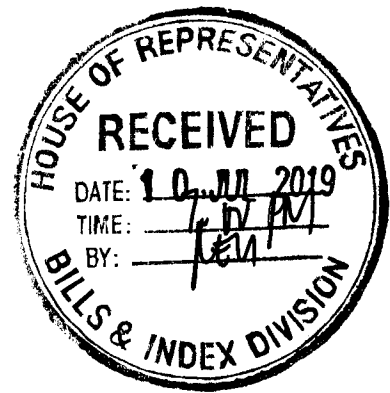


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1975

Introduced by CIBAC Party-List Representatives
Eduardo 'Bro. Eddie' C. Villanueva and Domingo C. Rivera

**AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION
AND THE CONSTITUTIONAL POLICIES OF FULL PUBLIC
DISCLOSURE AND HONESTY IN THE PUBLIC
SERVICE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Public access to information on matters relating to public concern is a constitutional right, as is written on Article III, Section 7 of the 1987 Constitution:

"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

In spite of this constitutional guarantee, denial of access to public information remains predominant in our country. In this regard, there is an urgent need to enact a law that ensures that the people's right to access information of public concern is upheld.

This bill seeks to address this existing disparity by providing key measures such as: obligatory publishing of certain information by government agencies even without prior request from the public; full online disclosure of government contracts amounting to at least fifty million pesos (PhP50,000,000); and mandatory production

of all government offices, including government-owned or -controlled corporations (GOCCs), of their own Freedom of Information Manual that outlines the processes and procedures the public must know in order to request data.

This bill also sets time limit for the government's response to requests for public data: fifteen (15) days for both the granted and denied requests, with specified grounds for denial and available remedies to make an appeal for the latter.

This bill further mandates that official communication be conducted using plain language to ensure understanding of all the parties involved in the transaction.

On the other hand, this bill also establishes limitations on said constitutional right by setting limited and strictly construed exceptions on matters of national security, trade secrets, and presidential privilege. Furthermore, it also guarantees the right to privacy of every Filipino and ensures that disclosure of personal data in the custody of the State shall be done in accordance to Republic Act No. 10173 or the Data Privacy Act of 2012.

Stressing this bill's commitment to upholding the people's constitutional right to public information, violators of the provisions stated herein will not simply be held administratively liable, but criminally.

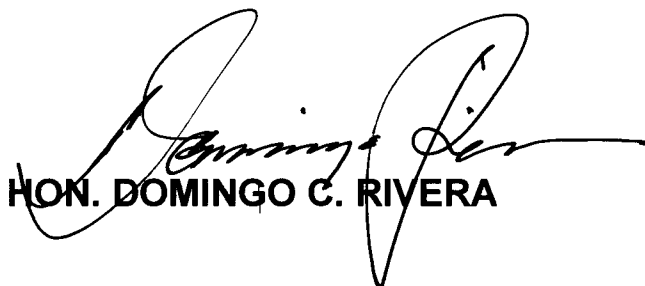
Finally, this bill also provides a system of incentives and rewards to boost compliance of government agencies. All funds necessary to implement this measure shall be included in the General Appropriations act.

Government transparency is an effective tool to encourage public participation in the conduct of facilitating the country's daily businesses. An honest government with transparent systems also encourages investors, thus advancing micro and macroeconomic growth. For this reason, laws that guarantee people's right to public information have already been adopted all across the world. Yet, the Philippines remains to be behind, as this proposed measure has not been gaining its needed support in the Congress for the past 15 years.

For this reason, the immediate passage of this bill is earnestly sought.



HON. EDUARDO "BRO. EDDIE" C. VILLANUEVA



HON. DOMINGO C. RIVERA

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1 **AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION**
2 **AND THE CONSTITUTIONAL POLICIES OF FULL PUBLIC**
3 **DISCLOSURE AND HONESTY IN THE PUBLIC**
4 **SERVICE AND FOR OTHER PURPOSES**

5
6
7 *Be it enacted by the Senate and House of Representatives of the Philippines in*
8 *Congress assembled:*

9
10
11 **SECTION 1. Short Title.** – This Act shall be known as the "*People's Freedom of*
12 *Information Act.*"

13
14 **SECTION 2. Declaration of Policy.** – The State recognizes the right of the people
15 to information on matters of public concern and adopts and implements a policy of
16 full public disclosure of all its transactions involving public interest, subject to the
17 procedures and limitations provided by this Act. It is likewise a declared policy of the
18 State to promote the meaningful and increased participation of the people in
19 government decision-making and public accountability.

20
21 Public officials and employees, in the performance of their duties under this Act, as
22 well as citizens in the exercise of their rights under this Act, shall handle information
23 kept or obtained under this Act fairly, lawfully, and with due regard to the full
24 protection of the right to privacy of individuals.

SECTION 3. Definition of Terms. – As used in this Act:

- a) "Information" shall mean any part, portion, or the whole of any public and/or official record, document, paper, report, letters, contract, minutes and transcripts of official meetings, maps, books, photographs, data, research material, film, audio and video recordings, magnetic or other tapes, electronic data, computer stored data, or other like or similar data or material of public concern recorded, stored or archived in whatever form or format, and any content thereof in parts, portion, or in whole, 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) "Information of Public Concern" shall refer to all and any information that a concerned citizen may lawfully request of any government agency.
- c) "Official record/records" shall refer to information, in final form 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.
- d) "Public record/records" shall include information required by law, executive orders, rules, or regulations to be entered, kept and made publicly available by a government agency.
- e) "Public service contractor" shall be defined as a private entity that has a dealing, contract or transaction of whatever nature with the government or a government agency/office that utilizes public funds.
- f) "Personal information" shall refer to any information whether recorded in a material form or not from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information or when put together with other information would directly and certainly identify an individual.
- g) "Sensitive personal information" shall refer to personal information:
 - 1) about an individual's race, ethnic origin, marital status, age, color and religious, philosophical or political affiliations;
 - 2) about an individual's health, education, genetic or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
 - 3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers previous or current health records, licenses or its denials, suspension or revocation and tax returns; and

1 4) specifically established by an executive order or an act of Congress to be
2 kept classified.

3
4 h) "Personal data" refers to all types of personal information.

5
6 i) "Privileged information" refers to any and all forms of data, which, under the
7 Rules of Court and other pertinent laws constitute privileged communication.

8
9 **SECTION 4. Coverage.** – This Act shall cover all government agencies.
10 Government agency or agencies shall include the executive, legislative and judicial
11 branches as well as constitutional bodies of the Republic of the Philippines including,
12 but not limited to, the national government and all its agencies, departments,
13 bureaus, offices and instrumentalities, constitutional commissions and
14 constitutionally mandated bodies, local governments and all their agencies,
15 regulatory agencies, chartered institutions, government-owned or -controlled
16 corporations (GOCCs), including government financial institutions (GFIs),
17 government instrumentalities with corporate powers (GICP), government corporate
18 entities (GCE), and non-chartered GOCCs, state universities and colleges (SUCs),
19 and state-run technical vocational institutions (STVIs).

20
21 **SECTION 5. Access to Information.** – Every Filipino citizen has a right and shall,
22 on request, be given access to any information of public concern under the control of
23 a government agency regardless of the physical form or format in which they are
24 contained subject only to the exceptions enumerated in Section 7 of this Act.

25
26 **SECTION 6. Presumption.** – There shall be a legal presumption in favor of access
27 to information. No request for information shall be denied unless it clearly falls under
28 the exceptions provided under this Act. Accordingly, government agency shall have
29 the burden of proof of showing by clear and convincing evidence that the information
30 requested is exempted from the disclosure by this Act.

31
32 **SECTION 7. Exceptions.** – Access to information shall be granted unless:

33
34 a) The information is specifically authorized to be kept confidential and/or
35 privileged under guidelines established by law or an Executive Order
36 consistent with the Constitution, and in fact properly classified pursuant
37 thereto: Provided, That

38
39 1) The information directly relates to national security or defense and its
40 revelation may cause damage to the national security or internal and
41 external defense of the State; or

42
43 2) The information requested pertains to the foreign affairs of the Republic of
44 the Philippines, when its revelation shall unduly weaken the negotiating
45 position of the government in an ongoing bilateral or multilateral
46 negotiation or seriously jeopardize the diplomatic relations of the
47 Philippines with any state, or prejudice the entrusting of information to the
48 Republic of the Philippines on a basis of confidence by the government of
49 any other country or any international organization: *Provided, That*
50 sufficient information is disclosed to afford reasonable public participation

1 in government decision-making on bilateral and multilateral agreements:
2 *Provided, further,* That the head of the department or agency having
3 custody or possession of such information, shall keep under continuing
4 review all classified information in his custody and may direct the
5 declassification review of such information as needed. Declassification of
6 the information shall be subject to the approval of the President;
7

- 8 b) The information consists of minutes or records of advice given or of opinions
9 expressed during decision-making or policy formulation including exchanges
10 when the chief executive was not present, only if invoked by the chief
11 executive to be part of presidential communications privilege. Whenever
12 disclosure would significantly undermine the free and frank provision of advice
13 or exchange of views: *Provided,* That an executive order shall be issued
14 specifying the reasonable period after which information invoked to be
15 privileged under this paragraph shall be made accessible to the public.
16
- 17 c) The information requested pertains to internal and/or external defense, law
18 enforcement, and border control, when the disclosure thereof may:
19
- 20 1) Compromise or interfere with any legitimate military or law enforcement
21 operation, or
22
 - 23 2) Compromise or interfere with the legitimate prevention, detection or
24 suppression of criminal activity, or the legitimate implementation of
25 immigration controls and border security, or
26
 - 27 3) Lead to the disclosure of the identity of a confidential source, including a
28 government, or foreign agency or authority or any private institution which
29 furnished information on a confidential basis, and, in the case of a record
30 or information compiled by a law enforcement authority in the course of an
31 investigation or by an agency conducting a lawful national security
32 intelligence investigation, information furnished by a confidential source, or
33
 - 34 4) Disclose legitimate techniques and procedures for law enforcement
35 investigations or prosecutions, or would disclose legitimate guidelines for
36 law enforcement investigations or prosecutions if such disclosure could
37 reasonably be expected to risk circumvention of the law, or
38
 - 39 5) Endanger the life or physical safety of any individual, or
40
 - 41 6) Deprive a person of a right to a fair trial and impartial adjudication.
42
- 43 d) The information requested pertains to matters of human security, such as, but
44 not limited to, food, health, money and trade: *Provided,* That such disclosure
45 or premature disclosure will imperil well-being or degrade the quality of life of
46 people by causing unnecessary panic and conflict and threatening to limit the
47 range of policy choices available to the concerned implementing and
48 regulating agencies: *Provided, further,* That this exception shall apply only
49 until such time that the confidentiality requirement of the action plan of said
50 agency is no longer necessary in addressing the said security issue;

- 1
2 e) The information requested pertains to the assistance of government to
3 overseas Filipino workers, including but not limited, to their cases and records
4 on criminal and family cases, and information that could compromise or
5 weaken their case or position in any legal proceeding;
6
7 f) The information requested involves records of foreign diplomats on diplomatic
8 and consular missions, their arrival and departure, and other information that
9 could compromise their safety or that such information is considered
10 confidential by the Vienna Convention on Diplomatic Relations and the Vienna
11 Convention on Consular Relations;
12
13 g) The information requested are exempted under a treaty or bilateral agreement
14 to which the Philippines is a party;
15
16 h) The information requested consists of drafts of orders, resolutions, decisions,
17 memoranda or audit reports by any executive, administrative, regulatory,
18 constitutional, judicial or quasi-judicial body in the exercise of their regulatory,
19 audit and adjudicatory function: *Provided*, That the revelation of the
20 information would impair the impartiality of verdicts or otherwise obstruct the
21 administration of justice;
22
23 i) The information requested is obtained by either House of Congress, or any
24 committee thereof, in executive session;
25
26 j) The information requested pertains to the personal and sensitive information
27 of a natural person other than the requesting party, and its disclosure would
28 constitute an unwarranted invasion of his or her personal privacy, unless it
29 forms part of a public record, and the person is or was an official or employee
30 of a government agency and the information relates to his public function and
31 the person has consented, in writing, to the disclosure of the information. To
32 the extent required to prevent an unwarranted invasion of privacy, an agency
33 may redact such personal data from a record made available to the public;
34
35 k) The information requested forms part of a public record but its disclosure
36 would expose the people concerned to acts of discrimination, unless such
37 information is first redacted by the concerned government agency;
38
39 l) The information requested pertains to trade secrets and commercial or
40 financial information obtained from a natural or juridical person other than the
41 requesting party, obtained in confidence or covered by privileged
42 communication, and/or filed with a government agency, whenever the
43 revelation thereof would prejudice the interests of such natural or juridical
44 person in trade, industrial, financial or commercial competition. This includes
45 information protected under the Anti-Money Laundering Law, as amended,
46 bank secrecy laws and other laws;
47
48 m) The information is required to be kept confidential by law or consists of
49 privileged information unless the person entitled to the privilege has waived it;
50

1 n) The information requested is exempted from disclosure by the Constitution or
2 by law;

3
4 o) The information is of a nature that its premature disclosure would:

5
6 1) in the case of an agency that regulates or deals with currencies, interest
7 rates, securities, commodities, or financial institutions, likely lead to
8 speculations in currencies, interest rates, securities, or commodities
9 market; or

10
11 2) in the case of other agencies, likely frustrate the effective implementation
12 of a proposed official action: *Provided*, That the information shall be
13 disclosed once the abovementioned dangers have ceased.

14
15 p) The information has already been made accessible as provided in Sections
16 8(a), 9, 11 and 14 of this Act.

17
18 q) The information requested pertains to information about the ongoing
19 evaluation or review of bids or proposals undertaken by the bidding or review
20 committee prior to an official recommendation by the government.

21
22 For paragraphs (c) to (q) of this section, the determination whether any of these
23 grounds shall apply shall be the responsibility of the head of office of the government
24 agency in custody or control of the information, or any responsible central or field
25 officer/s duly designated by him, without prejudice to Section 6 above: *Provided*,
26 That:

27
28 (1) The exceptions are strictly construed;

29
30 (2) The exceptions are not used to cover-up a crime, or any unlawful activity;

31
32 (3) The President, the Supreme Court, the Senate, the House of
33 Representatives, and the Constitutional Commissions with a majority vote of
34 the body in accordance with their own rules of procedure when applicable
35 may waive an exception with respect to information in the custody of offices
36 under their respective supervision or control, when they deem that there is an
37 overriding public interest in disclosure;

38
39 (4) The exceptions do not constitute authority to withhold information from, or limit
40 the availability of records to congress, or any of its committees;

41
42 (5) The exceptions do not constitute an authority of the executive branch of a
43 local government unit to withhold information from its legislative body;

44
45 (6) Whenever the information requested is part of a record, whose other parts are
46 covered by an exception, but may be reasonably severed from a record, the
47 responding official shall communicate the information not covered by the
48 exception to the requester; and

1 (7) The exceptions set forth in this section may be overcome if the requester is
2 able to prove before a court of competent jurisdiction that the public interest in
3 the disclosure of information outweighs the public interest in keeping the
4 information secret or confidential.
5

6 All exempted information under this Section shall be mandatorily reviewed every
7 three (3) years by the head of office or agency in custody or control of the
8 information for reclassification and possible disclosure. *Provided*, That such
9 information to be disclosed by an agency under the executive branch shall be
10 subject to the approval of the President.
11

12 **SECTION 8. Mandatory Disclosure of Information. -**

13

14 a) In fulfillment of Article XI, Section 17 of the Constitution, the following national
15 officials shall disclose to the public their Statement of Assets, Liabilities, and
16 Net worth (SALN) on an annual basis in their official website or the Official
17 Gazette online, notwithstanding the provisions of the Data Privacy Act of
18 2012:
19

20 1) President;

21 2) Vice-President;

22 3) Members of the Cabinet;

23 4) Members of Congress;

24 5) Justices of Supreme Court;

25 6) Members of Constitutional Commissions and other constitutional offices;

26 7) Officers of the armed forces with general or flag rank.
27

28 b) All agencies of all branches of government shall upload on their websites,
29 which shall be updated monthly, a register of the following public interest
30 transactions, documents or records, including:
31

32 1) Annual Budget of Government Agencies;

33 2) Itemized Monthly Collections and Disbursement;

34 3) Summary of Income and Expenditures;

35 4) Component of the IRA Utilization;

36 5) Annual Procurement Plan and Procurement List;

37 6) An updated plantilla of positions and vacant positions with qualifications/
38 requirements in their organizations that need to be filled- up;
39
40
41
42
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47
48
49
50

- 7) Items to Bid;
- 8) Bid Results on Civil Works, and Goods and Services;
- 9) Abstract of Bids as Calculated;
- 10) Procurement contracts entered into by a government agency;
- 11) Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;
- 12) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957, as amended by Republic Act No. 7718, authorizing the financing, construction, operation and maintenance of infrastructure projects;
- 13) Public funding extended to any private entity;
- 14) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
- 15) Licenses, permits or agreements granted by any government agency to any person or entity for the extraction and/or utilization of natural resources and a list of the grantees;
- 16) Guarantees given by any government agency to government-owned or controlled corporations and to private corporations, persons or entities;
- 17) Loans from domestic and foreign financial institutions;
- 18) Loans, grants, development assistance, technical assistance, and programs entered into by a government agency with official bilateral or multilateral agencies, as well as with private aid agencies or institutions;
- 19) Compromise agreements entered into by a government agency with any person or entity;
- 20) Scholarships and vouchers issued by relevant government agencies; and
- 21) Alien Employment Permits (AEPs) and other work permits issued to foreigners, subject to the requirements of the Data Privacy Act of 2012.

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 (Php50,000,000.00) shall be uploaded in full on the website of the concerned government agency or the Official Gazette online. A covered record shall be enrolled in the register not later than thirty (30) working days from its perfection or issuance.

1 **SECTION 9. Openness and Transparency in Government Agencies.** – Each
2 government agency shall make available upon the request of any citizen at no cost
3 and in an accessible form, consistent with the provisions of Republic Act No. 9485,
4 or the Anti-Red Tape Act of 2007 and Republic Act No. 11032, or the Ease of Doing
5 Business and Efficient Government Service Delivery Act of 2018, and through their
6 website, timely, true, complete, accurate and updated key information including, but
7 not limited to:

- 8
- 9 a) A description of its mandate, structure, powers, functions, duties and decision-
- 10 making processes;
- 11
- 12 b) A description of the frontline services it delivers and the procedure and length
- 13 of time by which they may be availed of;
- 14
- 15 c) The names of its key officials, their powers, functions and responsibilities, and
- 16 their profiles;
- 17
- 18 d) Audited financial statements, and budget and expenditure records;
- 19
- 20 e) Statements of assets, liabilities and net worth of all public officials with Salary
- 21 Grade 27 and above or heads of office;
- 22
- 23 f) Monthly income including allowances and sources of income of all public
- 24 officials with Salary Grade 27 and above and heads of office; *Provided, That*
- 25 *names of minor children, if any, may be redacted;*
- 26
- 27 g) Work programs, development plans, investment plans, projects, performance
- 28 targets and accomplishments, and budgets, revenue allotments and
- 29 expenditures;
- 30
- 31 h) Important rules and regulations, orders or decisions: *Provided, That they be*
- 32 *published within fifteen (15) calendar days from promulgation;*
- 33
- 34 i) Rules of procedure, descriptions of forms available or the places at which
- 35 forms may be obtained, and instructions as to the scope and contents of all
- 36 papers, reports, or examinations;
- 37
- 38 j) Substantive rules of general applicability adopted as authorized by law, and
- 39 statements of general policy or interpretations of general applicability
- 40 formulated and adopted by the agency, including subsequent
- 41 amendments;
- 42
- 43 k) Current and important database and statistics that it generates;
- 44
- 45 l) Bidding processes, deadlines and requirements;
- 46
- 47 m) Mechanisms or procedures by which the public may participate in or
- 48 otherwise influence the formulation of policy or the exercise of its powers; and
- 49

- 1 n) Any disclaimer that shall announce true and correct information relative to a
2 matter of public concern that has been the subject of untruthful or inaccurate
3 publication in media.
4

5 All government agencies, shall over time, endeavor and build the capacity and
6 practice to upload in full all other contracts, agreements, or treaties covered under
7 this Section, in particular those that are of the highest public interest by reason of the
8 amounts involved and the impact of the transaction to the public.
9

10 **SECTION 10. Protection of Privacy.** – While providing for access to information in
11 public records, this Act also affords full protection of the right to privacy of
12 individuals, as follows:
13

- 14 a) Disclosure of public records involving personal data shall be guided by the
15 principle of transparency, legitimate purpose, and proportionality;
16
17 b) A government agency must ensure that personal data in its custody or under
18 its control is disclosed only as permitted under this Act;
19
20 c) A government agency must protect personal data in its custody or under its
21 control in accordance with the provisions of the Data Privacy Act of 2012, its
22 implementing rules and regulations, and issuances by the National Privacy
23 Commission; and
24
25 d) An employee, officer or official of a government agency who has access,
26 whether authorized or unauthorized, to personal data in the custody of the
27 agency, has the duty to keep the personal data confidential except as
28 authorized under this Act.
29

30 **SECTION 11. Freedom of Information Manual.** –
31

- 32 a) For the effective implementation of this Act, all government agencies shall
33 prepare a Freedom of Information Manual, within six (6) months from the
34 effectivity of this Act indicating the following:
35
36 1) The location and contact information of the head, regional, provincial and
37 field offices, and other established places where the public can obtain
38 government information or submit requests;
39
40 2) The types of information it generates, produces, holds and/or publishes;
41
42 3) A description of its record-keeping system;
43
44 4) The person or office responsible for receiving requests for information;
45
46 5) The procedure for the filing of requests personally, by mail, or through the
47 identified electronic means;
48
49 6) The standard forms for the submission of request and for the proper
50 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 fees;
- 10) The process and procedure for the mandatory disclosure of information under Section 8 of this Act: *Provided*, That, should the agency lack the capacity to fully comply therewith, a brief description of its plan to facilitate compliance within three (3) years from the 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;

The foregoing information shall also be posted in its website and bulletin boards, and shall be regularly updated; *Provided*, That the absence of the Manual as provided under this Section shall not be a reason for the denial of any request for information made in accordance with this Act.

For the proper implementation of this Act, the heads of each of the departments and agencies may designate liaison units or Committees who shall coordinate with other agencies in implementing this Act. The composition, functions and duties of these liaison units or Committees shall be included in the FOI Manual.

SECTION 12. 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 to make a written request for information, because of illiteracy or disability, may make an oral request, and the public official who receives the oral request shall reduce it in writing, and include his name and position within the government agency, and give a copy thereof to the requesting party. The request shall state the name and preferred contact information of the requesting party, and reasonably describe the information required, the reason for the request of the information and the preferred means by which the government agency shall communicate such information to the requesting party: *Provided*, That the stated reason shall not be used as a ground to deny the request or to refuse the acceptance of the request, unless such reason is contrary to law, public order or public policy. 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 a community tax certificate. If the request is submitted by mail or through electronic means, the requesting party may

1 submit a photostatic or electronically scanned copy of verifiable identification,
2 or other convenient means as determined by the agency.
3

4 b) The public official receiving the request shall provide reasonable assistance,
5 free of charge, to enable all requesters and particularly those with special
6 needs, to comply with the requirements under this Section.
7

8 c) The request shall be stamped by the government agency, indicating the date
9 and time of receipt and the name, rank, title and position of the receiving
10 public officer or employee with the corresponding signature, and a copy
11 thereof furnished to the requesting party. In case the request is submitted by
12 electronic means, the government agency shall provide for an equivalent
13 means by which the requirements of this paragraph shall be met. Each
14 government agency shall establish a system to trace the status of all requests
15 for information received by it.
16

17 d) The request may indicate the requesting party's preferred mode and means of
18 receiving the information requested, provided that the mode and means are
19 reasonable, taking into consideration equipment normally available to the
20 concerned government agency.
21

22 e) A government agency may communicate the information requested in a form
23 other than the preferred means whenever the agency has no capability in
24 communicating the information in the preferred format, or such preferred
25 means would unreasonably interfere with the effective operation of the agency
26 or be detrimental to the preservation of the record.
27

28 f) The government agency shall comply with such request as soon as
29 practicable, and in any case within fifteen (15) working days from the receipt
30 thereof. The period may be extended whenever the information requested
31 requires a search of the government agency's field or satellite offices,
32 examination of voluminous records, the occurrence of fortuitous events or
33 other analogous cases.
34

35 g) The government agency shall, in writing or through electronic means, notify
36 the person making the request of the extension, setting forth the reasons for
37 such extension and the date when the information shall be made available,
38 which in no case shall result in an extension of more than twenty (20) working
39 days.
40

41 h) Once a decision is made to grant the request, the person making the request
42 shall be notified of such and shall pay the required access and processing
43 fees.
44

45 If the information is not held by the government agency to which the request was
46 made, it shall notify the requester of this fact, and indicate to the requester which
47 agency holds the record, if known. Whenever practicable, the agency receiving the
48 request may also cause the transfer of the request to the appropriate agency that
49 holds the information: Provided, That the period to comply with the request under

1 this Section shall begin to run only upon the receipt of the agency to which the
2 request is transferred.

3
4 **SEC. 13. Access and Processing Fees.** – Government agencies may charge a
5 reasonable fee which shall in no case exceed the actual cost of reproduction,
6 copying or transcription and the communication of the information requested. An
7 agency may waive the fees whenever it is satisfied that the requester is an indigent,
8 or that the cost of reproduction is negligible, or that it is pursuant to a program for
9 proactive disclosure.

10
11 **SECTION 14. Exemption from Compliance.** – A government agency is excused
12 from complying with a subsequent identical or substantially similar request from the
13 same requesting party if both requests will require the agency to provide the same
14 information to the requesting party, unless a reasonable interval has lapsed between
15 compliance with the previous request and the making of the current request:
16 *Provided*, That the government agency complies with Section 15 of this Act.

17
18 **SECTION 15. Notice of Denial.** – If the government agency decides to deny the
19 request, in whole or in part, it shall, as soon as practicable, and in any case within
20 fifteen (15) calendar days from the receipt of the request, notify the person making
21 the request of such denial in writing or through electronic means. The notice shall
22 clearly set forth the ground or grounds for denial and the circumstances on which the
23 denial is based, and indicate available rights of reconsideration or appeal. Failure to
24 notify the person making the request of the denial, or of the extension, shall be
25 deemed a denial of the request for access to information.

26
27 **SECTION 16. Remedies in Cases of Denial of Request for Information.** –

28
29 a) In all government agencies other than the judicial branch:

30
31 1) Every denial of any request for access to information may be appealed to
32 the person or office next higher in authority of the same agency, following
33 the procedure mentioned in Section 11 (a)(8) of this Act: *Provided*, That
34 the written appeal must be filed by the same person making the request
35 within fifteen (15) calendar days from the notice of denial. The appeal shall
36 be decided within five (5) working days from filing of said written appeal;
37 otherwise, the appeal shall be deemed granted.

38
39 2) Upon denial of the appeal with the government agency, the requesting
40 party may file a verified petition for mandamus in the proper court, alleging
41 the facts with certainty and praying that judgment be rendered ordering the
42 respondent, immediately or at some other time to be specified by the
43 court, to disclose the requested information. Unless restrained or enjoined,
44 the decision of the court shall be immediately executory without prejudice
45 to review in accordance with the Rules of Court. Any action for
46 administrative and/or criminal liability arising from the same act or
47 omission, if any, shall be filed with the Office of the Ombudsman. No
48 damages shall be assessed against the respondent unless it is proven that
49 the respondent acted with malice, bad faith or negligence. Subject to the
50 provisions of existing laws and the issuances of the Supreme Court, all

1 courts shall give preference to the hearing and disposition of petitions for
2 mandamus filed pursuant to the provisions of this Act. The court hearing
3 the case is empowered to receive the information subject of a claim of
4 exception under Section 7 herein and examine them in camera to
5 determine the sufficiency of the factual and legal basis of such claim, when
6 such sufficiency cannot be reasonably determined through evidence and
7 circumstances apart from the information.

8
9 b) In the Judicial Branch, the judiciary shall be governed by such remedies as
10 promulgated by the Supreme Court.

11
12 c) The remedies provided in this Section are without prejudice to any other
13 administrative, civil or criminal action covering the same act.

14
15 d) The remedies available under this Act shall be cumulative and subject to the
16 rule of exhaustion of administrative remedies.

17
18 The provisions of Republic Act No. 9285, otherwise known as the Alternative
19 Dispute Resolution Act of 2004, shall not apply to cases filed pursuant to this
20 Section.

21
22 e) In case the requesting party has limited or no financial capacity, the Public
23 Attorney's Office shall be mandated to provide legal assistance to the
24 requester in availing of the remedies provided under this Act.

25
26 **SECTION 17. Keeping of Records. –**

27
28 a) Government agencies shall create and/or maintain in appropriate formats,
29 accurate and reasonably complete documentation or records of their
30 organization, policies, transactions, decisions, resolutions, enactments,
31 actions, procedures, operations, activities, communications and documents
32 received or filed with them and the data generated or collected. These shall
33 include working files such as drafts or notes, whenever these have been
34 circulated within the agency for official purpose such as for discussion,
35 comment or approval or when these contain unique information that can
36 substantially contribute to a proper understanding of the agency organization,
37 policies, transactions, decisions, resolutions, enactments, actions,
38 procedures, operations, and activities. This likewise includes information
39 submitted by public service contractors to the government agency concerned
40 such as receipts, identities of the suppliers, purchase orders, cash vouchers,
41 related agreements with other private entities, and other documents related to
42 the execution or the implementation of their transactions or contracts with the
43 government agency involved;

44
45 b) Government agencies shall identify specific and classes of official records in
46 their custody or control that have continuing historical, administrative,
47 informational, legal, evidentiary, or research value for preservation by such
48 agencies or their legitimate successors, or for transfer to the National
49 Archives of the Philippines. In addition, the National Archives of the

Philippines shall likewise identify specific and classes of official records 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 pertaining to loans obtained or guaranteed by the government;
- 2) Records of government contracts;
- 3) The declaration under oath of the assets, liabilities and net worth of public officers and employees, as required by law; and
- 4) 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) A specification of the roles and responsibilities of agency personnel in the implementation of such system and schedule.

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 the 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;

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

3
4 4) Opinions of the Secretary of Justice.

5
6 **SECTION 18. Publication in the Official Gazette.** – For purposes of mandatory
7 disclosure as provided in Section 8 of this Act, online publication in the Official
8 Gazette website shall be considered official publication; *Provided*, That all
9 documents published therein shall have a valid timestamp to be considered as
10 official publication as provided under this Section.

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

15
16 (1) All legislative acts and resolutions of a public nature of the Congress of the
17 Philippines;

18
19 (2) All executive and administrative orders and proclamations of general
20 application;

21
22 (3) Decisions or abstracts of decisions of the Supreme Court and the Court of
23 Appeals or other courts of similar rank, as may be deemed by said courts of
24 sufficient importance to be so published;

25
26 (4) Such documents or classes of documents as the President shall determine
27 from time to time to have general application or which he may authorize to be
28 published. However, other documents or classes of documents as may be
29 required to be published by law, such as petitions and/or legal notices in
30 connection with land titles, naturalization or special proceedings shall continue
31 to be published in the print version of the Official Gazette or in any newspaper
32 of general circulation for purposes of compliance with the publication
33 requirement.

34
35 **SECTION 19. Capacity-Building, Promotion of Best Practices and Continuous**
36 **Updating of Appropriate Information Technology and FOI.** – All government
37 agencies must ensure that they have a compliant website within two (2) years from
38 the date of effectivity of this Act. The Department of Information and
39 Communications Technology (DICT) shall monitor all government agency websites
40 and render the appropriate support including capacity-building program and
41 coordination with another appropriate agency, utilizing alternative mechanism and
42 seeking the assistance of private relevant and willing volunteer groups to ensure full
43 compliance with the requirements of this Act.

44
45 In the performance of its monitoring function of government websites and portals, the
46 DICT shall endeavor to continuously develop, improve and update its information
47 technology system taking into consideration usability and practical accessibility of
48 government documents by the public.

1 The DICT shall be responsible for setting the standards for the file formats to be
2 used by the political subdivisions of the State, including all national and local
3 government agencies including GOCCs with or without an original charter, in the
4 publication of government public information in accordance with the provisions of this
5 Act.

6
7 Every government agency shall ensure the provision of adequate training for its
8 officials to improve awareness of the people's right to information and the provisions
9 of this Act, and to keep updated on the best practices in relation to information
10 disclosure, records maintenance and archiving.

11
12 **SECTION 20. Use of Plain Language.** – Every government agency shall endeavor
13 to use plain language in their orders, compliance, requirements or instructions issued
14 to implement the provisions of this Act. The government agencies shall, as far as
15 practicable, translate key information into the Filipino language and other major
16 languages in the Philippines and present them in popular form and means.

17
18 (1) To carry out the provision of this Act, the Civil Service Commission (CSC) is
19 designated to issue guidelines on the use of plain language in all government
20 agencies to suit the needs of the requesting party;

21
22 (2) The CSC shall provide the necessary training to employees of each
23 government agency in using plain language in public documents;

24
25 (3) All departments, agencies and instrumentalities of the national government,
26 including government-owned or -controlled corporations, local government
27 units and state colleges and universities shall designate an official responsible
28 for implementing the plain language requirement under this Act; and

29
30 (4) Website contents including, but not limited to, financial data, notices and other
31 technical and legal documents, of government agencies shall also be written
32 in plain language to ensure relevant information is easy to read, understand
33 and use.

34
35 **SECTION 21. Administrative Offenses and Penalties.** –

36
37 a) The acts enumerated in this sub-section shall be tantamount to grave
38 administrative offenses and shall constitute grounds for administrative and
39 disciplinary sanction against any public official or employee who willfully and
40 knowingly commits the following:

41
42 1) Refusal to promptly forward the request under Section 12 of this Act to the
43 public officer within the same office or agency responsible for officially
44 acting on the request when such is the direct cause of the failure to
45 disclose the information within the periods required by this Act;

46
47 2) Failure to act on the request within the periods required by this Act;

48
49 3) Refusal to comply with the decision of his immediate supervisor, or of any
50 court ordering the release of information;

1
2 4) Approval of policies, rules and regulations clearly contrary to the
3 provisions of this Act, and which policies, rules and regulations are the
4 direct cause of the denial of a request for information;
5

6 5) Failure to upload information required to be posted on an agency's website
7 within the period provided under Section 19: *Provided*, That the head of
8 agency or any other officer or employee tasked to perform said uploading
9 shall be held liable.
10

11 b) For the avoidance of doubt, the preceding subsection shall not bar the filing of
12 appropriate administrative cases, other than the grave offenses enumerated
13 above.
14

15 **SECTION 22. Criminal Offenses and Penalties.** – The penalty of imprisonment of
16 not less than one (1) month but not more than six (6) months and a fine ranging from
17 Ten Thousand Pesos (Php10,000.00) to One Hundred Thousand Pesos
18 (Php100,000.00) shall be imposed upon:
19

20 a) Any public official or employee who falsely denies or conceals the existence
21 of information that is a proper subject for disclosure under this Act.
22

23 b) Any public officer or employee responsible for officially acting on the request,
24 who shall claim an exception under Section 7 of this Act, or under the
25 Constitution, when such claim is manifestly devoid of factual basis.
26

27 c) Any individual who divulged or released information covered under Section 7
28 of this Act.
29

30 d) Any public officer or employee who divulged or released information that is
31 altered, tampered or modified to the extent that the released information
32 materially differs from the original contents of the document: *Provided*, That
33 altering or modifying a document for the purpose of severing an exempt
34 information from non-exempt information in a single document shall not be
35 punishable under this subsection.
36

37 e) The responsible officers of the public service contractor and the signatories to
38 the contract or any document evidencing transaction with the government or
39 government agency who fail to submit the necessary documents/papers.
40

41 Any individual who knowingly directed, induced or caused the commission of the
42 foregoing acts shall be liable as principal by inducement in the prosecution of public
43 officials or employees under this Section.
44

45 If the violation committed in this Act is induced and assisted by a private individual or
46 a corporation, partnership or any kind of judicial entity, the penalty provided herein
47 shall be imposed on its executive officer and/or other officials responsible therefor:
48 *Provided*, That they shall suffer, in addition to the penalties provided herein, the
49 automatic revocation of their license to operate.
50

1 Any public official or employee who willfully destroys, or causes to be destroyed, or
2 sells, information and/or documents being requested under this Act, for the purpose
3 of frustrating the requesting party's access thereto shall suffer a fine of not less than
4 Five Hundred Thousand Pesos (Php500,000.00) but not more than One Million
5 Pesos (Php1,000,000.00) or a penalty of five (5) years but not more than fifteen (15)
6 years, or both, at the discretion of the Court.

7
8 **SECTION 23. Denial in Good Faith Not a Ground for Liability.** – A denial in good
9 faith of a request made pursuant to the provisions of this Act shall not constitute
10 grounds for administrative, civil or criminal liability. In case of denial of the request,
11 the public official, officer or employee involved must prove that he/she acted in good
12 faith by specifying the ground/s relied upon for the denial.

13
14 **SECTION 24. Act Not a Bar to Claim of Right to Information Under the**
15 **Constitution.** – No provision of this Act shall be interpreted as a bar to any claim of
16 the right to information under Article III, Section 7 of the Constitution.

17
18 **SECTION 25. Integration of Freedom of Information (FOI) and Good**
19 **Governance in the Curriculum.** – To ensure a well-informed generation of citizens,
20 the right to information, the principles of accountability and transparency, democracy
21 and leadership, and good governance shall be integrated in subjects, such as
22 Heyograpiya, Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the
23 elementary level and in subjects such as Social Studies and Makabayan or its
24 equivalent subjects in the high school level.

25
26 The Technical Education and Skills Development Authority (TESDA) and the
27 Commission on Higher Education (CHED) shall likewise integrate lessons on the
28 right to information, the principles of accountability and transparency, democracy and
29 leadership, and good governance in their training modules or curriculum.

30
31 The Department of Education, TESDA and CHED, in coordination with the Civil
32 Service Commission and other relevant offices, shall prepare the necessary modules
33 and teaching programs consistent with the objectives of this Act.

34
35 **SECTION 26. Reports on FOI.** – All government agencies shall be required to
36 submit annual reports on the number of requests for information received and
37 processed, of appeals made from the denial thereof, and such other information as
38 provided in this Act. The said report may be integrated in the agencies' main Annual
39 Reports; *Provided*, That the posting and publication of this information in the
40 respective websites of the concerned agencies shall be considered sufficient
41 compliance.

42
43 **SECTION 27. System of Incentives and Rewards.** – A system of special incentives
44 and rewards is hereby established to be given to appropriate government agency or
45 agencies that initiated and displayed compliance and full participation in the
46 meaningful and effective implementation of this Act. The incentives and rewards may
47 include, but shall not be limited to, social projects, grants-in-aid, national recognition,
48 and similar entitlements.

1 **SECTION 28. Appropriations.** – The amount necessary to carry out the provisions
2 of this Act shall be charged against the agencies' current budget and shall thereafter
3 be included in the annual General Appropriations Act.
4

5 **SECTION 29. Separability Clause.** – If any section or part of this Act is held
6 unconstitutional or invalid, the other sections or provisions not otherwise affected
7 shall remain in full force and effect.
8

9 **SECTION 30. Repealing Clause.** – All laws, decrees, executive orders, rules and
10 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
11 including Sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of
12 Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964
13 (Promulgating Rules Governing Security of Classified Matter in Government Offices),
14 as amended, and Section 3, Rule IV of the Rules Implementing Republic Act No.
15 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees),
16 are deemed repealed accordingly: *Provided,* That Memorandum Circular No. 78
17 shall be deemed repealed after one (1) year from the effectivity of this Act or upon
18 issuance of the Executive Order in Section 7(a) whichever comes first.
19

20 **SECTION 31. Effectivity.** – This Act shall take effect fifteen (15) days after its
21 publication in the Official Gazette or in at least two (2) national newspapers of
22 general circulation.
23

24 Approved,