

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **3183**



Introduced by **REP. JOSE CHRISTOPHER Y. BELMONTE**

EXPLANATORY NOTE

The people's right to information on matters of public concern has a deep historical foundation. Its inclusion in the Bill of Rights was neither a spur of the moment nor whimsical. Rather, it was an offshoot of the long and persistent struggle of the people for genuine reforms, transparency and accountability in governance and an indispensable element of the right to free speech, expression and people's initiative.

Section 7, Article III of the Constitution explicitly provides that *"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 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."* Alongside with this is Article 28, Article II of the Constitution which mandates full disclosure of all transactions involving public interest, thus: *"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."*

These provisions are self-executory and no longer require statutory enactments for its enjoyment. What the Constitution requires is the setting-up of reasonable standards and limitations to prevent abuse in its exercise. In spite of its self-executory nature however, government officials in custody of official records and information upon which these constitutional guarantees are asserted, most of the time invoke discretion and the absence of an enabling law for its implementation. Thus, what could have been a ministerial duty became a discretionary function, defeating thereby the purpose for which the constitutional mandate was enshrined, and denying the rights which the people are entitled.

To address this flaw, several attempts were made in the past to enact a Freedom of Information Act but all these attempts never succeeded. It is hoped that the 16th Congress, with all the issues it now faces, shall see the importance of a Freedom of Information Act.

A handwritten signature in dark ink, appearing to read "Jose Belmonte".

JOSE CHRISTOPHER Y. BELMONTE

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AN ACT
AFFIRMING AND STRENGTHENING THE PEOPLE'S CONSTITUTIONAL
RIGHT TO INFORMATION ON MATTERS OF PUBLIC CONCERN AND OF
THE STATE POLICY OF FULL PUBLIC DISCLOSURE OF ALL ITS
TRANSACTIONS INVOLVING PUBLIC INTEREST, AND FOR OTHER
PURPOSES

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
2 Act 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
6 full public disclosure of all its transactions, subject to the procedures and limitations
7 provided by this Act. This right is indispensable to the exercise of the people's right
8 to effective and reasonable participation at all levels of social, political and economic
9 decision-making.

10
11 **SECTION 3. *Coverage.*** - This Act shall cover all government agencies as defined
12 under Section 4 of this Act.

13
14 **SECTION 4. *Definition of Terms.*** - As used in this Act:

15
16 (a) "Information" shall mean any record, document, paper, report, letter, contract,
17 minutes, transcript, map, book, photograph, film, sound and video recording,
18 magnetic or other tape, electronic data, computer stored data, or any other like or
19 similar material recorded, stored or archived in whatever form or format, which are
20 made or received by, or kept under the control or custody of, any government
21 agency pursuant to law, executive order, rules and regulations, ordinance, or in
22 connection with the performance or transaction of official business by any
23 government agency or official.

(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 and shall be allowed to scrutinize, copy and reproduce, in the manner provided by this Act, 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 by clear and convincing evidence that the information requested is exempted from disclosure by this Act.

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

(a) The information requested 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 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

1 with one or more states with which it intends to keep friendly relations:
2

3 *Provided, further,* that sufficient information is disclosed to afford reasonable
4 public participation in government decision-making on bilateral and
5 multilateral agreements. The Executive Order shall specify the reasonable
6 period after which the information shall be automatically declassified or be
7 subject to mandatory declassification review. Any reasonable doubt as to
8 classification and declassification shall be settled in favor of the right to
9 information.

10
11 (b) The information requested pertains to internal and/or external defense and law
12 enforcement, when the disclosure thereof would render a legitimate military or law
13 enforcement operation ineffective, unduly compromise the prevention, detection or
14 suppression of a criminal activity, or endanger the life or physical safety of
15 confidential or protected witnesses, law enforcement and military personnel or their
16 immediate families. Information relating to details of the administration, budget and
17 expenditure, and management of the defense and law enforcement agencies shall
18 always be accessible to the public.

19
20 (c) The information requested consists of drafts of orders, resolutions, or decisions
21 by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial
22 body in the exercise of their adjudicatory function, the revelation of which would
23 impair the impartiality of verdicts, or otherwise obstruct the administration of
24 justice.

25
26 (d) The information requested is obtained by either House of Congress, or any
27 committee thereof, in executive session, *Provided, that,* such information falls under
28 any of the exceptions provided in this section.

29
30 (e) The information requested pertains to the personal information of a natural
31 person other than the requesting party, and its disclosure would clearly constitute an
32 unwarranted invasion of his or her personal privacy, unless it forms part of a public
33 record, or the person is or was an official of a government agency and the
34 information relates to his or her public function, or the person has consented in
35 writing to the disclosure of the information.

36
37 (f) The information requested pertains to trade, industrial, financial or commercial
38 secrets of a natural or juridical person other than the requesting party, obtained in
39 confidence by, or filed with a government agency, whenever the revelation thereof
40 would seriously prejudice the interests of such natural or juridical person in trade,
41 industrial, financial or commercial competition, unless such natural or juridical
42 person has consented to the disclosure of the information.

43
44 (g) The information is classified as privileged in legal proceedings by law or by the
45 Rules of Court, unless the person entitled to the privilege has waived it.

46 (h) The information requested is exempted by law or the Constitution, in addition to

1 those provided in this section.

2
3 For letters (b) to (h) of this section, the determination whether any of these grounds
4 shall apply shall be the responsibility of the head of office of the government agency
5 in custody or control of the information, or of a responsible central or field officer/s
6 duly designated by him.

7
8 **SECTION 8. *Qualifications.*** – Even if the information falls under the exceptions set
9 forth in the preceding section, access to information shall not be denied if:

10
11 (a) The information may be reasonably severed from the body of the information
12 which would be subject to the exceptions;

13
14 (b) The public interest in the disclosure outweighs the harm to the interest sought to
15 be protected by the exceptions;

16
17 (c) The requesting party is either House of Congress, or any of its Committees and
18 the disclosure is to be made in executive session, unless the disclosure will constitute
19 a violation of the Constitution.

20
21 (d) Exceptions cannot be invoked to cover-up a crime, wrongdoing, graft, or
22 corruption;

23
24 (e) The President, the Supreme Court, the Senate, the House of Representatives, and
25 the Constitutional Commissions may waive an exception with respect to information
26 in the custody of offices under their respective supervision or control, when they
27 deem that there is a compelling or overriding public interest in disclosure; and

28
29 (f) In the exercise of the judicial power to interpret the Constitution, the exceptions
30 set forth in this section may be overcome if the requester is able to prove before a
31 court of competent jurisdiction that there is a compelling public interest or need that
32 outweighs the interest in keeping the information secret or confidential.

33
34 **SECTION 9. *Keeping of Records.*** – (a) Government agencies shall create and/or
35 maintain in appropriate formats, accurate and reasonably complete documentation
36 or official records of their organization, policies, transactions, decisions, resolutions,
37 enactments, actions, procedures, operations, activities, communications, documents
38 received or filed with them and data generated or collected. These shall include
39 working files such as drafts or notes, whenever these have been circulated within the
40 agency for official purpose such as for discussion, comment or approval or when
41 these contain unique information that can substantially contribute to a proper
42 understanding of the agency organization, policies, transactions, decisions,
43 resolutions, enactments, actions, procedures, operations, and activities.

44
45 (b) Government agencies shall identify specific or classes of official records in their
46 custody or control that have continuing historical, administrative, informational,

1 legal, evidentiary, or research value for preservation by such agencies or their
2 legitimate successors, or for transfer to the National Archives of the Philippines. In
3 addition, the National Archives of the Philippines shall likewise identify specific or
4 classes of official records that it shall require agencies to preserve and transfer to it.

5
6 (c) In addition to the specific or classes of official records identified for preservation
7 under letter (b) of this section, the following shall not be destroyed:

- 8
9 (1) Records or contracts pertaining to loans obtained or guaranteed by the
10 government;
11
12 (2) Records pertaining to government contracts;
13
14 (3) The declaration under oath of the assets, liabilities and net worth of
15 public officers and employees, as required by law;
16
17 (4) Records of official investigations on graft and corrupt practices of
18 public officers.
19

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

- 23
24 (1) A records maintenance system for the creation, selection, classification,
25 indexing and filing of official records that facilitates the easy
26 identification, retrieval and communication of information to the
27 public;
28
29 (2) A records maintenance, archival and disposition schedule providing a
30 listing of records under current use, for retention by the agency, for
31 transfer to the National Archives, or for destruction: *Provided*, that
32 destruction of official records may be implemented only upon
33 approval of, or following the guidelines set by, the National Archives
34 of the Philippines; and
35
36 (3) A specification of the rules and responsibilities of agency personnel in
37 the implementation of such system and schedule.
38

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

- 45
46 (1) All laws of the Philippines and their amendments, from the period of

1 the Philippine Commission to the present;
2

3 (2) All presidential issuances from November 15, 1935 to the present,
4 including but not limited to, executive orders, presidential
5 proclamations, administrative orders, memorandum circulars, general
6 orders, and other similar issuances;
7

8 (3) A database of all appointments and designations made by the
9 President of the Philippines; and
10

11 (4) Opinions of the Secretary of Justice, the Office of the Solicitor General,
12 the Presidential Legal Counsel, Office of the Government Corporate
13 Counsel, and the Congressional legal offices.
14

15 **SECTION 10. *Procedure of Access.*** – (a) Any person who wishes to obtain information
16 shall submit, free of charge, a request to the government agency concerned –
17 personally, by mail, or through electronic means. A person who, because of illiteracy
18 or disability, is unable to make a written request may make an oral request, and the
19 public official or employee who receives the oral request shall reduce it to writing
20 and give a copy thereof to the person who made the request. The request shall state
21 the name and contact information of the requesting party, a reasonable description
22 of the information requested, and the preferred means by which the government
23 agency shall communicate such information to the requesting party: *Provided*, that
24 the stated reason cannot be used as a ground to deny the request or to refuse the
25 acceptance of the request, unless such reason is contrary to law. If the request is
26 submitted personally, the requesting party shall show his current identification card
27 issued by any government agency, or government or private employer or school, or
28 other reasonable means of identification. If the request is submitted by mail or
29 through electronic means, the requesting party may submit a photostatic or
30 electronically scanned copy of the identification, or other convenient means as
31 determined by the agency.
32

33 (b) The agency/public official receiving the request shall provide reasonable
34 assistance, free of charge, to enable all requesters and particularly those with special
35 needs, to comply with the request requirements under this section.
36

37 (c) The request shall be stamped by the government agency, indicating the date and
38 time of receipt and the name, rank, title and position of the receiving public officer or
39 employee with the corresponding signature, and a copy thereof furnished to the
40 requesting party. In case the request is submitted by electronic means, the
41 government agency shall provide for an equivalent means by which the
42 requirements of this paragraph shall be met. Each government agency shall
43 establish a system to trace the status of all requests for information received by it.
44

45 (d) The request may indicate the requesting party's preferred mode and means of
46 receiving the information requested, provided that the mode and means are

1 reasonable, taking into consideration equipment normally available to the concerned
2 government agency. A government agency may communicate the information
3 requested in a form other than the preferred means whenever such preferred means
4 would unreasonably interfere with the effective operation of the agency, or the
5 agency has no capability to communicate the information in the preferred format, or
6 the preferred means would be detrimental to the preservation of the record.

7
8 (e) The government agency shall comply with such request as soon as practicable,
9 and in any case within seven (7) working days from the receipt thereof: *Provided*, that
10 where the information requested is shown to be urgently needed for the protection
11 of the life or liberty of a person, the same shall be provided within a non-extendible
12 period of two (2) working days from the receipt of the request.

13
14 (f) The period of seven (7) days may be extended whenever there is a need for any of
15 the following:

16
17 (1) To search for and collect the requested information from field facilities or
18 other establishments that are separate from the office processing the request;

19
20 (2) To search for, collect and appropriately examine a voluminous amount of
21 separate and distinct information which are demanded in a single request;
22 and

23
24 (3) To consider fortuitous events or other events due to force majeure or other
25 analogous cases.

26
27 (g) The government agency shall, notify in writing the person making the request of
28 the extension, setting forth the reasons for such extension and the date when the
29 information shall be made available, which in no case shall result in an extension by
30 more than fifteen (15) working days from the original deadline.

31
32 (h) If the information is not held by the government agency to which the request was
33 made, it shall notify the requester that it does not hold the information, and indicate
34 to the requester which agency holds the record, if known. Whenever practicable, the
35 agency receiving the request may cause the transfer of the request to the appropriate
36 agency that holds the information: *Provided*, that the period to comply with the
37 request under this section shall begin to run only upon receipt by the agency to
38 which the request is transferred, *Provided further*, that such transfer of request shall
39 be made within the original seven- (7) working day period.

40
41 **SECTION 11. Processing Fees.** - Government agencies shall not charge any
42 processing fees, but may charge for the reimbursement of the actual cost of
43 reproduction, copying or transcription and the communication of the information
44 requested. An agency may waive these charges whenever it is satisfied that the
45 requester is an indigent, or that the cost of reproduction is negligible, or that it is
46 pursuant to a program for proactive disclosure.

1
2 SECTION 12. *Notice of Denial.* - If the government agency decides to deny the
3 request, in whole or in part, it shall, as soon as practicable and in any case within
4 seven (7) working days from the receipt of the request, notify the requester of the
5 denial in writing or through electronic means. The notice shall indicate the name,
6 rank, title or position of the person making the denial, clearly set forth the ground/s
7 and circumstances on which the denial is based, and indicate available rights of
8 reconsideration or appeal the remedies. In case the denial is by reason of a claimed
9 exception, the denial shall also state clearly the legitimate aim or interest that will
10 result in the disclosure of the information. Failure to notify the person making the
11 request of the denial, or of the extension, shall be deemed a denial of the request for
12 access to information.

13
14 SECTION 13. *Remedies in Cases of Denial.* -

15
16 (a) In all government agencies other than the judicial branch-

17
18 (1) A person whose request for information has been denied may file an
19 administrative appeal following the procedure mentioned in Section
20 16 (a) (8) of this Act: *Provided*, That the administrative appeal must be
21 filed within fifteen (15) calendar days from the receipt of the notice of
22 denial and the appeal must be decided within fifteen (15) calendar
23 days from filing. Failure of the government agency to decide within
24 the aforesaid period shall constitute a denial of the appeal; and

25
26 (2) The person denied access to information may file a verified complaint
27 with the Office of the Ombudsman, praying that the government
28 agency concerned be directed to immediately afford access to the
29 information being requested. Such complaint shall be resolved by the
30 Office of the Ombudsman within sixty (60) calendar days from filing,
31 or earlier when time is of the essence based on factors such as the
32 nature of the information requested, the context of the request, or the
33 danger that the information requested will become moot. The Office of
34 the Ombudsman shall promulgate its special rules of procedure for the
35 immediate disposition of complaints filed pursuant to this Section.
36 Unless restrained or enjoined, the decision of the Office of the
37 Ombudsman shall be immediately executory, without prejudice to
38 review in accordance with the Rules of Court.

39
40 In resolving a complaint or petition brought under the preceding paragraphs,
41 the Ombudsman or the court is empowered to receive the information subject of a
42 claim of exception under Section 7 herein and examine them *in camera* to determine
43 the sufficiency of the factual and legal basis of such claim, when such sufficiency
44 cannot be reasonably determined through evidence and circumstances apart from
45 the information.
46

1 (b) In the Judicial Branch - The Judiciary shall be governed by such remedies as
2 promulgated by the Supreme Court, such as filing a verified petition for mandamus
3 or any applicable or appropriate remedy, in the proper court, alleging the facts with
4 certainty and praying that judgment be rendered ordering the respondent to disclose
5 the information and to pay the damages sustained by the requesting party by reason
6 of the denial. The procedure for such petition shall be summary in nature. Unless
7 restrained or enjoined, the decision of the court shall be immediately executory,
8 without prejudice to review in accordance with the Rules of Court.

9
10 (c) The remedies under this section are without prejudice to any other
11 administrative, civil or criminal action covering the same act.

12
13 (d) The remedies available under this Act shall be exempt from the rules on non-
14 exhaustion of administrative remedies and the application of the provisions of
15 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act
16 of 2004.

17
18 (e) In case the requesting party has limited or no financial capacity, the Public
19 Attorney's Office shall provide legal assistance to the requester in availing of the
20 remedies provided under this Act.

21
22 **SECTION 14. *Mandatory Disclosure of Information.*** - (a) Subject to Section 7 of this
23 Act, all government agencies shall upload on their websites, the following
24 information within fifteen (15) days from their availability or in case of agreements
25 such as contracts, memoranda, from the date such agreement is entered into :

26
27 (1) Budget information, including: Annual Budget; Itemized Monthly
28 Collections and Disbursement; Summary of Income and Expenditures; and
29 Component of the IRA Utilization.

30
31 (2) Procurement information, including: Annual Procurement Plan and
32 Procurement List; Items to Bid; Bid Results on Civil Works, Goods and
33 Services; and Abstract of Bids as Calculated.

34
35 (3) A register of the following transactions:

36
37 (i) Procurement contracts entered into by a government agency;

38
39 (ii) Construction or concession agreements or contracts entered into by a
40 government agency or government-owned-or controlled corporation
41 with any domestic or foreign person or entity;

42
43 (iii) Private sector participation agreements or contracts in infrastructure
44 and development projects under Republic Act No. 6957, as amended
45 by Republic Act No. 7718, authorizing the financing, construction,
46 operation and maintenance of infrastructure projects;

- 1
2 (iv) Public funding extended to any private entity;
3
4 (v) Bilateral or multilateral agreements and treaties in defense, trade,
5 economic partnership, investments, cooperation and similar binding
6 agreements;
7
8 (vi) Licenses, permits or agreements granted by any government agency
9 to any person or entity for the extraction and/or utilization of natural
10 resources, including a list of the grantees;
11
12 (vii) Guarantees given by any government agency to government-owned
13 or -controlled corporations and to private corporations, persons or
14 entities;
15
16 (viii) Loans, grants, development assistance, technical assistance, and
17 programs entered into by a government agency with domestic and
18 foreign financial institutions, official bilateral or multilateral agencies,
19 as well as with private aid agencies or institutions; and
20
21 (ix) Compromise agreements entered into by a government agency with
22 any person or entity.
23

24 The register shall contain a brief description of the transaction involved,
25 including, but not limited to: the nature and object of the transaction, the parties and
26 amounts involved, the key steps undertaken towards its conclusion, and the relevant
27 dates: *Provided*, that contracts and agreements involving an amount of at least fifty
28 million pesos (P50,000,000.00) shall be uploaded in full on the website of the
29 concerned government agency or the Official Gazette Online. A covered information
30 shall be enrolled in the register not later than 30 working days from its perfection or
31 issuance.
32

- 33 (4) Agency information, including:
34 (i) A description of its mandate, structure, powers, functions, duties and
35 decision-making processes;
36
37 (ii) A description of the frontline services it delivers and the procedure
38 and length of time by which they may be availed of;
39
40 (iii) The names of its key officials, their powers, functions and
41 responsibilities, and their profiles and curriculum vitae;
42
43 (iv) Work programs, development plans, investment plans, projects,
44 performance targets and accomplishments;
45
46 (v) Important rules and regulations, orders or decisions: *Provided*, that

1 they shall be published within fifteen (15) calendar days from
2 promulgation;

3
4 (vi) Categories of documents and current and important database and
5 statistics that it generates; and
6

7 (vii) Mechanisms or procedures by which the public may participate in or
8 otherwise influence the formulation of policy or the exercise of its
9 powers.
10

11 (b) The information uploaded in the website under letter (a) of this Section may be
12 withdrawn after a period of three (3) years from the time of uploading: Provided,
13 That an abstract of the information withdrawn shall remain uploaded in the website,
14 containing a brief description of the transaction and an enumeration of the
15 information withdrawn, and indicating the dates of posting and withdrawal;
16 *Provided further, That* in case the information covers an ongoing project, such
17 information shall remain in the website even three (3) years after the termination of
18 said project.
19

20 (c) Should an agency lack the capacity to comply with letter (a) of this Section, the
21 agency shall initiate a capacity-building program, or coordinate with another
22 appropriate agency, to facilitate substantive compliance not later than one (1) year
23 upon approval of this Act. An agency's failure to comply with letter (a) of this
24 Section shall make the responsible official/s liable under Section 16 of this Act.
25

26 **SECTION 15. *Promotion of Freedom of Information in Government.*** – (a) Duty to
27 Publish Information – Government agencies shall regularly publish, print and
28 disseminate at no cost to the public and in an accessible form, in conjunction with
29 R.A. 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true,
30 accurate and updated key information including, but not limited to:
31

32 (1) A description of its mandate, structure, powers, functions, duties and
33 decision-making processes;
34

35 (2) A description of the frontline services it delivers and the procedure and
36 length of time by which they may be availed of;
37

38 (3) The names of its key officials, their powers, functions and responsibilities,
39 and their profiles and curriculum vitae;
40

41 (4) Work programs, development plans, investment plans, projects,
42 performance targets and accomplishments, and budgets, revenue
43 allotments and expenditures;
44

45 (5) Important rules and regulations, orders or decisions: Provided, That they

1 be published within fifteen (15) calendar days from promulgation;
2

3 (6) Current and important database and statistics that it generates;
4

5 (7) Bidding processes and requirements; and
6

7 (8) Mechanisms or procedures by which the public may participate in or
8 otherwise influence the formulation of policy or the exercise of its powers.
9

10 (b) Accessibility of Language and Form - Every government agency shall endeavor
11 to translate key information into major Filipino languages and present them in
12 popular form and means.
13

14 (c) Improving Capability - Every government agency shall ensure the provision of
15 adequate training for its officials to improve awareness of the right to information
16 and the provisions of this Act, and to keep updated of best practices in relation to
17 information disclosure, records maintenance and archiving.
18

19 (d) Freedom of Information Manual - For the effective implementation of this Act,
20 all government agencies shall prepare and regularly update a Freedom of
21 Information (FOI) Manual, setting forth the following:
22

23 (1) The location and contact information of the head, regional, provincial
24 and field offices of the agency, and other established places where the
25 public can obtain information or submit requests;
26

27 (2) The types of information it generates, produces, holds and/or
28 publishes;
29

30 (3) A description of its record-keeping system;
31

32 (4) The person or office responsible for receiving requests for information;
33

34 (5) The procedure for the filing of requests personally, by mail, or through
35 the identified electronic means;
36

37 (6) The standard forms for the submission of request and for the proper
38 acknowledgement of the request;
39

40 (7) The process for the disposition of the request, including the routing of
41 the request to the person or office with the duty to act on the request
42 and the decision-making process for the grant or denial of the request;
43

44 (8) The procedure for the administrative appeal of any denial for access to
45 information;
46

1 (9) The schedule of fees/charges;

2
3 (10) The process and procedure for the mandatory disclosure of
4 information under Section 13 of this Act; and

5
6 (11) Such other information, taking into consideration the unique
7 characteristics of an agency, that will help facilitate the effective
8 implementation of this Act.
9

10 In no case shall the absence of the FOI Manual be a reason for the denial of
11 any request for information made in accordance with this Act.
12

13 **SECTION 16. *Administrative Liability & Criminal Liability.*** - The penalty of
14 imprisonment of not less than one (1) month but not more than one (1) year shall be
15 imposed upon:
16

17 (a) Any public officer or employee receiving the request under Section 10 of this Act
18 who shall fail to promptly forward the request to the public officer within the same
19 office or agency responsible for officially acting on the request when such is the
20 direct cause of the failure to disclose the information within the periods required by
21 this Act.
22

23 (b) Any public officer or employee responsible for officially acting on the request,
24 who shall:
25

26 (1) Fail to act on the request within the periods required by this Act;
27

28 (2) Knowingly deny the existence of existing information;
29

30 (3) Destroy information being requested for the purpose of frustrating the
31 requester's access thereto;
32

33 (4) Claim an exception under Section 7 of this Act, or under the Constitution,
34 when the claim is manifestly devoid of factual basis; or
35

36 (5) Refuse to comply with the decision of his immediate supervisor, the
37 Ombudsman or the Court ordering the release of information that is not
38 restrained or enjoined by a Court;
39

40 (c) The head of office of the government agency directly and principally responsible
41 for the negotiation and perfection of any of the transactions enumerated in Section
42 14(a) of this Act, who shall knowingly refuse to direct the mandatory posting or
43 uploading of such transaction despite the agency's capacity to implement such
44 directive, *Provided that*, the public officer or employee who, despite a directive from
45 the head of office, to post or upload any of the transactions enumerated in Section
46 14(a) of this Act shall likewise be liable;

1
2 (d) Any public officer or employee who shall destroy, or cause to destroy, records of
3 information covered by Section 9(c) of this Act;
4

5 (e) Any public officer who formulates policies, rules and regulations manifestly
6 contrary to the provisions of this Act, and which policies, rules and regulations are
7 the direct cause of the denial of a request for information; or
8

9 (f) Any public or private individual who knowingly induced or caused the
10 commission of the foregoing acts under this section.
11

12 The foregoing shall be without prejudice to any administrative liability of the
13 offender under existing law and regulations.
14

15 **SECTION 17. *Act Not a Bar to Claim of right to Information under the Constitution.***

16 - No provision of this Act shall be interpreted as a bar to any claim of denial of the
17 right to information under Article III, Section 7 of the 1987 Constitution.
18

19 **SECTION 18. *Publication in the Official Gazette.***
20

21 (a) For purposes of mandatory disclosure as provided in section 13 of this Act, online
22 publication in the Official Gazette website shall be considered official publication
23 provided there shall be a timestamp in the said document.
24

25 (b) For purposes of compliance with Article 2 of the Civil Code of the Philippines,
26 publication of the following in the online version of the Official Gazette, with the
27 corresponding timestamps on the document, shall be considered as official
28 publication:
29

30 (1) All important legislative acts and resolutions of a public nature of the
31 Congress of the Philippines;
32

33 (2) All executive and administrative orders and proclamations of general
34 application;
35

36 (3) Decisions or abstracts of decisions of the Supreme Court and the Court
37 of Appeals or other courts of similar rank, as may be deemed by said
38 courts of sufficient importance to be so published;
39

40 (4) Such documents or classes of documents as the President shall
41 determine from time to time to have general application or which he
42 may authorize so to be published.
43

44 However, other documents or classes of documents required by law to be
45 published, such as petitions and/or legal notices in connection with land titles,
46 naturalization, or special proceedings shall continue to be published in the print

1 version of the Official Gazette or in any newspaper of general circulation for
2 purposes of compliance with the publication requirement.

3
4 **SECTION 21. Appropriations.** - The amount necessary to carry out the provisions of
5 this Act shall be charged against the agencies' current budget and shall thereafter be
6 included in the annual General Appropriations Act.

7
8 **SECTION 22. Separability Clause.** - If, for any reason, any section or provision of this
9 Act is held unconstitutional or invalid, no other section or provision shall be
10 affected.

11
12 **SECTION 23. Repealing Clause.** - All laws, decrees, executive orders, rules and
13 regulations, issuances or any part thereof inconsistent with the provisions of this
14 Act, including sections 18, 24 and 25 of Executive Order No. 292 in relation to Article
15 2 of Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964
16 (Promulgating Rules Governing Security of Classified Matter in Government
17 Offices), as amended, and Section 3, Rule IV of the Rules Implementing Republic Act
18 No. 6713 (Code of Conduct and Ethical Standards for Public Officials and
19 Employees), are deemed repealed.

20
21 *Provided, that Memorandum Circular No. 78 shall be deemed repealed after*
22 *one (1) year from the effectivity of this Act or upon issuance of the Executive Order*
23 *in Section 7(a), whichever comes first.*

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

27
28 Approved.