

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

SIXTEENTH CONGRESS
First Regular Session



House Bill No. 3147

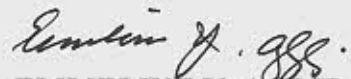
Introduced by DIWA Party-list Representative Emmeline Y. Aglipay

EXPLANATORY NOTE

What is essential in a democracy is the participation of its citizenry, and in a representative democracy, what determines the extent of that participation is the extent of the citizens' access to information. Without transparency, it is far too easy for a republican government to lose its representative character, for those who have the duty to make manifest the will of the citizens to, instead, operate as they see fit behind a veil of secrecy strung between pillars of bureaucratic red tape. Whether officials do so out of a conviction that they know better than the public, or from a callous desire to advance their own interests at the expense of the public good, such actions take the reins of power from their rightful holders, the sovereign people of the Philippines.

The practical arguments in support of greater transparency are clear: it ensures greater accountability of government officials, a better accounting of government funds, a more level playing field in the competition for government contracts/services, greater involvement from the citizenry and more informed decisions during elections.

But at its very core, this issue is not just about the benefits of an actualized, implemented, institutionalized right to information of public concern -- it's about the essence of democracy, the locus of authority. If we continue to claim that we are a republic, that we are a democracy, then we must acknowledge that any power that the State has, including its right to control the release and dissemination of information, is power that flows from the people, and rightly belongs to the people. In the case of freedom of information, the people have spoken loud and clear, and we have embodied their sentiments as best we could in this bill. It falls now to this Congress to truly perform its duty, and represent the people by making manifest their intent: a government that is transparent, forthcoming, and accountable.


EMMELINE Y. AGLIPAY
Representative, DIWA Party-list

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**AN ACT TO STRENGTHEN THE
PEOPLE'S RIGHT TO INFORMATION**

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

SECTION 1. *Short Title.* – This Act shall be known as the “People's Freedom of Information Act of 2013.”

SECTION 2. *Declaration of Policy.* – Public office is a public trust, and public officers and employees must at all times be accountable to the people. Sovereignty resides in the people and all government authority emanates from them. Pursuant to these, the State recognizes the right of the people to information held by government, and adopts and implements a policy of full public disclosure of all its transactions, subject to the procedures and limitations provided by this Act. Access to information held by government is indispensable to the exercise of the people's right to effective and reasonable participation at all levels of social, political and economic decision-making. As such, the provisions of this Act shall be given interpretation that best gives effect to the right to information.

SECTION 3. *Coverage.* – This Act shall cover all government agencies as defined under Section 4 of this Act.

SECTION 4. *Definition of Terms.* – As used in this Act:

(a) “Information” shall mean any record, document, paper, report, letter, contract, minutes, transcript, map, book, photograph, film, sound and video recording, magnetic or other tape, electronic data, computer stored data, or any other like or similar material recorded, stored or archived in whatever form or format, which: (i) are made or received by, or kept under the control or custody of, any government agency pursuant to law, executive order, rules and regulations, ordinance, or in connection with the performance or transaction of official business by any government agency or official; (ii) are part of official or public records in the custody of government agencies or officials; (iii) record, evidence, establish, confirm, support, justify, or explain official acts, transactions or decisions of government agencies or officials; or (iv) are part of research data, whether raw, collated or processed, in the custody of the government and used in formulating government policies;

(b) “Government agency” shall include the executive, legislative and judicial branches as well as the constitutional bodies of the Republic of the Philippines including, but not limited to, the national government and all its agencies, departments, bureaus, offices and instrumentalities, constitutional commissions and constitutionally mandated bodies, local governments and all their agencies, regulatory agencies, chartered institutions, government-owned or –controlled corporations, including wholly-owned or controlled subsidiaries, government financial institutions, state universities and colleges, the Armed Forces of the Philippines, the Philippine National Police, all offices in the Congress of the Philippines including the offices of Senators and Representatives, the Supreme Court and all lower courts established by law.

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

(d) “Public records” include information required by law, executive

orders, rules, or regulations to be entered, kept and made publicly available by a government agency.

SECTION 5. *Access to Information.* – Every person who is a Filipino citizen has a right to and shall, on request, be given access to any information under the custody and/or control of a government agency, regardless of the physical form or format in which these are contained, subject only to the exceptions enumerated under section 7 of this Act.

SECTION 6. *Presumption.* – There shall be a legal presumption in favor of access to information. Accordingly, government agencies shall have the burden of proving that the information requested is exempted from disclosure by this Act.

SECTION 7. *Exceptions.* – Access to information shall be granted unless:

(a) The information is specifically authorized to be kept Secret under guidelines established by an Executive Order, and in fact properly classified pursuant thereto: *Provided*, that (1) The information directly relates to national security or defense and its revelation will cause serious damage to the national security or internal and/or external defense of the State; or (2) The information requested pertains to the foreign affairs of the Republic of the Philippines, when its revelation will unduly weaken the negotiating position of the government in an ongoing or proposed bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states: *Provided*, that sufficient information is disclosed to afford reasonable public participation in government decision-making on bilateral and multilateral agreements. The Executive Order shall specify the reasonable period after which the information shall be automatically declassified or be subject to mandatory declassification review. Any reasonable doubt as to classification and declassification shall be settled in favor of the right to information.

(b) The information consists of minutes or records of advice given or of opinions expressed during decision-making or policy formulation, invoked by the Chief Executive to be part of presidential communications

privilege, whenever disclosure would significantly undermine the free and frank provision of advice or exchange of views: *Provided*, that an Executive Order shall be issued specifying the reasonable period after which information invoked to be privileged under this paragraph shall be made accessible to the public.

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

- (i) Compromise or interfere with any legitimate military or law enforcement operation;
- (ii) Compromise or interfere with the prevention, detection or suppression of criminal activity or the effective implementation of immigration controls and border security;
- (iii) Disclose the identity of a confidential source, including a government, foreign agency or authority, or private institution which furnished information on a confidential basis, or, in the case of information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, disclose the information furnished by a confidential source;
- (iv) Disclose techniques and procedures for law enforcement investigations or prosecutions, or guidelines for law enforcement investigations or prosecutions, if such disclosure could reasonably be expected to risk circumvention of the law; or
- (v) Endanger the life or physical safety of any individual.

(d) The information requested consists of drafts of orders, resolutions, or decisions by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their adjudicatory function, the revelation of which would impair the impartiality of verdicts, or otherwise obstruct the administration of justice.

(e) The information requested is obtained by either House of Congress, or any committee thereof, in executive session whenever the

information falls under any of the exceptions provided in this section.

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

(g) The information requested pertains to trade, industrial, financial or commercial secrets of a natural or juridical person other than the requesting party, obtained in confidence by, or filed with a government agency, whenever the revelation thereof would seriously prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition.

(h) The information is classified as privileged communications in legal proceedings by law or by the Rules of Court.

(i) The information requested is exempted by law or the Constitution, in addition to those provided in this section.

(j) The information is of a nature that its premature disclosure would render an intended government agency action ineffective: Provided, that the information shall be accessible once the anticipated danger has ceased.

(k) The information is requested by a person whose request for an identical or substantially similar information has recently been complied with, and no meritorious reason is given to justify a repeat of the request: Provided, that this exception applies exclusively to the person making the repeated request.

Provided, that:

- (1) The exceptions set forth in this section shall be strictly construed;
- (2) Exceptions cannot be invoked to cover-up a crime, wrongdoing, graft, or corruption;

- (3) Whenever the information covered by an exception may be reasonably severed from a record, the part not covered by the exception shall be disclosed to the requester;
- (4) The President, the Supreme Court, the Senate, the House of Representatives, and the Constitutional Commissions may waive an exception with respect to information in the custody of offices under their respective supervision or control, when they deem that there is a compelling or overriding public interest in disclosure; and
- (5) In the exercise of the judicial power to interpret the Constitution, the exceptions set forth in this section may be overcome if the requester is able to prove before a court of competent jurisdiction that there is a compelling public interest or need that outweighs the interest in keeping the information secret or confidential.

For letters (c) to (k) of this section, the determination whether any of these grounds shall apply shall be the responsibility of the head of office of the government agency in custody or control of the information, or of a responsible central or field officer duly designated by him.

SECTION 8. *Keeping of Records.* – (a) Government agencies shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or official records of their organization, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and data generated or collected. These shall include working documents such as drafts or notes, whenever these have been circulated within the agency for official purpose such as for discussion, comment or approval or when these contain unique information that can substantially contribute to a proper understanding of the agency organization, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, and activities.

(b) Government agencies shall identify specific and classes of information in their custody or control that have continuing historical,

administrative, informational, legal, evidentiary, or research value for preservation by such agencies, or for transfer to the National Archives of the Philippines. In addition, the National Archives of the Philippines shall likewise identify specific and classes of information that it shall require agencies to preserve and transfer to it.

(c) In addition to the specific and classes of official records identified for preservation under letter (b) of this section, the following shall not be destroyed:

- (1) Records of loans obtained or guaranteed by the government;
- (2) Records of government contracts; and
- (3) The declaration under oath of the assets, liabilities and net worth of public officers and employees, as required by law.

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

- (1) A records maintenance system for the creation, selection, classification, indexing and filing of information that facilitates the easy identification, retrieval and communication of information to the public; and
- (2) A records maintenance, archival and disposition schedule providing a listing of information under current use, for retention by the agency, for transfer to the National Archives, or for destruction: *Provided*, that destruction of information may be implemented only upon approval of, or following the guidelines set by, the National Archives of the Philippines.

(e) In addition to its function as repository of all rules and regulations issued by agencies as provided under Book VII, Chapter II of the Administrative Code of 1987, the University of the Philippines Law Center shall, in coordination with the Office of the President which has exclusive editorial and printing jurisdiction over the *Official Gazette*, and with other relevant agencies, maintain a database, and publish the same in print in

Official Gazette or in digital or online form, the following:

- (1) All laws of the Philippines and their amendments, from the period of the Philippine Commission to the present;
- (2) All presidential issuances from November 15, 1935 to the present, including but not limited to, executive orders, presidential proclamations, administrative orders, memorandum circulars, general orders, and other similar issuances;
- (3) A database of all appointments and designations made by the President of the Philippines; and
- (4) Opinions of the Secretary of Justice.

SECTION 9. *Procedure of Access.* – (a) Any person who wishes to obtain information shall submit, free of charge, a request to the government agency concerned personally, by mail, or through electronic means. A person who is unable, because of illiteracy or disability, to make a written request may make an oral request, and the public official who receives the oral request shall reduce it to writing and give a copy thereof to the person who made the request. The request shall state the name and contact information of the requesting party, a reasonable description of the information requested, and the reason for the request: *Provided*, that the stated reason cannot be used as a ground to deny the request or to refuse the acceptance of the request, unless such reason is contrary to law. If the request is submitted personally, the requesting party shall show his current identification card issued by any government agency, or government or private employer or school, or other reasonable means of identification. If the request is submitted by mail or through electronic means, the requesting party may submit a photostatic or electronically scanned copy of the identification, or other convenient means as determined by the agency.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesters and particularly those with special needs, to comply with the request requirements under this section.

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

(d) The request may indicate the requesting party's preferred mode and means of receiving the information requested, provided that the mode and means are reasonable, taking into consideration equipment normally available to the concerned government agency. A government agency may communicate the information requested in a form other than the preferred means whenever such preferred means would unreasonably interfere with the effective operation of the agency, or the agency has no capability to communicate the information in the preferred format, or the preferred means would be detrimental to the preservation of the record.

(e) The government agency shall comply with such request as soon as practicable, and in any case within fifteen (15) working days from the receipt thereof: *Provided*, that where the information requested is shown to be urgently needed for the protection of the life or liberty of a person, the same shall be provided within two (2) working days from the receipt of the request.

(f) The period of fifteen (15) days may be extended whenever the information requested requires a search of the government agency's field or satellite offices, examination of voluminous records, the occurrence of fortuitous events or other analogous cases. The government agency shall, in writing or through electronic means, notify the person making the request of the extension, setting forth the reasons for such extension and the date when the information shall be made available, which in no case shall result in an extension by more than twenty (20) working days.

(g) If the information is not held by the government agency to which

the request was made, it shall notify the requester that it does not hold the information, and indicate to the requester which agency holds the record, if known. Whenever practicable, the agency receiving the request may cause the transfer of the request to the appropriate agency that holds the information: *Provided*, that the period to comply with the request under this section shall begin to run only upon receipt by the agency to which the request is transferred.

SECTION 10. *Processing Fees.* – Government agencies may charge a reasonable fee to reimburse the actual cost of reproduction, copying or transcription and the communication of the information requested. An agency may waive the fees whenever it is satisfied that the requester is an indigent, or that the cost of reproduction is negligible, or that it is pursuant to a program for proactive disclosure.

SECTION 11. *Notice of Denial.* – If the government agency decides to deny the request, in whole or in part, it shall, as soon as practicable and in any case within fifteen (15) working days from the receipt of the request, notify the requester of the denial in writing or through electronic means. The notice shall indicate the name, rank, title or position of the person making the denial, clearly set forth the ground/s and circumstances on which the denial is based, and indicate available rights of reconsideration or appeal.

SECTION 12. *Remedies in Cases of Denial.* –

(a) In all government agencies other than the judicial branch–

- (1) A person whose request for information has been denied may ask for a reconsideration from the same official who originally denied the request, or file an administrative appeal following the procedure mentioned in Section 15 (a) (8) of this Act: *Provided*, That the administrative appeal must be filed within fifteen (15) calendar days from the receipt of the notice of original denial or denial on reconsideration. Every notice of denial shall include check-box options of whether the requester will ask for a reconsideration or file an

administrative appeal. The requester may submit further arguments to strengthen his request

- (2) Instead of appealing, or after the denial of the administrative appeal, the person denied access to information may file a verified appeal with the Office of the Ombudsman, praying that the government agency concerned be directed to immediately afford access to the information being requested. Such Appeal shall be resolved by the Office of the Ombudsman within sixty (60) calendar days from filing, or earlier when time is of the essence based on factors such as the nature of the information requested, the context of the request, or the danger that the information requested will become moot. The Office of the Ombudsman shall promulgate its special rules of procedure for the immediate disposition of Appeals filed pursuant to this Section. Unless restrained or enjoined, the decision of the Office of the Ombudsman shall be immediately executory, without prejudice to review in accordance with the Rules of Court.
- (3) Instead of filing a Complaint with the Office of the Ombudsman, whenever a request for information is denied originally or on administrative appeal, the requesting party may file a verified petition for mandamus in the proper court, alleging the facts with certainty and praying that judgment be rendered ordering the respondent to disclose the information. The procedure for such petition shall be summary in nature. Unless restrained or enjoined, the decision of the court shall be immediately executory, without prejudice to review in accordance with the Rules of Court;
- (4) In resolving a Complaint or Petition brought under the preceding paragraphs (2) and (3), the Ombudsman or the court is empowered to receive the information subject of a claim of exception under Section 7 herein and examine them

in camera to determine the sufficiency of the factual and legal basis of such claim, when such sufficiency cannot be reasonably determined through evidence and circumstances apart from the information.

(b) In the Judicial Branch – The Judiciary shall be governed by such remedies as promulgated by the Supreme Court.

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

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

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

SECTION 13. *Mandatory Disclosure of Information.* – Subject to Section 7 of this Act, all government agencies shall upload on their websites, which shall be updated regularly, the following information:

(1) Budget information, including: Annual Budget; Itemized Monthly Collections and Disbursement; Summary of Income and Expenditures; and Component of the IRA Utilization.

(2) Procurement information, including: Annual Procurement Plan and Procurement List; Items to Bid; Bid Results on Civil Works, Goods and Services; and Abstract of Bids as Calculated.

(3) A register of the following transactions:

(i) Procurement contracts entered into by a government agency;

(ii) Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;

(iii) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957, as amended by Republic Act No. 7718;

- (iv) Public funding extended to any private entity;
- (v) Bilateral or multilateral agreements and treaties in defense, trade, economic partnership, investments, cooperation and similar binding agreements;
- (vi) Licenses, permits or agreements granted by any government agency to any person or entity for the extraction and/or utilization of natural resources, including a list of the grantees;
- (vii) Guarantees given by any government agency to government-owned or -controlled corporations and to private corporations, persons or entities;
- (viii) Loans, grants, development assistance, technical assistance, and programs entered into by a government agency with domestic and foreign financial institutions, official bilateral or multilateral agencies, as well as with private aid agencies or institutions; and
- (ix) Compromise agreements entered into by a government agency with any person or entity.

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 (P50,000,000.00) shall be uploaded in full on the website of the concerned government agency or the Official Gazette Online. A covered information shall be enrolled in the register not later than 30 working days from its perfection or issuance.

- (4) Agency information, including:
 - (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 procedure and length of time by which they may be availed

of;

- (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;
- (v) Important rules and regulations, orders or decisions: *Provided*, that they shall be published within fifteen (15) calendar days from promulgation;
- (vi) Categories of documents and current and important database and statistics that it generates; and
- (vii) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

SECTION 14. *Capacity Building and Popularization.* -- (a) Should an agency lack the capacity to comply with the website uploading requirement of the preceding 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. The National Computer Center shall monitor all government agency websites and provide appropriate support for their development and full compliance with the requirements of this Act.

(b) Every government agency shall ensure the provision of adequate training for its officials to improve awareness of the people's ownership of government information and the provisions of this Act, and to keep updated as to best practices in relation to information disclosure, records maintenance and archiving.

(c) In order to develop accessibility of language and form, government agencies shall endeavor to translate select vital information into major Filipino languages and present them in popular form and means.

SECTION 15. *People's Freedom of Information (FOI) Manual.* –

(a) For the effective implementation of this Act, all government

agencies shall prepare and regularly update a People's Freedom of Information (FOI) Manual, setting forth the following:

- (1) The location and contact information of the head, regional, provincial and field offices of the agency, and other established places where the public can obtain information or submit requests;
- (2) The types of information it generates, produces, holds and/or publishes;
- (3) A description of its record-keeping system;
- (4) The person or office responsible for receiving requests for information;
- (5) The procedure for the filing of requests personally, by mail, or through the identified electronic means;
- (6) The standard forms for the submission of request and for the proper acknowledgement of the request;
- (7) The process for the disposition of the request, including the routing of the request to the person or office with the duty to act on the request and the decision-making process for the grant or denial of the request;
- (8) The procedure for the administrative appeal of any denial for access to information;
- (9) The schedule of fees;
- (10) The process and procedure for the mandatory disclosure of information under Section 13 of this Act; and
- (11) Such other information, taking into consideration the unique characteristics of an agency, that will help facilitate the effective implementation of this Act.

(b) The People's FOI Manual shall be posted in the agency website and a hard copy shall be available at the agency reception area for use by the public.

(c) In no case shall the absence of the People's FOI Manual be a reason for the denial of any request for information made in accordance

with this Act.

SECTION 16. *Administrative Liability.* – The following acts proven to have been committed willfully in an administrative proceeding before the appropriate disciplining authority as provided under existing laws, rules or regulations, shall be subject to the administrative penalty of suspension of six (6) months and one (1) day to one (1) year for the first offense, and dismissal from the service for the second offense:

- (1) Failure to promptly forward a request for information to the public officer within the same office or agency responsible for officially acting on the request, when such is the direct cause of the failure to disclose the information within the periods required by this Act;
- (2) Failure to act on a request for information within the periods required by this Act;
- (3) Denial of a request for information without any valid ground;
- (3) Claiming an exception under Section 7 of this Act when the claim is manifestly devoid of factual or legal basis;
- (4) Failure to comply with the decision of his immediate supervisor, the Ombudsman, or of any court ordering the release of information;
- (5) Approval of policies, rules and regulations manifestly contrary to the provisions of this Act, and which policies, rules and regulations are the direct cause of the denial of a request for information.

In determining the duration of suspension for the first offense, circumstances that mitigate or aggravate the offense shall be considered.

Provided: That this provision is without prejudice to the imposition of a lower penalty applicable under existing administrative laws, rules, or regulation, if the acts are not done willfully.

SECTION 17. *Criminal Liability.* – (a) The following acts shall be subject to the penalty of imprisonment of not less than one (1) month but not more than six (6) months, with the accessory penalty of dismissal from

service:

- (1) Falsely denying or concealing the existence of information mandated for disclosure under this Act; and
- (2) Destroying, or causing to be destroyed, information and/or documents being requested under this Act, for the purpose of frustrating the requesting party's access thereto.

(b) Any private individual who knowingly induced or caused the commission of the foregoing acts shall be liable as principal by inducement in the prosecution of public officials or employees under this section.

(c) The acts under paragraph (a) of this Section, if proven in an administrative proceeding, shall be subject to the penalty of dismissal, even if no criminal prosecution is instituted against him.

SECTION 18. *Publication in the Official Gazette.*

(a) For purposes of mandatory disclosure as provided in section 13 of this Act, online publication in the Official Gazette website shall be considered official publication provided there shall be a timestamp in the said document.

(b) For purposes of compliance with Article 2 of the Civil Code of the Philippines, publication of the following in the online version of the Official Gazette, with the corresponding timestamps on the document, shall be considered as official publication:

- (1) All important legislative acts and resolutions of a public nature of the Congress of the Philippines;
- (2) All executive and administrative orders and proclamations of general application;
- (3) Decisions or abstracts of decisions of the Supreme Court and the Court of Appeals or other courts of similar rank, as may be deemed by said courts of sufficient importance to be so published;
- (4) Such documents or classes of documents as the President shall determine from time to time to have general application or which he may authorize so to be published.

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

SECTION 19. *No Abuse in the Exercise of Rights and in the Performance of Duties Under this Act.* - Public officials and employees, in the performance of their duties under this Act, as well as citizens in the exercise of their rights under this Act, shall act with justice, give everyone his or her due, and observe honesty and good faith.

Public officials and employees as well as citizens shall endeavor to handle information kept or obtained under this Act with due care, to the end that inaccuracies and distortions are avoided.

SECTION 20. *Act Not a Bar to Claim of Right to Information Under the Constitution.* No provision of this Act shall be interpreted as a bar to any claim of denial of the right to information under Article III, Section 7 of the 1987 Constitution.

SECTION 21. *Appropriations.* - The amount necessary to carry out the provisions of this Act shall be charged against the agencies' current budget and shall thereafter be included in the annual General Appropriations Act.

SECTION 22. *Separability Clause.* - If any section or part of this Act is held unconstitutional or invalid, the other sections or provisions shall remain in full force and effect.

SECTION 23. *Repealing Clause.* - All laws, decrees, executive orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Act, including sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing Security of Classified Matter in Government Offices), as amended, and Section 3, Rule IV of the Rules Implementing Republic Act

No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), are deemed repealed.

Provided, that Memorandum Circular No. 78 shall be deemed repealed after one (1) year from the effectivity of this Act or upon issuance of the Executive Order in Section 7(a), whichever comes first.

SECTION 24. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.