is only at 36% (BBC, 2012). All of the respondents in the three sites have internet connection. Also, intermediaries have or have access to computer

and software, and have computer and software skills. As earlier indicated, while the documents are provided in PDF or in picture formats, these are accessible to them. The governance setting to allow the sharing of documents is present. But in case study sites, there are no advocacy groups actively pursuing information activities for open data, affecting largely the intermediaries' awareness of the FDP and of the fact that useful data is available online.

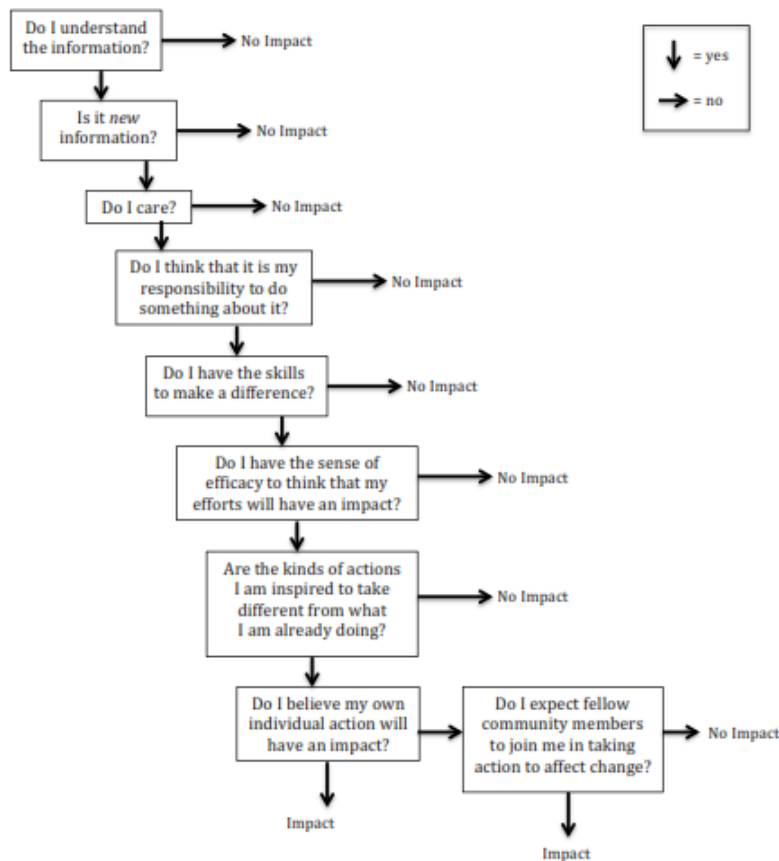


Figure 4. Information-Citizen-Action Causal Chain (Lieberman, Posner, and Tsai, 2013)

So at first instance, it boils down to the level of awareness. Had people been aware that the data exists, there could have been potential for its wider use. Lieberman, Posner, and Tsai (2013) proposed, based on a study conducted in Kenya, a causal chain that links information availability to citizen action (see Figure 5). They argued that there is little impact on citizen action when underlying conditions are not considered in the process of information provision.

Based on the causal chain, there are three preliminary questions that determine whether an action will be generated by citizens out of a piece of information. The first level is whether citizens understand the information. The second level is whether the information provided is something new to them. And the third level is whether citizens care about the information or not.

This paper however argues that there are preliminary layers prior to these questions. These are awareness (Are they aware that the data exist?) and interest (Are they interested with the data provided?). These two should come before Lieberman, et al's question on understanding (Do I understand the information?).

In the three case study sites, only very few of the citizen intermediary representatives (0-10%) are aware regarding the FDP and that there is government information posted in websites. Also, most of them are interested in data other than those provided by the FDP. In Bohol and South Cotabato, for example, citizen intermediaries are more interested with data that would tell them the status of government projects while in Bulacan, citizen intermediaries are more interested with data related to disaster risk reduction.

Another challenge that will have to be addressed is the level of understanding of citizen groups of the information provided by local governments through the FDP. While it is true that it is easy to find information in the documents, these are largely financial in nature and thus would require a certain degree of competence on the part of the users in order that they will be able to, as what Gurnstein pointed out, interpret and make sense of the data. All of the documents required to be published by FDP are financial in nature, in report formats mandated by national agencies and are prepared by accountants or finance personnel with high level of knowledge and experience in finance or accounting.

This paper argues that information provided by the provincial governments in its websites is hardly used by citizen groups because first, they are not aware that the data exists in the website. Second, they are not interested with the information provided. Third, even when the information is provided, they do not have the technical knowledge to understand and use the documents for their benefit.

But there is a need for a more nuanced understanding of what citizen groups are interested in. It may be, that because the data is in a format that is not interesting to users or are beyond their comprehension even with their high educational attainment because of the nature of the presentation, then they become disinterested with the data. This is tested in the context of the research where respondents were shown two data presentation formats coming from the same data set (see Figure 5 below).

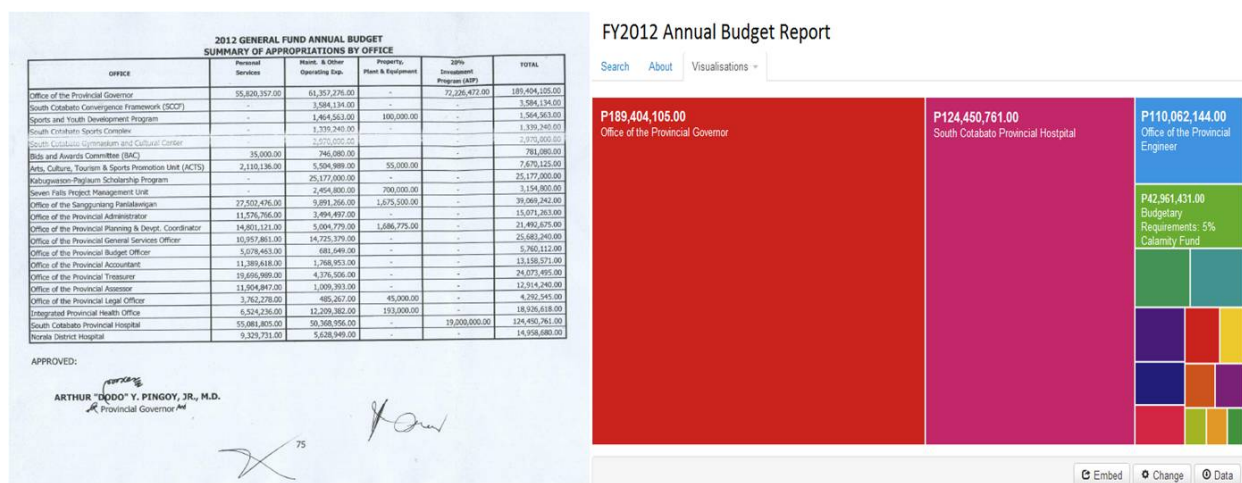


Figure 5. Budget Data of a Province - left side as a report, right side as visualised

It is interesting to note that while the annual budget data is not included as part of the data sets that civil society representatives are interested in, they reacted very strongly to the visualized annual budget data. They become interested why one office in the provincial government gets a very large chunk of the whole provincial government’s budget and why other offices are very small. These questions are indicative that while initially, the dataset did not interest them, its meaning and message, magnified through visualization, becomes more compelling and interesting to them. This finding suggests that there is a need for intermediaries who can translate a seemingly lifeless pile of texts and numbers into interesting information that can spark interest and discussion among civil society groups.

Nevertheless, the impact of providing information to citizens through the government website is still very low at this stage. The FDP only began in 2011 and thus the low awareness of citizen groups regarding the initiative. Open governance data can only generate impact when the citizens know, take interest, understand, and use the data to advance the common good.

## 4. Shaping the Future of Open Data in Local Governments: Challenges and Opportunities

The previous sections have indicated the insufficiency of the FDP in promoting provision and use of open government data. However, it also acknowledges that at the current state of things, the FDP offers the opportunity for open data to permeate local government spaces. In this section, we analyse the challenges and opportunities for FDP to strengthen open data in local government units.

1	Challenge	Opportunity
	FDP failed to consider the “audience”, the intended users of the data in the design of the policy.	The policy can be revised to look into the sets of data that are needed by citizens or are of interest to them (user value) and make these the required documents to be provided online through the FDP.

One of the objectives in opening up data to the public is to expand access to information in such a way that new actors are drawn into governance processes thereby improving operations and decision-making (Helbig 2012). As such, opening up data to the public should first and foremost consider who among the public the intended audience of the open data initiative is. The major challenge with the FDP, which essentially affected its results, is that it failed to consider the demand side in the information provision process.

An analysis of Memorandum Circular (MC) 2010-083 Series of 2010, and its amending policy MC 2012-141 Series of 2012 shows that both policies focus largely on provision, without saying anything about the basis of the choice of the documents (e.g. like a survey that shows these documents are the ones needed by citizens), or the process of informing the public that these documents exist.

This has two implications. Firstly, because the FDP required LGUs to supply information, but it did not require LGUs to conduct activities to inform the public that the information is available in the websites, only very few (between 1-10%) of representatives from civil society, business, media, and academic institutions are aware that the FDP exists and that information is available.

Secondly, DILG requires documents to be published in websites without necessarily asking the public what sorts of local governance information they need. As such, the types of information the public is interested in getting are not those that are required to be published by the FDP. For example, academic institutions are interested in knowing how the Special Education Fund is utilized. CSO representatives want to know the status of each government project at the end of the year. These types of information are not required by FDP.

But here lies also the opportunity. If the intention of the FDP is to make local governments more transparent and make citizen participate more, then its design should be “audience-focused”. Lee and Kim (2012) argues that for open governance data initiatives to generate participation, it should be designed in such a way that it increases the intrinsic and instrumental value of the process – that the participation of citizens or citizen group’s has developmental, educative and informative effects in policy and that such participation yields benefits to the citizen or the community where citizens live. Using this frame, it is important to consider that in requiring documents to be published by

local governments, DILG should take into account what sorts of information are needed by citizens to actively participate in governance and at the same time generate for them rewards as a consequence of their participation.

The results of the study indicates that the civil society organizations are more interested in data that would show them where government funds are spent and how government projects have progressed. These data are not required by FDP but is available at the level of local government units. A revision of the FDP will be very feasible, given this context.

	<b>Challenge</b>	<b>Opportunity</b>
<b>2</b>	FDP document formats do not allow ease of access or reuse of data.	<p>The policy can be revised to require all documents to be published as open data set. The national government has already done this (<a href="http://www.opendata.gov.ph">http://www.opendata.gov.ph</a>) and therefore is not difficult to campaign for at the local level if local leaders are convinced that there is benefit in opening data to the public.</p> <p>The Freedom of Information bill that is now currently being deliberated by the legislative body can also contain a provision that all government information published in government websites (regardless of level) should be machine-readable. This way, machine-readability of documents is supported by a legislative enactment and thus becomes more sustainable.</p>

As earlier indicated, FDP documents are not required to be published in machine-readable formats. However, a review of the documents required under FDP, even those suggested in the immediately preceding paragraph, are all prepared using word processing or spreadsheet software. Thus, it is not additional work for local government units to publish them as such. But because local government bureaucrats fear that data integrity will be compromised, they took the initiative to convert files into PDF or picture format to “secure” them.

It is acknowledged that data in the hands of government is power and several reasons have been pointed out to refuse to open data – national security, personal privacy, breached confidentiality, among others (Peled, 2011). In the context of the US, for example, it is not the lack but rather the understanding of how open data works that prevents government agencies in putting data into the open (ibid). In the cases covered by this study, the understanding that publishing data in open formats diffuse the power of local governments to make sense of the data and allows others to exercise their own meaning-making, caused the heightened concern for data integrity and protection.

LGUs should be educated that publishing data in machine-readable format does not change the content of original documents, even when users tamper with those that are provided in the websites. Original documents will still be the legally valid documents. They need to be assured that



what subsist as valid data will be those that are contained in their current reporting systems. Anyone preparing false reports can easily be rebuked by original documents.

The fact that the national government already publishes data in open formats will serve as encouragement to local government units. While not all agencies are currently publishing data at <http://www.opendata.gov.ph>, the volume of national data sets that is already currently available will serve as proof to local government units that publishing data in machine-readable formats does not harm the government.

A more important question, however, that needs to be answered is on incentives. This is highlighted in others studies which suggest that at the local level, there is a need to illustrate the benefits of opening up data to civil servants (Conradi and Choenni, 2012) or to the interests of the agency (Helbig et al 2012). In the context of the Philippines, this is a difficult question to answer because the initiative is still very new, and thus the dearth of cases to prove benefits to government and even show that there is positive impact.

<b>3</b>	<b>Challenge</b>	<b>Opportunity</b>
	Citizen groups are not aware that data exists in websites. They also do not have the capacity to engage with published government data.	The government, if serious with ensuring transparency and accountability, should inform and capacitate local stakeholders on how to access, navigate, and use local government data. Currently, DILG together with the World Bank has already engaged in activities that capacitate universities and other stakeholders in teaching how to make use of government data made available through the FDP. These activities should be done in larger scale.

A review of open data initiatives in the developed world suggest that there are three layers that make open data initiatives successful – a top-level mandate, an engaged and skilled layer of government bureaucrats, and a motivated civil society (Hogge, 2010). In the case of the Philippines, and in the cases covered by this study, the top-level mandate is significantly evident as expressed by the degree of commitment of national government to pursue open governance, the presence of a policy (the FDP), and the commitment of local chief executives to transparency. The institutional structure also shows the competence of local government career personnel in providing data to the public. But all of these are instigated by what is referred to as the downward push in open government data.

Critical to the success of open data initiatives is the upward push from its intended users. Open data initiative is a failure if the data is not used. While in recent research (Lee and Estefan, 2014) there is a blurring of distinction between suppliers and users of data because a data supplier can be a user of the data as well, it is important to distinguish what sets of uses the “governed” were able to exercise beyond accessing or viewing the data.

As argued in the previous section, critical to the use of data is first the awareness that the data exists and the capacity to make meaning out of it. This finding is also highlighted in other studies that call

for initiatives to make citizens capable of engaging with data that is put out into the open (Janssen, et al 2012). Thus, together with the implementation of an “enhanced” FDP that already considers that sets of data demanded by citizen groups, initiatives should also be done to inform the citizen groups about the existence of the data and capacitate them to make meaningful use of the data sets.

In this case, informediaries may also be critical. Some citizen groups may be able to access and use data but others may not. The conversion of open data sets into something that can be useful for policy, advocacy, or education work may not be a skill of all citizen groups. Thus, nurturing the role of informediaries is also a critical part of open data policy or program.

<b>4</b>	<b>Challenge</b>	<b>Opportunity</b>
	Open data serves only the information needs of less than 40% of the population. In a context of low internet penetration, other citizens are reliant on other modes of information sharing to secure local governance data.	Alongside the FDP, a local government information policy or program in open data should cater to the needs of citizens and groups without access to internet and to the information posted in government websites. This process will ensure that open data initiatives are more inclusive and responsive to context and condition of communities.

As earlier indicated, internet penetration in the Philippines is significantly low. Thus, while internet penetration is high among citizen groups covered in this study, internet access is low at the citizen level. So the central question is how an open data policy can reach those that do not have internet access or those who require further assistance not only in making use of the data but also in accessing them. For example, in one of the three case study sites, the president of the organization of persons with disabilities is blind and he asked how people like them can benefit from open data.

This study joins the proposals of other researchers to extend the impact of data beyond the online community and promote offline citizen use and engagement (Lee and Estefan 2014) to make it more inclusive. Again, in this case, the role of informediaries is critical in order to translate open data sets into formats that are accessible to offline communities. Citizen groups based in barangays, for example, are offline and thus would need informediaries so that they too could take interest in and understand data provided by their local government.

## 5. Concluding Remarks

The FDP makes possible the provision of governance information. However, supplying information to the public is only meaningful when the information provided is what the citizens need and in a format that is both interesting and understandable, so that they are able to reuse and appropriate the data for personal and social ends. But the FDP is a good start and is an initiative which value is very critical in bringing the open data discourse to the local level, something that is unprecedented in the history of the country.

While provision is insufficient in terms of openness and thereby affecting uptake and use, there exists a wide policy space to reinforce user-relevance and openness in the advocacy and actual work on open data in the country. Unfortunately, the shortest route to getting local government units at a certain level of open governance is to require them to do it. The FDP, at this stage, is the most potent instrument that the government can use to both incentivise and penalise local governments that open/do not open their data sets to the public.

The critical part, however, are the interventions to increase citizen uptake of and engagement with open data, as the success of an open data initiative will rest on how information is used by citizens to ensure a more transparent and accountable government. This paper argues that the sustainability of open data initiatives depend more on how citizens demand for open local government data than on the volume of data sets that governments make available to the public. It is only when lives are changed as a consequence of open data interactions between providers and users that open data can prove its value in advancing a truly democratic society.

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