

Title:

****Sereno v. Committee on Trade and Related Matters (CTRM): A Case of Access to Information versus Government Privilege****

Facts:

In May 2005, the Committee on Tariff and Related Matters (CTRM) of the National Economic and Development Authority (NEDA) convened to recommend altering tariff reduction schedules on petrochemicals and certain plastic products. This move sought to reduce the Common Effective Preferential Tariff (CEPT) rates from 7-10% to 5% in July 2005, which was then executed through Executive Order No. 486 in January 2006.

Wilfredo A. Paras, then Chairman of the Association of Petrochemical Manufacturers of the Philippines (APMP), formally requested the minutes of the CTRM's May 23 meeting from Director Brenda Mendoza of the CTRM Secretariat. The request was denied, with Mendoza explaining that detailed positions and views of CTRM member agencies couldn't be disclosed, although the action taken was shared.

After successive requests for information were similarly rebuffed on the grounds of privilege and confidentiality, especially concerning closed-door meetings akin to Cabinet gatherings, APMP, alongside Mario Jose E. Sereno, its Executive Director, petitioned the Regional Trial Court (RTC). They sought to compel the CTRM to disclose the requested minutes and official records underpinning Executive Order No. 486, asserting these as matters of public interest. The RTC dismissed the petition, categorizing the CTRM proceedings under privileged information not subject to public disclosure. This led to a direct appeal to the Supreme Court on questions of law.

Issues:

1. Whether CTRM meetings and their minutes are exempt from constitutional access to information rights.
2. Assuming confidentiality of the minutes, whether such is absolute and unchallengeable.
3. The legitimacy of invoking privilege to rebuff public accountability demands.

Court's Decision:

The Supreme Court affirmed the RTC's dismissal, upholding that the constitutional guarantee to information access does not extend to privileged information conditioned by lawful or judicially sanctioned exemptions. It determined that while the petrochemical industry's status underscored the public interest in the CTRM's recommendations, these

were equally constrained by considerations for national policy-making and foreign affairs confidentiality. Specifically, the Court noted the necessity of free and candid discussions among governmental bodies advising the executive on sensitive economic policies. Consequently, despite the recognized public interest, the Court sided with maintaining confidentiality for certain diplomatic and policy-making processes.

Doctrine:

The Supreme Court reiterated the doctrine that while the constitutional right to information on matters of public concern is broad, it is not absolute. It recognized exceptions for privileged information related to national security, diplomatic correspondence, executive sessions, and other categories where confidentiality is deemed necessary for public interest or policy formulation integrity.

Class Notes:

- ****Public Interest vs. Confidentiality****: The case highlights the delicate balance between the right to public information and the necessity to protect privileged government discussions.
- ****Constitutional Provisions****: Article II, Section 28, and Article III, Section 7, of the 1987 Philippine Constitution underline the state policy of full public disclosure and the people's right to information but allowed for reasonable limitations defined by law or jurisprudence.
- ****Exceptions to the Right to Information****: Recognized exceptions include national security matters, diplomatic correspondence, executive sessions of Congress, and internal deliberations of the Supreme Court.
- ****Mandamus****: A writ of mandamus is only granted for the disclosure of information if the subject matter is of public concern and not exempted by law from disclosure.

Historical Background:

The dispute arose in the context of governmental policies impacting the Philippine petrochemical industry, demonstrating the 2006 administration's regulatory directions and the broader implications on industries reliant on tariff protections. The case underscores the complexities in governance where economic policy, industry interests, and constitutional rights intersect, showcasing an instance where the judiciary weighed the bounds of public access against the prerogative of the executive to confidentiality in policy deliberation and foreign trade negotiations.