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SENATE
P.S. Res. 125

RECEIVED BY: 

Introduced by Senator Villar

RESOLUTION
EXPRESSING THE SENSE OF THE SENATE THAT THE GAG ORDER
POLICY OF THE GOVERNMENT IS AN ASSAULT TO THE
CONSTITUTIONAL GUARANTEE ON THE PEOPLE'S RIGHT TO
INFORMATION AND THE STATE POLICIES ON TRANSPARENCY AND
ACCOUNTABILITY

Whereas, the significance of the citizen's right to know/right to information is manifested in various provisions of the fundamental law:

- Article III, Section 3 states, "[t]he 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 decision, 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 II, Section 28 enshrines, "[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 27 provides, "[t]he State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption."

Whereas, the people's right to official information is an indispensable element of a functioning democracy;

Whereas, the significance of the citizen's right to know is reflected in various decisions of the Supreme Court stating, "there can be no realistic perception by the public of the nation's problems, not a meaningful democratic decision-making if they are denied access to information of general interest"¹;

Whereas, the free flow of information about the affairs of government paves the way for a healthy debate in public policy and promotes transparency and accountability in government and serves as vital safeguard against corruption, irregularities and illegal activities;

Whereas, access to official information exposes the vested interests involved, and leads in the identification of corrupt officials and in the long run, cleaning the mess in bureaucracy;


¹ Baldoza v. Dimaano, Adm. Matter No. 1120-MJ, 5 May 1976; Legaspi v. Civil Service Commission, GR No. 72119, May 29, 1987

Whereas, the government and its officials must not be “onion-skinned” as “public office is a public trust”² and anyone who accepts to serve the civil service is presumed to be in solidarity with democracy’s national commitment that debate on public issues should be uninhibited, robust and wide-open;

Whereas, the gag order on government officials to speak on matters on public interest is a smack on the constitutional guarantee on the right to information and an insult to the twin tenets of transparency and accountability ordained in the 1987 Philippine Constitution: Now therefore be it

Resolved by the Senate of the Philippines, as it is hereby resolves, To express the sense of the Senate that the gag order policy of the government is an assault to the constitutional guarantee on the people’s right to information and the State policies on transparency and accountability.

Adopted,


MANNY VILLAR

² Article XI, Section 1, 1987 Philippine Constitution