

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

SIXTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3131



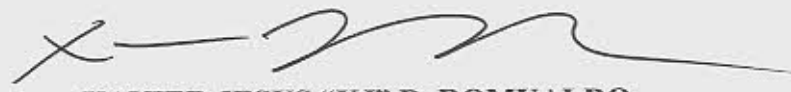
INTRODUCED BY REPRESENTATIVE XAVIER JESUS "XJ" D. ROMUALDO

EXPLANATORY NOTE

This proposed measure is primarily based on Senate Bill No. 1733 introduced in substitution of Senate Bill Nos. 18, 36, 44, 64, 74, 90, 217, 514, 1219, Proposed Senate Resolution No. 102, and the Citizen's Petition for Indirect Initiative on FOI, all filed in the Senate of the Sixteenth Congress.

The 1987 Constitution guarantees the right to information on matters of public concern and the right of access to official records and documents.¹ These are self-executing constitutional rights, which citizens may assert without the need of an enabling or implementing law.² As a complement to these rights, the Constitution likewise declares a State policy of full public disclosure of all State transactions involving public interest, subject only to reasonable conditions prescribed by law.³ For every right of the people recognized as fundamental, there lies a corresponding duty on the part of those who govern to respect and protect that right.⁴ It is high time for Congress to enact legislation to strengthen these rights and properly implement this policy.

Hence, the support of the Members of Congress for the passage of this proposed measure is earnestly requested.


XAVIER JESUS "XJ" D. ROMUALDO

¹ The 1987 Constitution of the Republic of the Philippines, Art. 3, Sec. 7 ("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").

² *Legaspi v. Civil Service Commission*, G.R. No. L-72119, May 29, 1987.

³ The 1987 Constitution of the Republic of the Philippines, Art. 2, Sec. 28 ("Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest").

⁴ *Legaspi, supra*.

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AN ACT
STRENGTHENING THE RIGHT TO INFORMATION ON MATTERS OF PUBLIC
CONCERN AND THE RIGHT OF ACCESS TO OFFICIAL RECORDS AND
DOCUMENTS AND IMPLEMENTING THE CONSTITUTIONAL POLICY OF FULL
PUBLIC DISCLOSURE OF ALL OF THE STATE'S TRANSACTIONS INVOLVING
PUBLIC INTEREST AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the Philippine Freedom of
2 Information Act.

3
4 SEC. 2. *Declaration of Policy.* – The State recognizes the right of Filipino citizens to
5 information on matters of public concern and of access to official records and to documents and
6 papers pertaining to official acts, transactions, and decisions, as well as to government research
7 data used as basis for policy development, and adopts a policy of full public disclosure of all its
8 transactions involving public interest, subject to the procedures and limitations provided by this
9 Act.

10
11 Public officials and employees, in the performance of their duties under this Act, and citizens, in
12 the exercise of their rights under this Act, shall act in good faith and observe honesty and
13 sincerity. Public officials and employees and citizens alike shall endeavor to handle information
14 kept or obtained under this Act with due care, to the end that inaccuracies and distortions are
15 avoided.

16
17 SEC. 3. *Definition of Terms.* – As used in this Act, the following terms are hereby defined as
18 follows:

1 (a) *Government agency or agencies* shall refer to the Executive, Legislative, and Judicial
2 Branches, as well as the Constitutional Commissions, the Office of the Ombudsman, and the
3 local government units of the Republic of the Philippines, particularly including but not
4 limited to the Office of the President, the national government and all its agencies,
5 departments, bureaus, offices and instrumentalities, constitutional commissions and
6 constitutionally-mandated bodies, local governments units and all their agencies, regulatory
7 agencies, chartered institutions, government-owned or controlled corporations with or
8 without original charters, including owned or controlled subsidiaries, government financial
9 institutions, state universities and colleges, the Armed Forces of the Philippines, the
10 Philippines National Police, the Senate, the House of Representatives, the Supreme Court,
11 and all courts established by law.
12

13 (b) *Information* shall mean any record, document, paper, report, letter, contract, minutes and
14 transcripts of official meetings, maps, books, photographs, data, research material, film,
15 sound and video recordings, magnetic or other tapes, electronic data, computer-stored data,
16 or any other like or similar data or material recorded, stored or archived in whatever form or
17 format, which are made, received or kept in or under the control and custody of any
18 government agency pursuant to law, executive order or executive issuance, rules and
19 regulations, or ordinance or in connection with the performance or transaction of official
20 business by any government agency.
21

22 (c) *Official record/s* shall refer to information produced or received by a public officer or
23 employee or by a government agency in an official capacity or pursuant to a public function
24 or duty, regardless of whether the information is in a draft, final or any other stage or status.
25

26 (d) *Public record/s* shall include any information required by law, executive order or other
27 executive issuance, rules or regulations, or ordinance to be entered, kept and made publicly
28 available by a government agency.
29
30

1 SEC. 4. *Coverage.* – This Act shall cover and apply to all government agencies.

2
3 SEC. 5. *Access to Information.* – Every Filipino citizen has a right to and shall, on request, be
4 given access to any official or public record under the control of a government agency,
5 regardless of the physical form or format in which they are contained, subject to the exceptions
6 provided for in Section 7 of this Act.

7
8 SEC. 6. *Presumption in Favor of Access and Disclosure.* – There shall be a legal
9 presumption in favor of access to information. No request for information shall be denied unless
10 it clearly falls under the exceptions provided for in Section 7 of this Act.

11
12 SEC. 7. *Exceptions to the Right of Access to Information.* – Access may not be granted where
13 the information contained in the official or public record sought:

14
15 (a) Directly relates to national security or defense and its revelation may cause serious damage to
16 the national security or defense of the Philippines.

17
18 (b) Pertains to the foreign affairs of the Republic of the Philippines and its revelation may
19 unduly weaken the negotiating position of the government in ongoing bilateral or multilateral
20 negotiations or seriously jeopardize the diplomatic relations of the Philippines with any state
21 or international organization.

22
23 (c) Consists of records of conversations, correspondence, or other communications with or by
24 the President, where such information pertains to a quintessential and non-delegable
25 presidential power and where the same is authored or solicited and received by a close
26 advisor of the President or the President himself or herself, with the advisor being in
27 operational proximity with the President; Provided, that this exception shall not apply where
28 the requesting party is able to show an adequate need for the same.

29

30

1 (d) Consist of records of minutes, notes, memoranda, letters, advice, opinions, recommendations,
2 or other communications during pre-decisional and deliberative processes of government
3 agencies in decision-making or the formulation of policy; Provided, that this exception shall
4 not apply where the requesting party is able to show an adequate need for the same.
5

6 (e) Consists of drafts of orders, resolutions, decisions, memoranda or audit reports by any
7 executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the
8 exercise of their regulatory, audit, or adjudicatory function.
9

10 (f) Pertains to territorial or external defense, internal security, law enforcement, criminal
11 prosecution, immigration, or border security, where the disclosure thereof may:
12

13 1. Compromise or interfere with any legitimate military or law enforcement
14 operation.
15

16 2. Compromise or interfere with the legitimate prevention, detection or
17 suppression of criminal activity, or the legitimate implementation of
18 immigration controls and border security.
19

20 3. Lead to the disclosure of the identity of a confidential source, including a
21 government or foreign agency or authority or any private institution which
22 furnished information on a confidential basis, and, in the case of a record or
23 information compiled by a law enforcement agency in the course of an
24 investigation or by an agency conducting a lawful national security intelligence
25 investigation, information furnished by a confidential source.
26

27 4. Reveal lawful and legitimate techniques and procedures for law enforcement
28 investigations or criminal prosecutions, or would disclose legitimate guidelines
29 for law enforcement investigations or criminal prosecutions, if such disclosure
30 could reasonably be expected to result in circumvention of the law.

1 5. Endanger the life or physical safety of any individual.

2
3 6. Deprive a person of a right to a fair trial and impartial adjudication.

4
5 (g) Pertains to matters obtained by the Senate or the House of Representatives, or any committee
6 thereof, in executive session.

7
8 (h) Pertains to the personal information of a natural person, other than the requesting party, and
9 its disclosure would constitute an unwarranted invasion of such person's personal privacy,
10 unless such person has consented in writing to the disclosure of the information.

11
12 (i) Pertains to trade secrets, intellectual property, or commercial or financial information of a
13 natural or juridical person, other than the requesting party, possessed or obtained in
14 confidence by or filed with a government agency, where the revelation thereof would
15 prejudice the trade, industrial, financial, or commercial interests of such natural or juridical
16 person.

17
18 (j) Pertains to matters that are part of the internal deliberations and actions of courts in the
19 exercise of their adjudicatory functions and duties.

20
21 (k) Is classified as privileged or confidential under the Rules of Court or other issuances
22 promulgated by the Supreme Court or is determined to be such in judicial proceedings.

23
24 (l) Is exempted from disclosure or declared privileged or confidential by jurisprudence or
25 statutory law, in addition to those provided in this Section.

26
27 (m) Is of a nature that its disclosure would, in the case of a government agency that regulates or
28 deals with currencies, interest rates, securities, commodities, or financial institutions, likely
29 lead to fraud, manipulation, or other unlawful acts or schemes involving currencies, interest

1 rates, securities, or the commodities market or, in the case of other government agencies,
2 likely frustrate the effective implementation of a proposed official action.

3
4 (n) Has already been made accessible as provided in Section 14 of this Act.

5
6 The determination of whether any of the above exceptions shall apply shall be the responsibility
7 of the head of office of the government agency in custody or control of the information or any
8 responsible central or field officer/s duly designated by him or her; Provided, that, with regard to
9 collegial bodies, boards, commissions, or courts, the chairperson or presiding officer or member
10 is deemed the head of office for purposes of this provision; Provided further, that:

11
12 1. The exceptions shall be strictly construed;

13
14 2. The exceptions cannot be used to cover up the commission of crimes, misconduct, or any
15 violation of law;

16
17 3. The President, the Supreme Court, the Senate, the House of Representatives, the
18 Constitutional Commissions, the Ombudsman, and the chief executives of local government
19 units may waive an exception with respect to information in the custody of offices under
20 their respective control, when they deem that there is an overriding public interest in
21 disclosure;

22
23 4. The exceptions do not constitute authority to withhold information from Congress, nor
24 authority for the executive branch of a local government unit to withhold information from
25 the legislative body of such local government unit; and

26
27 5. Whenever the information requested is part of a record, whose other parts are covered by an
28 exception, but may be reasonably severed from a record, the responsible official shall allow
29 access to the the information not covered by the exception.

1 SEC. 8. *Mandatory Disclosure of Information.* – All government agencies shall establish,
2 operate, and maintain websites, which shall be constantly updated and where a register of the
3 following information, transactions, documents, or records shall be uploaded and displayed:

4
5 (a) Budget for the current fiscal year and those of previous years.

6
7 (b) Itemized monthly cash collections and disbursements.

8
9 (c) Summary of yearly income and expenditures.

10
11 (d) Yearly internal revenue allotment utilization, in case of local government units.

12
13 (e) Plantilla of personnel positions and list vacant positions with their respective qualification
14 requirements.

15
16 (f) Annual procurement plan and list of infrastructure projects, goods, and services to be
17 procured through competitive bidding or alternative methods of procurement.

18
19 (g) Abstracts of bids as calculated.

20
21 (h) Results of competitive bidding for the procurement of infrastructure projects, goods, and
22 services.

23
24 (i) Procurement contracts entered into.

25
26 (j) Construction or concession agreements or contracts entered into with any domestic or foreign
27 person or entity.

28
29 (k) Private sector participation agreements or contracts in infrastructure and development
30 projects entered into under Republic Act No. 6957, as amended by Republic Act No. 7718.

1 (l) Public funding extended to any private entity.

2
3 (m) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments,
4 cooperation, and similar binding commitments entered into.

5
6 (n) Licenses or permits granted to or agreements entered into with any person or entity for the
7 extraction or utilization of natural resources.

8
9 (o) Guarantees given to private corporations, persons or entities.

10
11 (p) Loans obtained from domestic and foreign financial institutions.

12
13 (q) Loans, grants, development assistance, or technical assistance granted by and programs or
14 projects entered into with local or international agencies or organizations or those of foreign
15 governments, as well as with private aid agencies or institutions

16
17 (r) Compromise agreements entered into with any person or entity.

18
19 The above information, transactions, documents, or records shall be enrolled in the register not
20 later than 30 working days from its creation, perfection, or issuance. The register shall contain a
21 brief description of the transaction involved, including, but not limited to: the nature and object
22 of the transaction, the parties and amounts involved, the key steps undertaken towards its
23 conclusion, and the relevant dates; Provided that contracts and agreements involving an amount
24 of at least P50,000,000.00 shall be uploaded in full in the website of the concerned government
25 agency.

26
27 SEC. 9. *Openness and Transparency in Government Agencies.* – Each government agency
28 shall likewise publish in their websites the following information and matters:

- 1 (a) A description of its mandate, organizational structure, powers, functions, and decision-
2 making processes.
3
- 4 (b) A description of the frontline services it delivers and the procedure for availing of such
5 services and length of time such services shall be delivered.
6
- 7 (c) The names of its officials, their duties and responsibilities, and their office contact
8 information.
9
- 10 (d) Work programs, development plans, investment plans, projects, performance targets and
11 accomplishments, budgets, revenues and expenditures.
12
- 13 (e) Rules and regulations, orders, or decisions promulgated, which shall be published within 15
14 days from promulgation.
15
- 16 (f) Rules of procedure, descriptions of forms available or the places at which forms may be
17 obtained, and instructions as to the scope and contents of all papers, reports, or examinations.
18
- 19 (g) Substantive rules of general applicability promulgated by authority of law and statements of
20 general policy or interpretations of statutes formulated and adopted by the agency, including
21 subsequent amendments thereto.
22
- 23 (h) Current and important database and statistics generated by the agency.
24
- 25 (i) Procurement processes and requirements.
26
- 27 (j) Mechanisms or procedures by which the public may participate in or otherwise influence the
28 formulation of policy or the exercise of its powers.
29

1 SEC. 10. *Protection of Privacy.* – In providing access to information in official or public
2 records, government agencies shall afford full protection to the right to privacy of persons, as
3 follows:

4
5 (a) Government agencies shall ensure that personal information in its custody or under its
6 control is disclosed only as permitted under this Act.

7
8 (b) Government agencies shall protect personal information in its custody or under its control by
9 making reasonable security arrangements against such risks as unauthorized access,
10 collection, use, disclosure, or disposal.

11
12 (c) Government officials or employees who have access, whether authorized or unauthorized, to
13 personal information in the custody or under the control of government agencies, shall not
14 disclose such information, except as authorized under this Act.

15
16 SEC. 11. *Freedom of Information Manual.* – For the effective implementation of this Act,
17 each government agencies shall prepare a Freedom of Information Manual, indicating the
18 following:

19
20 (a) The location and contact information of head, regional, provincial, and field offices, and
21 other established places where citizens may obtain or request access to information under its
22 custody or control.

23
24 (b) The types of information it generates, produces, holds, or publishes.

25
26 (c) A description of its record-keeping system.

27
28 (d) The officials or office responsible for receiving requests for information.

29

1 (e) The procedure for the filing of requests personally, by mail, or through specified electronic
2 means.

3
4 (f) The sample standard forms for the submission of requests for information and the proper
5 acknowledgment of such requests.

6
7 (g) The process for the proper disposition of requests for information, including the routing of
8 such requests to the officials or office with the duty to act on the request and the decision-
9 making process in granting or denying access to information.

10
11 (h) The procedure for the administrative appeal of any denial of access to information.

12
13 (i) The schedule of access and processing fees.

14
15 (j) Such other information, taking into consideration the unique characteristics of the agency,
16 which will facilitate the effective implementation of this Act.

17
18 The foregoing information shall likewise be published in the websites of government agencies
19 and in billboards posted at the main entrance their respective office buildings or at the most
20 conspicuous place therein.

21
22 In no case shall the absence of a Freedom of Information Manual be a reason for the denial of
23 any request for information made in accordance with this Act.

24
25 The head of office of a government agency may designate a liaison unit or committee that shall
26 coordinate with the other units of the agency in implementing this Act. The composition,
27 functions, and duties of the liaison unit or committees shall be included in the Freedom of
28 Information Manual.

1 SEC. 12. *Procedure for Access to Information.* – (a) Any person who wishes to obtain
2 information shall submit, free of charge, a written request to the government agency concerned
3 personally, by mail, or through electronic means. The request shall state the name and preferred
4 contact information of the requesting party, reasonably describe the information required, the
5 reason for the request of the information, and the preferred means by which the government
6 agency shall communicate such information to the requesting party; Provided, that the stated
7 reason shall not be used as a ground to deny the request or to refuse the acceptance of the
8 request, unless such reason is contrary to law. If the request is submitted personally, the
9 requesting party shall show his current identification card or document issued by any
10 government agency, or government or private employer or school. If the request is submitted by
11 mail or through electronic means, the requesting party shall submit a photostatic or electronically
12 scanned copy of the identification card or document.

13
14 (b) The public officer or employee who receives the request shall provide reasonable assistance,
15 free of charge, to enable all requesting parties to comply with the request requirements under this
16 section.

17
18 (c) The request shall be stamped by the government agency, indicating the date and time of
19 receipt and the name and position of the receiving public officer or employee with his or her
20 corresponding signature, and a copy thereof shall be furnished to the requesting party. In case the
21 request is submitted by electronic means, the government agency concerned shall provide for an
22 equivalent means by which the requirements of this paragraph shall be met. Each government
23 agency shall establish a system to trace the status of all requests for information received by it.

24
25 (d) The indicated preferred means by which the government agency shall communicate the
26 information requested to the requesting party must be reasonable, taking into consideration
27 equipment normally available to the concerned government agency.

28
29 (e) The government agency may communicate the information requested in a form other than the
30 preferred means indicated by the requesting party where the agency has no capability to

1 communicate the requested information in the preferred format or where such preferred means
2 would unreasonably interfere with the effective operation of the agency or be detrimental to the
3 preservation of the record.

4
5 (f) The government agency shall comply with such request as soon as practicable and, in any
6 case, within 15 working days from receipt thereof; Provided that such period shall be extended
7 where the information requested requires a search of the government agency's field or satellite
8 offices or an examination of voluminous records, or where the occurrence of fortuitous events
9 prevents compliance with the request within such period, or other analogous cases.

10
11 (g) The government agency shall notify the person making the request of the extension made,
12 setting forth the reason for such extension and the date when the information shall be made
13 available, which in no case shall be more than 20 working days.

14
15 (h) Once a decision is made to grant the request, the requesting party shall be notified of such
16 decision and shall be required to pay the necessary access and processing fees.

17
18 If the information is not held by the government agency to which the request was made, it shall
19 notify the requesting party that it does not hold the information and indicate which government
20 agency holds the record, if the same is known.

21
22 SEC. 13. *Access and Processing Fees.* – Government agencies may charge a reasonable
23 fee to reimburse the actual cost of searching, reproduction, copying or transcription, and the
24 communication of the information requested; Provided, that such fees may be waived where the
25 government agency is satisfied that the requester is an indigent, or that the cost of reproduction is
26 negligible, or that it is pursuant to a program for proactive disclosure.

27
28 SEC. 14. *Exemption from Compliance with Request for Information.* – A government
29 agency is excused from complying with a subsequent identical or substantially similar request

1 from the same requesting party where it has previously complied with a request for information;
2 Provided, that the government agency complies with Section 15 of this Act.

3
4 SEC. 15. *Notice of Denial.* - If the government agency decides to deny the request, in
5 whole or in part, it shall, as soon as practicable, and, in any case, within 15 working days from
6 the receipt of the request, notify the requesting of such denial in writing. The notice shall clearly
7 set forth the ground/s for denial, the circumstances on which the denial is based, and available
8 rights of reconsideration or appeal. Failure to notify the requesting party of the denial or of an
9 extension of the period to comply shall be deemed a denial of the request for access to
10 information.

11
12 SEC. 16. *Remedies in Cases of Denial of Request for Information.* - (a) In all government
13 agencies other than the Judiciary:

14
15 (1) Every denial of a request for access to information may be appealed in writing to the officer
16 or office next higher in authority of the same government agency, following the procedure
17 laid down in the Freedom of Information Manual of such government agency; Provided, that
18 the appeal shall be filed by the same requesting party within 15 days from receipt of the
19 notice of denial. The appeal shall be decided by the officer or office next higher in authority
20 of the same government agency within five working days from receipt of the appeal. Failure
21 to decide and dispose of the appeal within such period shall constitute denial of the appeal.

22
23 (2) In case of denial of the appeal or the lapse of the period for the officer or office next higher in
24 authority to decide the appeal, the requesting party may, within 30 days from receipt of the
25 notice of denial of the appeal or the lapse of period to decide the appeal, file a petition for
26 *mandamus*, alleging the facts with certainty and praying that judgment be rendered ordering
27 the respondent government agency to disclose the requested information upon finality of the
28 judgment or at some other time to be specified by the court. The petition for *mandamus* shall
29 be verified and shall be filed with the Regional Trial Court of the place where the respondent
30 government agency keeps or stores the requested information. No damages shall be awarded

1 to the petitioner, unless it is proven that the denial of the request for access to information
2 was made with malice, bad faith, or negligence.

3
4 (3) The court hearing the petition of *mandamus* may receive the requested information that is the
5 subject of a claim of exception under Section 7 herein and examine such information *in*
6 *camera* to determine the sufficiency of the factual and legal basis of such claim, where the
7 same cannot be reasonably determined through evidence and circumstances apart from the
8 information. The decision of the court granting or denying the petition may be the subject of
9 an appeal, as provided for in the Rules of Court.

10
11 (b) The remedies in cases of denials of requests for information made before the Judiciary shall
12 be governed by rules promulgated by the Supreme Court.

13
14 (c) The remedies provided in this section are without prejudice to any other administrative, civil,
15 or criminal action covering the same act or omission. Any action for the imposition of
16 administrative and/or criminal liability arising from the same act or omission, if any, shall be
17 filed with the Office of the Ombudsman.

18
19 (d) The remedies available under this Act shall be cumulative and subject to the rule of
20 exhaustion of administrative remedies.

21
22 (e) The provisions of Republic Act No. 9285, otherwise known as the Alternative Dispute
23 Resolution Act of 2004, shall not apply to cases filed pursuant to this section.

24
25 (f) In all cases, the exceptions set forth in Section 7 of this Act may be overcome if the requester
26 is able to prove before the courts that the public interest in the disclosure of information
27 outweighs the public interest in keeping the information secret or confidential.

28
29 SEC. 17. *Keeping of Records.* – (a) Government agencies shall create and maintain, in
30 appropriate formats, accurate and reasonably complete documentation or records of their

1 organization, policies, transactions, decisions, resolutions, enactments, actions, procedures,
2 operations, activities, communications, and documents created, made, or received by or filed
3 with them and any research data generated or collected. These shall include working files such as
4 drafts or notes, whenever these have been circulated within the agency for official purpose such
5 as for discussion, comment, or approval or when these contain unique information that can
6 substantially contribute to a proper understanding of the agency organization, policies,
7 transactions, decisions, resolutions, enactments, actions, procedures, operations, and activities.

8
9 (b) Government agencies shall identify specific classes of official records in their custody or
10 control that have continuing historical, administrative, informational, legal, evidentiary, or
11 research value for preservation by such agencies or their legitimate successors, or for transfer to
12 the National Archives of the Philippines. In addition, the National Archives of the Philippines
13 shall likewise identify specific and classes of official records that it shall require agencies to
14 preserve and transfer to it.

15
16 (c) In addition to the specific and classes of official records identified for preservation under
17 Paragraph (b) of this Section, the following shall not be destroyed:

18
19 (1) Records pertaining to loans obtained or guaranteed by the government.

20
21 (2) Records of government contracts.

22
23 (3) The declaration under oath of the assets, liabilities and net worth of public officers
24 and employees, as required by law.

25
26 (4) Records of official investigations pertaining to allegations of graft and corruption of
27 public officers.

1 (d) Government agencies shall prepare, following the standards and periods promulgated
2 pursuant to Republic Act No. 9470, otherwise known as the National Archives of the Philippines
3 Act of 2007, a records management program that includes the following:
4

5 (1) A records maintenance system for the creation, selection, classification, indexing,
6 and filing of official records that facilitate the easy identification, retrieval, and
7 communication of information to the public;
8

9 (2) A records maintenance, archival, and disposition schedule providing a listing of
10 records under current use, for retention by the agency, for transfer to the National
11 Archives, or for destruction; Provided, that destruction of the official records may be
12 implemented only upon approval of the National Archives of the Philippines; and
13

14 (3) A specification of the roles and responsibilities of agency personnel in the
15 implementation of such system and schedule.
16

17 (e) In addition to its function as repository of all rules and regulations issued by government
18 agencies as provided under Book VII, Chapter II of Executive Order No. 292, otherwise known
19 as the Administrative Code of 1987, the University of the Philippines Law Center shall, in
20 coordination with the Office of the President, which has exclusive editorial and printing
21 jurisdiction over the Official Gazette, and with other relevant agencies, maintain a database and
22 publish the same in the Official Gazette and in online form, the following:
23

24 (1) All laws of the Philippines and their amendments;
25

26 (2) All presidential issuances to the present, including but not limited, to executive
27 orders, presidential proclamations, administrative orders, memorandum circulars,
28 general orders, and other similar issuances;
29

1 (3) A database of all appointments and designations made by the President of the
2 Philippines; and
3

4 (4) All opinions of the Secretary of Justice.
5

6 SEC. 19. *Capacity-Building, Promotion of Best Practices, and Continuous Updating of*
7 *Appropriate Use of Information Technology.* – All government agencies shall establish, operate,
8 and maintain a website with features that are compliant with all the provisions of this Act within
9 two (2) years from the effectivity of this Act. Every government agency shall likewise ensure the
10 provision of adequate training for its officials and employees to improve awareness of the
11 people's right to information on matters of public concern and the provisions of this Act, and to
12 keep updated as to best practices in relation to information disclosure, records maintenance, and
13 archiving.
14

15 The National Computer Center shall monitor all government agency websites and render the
16 appropriate support, including capacity-building program and coordination with another
17 appropriate agency, ensure full compliance with the requirements of this Act. In the performance
18 of its monitoring function of government websites and portals, the National Computer Center
19 shall endeavor to continuously develop, improve, and update its information technology system
20 taking into consideration usability and practical accessibility of government documents by the
21 public.
22

23 The Department of the Interior and Local Government shall provide full technical and funding
24 support to all local government units requiring such support in the establishment, operation,
25 updating, and maintenance of their respective websites.
26

27 SEC. 20. *Use of Plain Language.* – Every government agency shall endeavor to use plain
28 language in their communications, orders, compliance, requirements, or instructions issued to
29 implement the provisions of this Act designate an official responsible for implementing the use
30 of plain language designate and designate an official responsible for implementing the use of

1 plain language. Government agencies shall translate key information into major Filipino
2 languages and present them in popular form and means.

3
4 To help carry out this Section, the Civil Service Commission shall issue guidelines on the use of
5 plain language to suit the needs of the public. The CSC shall likewise provide training to
6 employees of each government agency in using plain language in public documents.

7
8 SEC 21. *Administrative Offenses and Penalties.* – The acts enumerated herein shall constitute
9 grave administrative offenses and grounds for administrative and disciplinary sanction against
10 any public official or employee who willfully and knowingly commits the following:

11
12 (a) Unjustified refusal to promptly forward a request for access to information to the officer
13 within the same office or agency responsible for officially acting on the request, when
14 such is the direct cause of the failure to disclose the information within the periods
15 required by this Act.

16
17 (b) Unjustified failure to act on the request within the periods required by this Act.

18
19 (c) Refusal to comply with the order of the proper officer or court to release information that is
20 the subject of a request for access.

21
22 (d) Approval of policies, rules, and regulations manifestly contrary to the provisions of this Act,
23 which are the direct cause of the denial of a request for access to information.

24
25 This Section does not bar filing of appropriate administrative cases for acts other than those
26 enumerated herein.

27
28 SEC 22. *Criminal Offenses and Penalties.* - The penalty of imprisonment of not less than one
29 month but not more than six months and a fine ranging from P10,000.00 to P100,000.00 shall be
30 imposed upon:

1
2 (a) Any public official or employee who falsely denies or conceals the existence of information
3 that is a proper subject for disclosure under this Act.

4
5 (b) Any public official or employee who destroys, or causes to be destroyed, information or
6 documents subject of request for access to information under this Act, for the purpose of
7 frustrating the requesting party's access thereto.

8
9 (c) Any public officer or employee who, without proper authority, divulges or releases
10 information covered under Section 7 of this Act.

11
12 (d) Any public officer or employee who releases information that is altered or modified, without
13 proper authority, to the extent that the released information materially differs from the
14 original contents of the document/s; Provided, that altering or modifying a document for the
15 purpose of severing an exempt information from non-exempt information in a single
16 document shall not be punishable.

17
18 Any individual who knowingly directed, induced, or caused the commission of the foregoing
19 acts shall be liable as a principal in the prosecution of the public official/s or employee/s who
20 committed such acts.

21
22 SEC. 23. *Denial of a Request for Access to Information in Good Faith Not a Ground for*
23 *Liability.* – A denial in good faith of a request for access to information made pursuant to the
24 provisions of this Act shall not constitute grounds for any liability, whether administrative, civil,
25 or criminal, upon the public official responsible therefor.

26
27 SEC. 24. *Annual Reports on Actions Taken on Requests for Access to Information.* – All
28 government agencies shall prepare, for each fiscal year, a report on the number of requests for
29 information it received, processed, granted, and denied, of appeals made from denials of such
30 requests, and of pending court actions it is a party to as result of such requests. These reports

1 may be integrated in the main annual reports of government agencies and may be posted and
2 published in their respective websites.

3

4 SEC. 25. *Appropriations.* – The amounts necessary to carry out the provisions of this Act
5 shall be charged against any appropriate and available item/s in the budgets of government
6 agencies for the current fiscal year and shall thereafter be included in the annual General
7 Appropriations Act for national government agencies and annual appropriations ordinances for
8 local government units.

9

10 SEC. 26. *Separability Clause.* – If any provision of this Act is declared invalid or
11 unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

12

13 SEC. 27. *Repealing Clause.* – All laws, decrees, executive orders and issuances,
14 proclamations, rules and regulations, and other issuances or parts thereof that are inconsistent
15 with the provisions of this Act are hereby repealed or modified accordingly.

16

17 SEC. 28. *Effectivity.* – This Act shall take effect 15 days after the date of its publication
18 in at least two national newspapers of general circulation.

19

20 Approved,

21