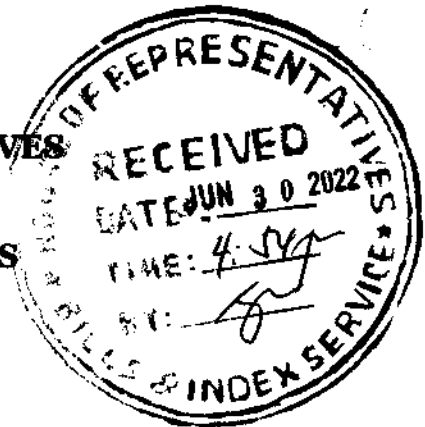


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 386



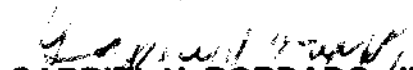
Introduced by Representative Gabriel H. Bordado, Jr.

EXPLANATORY NOTES

Good governance is always anchored on transparency and accountability. When this bill was first filed in the 16th Congress, former Representative Henendina Abad and former Vice President Maria Leonor G. Robredo, its principal authors, said that "it will empower our citizenry and it is in their empowerment that governance towards a progressive society can be achieved."

They averred that the Filipinos should trust their government by being transparent in its dealings, particularly in fiscal transactions and policy formulation. It must also be ready, at all times, to provide them with accurate, timely, and relevant information to enable them to make intelligent decisions on issues confronting the nation.

For years, the Filipino people have been writing for the passage of the Freedom of Information Bill. They will certainly appreciate the immediate passage of this bill in the 19th Congress.


GABRIEL H. BORDADO, JR.
Third District, Camarines Sur

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

NINETEENTH CONGRESS
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House Bill No. 386

Introduced by Representative Gabriel H. Bordado, Jr.

1 **" AN ACT TO STRENGTHEN THE RIGHT OF CITIZENS**
2 **TO INFORMATION HELD BY THE GOVERNMENT"**

3
4 Be it enacted by the Senate and House of Representatives of the Philippines in
5 Congress assembled:

6
7 **SECTION 1. Short Title.** - This Act shall be known as the "People's Freedom of
8 Information Act."

9
10
11 **SEC. 2. Declaration of Policy.** - The State recognizes the right of people to
12 information on matters of public concern, and adopts and implements a policy of full
13 public disclosure of all its transactions involving public interest, subject to the
14 procedures and limitations provided by this Act. This right is indispensable to the
15 exercise of the right of the people and their organizations to effective and reasonable
16 participation at all levels of social, political and economic decision-making.

17
18
19 **SEC. 3. Coverage.** - This Act shall cover all government agencies, to refer to the
20 executive, legislative, and judicial branches as well as the constitutional bodies of the
21 Republic of the Philippines, including the national government and all its agencies,
22 departments, bureaus, offices and instrumentalities, constitutional commissions and
23 constitutionally mandated bodies, local governments and all their agencies, regulatory
24 agencies, chartered institutions, government-owned or controlled corporation,
25 including wholly-owned or controlled subsidiaries, government financial institutions,
26 state universities and colleges, the Armed Forces of the Philippines, The Philippine
27 National Police, all offices in the Congress of the Philippines including the offices of
28 the Senators and Representatives, the Supreme Court and all lower courts established
29 by law.

30
31
32 **SEC. 4. Definition of Terms.** - As used in this Act:

- 33
34 a) **Dataset** refers to an organized collection of data in a variety of forms,
35 including tabular, geospatial, or image data files.
36

- 37 b) **Information** refers to data that have been processed into record,
38 document, paper, report, letter, contract, minutes and transcripts of
39 official meetings, maps, books, photographs, data, research materials,
40 in whatever form, or film, audio and video recordings, magnetic or other
41 tapes, electronic data, in whatever format, which are made, received or
42 kept in or under the control and custody of any government agency
43 pursuant to law, executive order, rules and regulations, ordinance, or in
44 connection with the performance or transaction of official business by
45 any government agency.
46
47 c) **Machine-readable** refers to formats that allow data to be extracted and
48 processed by computer programs.
49
50 d) **Official record** refers to information produced or received by public
51 officer or employee, or by a government agency in an official capacity or
52 pursuant to a public function or duty. This shall refer to the stage or status
53 of the information.
54
55 e) **Open format** refers to one that is platform independent, machine
56 readable, and made available to the public without restrictions that
57 would impede the re-use of that information.
58
59 f) **Public record** refers to information required by law, executive orders,
60 rules, or regulations to be entered, kept, and made publicly available by
61 a government agency.
62
63

64 **SEC. 5. Access to Information.** - Every person who is a Filipino citizen has the right
65 to and shall, on request, be given access to any record under the control of a
66 government agency. Government agencies and public officials shall have the duty to
67 disclose and make available for scrutiny, copying, and reproduction in the manner
68 provided by this Act, all information pertaining to official acts, transactions, or decisions
69 as well as government research data used as a basis for policy development, subject
70 to the exceptions enumerated under Section 7 of this Act, regardless of their physical
71 form or format in which they are contained and by whom they were made.
72

73 Nothing herein contained shall allow private acts, transactions or records of public
74 officials and private individuals to be the subject of mandatory disclosure under this
75 Act: *Provided*, however, that income tax returns, and statement of assets, liabilities
76 and networth (SALN) of public officials shall be released subject to existing laws, rules
77 and regulations: *Provided further*, that the limitations and prohibitions to make
78 available to the public the SALN shall not apply when, upon order of the
79 Sandiganbayan, it has been established that there is probable cause related to the
80 commission of an offense.
81
82

83 **SEC. 6. Presumption.** - There shall be a legal presumption in favor of access to
84 information. The request for information may be denied only if it is clearly falls under
85 the exceptions provided under this Act. Accordingly, government agencies shall have
86 the burden of proving that the information requested is exempted from disclosure.

87 **SEC. 7. Exceptions.** - Access to information shall be granted unless:
88

- 89 a) The information is specifically authorized to be kept secret under
90 guidelines established by an executive order, and properly classified
91 pursuant thereto: *Provided*, that 1) The information directly relates to
92 national security or defense and its revelation may cause grave damage
93 to the national security or internal and external defense of the State; or
94 2) The information requested pertains to the foreign affairs of the
95 Republic of the Philippines, when its revelation shall unduly weaken the
96 negotiating position of the government in an ongoing bilateral or
97 multilateral negotiation or seriously jeopardise the diplomatic relations of
98 the Philippines with one or more States. *Provided further*, that the
99 executive order shall specify the reasonable period after which the
100 information shall be automatically declassified or be subject to
101 mandatory declassification review, and that any reasonable doubt as to
102 classification and declassification shall be settled in favor of the right to
103 information.
104
- 105 b) The information consists of records of minutes and advice given and
106 opinions expressed during decision-making or policy formulation,
107 invoked by the Chief Executive to be privileged by reason of the
108 impairment of the Chief Executive's deliberation process that would
109 result from the disclosure thereof. Once policy has been formulated and
110 decisions made, minutes and research data may be made available for
111 disclosure unless they were made in executive session.
112
- 113 c) The information requested pertains to internal and/or external defense,
114 law enforcement, and border control, when the disclosure thereof would:
115
- 116 (i) unduly compromise or interfere with any legitimate military or law
117 enforcement operation; or
 - 118 (ii) unduly compromise or interfere with the prevention, detection or
119 suppression of criminal activity, the effective implementation of
120 immigration controls and border security; or
 - 121 (iii) deprive a person of a right to fair trial or an impartial adjudication;
122 or
 - 123 (iv) lead to the disclosure of the identity of a confidential source,
124 including a government, or foreign agency or authority or any
125 private institution which furnished information on a confidential
126 basis, and, in the case of a record or information compiled by law
127 enforcement authority, in the course of an investigation or by an
128 agency conducting a lawful national security intelligence
129 investigation, information furnished by a confidential source; or
 - 130 (v) disclose techniques and procedures for law enforcement
131 investigations or prosecutions, or would disclose guidelines for law
132 enforcement investigations or prosecutions if such disclosure could
133 reasonably be expected to risk circumvention of the law; or
 - 134 (vi) endanger the life or physical safety of any individual;
135

- 136 d) The information requested consists of drafts of the following: orders,
137 resolutions, decisions, memoranda or audit reports by any executive,
138 administrative, regulatory, constitutional, judicial or quasi-judicial body in
139 the exercise of their adjudicatory and/or audit function;
140
- 141 e) The information requested is obtained by any committee of either House
142 of Congress in executive session;
143
- 144 f) The information requested pertains to personal information of a natural
145 person, whether from the public or the private sector, and its disclosure
146 would constitute an unwarranted invasion of personal privacy. This may
147 include signatures, addresses, telephone numbers, identification
148 numbers, names of family members, race or ethnic, religion, health,
149 education, sexual orientation, and similar information, unless such
150 information is specifically required by law to be entered into an official
151 record and made available to the public, or the person has consented in
152 writing to the disclosure of the information. To the extent required to
153 prevent an unwarranted invasion of personal privacy, an agency may
154 redact such information from a record made available to the public.
155 However, the justification for the deletion shall be explained fully in
156 writing, and the extent of such deletion shall be indicated on the portion
157 of the record which is made available or published;
158
- 159 g) The information requested pertains to trade secrets and commercial or
160 financial information or intellectual property obtained from a natural or
161 juridical person other than the requesting party, whenever the revelation
162 thereof would seriously prejudice the interest of such natural or juridical
163 person in trade, industrial, financial or commercial competition;
164
- 165 h) The information is classified as privileged communications in the legal
166 proceedings by law or by the Rules of Court, unless the person entitled
167 to the privilege has waived it;
168
- 169 i) the information requested is exempted by law or the Constitution, in
170 addition to those provided in this section;
171
- 172 j) When prematurely disclosed, the information, would, in the case of a
173 government agency that regulates or deals with the commodities
174 markets, currencies, interest rates, securities, or financial institutions,
175 likely lead to fraud, manipulation, or other unlawful acts or schemes
176 involving currencies, interest rates, securities, or, in the case other
177 government agencies, likely frustrates the effective implementation of a
178 proposed official action: Provided, That the information shall be
179 accessible once and the anticipated danger has ceased.
180
- 181 k) The information has already been made accessible as provided for in
182 Section 12.
183

184 For paragraphs (c) to (k) of this section, the determination whether any of these
185 grounds shall apply be the responsibility of the head of office of the government

agency in the custody or control of the information, or any responsible central or field officer/s duly designated by him.

SEC. 8. Qualifications to the Exceptions.

- a) The exceptions in the preceding section shall be strictly construed;
- b) The exceptions cannot be invoked to cover-up a crime, wrongdoing, graft, or corruption;
- c) Whenever the information covered by an exception may be reasonably severed from a record, the record shall be released with the exempt information redacted, or the information not covered by the exception shall otherwise be communicated to the requesting party;
- d) The President, the Supreme Court, the Senate, the House of Representatives, and the Constitutional Commissions may waive an exception with respect to information in the custody of offices under their respective supervision or control, when they deem that there is an overriding public interest in disclosure; and
- e) The exceptions do not constitute authority to withhold information from Congress, nor authority for the executive branch of a local government unit to withhold information from the legislative body of such local government unit.

SEC. 9. Mandatory Disclosure of Information. - (a) In fulfilment of Article XI, Section 17 of the Constitution and subject to Section 5 and Section 7 (f) of this Act, the website of their respective offices shall provide to the public, the Statement of Assets, Liabilities, and Net worth (SALN) on an annual basis of the following national officials:

1. The President;
2. The 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 with rank of general or equivalent flag rank.

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

1. Freedom of Information Manual (FIM) in full;
2. 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;
3. Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by agency, including subsequent amendments;
4. Public interest documents or records, including:
 - i. Annual Budget Government Agencies;
 - ii. Itemized Monthly Collection and Disbursement;
 - iii. Summary of Income and Expenditures;
 - iv. Component of the Internal Revenue Allotment (IRA) Utilization;
 - v. Annual Procurement Plan and Procurement List;
 - vi. Items for Bidding;
 - vii. Bid Results on Civil Works, and Goods and Services;
 - viii. Abstract of Bids as Calculated;
 - ix. Procurement contracts entered into by a government agency;
 - x. Construction or Concession Agreements or contract entered into by a government agency with any domestic or foreign person or entity;
 - xi. Private sector participation agreements or contracts infrastructure and development projects under Republic Act 7718;
 - xii. Public funding extended to any private entity;
 - xiii. Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
 - xiv. List of persons or entities who were granted licenses, permits or agreements for the extraction and/or utilization of natural resources given by any government agency;
 - xv. Statement of Assets and Liabilities of the public officer of the government agency; and

- xvi. Guarantees given by any government agency to government-owned or controlled corporations and to private corporations or entities.

The register shall contain a brief description 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 published in full in the website of the concerned government agency or the Official Gazette Online, subject to the succeeding section. A covered record shall be published in the website not later than thirty (30) working days from its perfection or issuance.

(c) All government agencies shall, over time, endeavour to build their capacity and practice to publish in full all other contracts, agreements, or treaties covered under this section, especially 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 from the effectivity of this Act.

SEC. 10. Promotion of Openness in Government. – (a) Duty to Publish Information- In conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, government agencies shall regularly publish, print and disseminate at no cost to the public, in an accessible form, and through their website, timely, true, accurate and updated key information, including:

1. A description of its mandate, structure, powers, functions, duties and decision-making processes;
2. A description of the frontline services it delivers and the procedure and the length of time by which they may be availed of;
3. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
4. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
5. Important rules and regulations, orders or decisions: *Provided*, that they be published within fifteen (15) calendar days from promulgation;
6. Datasets generated in the implementation of agency mandates, programs, activities, and projects such as statistics, figures, and geospatial data;

- 336 7. Current and important database and statistics that it generates;
337 8. Bidding processes and requirements; and
338
339 9. Mechanism or procedures by which the public may participate in or
340 otherwise influence the formulation of policy or the exercise of its
341 powers.
342

343 (b) Accessibility of Language and Form - Every government agency shall endeavour
344 to translate key information into major Filipino language and present them in popular
345 form and means.
346

347
348 **SEC. 11. Capacity-Building, Promotion of Best Practices, and Continuous**
349 **Updating of Appropriate Use of Information Technology.** - All government
350 agencies shall establish, operate, and maintain a website with features that are
351 compliant with all the provisions of this Act, within two (2) years from effectivity of this
352 Act.
353

354 Every government agency shall ensure the provision of adequate training for its
355 officials and employees to improve awareness of the people's right to information on
356 matters of public concern and the provisions of this Act. Similarly, all government
357 agencies shall endeavour to study and adopt best practices in relation to information
358 disclosure, records maintenance, and archiving.
359

360 The National Computer Center shall monitor all government agency websites and
361 provide appropriate support for their development and ensure full compliance with
362 requirements of this Act.
363

364
365 **SEC. 12. Exemption from Compliance.** - The government agency shall be excused
366 from complying with a subsequent identical or substantially similar request from the
367 same requesting party where it has previously complied with a request for information
368 unless a reasonable interval has lapsed between compliance with the previous request
369 and the making of current request: *Provided*, that the government agency, in denying
370 the request, complies with section 20 of this Act.
371

372
373 **SEC. 13. Additional Protection of Privacy.** - While providing for access to
374 information in public records, this Act also affords full protection of the right to privacy
375 of individuals, as follows:
376

- 377 a) A government agency must ensure that personal information in its
378 custody or under its control is disclosed only as permitted under this Act;
379
380 b) A government agency must protect personal information in its custody
381 or under its control by making reasonable security arrangements against
382 such risks as authorized access, collection, use, disclosure, or disposal;
383
384 c) An employee, officer or director of a government agency who has
385 access, whether authorized or unauthorized, to personal information in the

386 custody of the agency, must not disclose that information except as
387 authorized under this Act.
388

389
390 **SEC. 14. Administrative Liability.** - It shall be tantamount to gross neglect of duty
391 and shall as a ground for administrative and disciplinary sanction against any public
392 official or employee who wilfully and knowingly commits the following acts:
393

- 394 a) Refusal to promptly forward the request under Section 18 of this Act to
395 the public officer within the same office or agency responsible for
396 officially acting on the request when such is a direct cause of the failure
397 to disclose the information within the periods required by this Act;
398
399 b) Failure to act on the request within the periods required by this Act;
400
401 c) Claim an exception under Section 7 of this Act when the claim is
402 manifestly devoid of factual or legal basis;
403
404 d) Refusal to comply with the decision of immediate supervisor, the
405 Ombudsman, or of any court ordering the release of information;
406
407 e) Approval of policies, rules and regulations manifestly contrary to the
408 provisions of this Act, and which policies, rules and regulations are direct
409 cause of the denial of a request for information.
410

411
412 **SEC. 15. Criminal Liability.** - (a) The following acts shall be subject to the penalty of
413 imprisonment of not less than one (1) month but not more than six (6) months, with
414 the accessory penalty of dismissal from service:
415

- 416 1. Falsely denying or concealing the existence of information mandated for
417 disclosure under this Act; and
418
419 2. Destroying, or causing to be destroyed, information and/or documents
420 being requested under this Act, for the purpose of frustrating the
421 requesting party's access thereto.
422

423 (b) Any private individual who knowingly induces or cause the commission of the
424 foregoing act shall be liable as principal by inducement in the prosecution of public
425 officials or employees under this section.
426

427 (c) The acts under paragraph (a) of this Section, if proven in an administrative
428 proceeding shall be subject to the penalty of dismissal, even if no criminal prosecution
429 is instituted against the person found liable.
430

431
432 **SEC. 16. Denial In Good Faith Not a Ground for Liability.** - A denial in good faith
433 of a request for access to information made pursuant to the provisions of this Act shall
434 not constitute grounds for administrative or criminal liability.
435

SEC. 17. Freedom of Information Manual. - (a) For the effective implementation of this Act, all government agencies shall prepare a Freedom of Information Manual, setting forth the following:

1. The location and contact information of the head, regional, provincial and field offices of the agency, and other established places where the public can obtain information or submit requests;
2. The type of information it generates, produces 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 identified electronic means;
6. The standard forms for the submission of request and for the proper acknowledgement of the request;
7. The process for the disposition of the request, including the routing of the request to the person or office with the duty to act on the request and the decision-making process for the approval or denial of the request;
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 9 of this Act: *Provided*, that, should the agency lack the capacity to comply with Section 9 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 the agency, that will help facilitate the effective implementation of this Act.

(b) The Freedom of Information Manual shall also be posted in the agency website and the hard copy shall be available at the agency reception area by the public;

(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 each 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 included in the Manual.

SEC. 18. Procedure of Access. – (a) Any person who wishes to obtain information shall submit, free of charge, a request to the government agency concerned personally, by mail, or through electronic means. A person who is unable, because of illiteracy or disability, to make a written request for information may make an oral request instead. The public officer who receives the oral request shall reduce it to writing, indicating therein one's name and position within the government agency, and give a copy thereof to the person who made the request. 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 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 the request is contrary to law. If the request is submitted personally, the requesting party shall show a current identification document 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 submit a photostatic or electronically scanned copy of the identification, or other convenient means as determined by the agency.

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

(c) The request shall be duly received by the concerned government agency, which shall forthwith indicate the date and time of receipt and the name, rank, title and position of the receiving public officer or employee who shall likewise affix one's signature thereon, and shall furnish the requesting party a copy thereof. In case the request is submitted by electronic means, the government agency shall provide for an equivalent means by which the requirements of this paragraph shall be met. Each government agency shall establish a system by which the status of all request for information received by it may be verified at anytime.

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

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

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

(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, which in no case shall result in an extension of more than twenty (20) working days.

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

(i) If the information is not held by the government agency from which the request was made, it shall notify the requesting party that it does not hold the information and indicate which agency holds the record, if known. Whenever practicable, the agency receiving the request may also cause the transfer of the request to the appropriate agency that holds the information: Provided, that the period to comply with the request under this Section shall begin to run only upon receipt of the agency to which the request is transferred.

SEC. 19. Access and Processing Fees. – Government agencies may charge a reasonable fee to reimburse the actual cost of production, copying or transcription, and the communication of the information requested. An Agency may waive the fees whenever it is satisfied that the requester is an indigent, or that the cost of reproduction is negligible, or that it is pursuant to a program for a proactive disclosure.

SEC. 20. Notice of Denial. - If the government agency decided to deny the request, in whole or in part, it shall, as soon as practicable, and in any case within fifteen (15) working days from the receipt of the request, notify the person making the request of such denial in writing or through electronic means. The notice shall indicate the name, rank, title or position of the person making the denial, clearly set forth the grounds for denial and the circumstances on which the denial is based, and indicate available rights of reconsideration or appeal. Failure to notify the person making the request of denial, or of the extension, shall be deemed a denial of the request for access to information.

SEC. 21. Remedies in Cases of Denial. - (a) In all government agencies other than the judicial branch-

1. A denial of a request for access to information may be appealed to the Head of Agency, following the procedure required under Section 17 (1) (8) of this Act: Provided, that the appeal must be filed within fifteen (15) calendar days from receipt of the notice of denial and must be decided within (15) calendar days from filing. Failure to resolve the appeal within the aforementioned period shall constitute a denial of the appeal.
2. A person denied access to information may file a verified complaint with the office of the Ombudsman, praying that the government agency concerned be directed to immediately afford access to the information being requested. The Office of the Ombudsman shall promulgate its special rules of procedure for the immediate disposition of complaints

585 filed pursuant to this Section. Unless restrained or enjoined, the decision
586 of the Office of the Ombudsman shall be immediately executor, without
587 prejudice to review in accordance with the Rules of Court.
588

- 589 3. A party whose request for information has been denied, whether or not
590 such decision has been appealed to the head of an agency, may file a
591 verified petition for mandamus in the proper court, alleging the facts with
592 certainty and praying that judgement be rendered, ordering the
593 respondent immediately or at some other time to be specified by the
594 court, to disclose the information and to pay the damages sustained by
595 the requesting party by the reason of the denial. The procedure for such
596 petition shall be summary in nature.
597

598 In resolving a complaint or petition brought under paragraphs (2) and (30) hereof, the
599 Ombudsman or the court is empowered to receive the information subject of a claim
600 of exception under Section 7 herein, and to examine them in camera to determine the
601 sufficiency of factual and legal basis of such claim, when the sufficiency cannot be
602 reasonably determined through evidence and circumstances apart from the
603 information
604

605 (b) In the Judicial Branch - The Judiciary shall be governed by remedies as
606 promulgated by the Supreme Court.
607

608 The remedies under this section shall be sought or granted without prejudice to any
609 other administrative, civil or criminal action covering the same at.
610

611 The remedies available under this Act shall be exempt from the rules on non-
612 exhaustion of administrative remedies and the application of the provisions of Republic
613 Act 9285, otherwise known as the Alternative Dispute Resolution Act of 2004.
614

615 In case the requesting party has limited or no financial capacity, the Public Attorney's
616 Office is mandated to provide legal assistance to the requesting party in availing of the
617 remedies provided under this Act.
618
619

620 **SEC. 22. Keeping of Records.** - (a) Government agencies shall create and maintain
621 in appropriate formats, accurate and reasonably complete documentation or records
622 of their organization, policies, transactions, decisions, resolutions, enactments,
623 actions, procedures, operations, activities, communications and documents received
624 or filed with them and the data generated or collected. These shall include working
625 files such as drafts or notes, whenever these have been circulated within the agency
626 for official purpose such as for discussion, comment or approval or when these contain
627 unique information that can substantially contribute to a proper understanding of the
628 agency organization, policies, transaction, decisions, resolutions, actions, procedures,
629 operations, and activities;
630

631 (b) Government agencies, in coordination with the National Archives of the Philippines,
632 shall identify specific and classes of official records in their custody or control that have
633 continuing historical, administrative, informational, legal evidentiary, or research value,
634 for preservation by such agencies of their legitimate successors, or for proper

documentation if and when the records are transferred 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;

1. Records pertaining to loans obtained or guaranteed by the government;
2. Records of government contracts involving amounts Fifty Million Pesos (Php50,000,000.00) or more, or related to infrastructure, public and private partnerships, utilities, or other important projects;
3. The original Declaration under oath of the assets, liabilities and net worth of public officers and employees submitted to the Office of the Ombudsman, 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, according to the standards set in and within the period mandated by Republic Act 9470 or the National Archives of the Philippines Act of 2007, a record management program that includes the following:

1. A record 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 record 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.

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

1. All laws of the Philippines and their amendments, from the episode 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;

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686 3. A database of all appointments and designations made by the President
687 of the Philippines; and
688 4. Opinions rendered by the Secretary of Justice.
689

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691 **SEC. 23. Publication in the Official Gazette.** - For purposes of mandatory disclosure
692 as provide in Section 9 of this Act, the publication in the Official Gazette website shall
693 be considered official publication provided there shall be a timestamp in the said
694 document.
695

696 For purposes of compliance with Article 2 of the Civil Code of the Philippines,
697 publication of the following in the online version of the Official Gazette, with the
698 corresponding timestamps on the document, shall be considered as official
699 publication:
700

- 701 a) All important legislative acts and resolutions of a public nature of the
702 Congress of the Philippines;
703
704 b) All executive and administrative orders and proclamations of general
705 application;
706
707 c) Decisions or abstracts of decisions of the Supreme Court and the Court
708 of Appeals or other courts of similar rank, as may be deemed by said
709 courts of sufficient importance to be so published;
710
711 d) Such documents or classes of documents as the President shall
712 determine from time to time to have general application or which he may
713 authorize to be published.
714

715 However, other documents or classes of documents as may be required to be
716 published by law, such as petitions and/or legal notices in connection with land titles,
717 naturalization or special proceedings shall continue to be published in the print version
718 of the Official Gazette or in any newspaper of general circulation for purposes of
719 compliance with the publication requirement.
720

721
722 **SEC. 24. Act Not a Bar to Claim of Right to Information Under the Constitution.**
723 - No provision of this Act shall be interpreted as a bar to any claim of denial of the
724 right to information under Article III, Section 7 of the 1987 Constitution.
725

726 **SEC. 25. Publication of Government Data in Open Data Philippines Website.** -
727 For purposes of enhancing the public's access to government information and abiding
728 by the Philippines' international commitments to transparency and government
729 openness, all government agencies shall publish in Open Data Philippines website,
730 datasets generates in the implementation of agency mandates, programs, activities,
731 and projects. These datasets shall be updated, whenever permissible, at least once in
732 every quarter of every year.
733

The Open Data website shall be maintained and administered by an Open Data Task Force under the Office of the President, or any such similar body designated by the President for this purpose.

For the purpose of making government data more accessible to the public, all datasets published on the Open Data Philippines website and on LGU websites as mandated in Section 9 of this Act shall be, whenever practicable, of a machine-readable and open format.

SEC. 26. Tracking Requests for Information. - Website of government agencies shall contain a matrix of requests made, their status and the decision regarding the request. The matrix shall also contain links to uploaded information from approved requests: In such cases where requests are denied, the matrix shall contain the reasons for denial and the status of appeal if such is done.

SEC. 27. Release to One, Release to All. - For purposes of streamlining requests for information, once information has been made available to an individual through a request for information, the said dataset shall also be published in an appropriate website, Department website, or Local Government website thus allowing the public access to all information that has been requested.

SEC. 28. Integration of Freedom of Information (FOI) and Good Governance In Elementary and Secondary Curriculum. - To ensure well informed generations of citizens, the right to information, the principles of accountability and transparency, democracy and leadership, and good governance shall be integrated in such subjects as Heyograpiya, Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary level and in such subjects as Social Studies and Makabayan or its equivalent subject in high school level. The Department of Education, in coordination with the Civil Service Commission and other relevant offices, shall prepare the necessary modules and teaching programs consistent with the objectives of this Act.

SEC. 29. Annual Reports on Action Taken on Request for Access to Information. All government agencies shall prepare, for each fiscal year, a report on the number of requests for information they received, processed, granted and denied; of appeals made from details of such requests; and of pending court actions they are a party to as result of such requests. These reports may be integrated in the main annual reports of government agencies and may be posted and published in their respective websites.

SEC. 30. Appropriations. - The amount to carry out the provisions of this Act shall be charged against those authorized in the current and subsequent General Appropriations Acts.

SEC. 31. Separability Clause. - If any provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in full force and effect.

SEC. 32. Repealing Clause. – All laws, decrees, executive orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this act, including Section 18 on the Operation and Effect of Laws, 24 and 25 on the Contents, Editing and Publications of the Official Gazette, Book I, of Executive Order No. 292 or the Administrative Code of 1987 in relation to Article 2 on Effect and Application of Laws of Republic Act 386 or the Civil Code, Memorandum Circular 78 dated 14 August 1964 (Promulgating Rules Governing Security of Classified Matter in Government Offices), as amended, and Section 3, Rule IV of the Rules Implementing Republic Act 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), are deemed repealed: Provided, the Memorandum Circular 78 shall be deemed repealed after one (1) year from the effectivity of this Act or upon issuance of the Executive Order in Section 7(a).

SEC. 33. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,