

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Sixteenth Congress
First Regular Session

House Bill No. 2003



**Introduced by AKBAYAN Representatives Ibarra M. Gutierrez III
and Walden F. Bello**

EXPLANATORY NOTE

To win the battle against corruption and to further the Administration's campaign for *daang matuwid*, every Filipino citizen should be able to demand transparency and accountability from the State. Furthermore, the emergence of more accessible and faster means of communication brought about by developments in information technology now makes it easier for the State to comply with citizens' demand for truth, transparency and accountability. These are the premises of this bill.

The right of every Filipino citizen to information is guaranteed by no less than the 1987 Philippine Constitution. Section 7 of our Bill of Rights recognizes the right of the People to information on matters of public concern and the corollary right of access to official records, documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development.

The Freedom of Information bill has evolved since then Representative Oscar Orbos filed the bill's first version on August 31, 1992, an evolution reflected in the version filed in 2010 by then Representative Lorenzo Tanada. Meanwhile, consultations between public officials and stakeholders were made in order to strike a balance between the right to information and the duty of the government to function efficiently for the People. This version of the Freedom of Information bill incorporates these changes, including those contained in the proposal of the Administration, transmitted to the House of Representatives on February 2, 2012, and is a product of earnest consultations between representatives of the government and stakeholders-advocates of the right to information.

And, knowing is half the battle. A citizenry empowered with information will know not only what to demand from public officials but also what to demand from themselves as well. The power of information fuels the much needed participation of the People in the affairs of the State.

In view of the foregoing, the passage of this bill is earnestly sought.



IBARRA M. GUTIERREZ III



WALDEN F. BELLO

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**AN ACT TO STRENGTHEN THE RIGHT OF CITIZENS
TO INFORMATION HELD BY THE GOVERNMENT**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

1 **SECTION 1. *Short Title.***—This Act shall be known as the “Freedom of Information Act
2 of 2013.”
3

4 **SECTION 2. *Declaration of Policy.***—The State recognizes the right of the people to
5 information on matters of public concern, and adopts and implements a policy of full
6 public disclosure of all its transactions involving public interest, subject to the
7 procedures and limitations provided by this Act. This right is indispensable to the
8 exercise of the right of the people and their organizations to effective and reasonable
9 participation at all levels of social, political and economic decision-making.
10

11 **SECTION 3. *Definition of Terms.***—As used in this Act:
12

13 (a) “*Information*” shall mean any record, document, paper, report, letters, contract,
14 minutes and transcripts of official meetings, maps, books, photographs, data,
15 research, material, film, sound and video recordings, magnetic or other tapes,
16 electronic data, computer stored data, or any other like or similar data or material
17 recorded, stored or archived in whatever form or format, which are made, received
18 or kept in or under the control and custody of any government agency pursuant to
19 law, executive order, rules and regulations, ordinance or in connection with the
20 performance or transaction of official business by any government agency.

1 (b) "*Government agency*" shall include the executive, legislative and judicial branches
2 as well as the constitutional bodies of the Republic of the Philippines including, but
3 not limited to, the national government and all its agencies, department, bureaus,
4 offices and instrumentalities, constitutional commissions and constitutionally
5 mandated bodies, local governments and all their agencies, regulatory agencies,
6 chartered institutions, government-owned or –controlled corporations, including
7 wholly-owned or controlled subsidiaries, government financial institutions, state
8 universities and colleges, the Armed Forces of the Philippines, the Philippines
9 National Police, all offices in the Congress of the Philippines including the offices of
10 Senators and Representatives, the Supreme Court and all lower courts established
11 by law.

12
13 (c) "*Official records*" shall refer to information produced or received by a public officer or
14 employee, or by a government agency in an official capacity or pursuant to a public
15 function or duty. This shall not refer to the stage or status of the information.

16
17 (d) "*Public records*" shall include information required by law, executive orders, rules, or
18 regulations to be entered, or kept and made publicly available by a government
19 agency.

20
21 **SECTION 4. Access to Information.**—Every person who is a Filipino citizen has a right
22 to and shall, on request, be given access to any record under the control of a
23 government agency. Government agencies shall make available to the public for
24 scrutiny, copying and reproduction in the manner provided by this Act, all information
25 pertaining to official acts, transactions or decisions, as well as government research
26 data used as a basis for policy development, subject to the exceptions enumerated
27 under Section 6 of this Act, regardless of their physical form or format in which they are
28 contained and by whom they were made.

29
30 **SECTION 5. Presumption.**—There shall be a legal presumption in favor of access to
31 information. The request for access to information may be denied only if it clearly falls
32 under the exceptions provided under this Act.

33
34 **SECTION 6. Exceptions.**—Access to information shall be granted unless:

35
36 (a) The information requested is specifically authorized to be kept Secret under
37 guidelines established by an executive order, and in fact properly classified pursuant
38 thereto: *Provided*, That 1) The information directly relates to national security or
39 internal and external defense of the State; or 2) The information requested pertains

1 to the foreign affairs or the Republic of the Philippines, when its revelation may
2 unduly weaken the negotiating position of the government in an ongoing bilateral or
3 multilateral negotiation or seriously jeopardize the diplomatic relations of the
4 Philippines with one or more states. *Provided further*, That the executive order shall
5 specify the reasonable period after which the information shall be automatically
6 declassified or subject to mandatory declassification review, and that any reasonable
7 doubt as to classification and declassification shall be settled in favor of the right to
8 information;

9
10 (b) The information requested pertains to records of minutes and advice given and
11 opinions expressed during decision-making or policy formulation, invoked by the
12 Chief Executive to be privileged by reason of the sensitivity of the subject matter or
13 of the impairment of the Chief Executive's deliberative process that would result from
14 the disclosure thereof. Once policy has been formulated and decision is made,
15 minutes and research data may be made available for disclosure unless they were
16 made in executive session.

17
18 (c) The information requested pertains to internal and/or external defense, law
19 enforcement, and border control, when the disclosure thereof would:

- 20
21 (i) Unduly compromise or interfere with any legitimate military or law
22 enforcement operation, or
23 (ii) Unduly compromise or interfere with the prevention, detection or suppression
24 of criminal activity, the effective implementation of immigration controls and
25 border security, or
26 (iii) Deprive a person of a right to a fair trial or an impartial adjudication, or
27 (iv) Lead to the disclosure of the identity of a confidential source, including a
28 government, or foreign agency or authority or any private institution which
29 furnished information compiled by a law enforcement authority in the course
30 of an investigation or by an agency conducting a lawful national security
31 intelligence investigation, information furnished by a confidential source, or
32 (v) Disclose techniques and procedures for law enforcement investigations or
33 prosecutions, or would disclose guidelines for the law enforcement
34 investigations or prosecutions if such disclosure could reasonably be
35 expected to risk circumvention of the law, or
36 (vi) Endanger the life or physical safety of any individual.

37
38 (d) The information requested consists of drafts of orders, resolutions, decision,
39 memoranda or audit reports by any executive, administrative, regulatory,

1 constitutional, judicial or quasi-judicial body in the exercise of their regulatory, audit
2 and adjudicatory function.

3
4 (e) The information requested was obtained by any committee of either House of
5 Congress in executive session.

6
7 (f) The information requested pertains to the personal information of a natural person
8 other than the requesting party, and its disclosure would clearly constitute an
9 unwarranted invasion of his or her personal privacy, unless it forms part of a public
10 record, or the person is or was an official of a government agency and the
11 information relates to his or her public function or the person has consented in
12 writing to the disclosure of the information;

13
14 (g) The information requested pertains to trade secrets and commercial or financial
15 information obtained from a natural or juridical person other than the requesting
16 party, obtained in confidence or covered by privileged communication, and/or filed
17 with a government agency, whenever the revelation thereof would seriously
18 prejudice the interests of such natural or juridical person in trade, industrial, financial
19 or commercial competition;

20
21 (h) The information requested is classified as privileged communication in legal
22 proceedings by law or by the Rules of Court;

23
24 (i) The information requested is exempted by law or the Constitution, in addition to
25 those provided in this Section; or

26
27 (j) The information requested has already been made accessible as provided for in
28 Section 10.

29
30 For letters (c) and (j) of this Section, the determination whether any of these grounds
31 shall apply shall be the responsibility of the head of office of the government agency in
32 custody or control of the information, or any responsible central or field officer/s duly
33 designated by him.

34
35 *Provided, that:* 1) The exceptions are strictly construed; 2) The exceptions are not used
36 to cover-up a crime, wrongdoing, graft, or corruption; 3) The President, the Supreme
37 Court, the Senate, the House of Representatives, and the Constitutional Commissions
38 may waive an exception with respect to information in the custody of offices under their
39 respective supervision or control, when they deem that there is overriding public interest
40 in disclosure; and 4) The exceptions do not constitute authority to withhold information

1 from Congress, nor authority for the executive branch of a local government unit to
2 withhold information from the legislative body of such local government unit.

3
4 **SECTION 7. *Mandatory Disclosure of Information.*—**
5

6 (a) Pursuant to, and to implement, Article XI, Section 17 of the 1986 Philippine
7 Constitution the following national officials shall provide to the public through their
8 official website their Statement of Assets, Liabilities, and Net Worth (SALN) on an
9 annual basis, to wit:

- 10
11 (i) The President;
12 (ii) The Vice-President
13 (iii) Members of the Cabinet;
14 (iv) Members of Congress;
15 (v) The Chief Justice and Justices of the Supreme Court
16 (vi) The Members of Constitutional Commission and members of other
17 constitutional offices; and
18 (vii) The Officers of the Armed Forces of the Philippines with general or flag rank.
19

20 (b) All agencies of all branches of government shall upload on their official websites,
21 and update it on monthly basis, a register of the following:

- 22
23 (i) Full copy of the Freedom of Information Manual;
24 (ii) Rules of procedure, including for requests for access to information,
25 description of forms available or the places at which forms may be obtained,
26 and instructions as to the scope and contents of all papers, reports,
27 examinations;
28 (iii) Substantive rules of general applicability adopted as authorized by law, and
29 statements of general policy or interpretations of general applicability
30 formulated and adopted by the agency, including subsequent amendments;
31 (iv) Public interest documents or records, including:
32
33 (1) Annual budget of the government agencies,
34 (2) Itemized monthly collections and disbursements,
35 (3) Summary of income and expenditures,
36 (4) Component of the internal revenue allotment utilization,
37 (5) Annual procurement plan and procurement list,
38 (6) Items to bid,

- (7) Bid results on goods and services, and civil works,
- (8) Abstract of bids as calculated,
- (9) Procurement contracts entered into by the government agency,
- (10) Construction or concession agreements or contracts entered into by the government agency with any domestic or foreign person or entity,
- (11) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957, as amended by Republic Act No. 7718, otherwise known as "An Act Authorizing The Financing, Construction, Operation And Maintenance Of Infrastructure Projects By the Private Sector, And For Other Purposes,"
- (12) Public funding extended to any private entity,
- (13) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
- (14) List of persons or entities who were granted licenses, permits or agreements for the extraction and/or utilization of natural resources given by any government agency,
- (15) Statement of assets, liabilities and net worth (SALN) of the public officers of the government agency,
- (16) Guarantees given by the government agency to government-owned or –controlled corporations and to private corporations, persons or entities.

The register shall contain a brief description of the transaction involved, including, but not limited to: the nature and object of the transaction, the parties and amounts involved, the key steps undertaken towards its conclusion, and the relevant dates provided that contracts and agreements involving an amount of at least fifty million pesos (Php50,000,000.00) shall be uploaded in full on the website of the concerned government agency or published in the *Official Gazette* Online subject to the succeeding section. A covered record shall be enrolled in the register not later than thirty (3) working days from its perfection or issuance.

- (c) All government agencies shall over time endeavor and build the capacity and practice to upload in full all other contracts, agreements, or treaties covered under this section, especially those that are of the highest public interest by reason of the amounts involved and the impact of the transaction to the public. All government agencies must ensure that they have a website that would accept and address grievances and complaints within two (2) years from the effectivity of this Act.

(d) Should an agency lack the capacity to comply with the online uploading requirements of this Section, the agency shall initiate a capacity-building program, coordinate with another appropriate agency, or use an alternative mechanism to facilitate substantive compliance not later than three (3) years from the effectivity of this Act.

SECTION 8. *Promotion of Openness in Government.*—

(a) *Duty to publish information.*—Government agencies shall regularly publish, print and disseminate in their official website, at no cost to the public and in accessible form, in conjunction with Republic Act No. 9485 or the “Anti-Red Tape Act of 2007,” timely, true, accurate and updated key information including, but not limited to:

- (i) A description of its mandate, structure, powers, functions, duties and decision-making processes;
- (ii) A description of the frontline services it delivers and the procedures, including lengths of time, to avail these services;
- (iii) The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- (iv) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- (v) Important rules and regulations, orders or decisions: *Provided*, That they be published within fifteen (15) calendar days from promulgation;
- (vi) Current and important database and statistics that the government agency generates;
- (vii) Bidding processes and bidding requirements; and
- (viii) Mechanisms or procedures by which the public may participate in, or otherwise influence, the formulation of policy or exercise of powers by the government agency.

(b) *Accessibility of language and form.*—Every government agency shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

(c) *Improving capability.*—Every government agency shall give adequate training to its officials and employees to improve their awareness of the right to information and

1 the provisions of this Act, and to keep them updated of best practices with regard to
2 information disclosure, records maintenance and archiving.

3
4 **SECTION 9. Coverage.**—The provisions of this Act shall cover all government
5 agencies as defined under Section 3 of this Act.

6
7 **SECTION 10. Exemption from Compliance.**—The government agency is excused
8 from granting a subsequent and identical or a substantially similar request for access to
9 information from the same requesting party when it has previously granted the request,
10 unless a reasonable interval has lapsed from the previously granted request for access
11 to information and the government agency complies with the provisions of Section 18 of
12 this Act.

13
14 **SECTION 11. Additional Protection of Privacy.**—The provisions of this Act on access
15 to information to public records should not be interpreted to deny the right to privacy of
16 individuals. To afford full protection to an individual's right to privacy:

17
18 (a) A government agency must ensure that personal information in its custody or under
19 its control is disclosed only as permitted under this Act;

20
21 (b) A government agency must protect personal information in its custody or under its
22 control by making reasonable security arrangements against such risks as
23 unauthorized access, collection, use, disclosure, or disposal;

24
25 (c) An employee, officer or director of a government agency who has access, whether
26 authorized or unauthorized, to personal information in the custody of the agency,
27 must not disclose that information except as authorized under this Act.

28
29 **SECTION 12. Administrative Liability.**—Any public official or employee who wilfully
30 and knowingly commits the following acts shall be liable for gross neglect of duty, and
31 administrative and disciplinary sanctions:

32
33 (a) Refusal to promptly forward the request made under Section 16 of this Act to the
34 public officer within the same office or agency who has the official responsibility to
35 act on the request, when such refusal is the direct cause of the failure to disclose
36 information within the periods required by this Act;

37
38 (b) Failure to act on the request within the periods required by this Act;

- 1 (c) Refusal to comply with the decision of an immediate supervisor, the Ombudsman, or
2 any court ordering the release or disclosure of the requested information; or
3
4 (d) The approval of policies, rules and regulations which are manifestly contrary to the
5 provisions of this Act, and which are the direct cause of a denial of a request for
6 access to information.

7
8 **SECTION 13. *Criminal Liability.*—**
9

- 10 (a) Any public official or employee who falsely denies or conceals the existence of
11 information mandated for disclosure under this Act shall be liable under Article 226
12 of the Revised Penal Code for the concealment of documents.
13
14 (b) Any public official or employee who destroys, or causes to be destroyed, information
15 and/or documents being requested under this Act, for the purpose of frustrating the
16 requesting party's access thereto, shall be liable under Article 226 of the Revised
17 Penal Code for the removal or destruction of documents.
18
19 (c) Any private individual who knowingly induced or cause the commission of the
20 foregoing acts shall be liable as principal by inducement in the acts punished under
21 this Section.

22
23 **SECTION 14. *Mere Denial Not a Ground for Liability.*—**A mere denial in good faith of
24 a request made pursuant to the provisions of this Act shall not constitute a ground for
25 administrative or criminal liability.
26

27 **SECTION 15. *Implementation Requirements.*—**
28

- 29 (a) For the effective implementation of this Act, all government agencies shall prepare a
30 Freedom of Information Manual, which shall contain the following:
31
32 (i) The location and contact information of the national, regional, provincial and
33 field offices, and other established places where the public can obtain
34 information or submit requests for access to information;
35 (ii) The types of information the government agency generates, produces, holds
36 in custody and/or publishes;
37 (iii) A description of its record-keeping system;
38 (iv) The persons or offices responsible for receiving requests for access to
39 information;

- (v) The procedure for the filing of requests for access to information, including those made personally, by mail or through identified electronic means;
- (vi) The standard forms for the submission of requests for access to information and for the proper acknowledgement of requests received;
- (vii) The process of disposition of requests, including the routing of requests to the persons or offices which have the official duty to act on such requests, the decision-making process leading to the grant or denial of access to information, and the implementation of the grant or denial;
- (viii) The procedure for administrative appeal on any denial for access to information;
- (ix) The schedule of fees;
- (x) The process and procedure for the mandatory disclosure of information under Section 7 of this Act: *Provided*, That, in lieu of the said process and procedure, and should the government agency lack the capacity to comply with Section 7, a brief description of the government agency's plan to facilitate compliance within three (3) years from the approval of this Act will suffice.
- (xi) Such other information, taking into consideration the unique characteristics of an agency, that will facilitate the effective implementation of this Act.

(b) The contents of the Freedom of Information Manual, as enumerated above, shall also be posted in the government agency's official website and bulletin boards, which shall be regularly updated.

(c) In no case shall the absence of the Freedom of Information Manual be a reason for the denial of any request for access to information made under the provisions of this Act.

(d) The heads of each of the departments and agencies may designate liaison units or committees who shall coordinate with other units of the said department or agency in implementing this Act. The composition, function, and duties of these liaison units or committees shall be set out in the Implementing Rules of this Act and shall be included in the Freedom of Information Manual.

SECTION 16. *Procedure of Access.*—

(a) Any person who wishes to obtain information shall personally, by mail, or through electronic means, submit a request to the government agency concerned. A person who is unable to make a written request for access to information, due to illiteracy or being a person with disability, may make a verbal request, and the public officer who

1 receives the verbal request shall reduce it in writing. The public officer shall include
2 his name and his official position, and give a copy of the said written request to the
3 requesting party.

4
5 The request shall state the name and preferred contact information of the requesting
6 party, and reasonably describe the information requested, the reason for the request
7 for access to information, and the preferred means by which the government agency
8 shall communicate such information to the requesting party: *Provided*, That the
9 stated reason shall not be used as a ground to deny the request or to refuse
10 acceptance of the request, unless such reason is contrary to law. If the request is
11 submitted personally, the requesting party shall show identification documents,
12 which may be an identification card issued by a government agency, a public or
13 private employer or educational institution, or a community tax certificate. If the
14 request is submitted by mail or through electronic means, the requesting party may
15 submit a photostatic or an electronically scanned copy of the identification
16 document, or submit the same through other convenient means as determined by
17 the agency.

18
19 (b) The request shall be stamped received by the government agency, indicating the
20 date and time of receipt, the name, rank, title, position and signature of the public
21 officer or employee who received the request, and a copy thereof furnished to the
22 requesting party. In case the request is submitted by electronic means, the
23 government agency shall provide for an equivalent means to meet the requirements
24 of this paragraph. Each government agency shall establish a system to trace the
25 status of all requests for access to information duly received.

26
27 (c) The request may indicate the requesting party's preferred mode and means of
28 receiving the information requested: *Provided*, That the mode and means are
29 reasonable, taking into account the equipment normally and regularly available to
30 the concerned government agency.

31
32 (d) A government agency may communicate the information requested in a form other
33 than the preferred means whenever such preferred means would unreasonable
34 interfere with the effective operation of the agency, the preferred means would be
35 detrimental to the preservation of the record, or the government agency has no
36 capability of communication the information in the preferred format.

37
38 (e) The government agency shall comply with such requests for access to information
39 as soon as practicable, which shall not exceed fifteen (15) working days from the

1 receipt thereof. The period may be extended whenever the information requested
2 requires a search of the government agency's field or satellite offices or requires the
3 examination of voluminous records, or whenever the government agency is
4 prevented to comply because of fortuitous events, or other analogous cases;

5
6 (f) The government agency shall, in writing or through electronic means, notify the
7 requesting party of the extension, setting forth the reasons for such extension and
8 the date when the information shall be made available, which in no case shall result
9 in an extension of more than twenty (20) working days.

10
11 (g) Once a decision is made to grant the request, the requesting party shall be notified
12 of such and be made to pay the required access and processing fees.

13
14 **SECTION 17. Access and Processing Fees.**—Government agencies may charge a
15 reasonable fee to reimburse the actual cost of reproduction, copying or transcription,
16 and communication of the information requested.

17
18 **SECTION 18. Notice of Denial.**—If the government agency decides to deny the
19 request, in whole or in part, it shall, as soon as practicable, within fifteen (15) working
20 days from the receipt of the request, notify, in writing or through electronic means, the
21 requesting party of such denial, setting forth the grounds for denial. Failure to notify the
22 requesting party of the denial or extension shall be deemed a denial of the request for
23 access to information.

24
25 **SECTION 19. Remedies in Cases of Denial.**—

26
27 (a) *In all government agencies other than the judicial branch.*—

28
29 (i) Every denial of a request for access to information may be appealed to the
30 head of the agency, following the procedure mentioned in Section 15(a)(8) of
31 this Act: *Provided*, That the appeal must be filed within fifteen (15) calendar
32 days from the receipt of the notice of denial and must be decided within
33 fifteen (15) calendar days from filing. Failure to resolve the appeal within the
34 aforementioned period shall constitute a denial of the appeal.

35 (ii) Instead of appealing or after the denial of the appeal, the person denied
36 access to information may file a verified complaint with the Office of the
37 Ombudsman, praying that the government agency concerned be directed to
38 immediately afford access to the information being requested. Such complaint
39 shall be resolved by the Office of the Ombudsman within sixty (60) calendar

1 days from filing, or earlier when time is of the essence, taking into account the
2 nature of the information requested, context of the request, public interest
3 involved, and the possibility of the information being moot. The Office of the
4 Ombudsman shall promulgate its special rules of procedure for the immediate
5 disposition of complaints filed pursuant to this Section. Unless restrained or
6 enjoined, the decisions of the Office of the Ombudsman shall be immediately
7 executor, without prejudice to review in accordance with the Rules of Court.

8 (iii) Instead of filing a complaint with the Office of the Ombudsman, whenever a
9 request for information is denied originally or on administrative appeal, the
10 person denied access to information may file a verified petition for *mandamus*
11 in the proper court, alleging the facts with certainty and praying that
12 judgement be rendered ordering the respondent public official, immediately or
13 at some other time to be specified in the order of the court, to disclose the
14 information and to pay damages sustained, if any, by the person denied
15 access to information by reason of the denial. The procedure for such petition
16 shall be summary in nature.

17 (iv) In resolving a complaint or petition brought under the paragraphs (ii) and (iii)
18 of this Section, the Office of the Ombudsman or the court before which the
19 petition for *mandamus* was filed is empowered to receive the information
20 subject of a claim of exception under Section 6 of this Act, and, when it
21 cannot be reasonably determined through evidence and circumstances apart
22 from information, examine the information *in camera* to determine the
23 sufficiency of the factual and legal basis of such claim.

24

25 (b) *In the judicial branch.*—The remedies available to a person denied access by an
26 office in of the judiciary shall be governed by such remedies as promulgated by the
27 Supreme Court.

28

29 (c) The remedies under this Section are without prejudice to any other administrative,
30 civil or criminal action covering the same act.

31

32 (d) The remedies available under this Act shall be exempt from the rules on non-
33 exhaustion of administrative remedies and the application of provisions of Republic
34 Act No. 9285, otherwise known as the Alternative Dispute Resolution Act of 2004.

35

36 (e) In case the requesting party has limited or no financial capacity, the Public
37 Attorney's Office shall be mandated to provide legal assistance to the requesting
38 party or the person denied access in availing of the remedies provided under this
39 Act.

1
2 **SECTION 20. *Keeping of Records.*—**
3

4 (a) Government agencies shall create and/or maintain in appropriate formats, accurate
5 and reasonably complete documentation or records of their organization, policies,
6 transactions, decisions, resolutions, enactments, actions, procedures, operations,
7 activities, communications and documents received or filed with them and the data
8 gathered or collected. These shall include working files such as drafts or notes,
9 whenever these have been circulated within the agency for approval or when these
10 contain unique information that can substantially contribute to a proper
11 understanding of the agency organization, policies, transactions, decisions,
12 resolutions, enactments, actions, procedures, operations, and activities;
13

14 (b) Government agencies shall identify specific and classes of official records in their
15 custody or control that have continuing historical, administrative, informational, legal,
16 evidentiary, or research value to the National Archives of the Philippines. In addition,
17 the National Archives of the Philippines shall likewise identify specific and classes of
18 official records that it shall require agencies to preserve and transfer to it.
19

20 (c) In addition to the specific and classes of official records identified for preservation
21 under subsection (b) of this Section, the following shall not be destroyed:
22

- 23 (i) Records pertaining to loans obtained or guaranteed by the government;
24 (ii) Records of government contracts;
25 (iii) The declaration under oath of the assets, liabilities and net worth of public
26 officers and employees, as required by law; and
27 (iv) Records of official investigations pertaining to allegations of graft and
28 corruption of public officers.
29

30 (d) Government agencies shall prepare, following standards and periods promulgated
31 pursuant to Republic Act No. 9470 or the National Archives of the Philippines Act of
32 2007, a records management program that includes the following:
33

- 34 (i) A records maintenance system for the creation, selection, classification,
35 indexing and filing of official records that facilitates the easy identification,
36 retrieval and communication of information to the public;
37 (ii) A records maintenance, archival and disposition schedule providing a listing
38 of records under current use, for retention by the agency, for transfer to the
39 National Archives, or for destruction: *Provided*, That destruction of official

1 records may be implemented only upon approval of the National Archives of
2 the Philippines; and
3 (iii) A specification of the roles and responsibilities of agency personnel in the
4 implementation of such system and schedule.
5

6 (e) In addition to its functions as repository of all rules and regulations issued by
7 agencies as provided under Book VII, Chapter II of the Administrative Code of the
8 1987, the University of the Philippines Law Center shall, in coordination with the
9 Office of the President which has exclusive editorial and printing jurisdiction over the
10 *Official Gazette*, and with other relevant agencies, maintain a database, and publish
11 the same in print in the *Official Gazette* or in digital or online form, the following:
12

- 13 (i) All laws of the Philippines and their amendments, from the period of the
14 Philippine Commission to the present;
- 15 (ii) All presidential issuances from November 15, 1935 to the present, including
16 but not limited to, executive orders, presidential proclamations, administrative
17 orders, memorandum circulars, general orders, and other similar issuances;
- 18 (iii) A database of all appointments and designations made by the President of
19 the Philippines; and
- 20 (iv) Opinions of the Secretary of Justice.
21

22 **SECTION 21. *Publication in the Official Gazette.***—For purposes of mandatory
23 disclosure as provided in Section 7 of this Act, online publication in the *Official Gazette*
24 Online shall be considered official publication provided there shall be a timestamp in the
25 said document.
26

27 For purposes of compliance with Article 2 of the Civil Code of the Philippines,
28 publication of the following in the *Official Gazette* Online, with the corresponding
29 timestamps on the document, shall be considered as official publication:
30

- 31 (a) All important legislative acts and resolutions of a public nature of the Congress of the
32 Philippines;
33
- 34 (b) All executive and administrative orders and proclamations of general application;
35
- 36 (c) Decisions or abstracts of decisions of the Supreme Court and the Court of Appeals
37 or other courts of similar rank, as may be deemed by said courts of sufficient
38 importance to be so published;

1
2 (d) Such documents or classes of documents as the President shall determine from
3 time to time to have general application or which he may authorize to be so
4 published.

5
6 However, other documents or classes of documents as may be required to be published
7 by law, such as petitions and/or legal notices in connections with land titles,
8 naturalization or special proceedings shall continue to be published in the print version
9 of the *Official Gazette* or in any newspaper of general circulation for purposes of
10 compliance with the publication requirement.

11
12 **SECTION 22. *Act Not a Bar to Claim of Right to Information Under the***
13 ***Constitution.***—No provision of this Act shall be interpreted as a bar to any claim of
14 denial of the right to information under Article III, Section 6 of the 1987 Constitution.

15
16 **SECTION 23. *Separability Clause.***—If any section or part of this Act is held
17 unconstitutional, no other section or provision shall be affected.

18
19 **SECTION 24. *Repealing Clause.***—All laws, decrees, executive orders, rules and
20 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
21 including Sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of
22 Republic Act No. 386, Memorandum Circular No. 78 dated August 14, 1964
23 (Promulgating Rules Governing Security of Classified Matter in Government Offices), as
24 amended, and Section 3, Rules IV of the Implementing Rules of Republic Act No. 6713
25 (Code of Conduct and Ethical Standards for Public Officials and Employees), are
26 deemed repealed.

27
28 **SECTION 25. *Effectivity.***—This Act shall take effect fifteen (15) days after its
29 publication in at least two (2) national newspapers of general circulation.

30
31 Approved,