

Republic of the Philippines

House of Representatives
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **2946**



**Introduced by Honorable Cresente C. Paez and
Honorable Anthony M. Bravo**

EXPLANATORY NOTE

Our Constitution, Article 3, Section 7, recognizes the fundamental right of every citizen to know every matter of public importance.

“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.”

Because of the fast paced life of modern society, citizens of this country find it difficult to avail necessary public information that affect their daily lives and future actions such as new rules and regulations promulgated by our republics expansive bureaucracy, orders and decisions that have legal implications that need to be disseminated, and government contracts and agreements with both local and foreign institutions which today needs utmost and unconditional transparency.

Current legislation does not provide enough mechanism for ordinary citizens to avail of this information. Furthermore, even assuming that there exists such mechanism ensuring access and providing the necessary penalties for its violation, the daily timetable of a productive and concerned citizen does not allow him to be tangled with delays from travel and bureaucratic red-tape.

However, the advantages of modern technology can make information readily available to our concerned citizens. This Bill aims to put information, such as rules, regulations, decisions, orders, circulars, and government contracts and agreements within reach of citizens throughout the country and our heroes abroad, the OFW's.

In consonance with these intentions, the early passage of this bill is strongly recommended.


HON. CRESENTE C. PAEZ


HON. ANTHONY M. BRAVO

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AN ACT IMPLEMENTING THE FREEDOM OF ACCESS TO INFORMATION ON MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN ARTICLE III OF THE 1987 CONSTITUTION BY REQUIRING ELECTRONIC PUBLICATION OF ALL GOVERNMENTAL AGENCIES' RESOLUTION, REGULATION, CIRCULARS, DECISIONS, AND CONTRACTS, AND THE LIKE.

SECTION 1. *Title.* This Act shall be known as Electronic Access to Information Act of 2013.

SECTION 2. *Declaration of Policy.* It is the policy of the State to afford to all its citizens broad access to information involving public interest and matters of national concern.

This policy can be best realized by exploiting the advantages of modern technology making necessary information conveniently accessible and uncumbersome to citizens who consider time most valuable.

SECTION 3. *Coverage.* This law shall cover any agency, office or instrumentality within the executive, legislative and judicial branches of government, and institutions receiving government funding, hereinafter referred to as "agency".

SECTION 4. *Access to Information.* All agencies shall make the following electronically available to the public:

- 1) Office Dynamics
 - a) Description of its central and field organization and established place, location and address.
 - b) Statement of the general course and method by which its functions are channeled and determined including the nature and requirement of all formal and informal procedures available.
 - c) A flow chart guide which includes individual names of specific employees, and their corresponding positions and office location upon which a request for kinds of information will be processed.
- 2) Information, Records, Documents and Contracts.
 - a) Final opinions including concurring and dissenting opinions, as well as orders made in adjudication of cases.
 - b) Records of Final Votes of each member in every proceeding of agencies having more than one member composing its governing or controlling body and exercising quasi-judicial functions.
 - c) Statement of current policy and interpretations issued or have been adopted by the agency.

- d) Records which have been released to any person which, because of the nature of the subject matter, the agency determines that the records have become or are likely to become subject of subsequent requests.
- e) General index of available records and documents not published or copies of which not for sale.
- f) Rules, regulations, and circulars of any nature issued.
- g) Contracts between agencies and private or multinational corporations or entities.
- h) Contracts between agencies and other private or multinational corporations and entities which involves public interests such as those
 - i. Involving agency and internationally funded organization or institutions
 - ii. Involving agency and Multilateral, Multinational, and/or Foreign Development Banks or Assistance Agencies.
 - iii. Involving agency and foreign, international, multinational, government or private aid agencies or institutions.
 - iv. Involving agency and foreign, international, multinational trade organizations or institutions.
 - v. And other institutions of the same nature enumerated in this section paragraph 2(h) subparagraph.
- i) Agencies' Letters of intent or its equivalent
- j) Commitment Arrangements and Concession Contracts
- k) Guarantee Agreements or Contracts.

Section 5. Duration of Publication. All information, contracts, agreements, rules, regulation, decisions, ordinances, circulars, and other materials mentioned in Section 4 of this Act shall be electronically published for a duration of six (6) months.

Section 6. Electronic Publishing. All information, contracts, agreements, rules, regulation, decisions, ordinances, circulars, and other materials mentioned in Section 4 of this Act must be electronically published or posted on the international network or the internet to be updated daily.

Section 7. Period of Electronic Publishing. All information mentioned contracts, agreements, rules, regulation, decisions, ordinances, circulars, and other materials mentioned in Section 4 of this Act must be electronically published two (2) days from signing, issuance, or promulgation. Provided that materials mentioned in Section 4 subparagraph 2(h) Office Dynamics shall be published 30 days after the effectivity of this Act and 15 days after the effectivity of any changes therein.

Section 8. Fees and Charges. No person shall be charged by any Government Agencies and their Affiliates for the access to electronically published materials.

Section 9. Availability. Electronically published data shall be accessible to every citizen. Provided further that no membership requirement or the like shall be required for its download or access.

Section 10. Compliance. Compliance with this Act is mandatory to all agencies of government.

Section 11. Reportorial Requirement. Each Agency shall submit to the office of the Press Secretary a report covering the preceding calendar year on actions taken pertinent to this act on or before May 8 of each year.

Section 12. Penalty for Non-Compliance. The Director, Bureau Chief, the Commissioners or its equivalent of the non-complying agency shall be imprisoned for not less than six (6) months and not more than one (1) year and/or a fined for not less than twenty thousand (P20,000.00) pesos and not more than fifty thousand (P50,000.00) pesos for non-compliance of this Act.

Section 13. Jurisdiction. Complaint and jurisdiction. The Regional Trial Court having territorial jurisdiction of the place or location of the agency shall have exclusive jurisdiction over complaints for violations of this Act.

Section 14. Remedies. Any person may file for a petition for specific performance for the immediate compliance of this Act with the Regional Trial Court having territorial jurisdiction of the place or location of the agency.

Section 15. Period of Resolution. All petitions for specific performance for the immediate compliance of this Act shall be resolved by the Regional Trial Court having jurisdiction for a period of not less than ten (10) working days.

Section 16. Separability Clause. If, for any reason, any part or provision of this Act is declared invalid or unconstitutional, other parts or provisions hereof which are not affected shall continue to be in full force and effect.

Section 17. Repealing Clause. All laws, decrees, executive orders, rules and regulations, issuances or any parts thereof inconsistent with the provisions of this Act are deemed repealed or amended accordingly.

Section 18. Effectivity. This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette or in a national newspaper of general circulation.

Approved.