Aid and Accountability

The State’s Obligation to Ensure Transparency and Accountability as to International Disaster Aid and Assistance

Atty. Leonardo M. Camacho
Supreme Court of the Philippines
Office of Associate Justice Alfredo Benjamin S. Caguioa
PH to seek more aid from Japan at summit
The problem in *status quo*
Republic Act No. 10121 - Philippine Disaster Risk Reduction and Management Act of 2010
The lack of aid transparency and accountability measures in the Philippine disaster legal framework
Under the current legal framework, “accountability, greater transparency and better information dissemination are needed for a more effective disaster aid.”
Implementing aid transparency and accountability measures as an **obligation** of the State
The 1987 Constitution of the Republic of the Philippines
The Filipino people’s right to information
The Filipino people’s right to information has two aspects.
The Filipino people’s right to information

“[s]ubject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.”

[Article II, Section 28]
The Filipino people’s right to information

“The right of the people to information on matters of public concern shall be recognized.

Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

[Article III, Section 7]
The Filipino people’s right to information

1. The State’s “duty to disclose information”

2. The States “duty to permit access to information.”

Chavez vs. National Housing Authority
The Filipino people’s right to information

Legazpi vs. Civil Service Commission (1987)
The Filipino people’s right to information

“[f]or every right of the people recognized as fundamental, there lies a corresponding duty on the part of those who govern, to respect and protect that right. That is the very essence of the Bill of Rights in a constitutional regime.”

Legazpi vs. Civil Service Commission (1987)
The Filipino people’s right to information

International Law Obligations of the Philippines
The Filipino people’s right to information

- Universal Declaration on Human Rights
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social, and Cultural Rights
- United Nations Convention Against Corruption
- Paris Declaration on Aid and Effectiveness
- Accra Agenda for Action
- Busan Partnership for Effective Development Co-operation
Under *status quo*:
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- The need for judicial intervention
- Weak judicial system
- No penalties for erring officials
- Lack of clear rules, mechanics, and procedures enable government offices to renege on their obligation
Moving Forward:
The Disaster Aid and Assistance Transparency and Accountability Act
THANK YOU
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