On August 18, legislators, government officers, civil society representatives and media workers converged in the Senate for the latest public hearing on the Freedom of Information (FOI) Bill.

Presided over by Senator Gregorio Honasan, chair of the committee on public information and mass media, and later joined by Senator Alan Peter Cayetano, the discussion was intended to educate the public on the latest developments in the FOI campaign, as well as draw out the positions of various stakeholders on the current drafts of the bill. Of special interest among most was the non-inclusion of FOI in the list of the priority bills filed by Malacañang after the second Legislative-Executive Development Council (LEDAC) meeting, August 16.

Officials of Malacañang's communications team, Ramon Carandang and Manolo Quezon, were asked to explain on this non-inclusion. Other officials, notably those from the Department of Foreign Affairs and the Department of National Defence, also became subjects of further scrutiny due on exceptions on aspects of national security and diplomatic secrecy.

Nonetheless, by the hearing's end, the process had succeeded in reaffirming all the participants' substantive commitment to seeing an FOI bill through, regardless of the disagreements in the details. Those involved in the discussion, notably Malacañang's representatives, pledged themselves towards developing a definite timeline for the FOI deliberation and legislation procedure, as well as being part of a series of open technical working group meetings at the Senate level.

The following videos present some highlights of this public hearing on the right to know:

Senators Honasanoffers his opening remarks for the Senate hearing. He reminds us of the enshrining of the right to know in the 1987 Constitution, as well as its socio-political value.

Asked by Honasan on the non-inclusion of the FOI bill among PNoy's priority pieces of legislation in the second LEDAC meeting, Ricardo Carandang and Manolo Quezon provide a summary of Malacanang's deliberative process on FOI, in addition to an accounting of its basic thrusts for the bill at the present time.

Among the key things mentioned are its attempts to "balance competing interests", and to address the concerns of the bureaucracy.

Although requested by Honasan by give his opinion on the proposed removal of the "public override" clause, Atty. NepoMalaluan, co-convenor of the Right to Know, Right Now! Coalition, insists upon the need to frame FOI as a citizen's right, and elaborates upon the broad-based

public support that has pressed for a credible FOI legislation throughout the past Congresses.

Senator Honasan takes the opportunity to elicit Malaluan's thoughts on the shape and tenor of Malacanang's process on FOI. In turn, while Malaluan affirms that many concerns of the palace are legitimate, he voices out an anxiety that its generalinactivityon the bills give expression to a lack of firm commitment on the part of the administration.

To elaborate upon this point, Malaluan points out the parallelisms the characteristic delays of the palace since it came to power, and how this compares with political doublespeak in the Lower House. Furthermore, he reminds others that the administration is hardly working from scratch on the matter, as it can readily benefit from previous attempts at legislation, particularly in the 14th Congress.

While Malaluan focuses more on the overall cast of the Malacanang process, IBP president Atty. Roan Libarios addresses his comments more sharply towards the provisions of the Information Commission of the current working draft of the FOI bill.

Of particular concern on his end are the potential impediments that the Information Commission can pose to existing legal remedies and measures to the right to information. Additionally, Libarios expounds upon the Constitution's orientation to the right to information, which must be concretely manifested in any FOI legislation.

Secretary Carandang, having heard concerns about the Information Commission, responds by detailing the motivating objective behind its proposal. He insists that the Commission is only a draft version so far, and is open to suggestions from beyond the government.

With the representative of the Department of Foreign Affairs, earlier having pressed for exceptions for purposes of diplomatic secrecy, Senator Cayetano further examines whether these concerns have not already been addressed in past drafts of the bill. He complicates the picture of the viability of diplomatic secrecy by pointing out the realities of insider trading and ineffective negotiation.

Given the Department of National Defence's qualms about all-out information disclosure, Cayetano asks for a fuller definition of how such a term as "national security" is to be defined, and how it will compare with the already-extant definition in previous bills.

The representative of the DND answers that the department's immediate concern is defence, but that this falls under the broader, more expansive category of security. To this, Honasan provides the reminder that the aim of security is really to defend freedoms.

Senator Cayetano offers his personal analysis of the present discussion— to Senator Honasan's previous question to Secretary Carandang whether FOI is considered to be important, Cayetano insists that FOI is essential. This is so because it provides one of the lasting institutional reforms to guarantee transparency and accountability in government, which will surely survive the current presidency.

Additionally, he differentiates between how the FOI campaign should be steered viz. the Aquino government and how it was oriented under the Arroyo regime. In the former, they should be regarded as partners in good governance, and in combating corruption.

Towards the closure of the hearing, Secretary Carandang seeks to reassure all stakeholders that Malacanang remains sincerely committed to passing an FOI law, though it asserts that the process is not yet ready for a full-on legislative process. According to him, the variety of opinions in the hearing further reinforces this view; more discussion is needed, more balancing essential.

As a concluding comment on behalf of his organization, Libarios details the overall stance of the IBP towards the proposed draft of the FOI bill, and its apprehension towards potential conflicts with existing legal remedies. He likewise provides more clarification on the nature of the constitutional right to information and its distinctiveness amongst other legislations on FOI.