INFORMATION AS INFRASTRUCTURE

Insights from Business Dialogues on the Right to Information Act

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KEY MESSAGES

- **The right to information is economic infrastructure: firms cannot price, schedule, or lawfully execute transactions without knowable rules.** Companies need current regulations, authoritative interpretations, and visible transaction status. When public information is unknowable, capital waits, and costs rise for firms, consumers, and government alike.
- **Business dialogues across eight sectors documented the cost of opacity: investments delayed by years, more than PHP 10 million in frozen cash, and vaccine stocks at risk of reallocation to other markets.** MBC convened eight sectoral key informant interviews and a multisectoral roundtable in June and July 2026, from agribusiness to microfinance. In one case, an eight-digit US-dollar investment slipped from 2026 to 2028 because of an unpublished local requirement.
- **Opacity works like a tax, and it falls hardest on smaller firms.** Companies pay lawyers, consultants, brokers, and local intermediaries simply to discover which public rule applies. One firm was quoted PHP 6 million for a single urgent approval. Large firms absorb these costs; smaller firms cannot, so the playing field tilts.
- **The reconciled law should carry forward the independent RTI Commission from the House bill: both chambers passed strong measures, and the remaining difference is enforcement.** A right is not enforceable if the denying agency reviews its own denial or the requester must go straight to court. The final text should also secure business-usable proactive disclosure, end-to-end transaction visibility, and pre-disclosure due process for confidential information.
- **The business community does not ask for a perfect bureaucracy, only a predictable one, and stands ready to help implement the law.** Clear rules, visible processes, and an impartial venue for appeal convert relationships into rules and uncertainty into recorded decisions. MBC offers support for FOI officer training, agency capacity-building, and consultations on the implementing rules.

EXECUTIVE SUMMARY

The Philippines is one reconciliation away from a landmark transparency law. The Senate and the House of Representatives have each passed a Right to Information (RTI) measure, and the Bicameral Conference Committee will now produce the final text. For over four decades, the Makati Business Club (MBC) has worked with government on good governance and transparency as conditions for inclusive growth. We submit this brief in that spirit: as a partner in making the final law not only broad on paper but usable in practice.

For business, information access is a direct cost, not a courtesy. Companies need current rules, authoritative interpretations, transaction statuses, local ordinances, official datasets, and predictable timelines to price, sequence, or lawfully carry out transactions. When this information is unavailable, inconsistent, or difficult to verify, the result is higher search costs, delay, pressure on working capital, compliance risk, and missed opportunities. Access to public information functions as economic infrastructure, as real as ports and grids.

To ground this brief in evidence, MBC convened two rounds of dialogue. Between June and July 2026, we conducted eight sectoral key informant interviews (KIIs) and a multisectoral roundtable discussion (RTD) covering agribusiness, semiconductors, electrical and technology manufacturing, data centers, telecommunications, pharmaceuticals and healthcare, property development, and microfinance and social enterprise. Across the dialogues, the message was consistent: the business community does not ask for a perfect bureaucracy, only a knowable one.

The bicameral choice is about enforcement, not principle. House Bill No. 9397 creates an independent, quasi-judicial RTI Commission, a single national portal, access for every person without stating a reason, and response periods of 3, 7, and 20 working days. Senate Bill No. 1432 relies on agency management, oversight by the Department of Information and Communications Technology (DICT), and court enforcement, while contributing strong provisions on plain language, Official Gazette publication, and proactive fiscal disclosure. Because the value of information depends on its timeliness, authority, and enforceability, we urge the Conference Committee to judge the final text by one standard: whether the right it creates will be relevant for use in everyday transactions.

A Law Within Reach

The right to information is commonly seen as a reform for anti-corruption and democratic accountability. It is that. For business, it is also an ease of doing business reform. Predictable rules lower the cost of doing business. Reliable access to government information reduces uncertainty in planning, compliance, and investment. Transparency deters corruption before it imposes costs on firms and consumers. The Philippines is competing for capital in a fast-growing region, and a strong RTI law is a clear signal that the country is serious about governance.

Both chambers have affirmed this right. The bills differ in how the right is enforced, and enforcement is where a decade of experience should guide the Conference Committee. The Philippines has had freedom of information in the executive branch by executive order since 2016. The principle was never the obstacle. What requesters have lacked is a single, expert, impartial venue when a request is denied, and what agencies have lacked is one consistent standard. That gap is playing out now: two pending Supreme Court petitions challenge one agency's FOI rules for being stricter than the executive order allows[1], because requesters denied access had nowhere to appeal short of the Court itself. The reconciled law can supply both.



What Opacity Costs

Across the KIIs and the roundtable, opacity produced four interconnected costs: search and verification effort; delay and tied-up capital; distorted decisions in investment, procurement, and location; and eventual pass-through to government and the public. Each case follows the same pattern. An information failure prompts a private workaround, and the workaround carries an economic consequence.

Unclear or unpublished requirements delay committed capital.

Capital cannot be reliably priced or scheduled without clear, authoritative rules and certainty about their timing. An agribusiness respondent described an eight-digit US-dollar investment, contracts already signed, whose expected start shifted from 2026 to 2028 after a local government unit (LGU) added an approval step not required at the national level. In a separate property transaction, the same firm spent over a year and roughly PHP 200,000 to PHP 300,000 on a local consultant before government confirmed that the certificate being demanded was not legally required. Roundtable participants described projects planned around a longstanding 25 percent escrow interpretation that became uncertain when a later 100 percent interpretation arrived with unclear retroactive effect. The lesson is not that local requirements are invalid. It is that requirements must be authoritative and knowable before capital is committed.

Invisible processes turn administrative delay into operational and public-service delay.

Firms cannot plan when they do not know a process' current stage, the responsible office, or the next step. A healthcare respondent said that in medicine and vaccine procurements, bidders in post-qualification were told only that evaluation was "ongoing." Without visibility into the stage or any documentary issue, global manufacturers may redirect committed stocks to more predictable markets, putting medicine availability at risk. A semiconductor manufacturer reported that about 22 percent of incoming raw materials sat pending at ports during a recent escalation. A telecommunications operator described a service targeted for the first quarter that could be activated only in the fourth, delaying revenue for the firm and connectivity for students and businesses in the locality. RTI will not unclog a port. It will let a firm see where its transaction stands, who holds it, and how to escalate, and it will let government see the same.

Opacity creates a private market for public information.

Advisers provide legitimate expertise. But when their role is only to identify or confirm public requirements, their fees are a hidden cost: an information tax. Companies reported engaging lawyers, consultants, customs brokers, local troubleshooters, private data

vendors, and government-relations staff simply to determine which public rule applied. One respondent was quoted up to PHP 6 million in legal fees for a single urgent approval. Property firms rely on local intermediaries outside Metro Manila, and technology manufacturers commonly reach public procurement through a local engineering partner whose margin adds cost for government. Large firms absorb these costs. Smaller and newer firms cannot. The information tax therefore raises transaction costs and tilts the playing field against the very enterprises the economy most needs to grow.

Businesses need information that is accurate, and safeguards for information that is private.

Disclosure supports compliance only when the information is current, authoritative, and understandable. A data-center respondent reported more than PHP 10 million in payable cash withheld after the parties read a short-lived tax issuance differently. Safeguards matter just as much, because wrongful release of confidential data cannot be undone. Roundtable participants who supported stronger transparency also raised concerns about trade secrets, beneficial ownership records, personal and customer data, network designs, cybersecurity systems, and pricing information held by government. Effective RTI must combine accessible information with due process before release. The two are not in tension; the safeguard is what makes broad disclosure credible.

RTI is necessary but not sufficient. It cannot by itself resolve staffing shortages, port congestion, agency backlogs, or limited technical capacity. What the cases show is that missing rules, unclear responsibility, invisible status, unexplained decisions, and absent remedies make these problems worse, and shift their cost to firms, consumers, workers, communities, and government itself.

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[1] *Legal Rights and Natural Resources Center, Inc., petition for certiorari and mandamus filed before the Supreme Court, 18 November 2025, challenging DENR Administrative Order No. 2016-29 (the DENR FOI Manual); a second petition on similar grounds was filed by Pinauntungan Et Ka Pala'wanan, through the Environmental Legal Assistance Center, on 25 February 2026.*





Four Priorities for the Bicameral Conference Committee

1. Make proactive disclosure authoritative and usable for business.
Access to a circular is not meaningful when a firm cannot tell what it changes, whom it covers, when it takes effect, or whether an earlier issuance still controls. The final law should combine the House provisions on proactive disclosure, data quality, machine-readable formats, correction, and version history with the Senate provisions on plain language and official online publication. It should mandate a current regulatory register, identify superseded issuances, publish forward regulatory calendars and draft rules, and require every significant issuance to carry a brief note stating its coverage, effectivity, transition arrangements, and retroactive or prospective application. It should formalize the publication principle by prohibiting adverse action based on unpublished substantive rules or requirements of general application.

2. Require end-to-end transaction visibility and formal clarification channels.
Applicants in permits, licensing, clearances, customs, refunds, procurement, and payments should be able to see the date received, completeness, current stage, responsible office, elapsed time, documentary issues, reasons for delay, next steps, and target dates. The final law should provide that the original filing date controls and that transfers, referrals, and internal routing do not restart the clock. No-contact rules should continue to bar private influence, but should expressly allow logged status inquiries, correction of documentary errors, and procedural clarifications available equally to all parties. This preserves anti-influence safeguards while ending informational silence. RTI should make delay visible; the Anti-Red Tape Authority (ARTA) should address its causes.

3. Protect confidential business information through pre-disclosure due process.

Because disclosure harm is irreversible, review must happen before release. The final law should require notice to the affected third party, a short opportunity to identify the specific confidential portions and the likely harm, consideration of redaction, anonymization, or aggregation, a temporary stay for disputed information, and expedited independent review. The Commission should resolve these disputes; if the Conference Committee adopts a different architecture, another independent reviewer must be designated, with an automatic stay pending expedited judicial review. The safeguard is not a veto. The firm must identify the particular information and demonstrate likely commercial, privacy, cybersecurity, or critical-infrastructure harm. We also affirm what the business community accepts in return: coverage of private entities in relation to public funds, functions, concessions, franchises, and transactions, with disclosure of beneficial ownership relevant to the public transaction, tax-compliance certification, conflict-of-interest information, contract terms, amendments, and performance. Obligations that come with public money are fair obligations.

4. Carry forward the House enforcement architecture and broad access rights.

A right is not enforceable if the denying agency controls the only administrative appeal, or if the requester must litigate immediately. The reconciled bill should preserve the independent RTI Commission and the single national RTI portal, keep access open to every person, including juridical persons and authorized representatives, and retain the no-reason rule and the 3, 7, and 20 working-day response periods. We commend the safeguards already built into the House text: an Independent Selection Committee, staggered seven-year non-renewable terms, security of tenure, and removal only for narrow causes. The Commission's administrative attachment to the Office of the President is expressly limited to coordination and budget, with supervision over its adjudicatory, policy, enforcement, monitoring, and rule-making functions prohibited. These features secure operational independence. They should be paired with the Senate's five-working-day internal appeal, followed by a Commission decision within 10 to 15 working days before any resort to the courts. Deciding appeals is a quasi-judicial task that calls for a body built for adjudication; this also frees DICT to focus on building the digital systems that will make RTI work in practice. The two roles complement each other.





Making the Right Real

A strong text is the beginning, not the end. The dialogues surfaced four ways to support the successful implementation of the RTI law:

1. Adopt a whole-of-government architecture. The Commission should set standards, decide appeals, and enforce. DICT should build and operate the platform and set interoperability standards. ARTA should handle service standards and tracking, the Department of the Interior and Local Government (DILG) should support LGUs, the National Archives should govern records, and the National Privacy Commission should set privacy, redaction, and security rules. RTI should plug into existing systems for permitting, procurement, customs, and the Official Gazette rather than stand apart from them.

2. **Fund a shared-service model for LGUs.** Local opacity is partly a capacity problem, and uniform duties without shared support will produce uneven compliance. The national government should provide standardized templates for ordinances, fee schedules, zoning maps, permit requirements, and Citizen's Charters, and centrally hosted pages for LGUs that cannot maintain their own portals. Minimum disclosure should apply immediately, with advanced features phased in through grants, equipment, and training.

3. **Fix records management, data quality, and cybersecurity.** Access fails when records were never properly created or kept, and trust fails when sensitive data is insecure. Agencies should document final decisions, interpretations, consultations, and transaction milestones; maintain data inventories with designated owners, metadata, correction logs, and version control; and operate strong access controls, audit trails, retention schedules, and breach-response plans.

4. **Measure implementation and build a community of practice.** Formal compliance can hide poor performance unless outcomes are measured. The Commission should publish response times, overdue requests, proactive-disclosure compliance, grounds for denial, correction rates, and findings of wrongful withholding or wrongful release. Joint training among RTI officers, records officers, regulators, business, civil society, and media will convert a procedural right into routine administrative practice.

The business community stands ready to help make this law work. We offer support for the training of FOI officers, capacity-building for agencies, and consultations on the Implementing Rules and Regulations, and we will encourage our member companies to model the transparency this law asks of government.

We respectfully urge the Conference Committee to judge the final text by whether the right it creates is practical and enforceable. RTI will not resolve every operational problem. It can replace relationships with rules, uncertainty with recorded decisions, and disclosure anxiety with due process. That would lower transaction costs, widen market access, deepen competition in procurement, and make the Philippines a more predictable place to invest and do business.



This policy brief was prepared by the Makati Business Club Governance Team (Geeta Keswani, Eunice Tanilon and Danii Nepomuceno) with Lawrence Velasco serving as senior research adviser, providing the evidence synthesis and technical inputs drawn from the key informant interviews and roundtable discussion.

The views, findings, and recommendations expressed in this material are those of the authors and do not necessarily represent the official position of the Department of Budget and Management (DBM), the Philippine Open Government Partnership (PH-OGP) as a body, the Philippine Government, or other PH-OGP stakeholders. The use of the PH-OGP logo recognizes MBC's participation in and support for the open government agenda and should not be construed as PH-OGP's endorsement of the specific views or policy recommendations contained in this material.

ANNEX A. DETAILED CASE STUDIES

The cases below are drawn from eight sectoral key informant interviews (KIIs) and the multisectoral roundtable discussion (RTD) conducted in June and July 2026. Each entry states what the case establishes, classifies its quantified element, and identifies the section of the policy brief it supports. Respondent organizations are identified by sector only. Full transcripts and page references are held internally and available for verification on request.

Case 1. Agribusiness: major investment delayed from 2026 to 2028

What the case establishes. The respondent described a current investment worth eight digits in US dollars, with contracts already signed. The host LGU was reportedly unsure how to process the permit and required an additional Sangguniang Bayan approval after the firm had produced a Civil Aviation Authority height approval that the respondent understood to be the national requirement. The respondent later said the project had been approved at one level and then not approved at a higher local level.

Quantified element and its proper classification. The investment size was stated only as eight digits in US dollars. The respondent said the matter had lasted more than six months, that expected operations in October 2026 or during 2026 were now being considered for 2028, and that estimated effects reached millions of dollars. No audited loss figure was supplied.

Case 2. Agribusiness: industrial-property title and unnecessary conversion certificate

What the case establishes. The firm purchased land already classified as industrial and was reportedly the fourth owner after approximately 29 years. During transfer of title, the Registry of Deeds asked for a Department of Agrarian Reform (DAR) conversion certificate that was not listed in the requirements. The previous Registry of Deeds official reportedly said the certificate was not required. DAR eventually said the firm did not need that type of certificate and would issue an exemption certificate instead.

Quantified element and its proper classification. The issue lasted more than one year. A local real-estate consultant reportedly charged approximately PHP 200,000 to PHP 300,000. The transcript also mentions broader consultant options reaching millions, but those figures are less clearly tied to the final engagement and should not be used as incurred cost.

Case 3. Agribusiness: PHP 6 million legal quote for an urgent approval

What the case establishes. When explaining the firm's fallback on lawyers, consultants, and customs brokers, the respondent said a lawyer was asking for PHP 6 million for one project that needed an approval within one to two months.

Quantified element and its proper classification. PHP 6 million was a quoted fee. The transcript does not establish that the firm accepted or paid the quote.

Case 4. Semiconductor manufacturing: 22 percent of incoming raw materials pending at ports

What the case establishes. The respondent said that, during a recent escalation, about 22 percent of incoming raw materials were still pending at ports. The respondent attributed the delay to necessary clearances and problems associated with government automation platforms, and linked timely release to the risk of production-line interruption.

Quantified element and its proper classification. The 22 percent is a backlog share at a recent point in time. No demurrage amount, duration, or realized production loss was provided. The firm described a risk of line shutdown, not a confirmed shutdown.

Case 5. Semiconductor manufacturing: five-year effluent-standard dispute and USD 2 million prospective capital expenditure

What the case establishes. The respondent described a dispute over a new effluent-wastewater standard. The firm sought the scientific literature and policy basis and questioned technical feasibility and environmental benefit. The issue reportedly lasted about five years and the department policy was later changed.

Quantified element and its proper classification. The respondent estimated that compliance would have required about USD 2 million in capital for one facility, excluding operating and maintenance costs. The firm did not install the facility because a moratorium and possible policy change allowed it to wait. The USD 2 million is therefore prospective or avoided capital expenditure, not money spent.

Case 6. Electrical and technology manufacturing: customs uncertainty and indirect public procurement

What the case establishes. The respondent described an emergency involving unlocated shipments at a port, noted that imports and exports are central to production and customer delivery, and said contracts may impose penalties for late delivery. The respondent also described uncertainty in customs classification for new products, including cases where government itself may be unsure how to classify an item. Separately, the company generally participates in government procurement through a local engineering partner rather than bidding directly.

Quantified element and its proper classification. No cost amount, duration, or identified penalty was supplied. The partner's need to earn a profit was said to affect the price, but the margin was not quantified.

Case 7. Data centers: more than PHP 10 million tied up by conflicting interpretation of a short-lived tax issuance

What the case establishes. The respondent described a tax-administration matter involving a critical multinational customer. A Bureau of Internal Revenue (BIR) issuance reportedly remained in force for about three months and was interpreted differently by the parties. The customer withheld a payment or VAT-related amount. The matter required coordination, legal review, management time, and administrative effort, and the respondent later resolved it through communication and alignment.

Quantified element and its proper classification. The respondent estimated the amount at more than PHP 10 million, clarifying that it was payable cash that had not been received, creating a cash-flow or opportunity cost. It was not described as a permanent fine, tax assessment, or final accounting loss.

Case 8. Telecommunications: first-quarter service target delayed to the fourth quarter

What the case establishes. The respondent described frequent conflicts between central and regional offices over where renewals should be filed or paid, repeated requests for already submitted documents, additional requirements introduced during review, and prolonged permit processing. As an illustration of business impact, he described a service target for the first quarter that could be activated only in the fourth quarter.

Quantified element and its proper classification. No peso amount was supplied. The respondent said the delay meant three quarters of missed projected revenue and delayed internet access for students and businesses in the locality. The company's revenue target would not be met.

Case 9. Pharmaceuticals and healthcare: opaque post-qualification and possible stock reallocation

What the case establishes. After bids were opened and a bidder entered post-qualification, the respondent said no-contact rules meant suppliers were generally told only that evaluation was ongoing. They could not tell whether the technical working group had met, whether a document issue had arisen, or when a resolution would be issued. Vaccines require a minimum lead time of about six months and continue losing shelf life while manufactured and held. Headquarters may therefore reallocate committed Philippine stocks if the procurement remains unpredictable.

Quantified element and its proper classification. The respondent said some Department of Health (DOH) vaccine and medicine tenders cost billions of pesos. This describes tender value and inventory or allocation exposure. It is not an audited loss to the respondent's firm. No exact stock value or realized loss was provided.

Case 10. Property development: obscure LGU requirements, local intermediaries, and unequal infrastructure information

What the case establishes. The respondent said ordinances, zoning rules, and permit requirements may be unavailable, outdated, superseded, or unique to a particular LGU. An obscure but legitimate requirement could emerge only after the firm had committed to a project. Depending on the stage and expenditure, the firm might proceed, redesign, or decline a land acquisition. The firm and other property participants also described reliance on local consultants or law firms outside Metro Manila. The KII further reported that firms with stronger connections may obtain earlier tips about planned public infrastructure, which can influence land values and site selection.

Quantified element and its proper classification. No specific consultant fee, project amount, or loss was supplied. The respondent noted that property developments commonly involve billions, but this is general project scale, not an information-cost estimate. Roundtable participants described provincial development as taking substantially longer than in Metro Manila, but the comparison was illustrative rather than measured.

Case 11. Roundtable: socialized-housing escrow interpretation shifted from 25 percent to 100 percent

What the case establishes. A property-sector participant said the industry had long planned projects around an incentivized socialized-housing compliance mechanism requiring escrow of 25 percent of a relevant value. A later department order reportedly said the prior implementation was mistaken and that 100 percent should have been escrowed. The participant said it was not clear whether the new interpretation would apply prospectively or retroactively, creating uncertainty for projects already financed or sold and concern about licenses to sell.

Quantified element and its proper classification. No peso value was supplied. The potential exposure was described as the additional 75 percent component if the interpretation were applied to earlier projects. This is contingent exposure, not an incurred amount.

Case 12. Microfinance and social enterprise: six months and counting to assemble data for 35 provinces

What the case establishes. The organization launched a nationwide development initiative covering 35 provinces and needed local baseline data to target interventions in financial inclusion, education, insurance, livelihoods, health, and climate resilience. Required data included population by age, income, gender, school and hospital capacity, literacy, MSME activity, and typhoon or emergency exposure. Some LGUs had complete data, others had raw or missing data, and in some cases information had not been sent to the Philippine Statistics Authority (PSA). The organization used staff research, proxy variables, statistical matching, private data sources, and a small research capability.

Quantified element and its proper classification. The respondent said the data-collection effort had taken at least six months and was still ongoing. He recalled that a private data subscription could run around PHP 100,000 to PHP 200,000 annually, aside from possible per-request charges. The figures were approximate and recalled from memory.

Case 13. Roundtable: confidentiality, beneficial ownership, and government data custody

What the case establishes. Participants supported greater transparency but expressed concern about how government stores and releases information supplied by firms. Concerns included ultimate beneficial ownership data, personal and customer information, proprietary models, network plans, cell-site locations, technical and engineering designs, spectrum and capacity planning, cybersecurity systems, business-continuity plans, commercial agreements, pricing and cost structures, and privileged advice. Participants sought clear exemptions, third-party notice, an opportunity to object or request redaction, a harm test, a temporary stay, independent review, audit trails, and remedies for wrongful release.

Quantified element and its proper classification. No quantified loss from an RTI disclosure was provided. The evidence concerns anticipated commercial, privacy, cybersecurity, and trust risks. Separate roundtable comments referred generally to government data breaches and expensive compliance data, but not to an RTI-caused breach.