

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 903

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	04 JUL 2016
TIME:	3:15pm
BY:	<i>[Signature]</i>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced By: REPRESENTATIVE SALVIO B. FORTUNO

EXPLANATORY NOTE

This bill seeks to strengthen the right of all Filipino citizens to information on matters of public concern and access to official records, documents and transactions pertaining to official acts. It was first filed by this humble representation at the opening of the Sixteenth Congress but for reasons beyond our control, it failed to see the light of day.

It is therefore good to reiterate that the paramount objective of this important piece of legislation is to promote transparency and accountability in the government for the great benefit of the Filipino people. The government and its officials who have nothing to hide must submit themselves to public scrutiny by granting their "bosses", the sovereign Filipino people, unlimited access to their official acts, documents and transactions except in cases when national security will be compromised.

The Philippine Constitution is crystal clear on this issue as Section 7 thereof 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 acts, transactions, or decisions, as well as to government research data used as a basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

However, it is not a self-executing provision and therefore an enabling Act has to be passed by Congress to implement the aforecited provision of the Constitution.

It is worthy to emphasize that the other side of the Constitutionally guaranteed Freedom of Expression is the Freedom of Information, which is the oxygen of democracy that makes it possible for the sovereign people to make informed decisions on what to do with their own lives without enduring the right of others.

The foregoing reasons merit the approval of this important legislation.

[Signature]
SALVIO B. FORTUNO
Representative
Fifth District, Camarines Sur

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

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 903

Introduced By: REPRESENTATIVE SALVIO B. FORTUNO

AN ACT
STRENGTHENING THE RIGHT OF CITIZENS TO INFORMATION ON
MATTERS OF PUBLIC CONCERN, ACCESS TO OFFICIAL RECORDS AND
DOCUMENTS AND PROVIDING PENALTIES THEREFOR

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

SECTION 1. Short Title. - This Act shall be known as the “Freedom of Information Act.”

SEC. 2. Declaration of Policy. - The State recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided under this Act. This right is indispensable to the free exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

SEC. 3. Coverage. - This Act shall cover all government agencies, which refer to the executive, legislative and judicial branches as well as the constitutional bodies of the Republic of the Philippines, 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.

Sec. 4. *Definition of Terms.* – As used in this Act, the following terms shall mean:

- (a) Information shall mean any knowledge, record, document, paper, report, letters, contract, minutes and transcripts of official meetings, maps, books, photographs, research data, material, film, sound and video recordings, magnetic or other tapes, electronic data processing records, computer stored data, or any other like or similar data or material recorded, stored or archived in whatever form or format, which are made, received or kept in or under the control and 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;
- (b) Official records shall refer to information produced by the public officer or employee, or by a government agency in an official capacity or pursuant to a public function or duty, and is not meant to be a stage or status of the information;
- (c) Public records shall include information required by law, executive orders, rules and regulations to be entered, kept and made public available by a government agency.

SEC. 5. *Presumption.* – There shall be a legal presumption in favor of access to information. Accordingly, government agencies shall have the burden of proof of showing clear and convincing evidence that the information requested should not be disclosed.

SEC. 6. *Access to Information.* – Government agencies shall make available to the public for scrutiny, copying and reproduction in the manner provided by this Act, all information pertaining to official acts, transactions or decisions, as well as government research data used as a basis for policy development, regardless of their physical form or format in which they are contained and by whom they were made.

SEC. 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 internal 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 shall unduly weaken the negotiating position of the government in an on-going bilateral or

multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more States: Provided, further, That the executive order shall specify the reasonable period after which the information shall be automatically declassified or subject to mandatory declassification review, and that any reasonable doubt as classification and declassification shall be settled in favor of the right to information;

- (b) The information consists of records of minutes and advice given and opinions expressed during decision-making or policy formulation, invoked by the Chief Executive to be privileged by reason of the sensitivity of the subject matter or of the impairment of the Chief Executive's deliberative process that would result from the disclosure thereof. Once the policy has been formulated and decisions made, minutes and research data may be made available for disclosure unless they were made in executive session;
- (c) The information requested pertains to internal and external defense, law enforcement and border control, when the disclosure thereof would:
 - (i) Unduly compromise or interfere with any legitimate military or law enforcement operation; or
 - (j) Unduly compromise or interfere with the prevention, detection or suppression of criminal activity, the effective implementation of immigration controls and border security; or
 - (k) Deprive a person of a right to a fair trial or impartial adjudication; or
 - (l) Lead to the disclosure of the identity of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; or
 - (m) Disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure

- could reasonably be expected to risk circumvention of the law; or
- (n) Endanger the life or physical safety of any individual.
- (d) The information requested consists of drafts of orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory, audit and adjudicatory function;
- (e) The information requested is obtained by any committee of either House of Congress in executive session;
- (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 one's 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, obtained in confidence by a government agency whenever the revelation thereof would seriously prejudice the interests of such natural or juridical persons 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 is exempted by law or the Constitution, in addition to those provided in this section;
- (j) The information has already been made accessible.

SEC. 8. *Mandatory Disclosure of Informations.* - (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national officials shall provide to the public, through the websites of their respective offices, the Statement of Assets, Liabilities and Networth (SALN) on an annual basis:

- (1) President;
- (2) Vice-President;
- (3) the Members of the Cabinet;
- (4) the Members of the Senate and the House of Representatives;
- (5) the Justices of the Supreme Court;
- (6) the Commissioners of the Constitutional Commissions and other constitutional offices; and
- (7) the officers of the Armed Forces of the Philippines with the rank of general or its equivalent flag rank.

(b) All agencies of all branches of government shall publish on their websites and update on a monthly basis, a register of the following:

- (i) Freedom of Information manual in full;
- (ii) Rules of Procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;
- (iii) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency, including subsequent amendments;
- (iv) Public interest documents or records, including:
 - (1) Annual Budget of Government Agencies
 - (2) Itemized Monthly Collections and Disbursement
 - (3) Summary of Income and Expenditures
 - (4) Component of Internal Revenue Allotment (IRA) Utilization
 - (5) Annual Procurement Plan and Procurement List
 - (6) Items for Bidding
 - (7) Bid Results on Civil Works, and Goods and Services
 - (8) Abstract of Bids as Calculated
 - (9) Procurement Contracts entered into by a government agency
 - (10) Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;
 - (11) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957 otherwise known as The Philippine BOT Law, as amended by Republic Act No. 7718;
 - (12) Public funding extended to any private entity;
 - (13) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
 - (14) List of persons or entities who were granted licenses, permits or agreements for the extraction and/or utilization of natural resources given by any agency;
 - (15) Projects identified legislators pursuant to any Congressional allocations, including the Priority Development Assistance Fund, the Financial Subsidy to Local Government Units, the Regular Congressional Allocation for Infrastructure projects under the Department of Public Works and Highways, Congressional Insertions, and other similar Congressional allocation modalities;
 - (16) Statement of Assets, Liabilities and Networth of public officers of the government agency; and

- (17) Guarantees given by any government agency to government-owned or controlled corporations and to private corporations, persons or entities.

The register shall contain a brief description of the transaction involved, including, but not limited to: the nature and object of the transaction, the parties and amounts involved, the key steps undertaken towards its conclusion, and the relevant dates provided that contracts and agreements involving an amount of Fifty Million pesos (P50,000,000.00) shall be published in full on the website of the concerned government agency or the Official Gazette Online subject to the succeeding section. A covered record shall be enrolled in the register not later than 30 working days from its perfection or issuance.

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

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

SEC. 9. Notice of Denial. - If the government agency decides to deny the request, in whole or in part, it shall, within ten (10) calendar days from the receipt of the request, notify the person making the request of such denial in writing or through electronic means. The notice shall clearly indicate the name, rank, title or position of the person making the denial, and the grounds for such denial. In case the denial is by reason of a claimed exception, the denial shall also state clearly the legitimate aim or interest sought to be protected in the confidentiality, and the facts and circumstances invoked showing the substantial harm to, or frustration of, the legitimate aim or interest that will result in the disclosure of the information. Failure to notify the person making the request shall be deemed a denial of the request for access to information.

SEC. 10. Remedies in Cases of Denial. - (a) In the executive and legislative branches and constitutional bodies -

- (1) Every denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure provided in the guidelines as required by the Section 15 (a) (8) of this Act: Provided, That the appeal

must be filed within fifteen (15) calendar days from the notice of denial and must be decided within fifteen (15) calendar from filing. Failure of the government agency to decide within the aforesated period shall constitute a denial for the appeal; and

- (2) Instead of appealing or after the denial of the appeal, the person denied access may, within fifteen (15) calendar days from the original denial or denial of the appeal, file a verified complaint with the Office of the Ombudsman, praying that the government agency concerned be directed to immediately access to the information being requested. Such complaint shall be resolved by the Office of the Ombudsman within sixty (60) calendar days from filing or earlier, when time is of the essence, taking into account such factors as the nature of the information requested, context of the request, public interest and danger that the information requested will become moot.

(b) In the Judicial Branch. – The Supreme Court shall promulgate the remedies that will govern offices under its jurisdiction;

(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 of 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) The Office of the Ombudsman shall promulgate its rules of procedure to effect the purposes of this Act;

(f) Unless restrained or enjoined, the decisions of the Office of the Ombudsman shall be immediate executory, without prejudice to review in accordance with the Rules of Court;

(g) In case the requesting party has limited or no financial capacity, the Public Attorneys Office (PAO) shall be mandated to provide legal assistance to him or her in availing of the remedies provided under this Act.

SEC. 11. *Procedure of Access.* – (a) Any person who wishes to obtain information shall submit a request to the government agency concerned, as much as practicable in writing or through electronic means, reasonably describing the information required, the reason for the request of the information and the means by which the government agency shall communicate such information to the requesting party.

(b) 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.

(c) The request may indicate the following preferred means of communication:

- (3) A true copy of the information in permanent or other form;
- (4) An opportunity to inspect the information, using equipment normally available to the government agency when necessary;
- (5) An opportunity to copy the information using personal equipment;
- (6) A written transcript of the information contained in a sound or visual form;
- (7) A transcript of the content of an information, in print, sound or visual form, where such transcript is capable of being produced using equipment normally available to the government agency;
- or
- (8) A transcript of the information from shorthand or codified form.

(d) A government agency may communicate information in a form other than the preferred means whenever such preferred means would unreasonably interfere with the effective operation of the agency, or be detrimental to the preservation of the record;

(e) The government agency shall comply with such request within ten (10) calendar days from the receipt thereof;

(f) The time limits prescribed in this section may be extended during unusual circumstances where, in the production of the requested information, there is a need for the following:

- (1) To search for and collect the requested information from field or other establishments that are separate from the other office processing the request;
- (2) To search for , collect and appropriately examine a voluminous amount of separate and distinct information which are demanded in a single request;
- (3) For consultation, which shall be conducted in all practicable speed, with another government agency or among two (2) or

- more components of the government agency having substantial interest in the determination of the request; and
- (4) To consider fortuitous events or other events due to force majeure or other analogous cases.

(g) 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: Provided, That no such notice shall specify a date that would result in an extension of more than fifteen (15) calendar days.

SEC. 12. *Promotion of Openness in Government.* – (a) Duty to Publish Information – Government agencies shall regularly publish and disseminate, at no cost to the public and in an accessible form, by print and through their website, timely, true, accurate and updated key information, including, but not limited to the following:

- (1) A description of its structure, powers, functions, duties and decision-making processes;
- (2) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of ;
- (3) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- (4) Important rules and regulations, orders or decisions;
- (5) Current and important database and statistics that it generates;
- (6) Bidding processes and requirements;
- (7) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers; and
- (8) A guide on accessing information containing adequate information it holds and/or publishes, the procedure for obtaining access by the public to such information, the person or office responsible with the duty to act on the request and routing it to the person or office with the duty to act on the request, the standard forms and procedure for request and the schedule of access fees.

(b) Keeping of Records – Government agencies shall maintain and preserve their records in a manner that facilitates easy identification, retrieval and communication to the public. They shall establish Management Information Systems (MIS) to strengthen their capability to store, manage and retrieve records, and facilitate access to public records. The following shall not be destroyed:

- (1) Records pertaining to loans obtained or guaranteed by the government;
- (2) Records of government contracts;
- (3) The declaration under oath of the assets, liabilities and networth of public officers and employees as required by law;
- (4) Records of official investigations on graft and corrupt practices of public officers; and
- (5) Other records where there is a significant public interest in their preservation or where there is likely to be such interest in the future;

(c) **Accessibility of Language and Form.** – Every government agency shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

(d) **Improving Capability.** – Every government agency shall ensure the provision of adequate training for its officials to improve awareness of the right to information and the provisions of this Act, and to keep updated as to best practices in relation to information disclosure, records maintenance and archiving.

SEC. 13. *Exemption from Compliance.* – The government agency shall be excused from complying with a subsequent identical or substantially similar request from the same requesting party where it has previously complied with a request for information unless a reasonable interval has lapsed between compliance with the previous request and the making of the current request.

SEC. 14. *Protection of Right to Privacy.* – The right to privacy of individuals must be protected in the following manners:

- (a) A government agency must ensure that personal information in its custody or under its control is disclosed only as permitted;
- (b) A government agency must protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or disposal;
- (c) Any employee, officer or director of government agency who has access, whether authorized or unauthorized, to personal information in the custody of the agency, must not disclose that information except as authorized under this Act.

SEC. 15. *Administrative Liability.* – The acts enumerated in this Section shall be tantamount to gross neglect of duty and shall constitute grounds for administrative and disciplinary sanction against any public official or employee who willfully and knowingly commits the following:

- (a) Refusal to promptly forward the request under Section 11 of this Act 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;
- (b) Failure to act on the request within the periods required by this Act;
- (c) Claim an exception under Section 7 of this Act when claim is manifested devoid of factual or legal basis;
- (d) Refusal to comply with the decision of his immediate supervisor, the Ombudsman, or any court ordering the release of information;
- (e) 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 a denial of a request for information.

SEC. 16. *Criminal Liability.* – (a) Any public official or employee who falsely denies or conceals the existence of information mandated for disclosure under this Act shall be liable for the crime of removal, concealment or destruction of documents as defined under Article 226 of the Revised Penal Code.

(b) Any public official or employee who destroys, or causes to be destroyed, information and/or documents being requested under this Act, for the purpose of frustrating the requesting party's access thereto, shall be liable for the crime of removal, concealment or destruction of documents as defined under Article 226 of the Revised Penal Code.

(c) 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.

SEC. 17. *Mere Denial Not a Ground for Liability.* – A mere denial in good faith of a request made pursuant to the provisions of this Act shall not constitute grounds for administrative sanction or criminal liability.

SEC. 18. *Implementation Requirements.* – (a) For the effective implementation of this Act, all government agencies shall prepare a Freedom of Information Manual containing the following:

- (1) The location and contact information of the head, regional, provincial and field offices, 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 requests and for the proper acknowledgment 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, the decision-making process, and the grant or denial of access and its implementation;
- (8) The procedure for the administrative appeal of any denial for access to information;
- (9) The schedule of service or processing fees pertinent to a request for information;
- (10) The process and procedure for the mandatory disclosure of information under Section 7 of this Act: Provided, That should the agency lack the capacity to comply with Section 7 of this Act, a brief description of its plan to facilitate compliance within three (3) years from approval 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 foregoing information shall also be posted in its website and bulletin boards, and shall be regularly updated;

(c) In no case shall the absence of the aforementioned Manual be a reason for the denial of any request for information made in accordance with this Act;

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

SEC. 19. Access and 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 requesting party is an

indigent, or that the cost of production is negligible, or that it is pursuant to a program for proactive disclosure.

SEC. 20. *Keeping of Records.* – (a) Government agencies shall create and maintain in appropriate formats, accurate and reasonably complete documentation or records of their organization, policies, transaction, decisions, resolution, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected. These shall include working files 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, in coordination with the National Archives of the Philippines, shall identify specific and classes of official records in their custody or control that have continuing historical, administrative, informational, legal, evidentiary, or research value for preservation by such agencies or their legitimate successors, or for transfer to the National Archives of the Philippines.

(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:

- (i) Records pertaining to loans obtained by the government;
- (ii) Records of government contracts involving Fifty million pesos (P50,000,000.00) or more, or related infrastructure, public and private partnerships, utilities or other important projects;
- (iii) The original declaration under oath of the assets, liabilities and networth of public officers and employees submitted to the Office of the Ombudsman, as required by law, and
- (iv) Records of official investigations pertaining to allegations of graft and corruption of public officers.

(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 official records that facilitate the easy identification, retrieval and communication of information to the public;

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

(3) Identification of the specific roles and responsibilities of agency personnel in the implementation of such system and schedule.

(d) In addition to its functions 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 of the Official Gazette, and with other relevant agencies, maintain a database, and publish in the Official Gazette or in digital or online form, the following:

(1) All laws of the Philippines and its amendments;

(2) All presidential issuances from November 15, 1935 to the present, including but not limited to, 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.

SEC. 22. *Publication in the Official Gazette.* – For purposes of mandatory disclosure as provided in Section 8 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.

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 timestamp on the document, shall be considered as official publication:

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

(b) All executive and administrative orders and proclamations of general application;

(c) 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;

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

However, other documents or classes of documents as may be required to be published by law, 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.

SEC. 23. *Act not a Bar to Claim Right to Information Under the Constitution.* – No provision of this Act shall constitute a bar to any claim of denial of the right to information under Article III, Section 7 of the Constitution.

SEC. 24. *Separability Clause.* – If any provision of this Act or part thereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain in full force and effect.

SEC. 25. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations or any part thereof inconsistent with the provisions of this Act, including Sections 18, 24 and 25 of Executive Order No. 292 otherwise known as the Administrative Code of 1987 in relation to Article 2 of the Civil Code, Memorandum Circular No. 78 dated 14 August 1964 on the Rules Governing Security of Classified Matter in Government Offices, as amended, and Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees are hereby repealed.

SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,