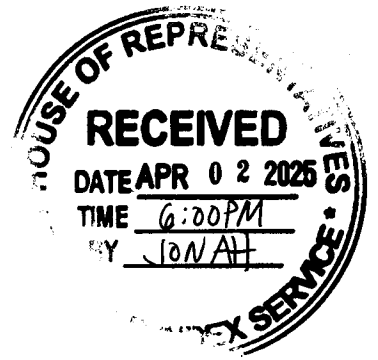


**Republic of the Philippines**  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**NINETEENTH CONGRESS**  
Third Regular Session

**House Bill No. 11491**



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**Introduced by AKBAYAN REP. PERCIVAL CENDAÑA**

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**PREFATORY STATEMENT**

The public's access to information is one of the great cornerstones of any democracy.

Even the 1987 Philippine Constitution in Article III, Section 7 recognizes the right of the people to information on matters of public concern. It further guarantees that, "[a]ccess 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."

By virtue of this proposed legislation, the State is ensuring full transparency in all transactions involving public interest, subject to the procedures and limitations prescribed. It legislates the vital role of communication and information in the process of nation-building. It decrees the free flow of information and mandates access to it by instituting mechanisms such as a Freedom of Information Officer who will ensure all requests for information are processed in accordance with the law as well as required periods for expeditious action: (a) three (3) working days for simple requests; (b) seven (7) working days for complex requests; and (c) twenty (20) working days for highly technical requests.

The right to information is essential to promoting transparency, accountability, meaningful participation by the people in governmental decision-making. In view of the foregoing, the enactment of this bill is earnestly sought.

  
**REP. PERCIVAL CENDAÑA**  
**AKBAYAN PARTYLIST**

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

**NINETEENTH CONGRESS**  
Third Regular Session

House Bill No. **11491**

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**Introduced by Akbayan Rep. Percival Cendaña**

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**AN ACT ENSURING PUBLIC ACCESS TO OFFICIAL RECORDS AND  
GOVERNMENT DATA, PROMOTING TRANSPARENCY, ACCOUNTANCY, AND  
PARTICIPATORY GOVERNANCE, AND ALLOCATING FUNDS THEREFOR**

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

**CHAPTER I:  
General Provisions**

1    **Section 1. Short Title.** This Act shall be known as the "Freedom of Information Act."

2    **Section 2. Declaration of Policy.** The State affirms the people's constitutional right to access  
3    information on matters of public concern, recognizing that such access is essential to  
4    promoting transparency, accountability, and the effective functioning of a democratic society.  
5    In this regard, the State is committed to ensuring full transparency in all transactions involving  
6    public interest, subject to the procedures and limitations prescribed by this Act.

7  
8    The State acknowledges the vital role of communication and information in the process of  
9    nation-building. It is the policy of the State to promote the free flow of information and to  
10    guarantee the right of the people to access information that pertains to matters of public  
11    concern. This policy of transparency is to be implemented in accordance with the processes  
12    and limitations outlined in this Act.

13

1 As a democratic nation, the State shall foster an environment of transparency, encourage  
2 active and meaningful participation by the people in governmental decision making, and  
3 uphold the principle of public accountability in all governmental actions and transactions.  
4

5 Furthermore, while ensuring the free flow of information, the State shall also protect the  
6 fundamental right to privacy. It is the policy of the State to balance the protection of individual  
7 privacy with the promotion of innovation and sustainable economic growth through the  
8 unrestricted exchange of information, in compliance with relevant laws and regulations.  
9

10 **Section 3. Coverage.** This Act shall apply to all government agencies, as well as to private  
11 individuals or entities that engage in dealings, contracts, or transactions of any nature with any  
12 government agency, where such dealings, contracts, or transactions involve the use of public  
13 funds.  
14

15 For the purposes of this Act, "government agencies" shall include, but are not limited to, the  
16 executive, legislative, and judicial branches of the government, as well as constitutional bodies  
17 of the Republic of the Philippines. This shall encompass the national government and all its  
18 agencies, departments, bureaus, offices, and instrumentalities; constitutional commissions and  
19 constitutionally mandated bodies; local government units; regulatory agencies; chartered  
20 institutions; government-owned or -controlled corporations (GOCCs), including wholly-  
21 owned or controlled subsidiaries; government financial institutions (GFIs); government  
22 instrumentalities with corporate powers (GICP); government corporate entities (GCE); non-  
23 chartered 40 GOCCs; state universities and colleges (SUCs); local water districts (LWDS);  
24 the 41 Armed Forces of the Philippines (AFP); the Philippine National Police (PNP); all  
25 offices 42 of the Congress of the Philippines, including the offices of Senators  
26 and Representatives; the Supreme Court; and all lower courts established by law.  
27

## 28 **CHAPTER II:**

### 29 **Definitions**

30  
31 **Section 4. Definition of Terms.** For the purposes of this Act:  
32

- 33 (a) "**Access to Information**" refers to the right of a citizen to access official records,  
34 documents, and papers pertaining to official acts, transactions, or decisions, as well

as government research data used as the basis for policy development, subject to such limitations as may be prescribed by law.

(b) **"Electronic Freedom of Information (e-FOI) Portal"** or **"[www.foi.gov.ph](http://www.foi.gov.ph)"** refers to a centralized, web-based platform that provides access to government information, facilitates the tracking of requests, and allows for the receipt of information requested online. This platform promotes demand-driven transparency and accountability and is designed to assist government offices in receiving, processing, and responding to requests for information.

(c) **"Information"** refers to any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer-stored data, or any other similar data or materials recorded, stored, or archived in any format, whether offline or online, that are made, received, or kept by any government office in accordance with law, executive orders, rules and regulations, ordinances, or in connection with the performance of official duties or transactions by any government agency.

(d) **"Official Record/Records"** refers to information produced or received by a public officer or employee, or by a government agency, in the course of performing official functions or duties, or pursuant to public functions or duties.

(e) **"Personal Information"** refers to any information, whether recorded in 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 combined with other information, would directly and certainly identify an individual.

(f) **"Public Officials"** includes elective and appointive officials and employees, whether permanent or temporary, and whether in the career or non-career service, including military and police personnel, whether or not compensated, regardless of the amount of compensation.

1 (g) **"Public Record/Records"** refers to information that is required by laws, executive orders,  
2 rules, or regulations to be entered, kept, and made publicly available by a government agency.

3  
4 (h) **"Public Service Contractor"** refers to a private entity that has a contract, transaction, or  
5 any other dealings with the government or a government agency that involves the use of public  
6 funds.

7  
8 (i) **"Records Management"** refers to the managerial activities involved in the creation,  
9 maintenance, use, transmission, retention, and disposition of records to ensure adequate  
10 and proper documentation of government policies and transactions, thereby facilitating  
11 the efficient, effective, and economical operation of government.

12  
13 (j) **"Requests"** refers to any of the following types of requests:

14  
15 (1) **Simple Requests** – Requests submitted to a government office or agency that only  
16 require the provision of readily available information or records that are published on  
17 the agency's website;

18 (2) **Complex Requests** – Requests submitted to a government office or agency that involve  
19 seeking information and collating raw data from a single source;

20 (3) **Highly Technical Requests** – Requests submitted to a government office or agency  
21 that involve seeking information from multiple sources and/or large volumes of  
22 documents or records, collecting information over multiple years, collating and  
23 correlating raw data, and providing findings. Provided, however, that the government  
24 office or agency is not required to create, develop, or collate information or data that  
25 does not already exist or is not available in its records management system. These  
26 requests also include those that require technical knowledge, specialized skills, or  
27 training in their processing and evaluation.

28  
29 (k) **"Sensitive Personal Information"** shall have the meaning ascribed to it under Republic  
30 Act No. 10173, or the Data Privacy Act of 2012, and shall include personal information:

31  
32 (1) Concerning an individual's race, ethnic origin, marital status, age, color, and religious,  
33 philosophical, or political affiliations;

(2) Relating to an individual's health, education, genetic or sexual life, or any proceedings for an offense committed or alleged to have been committed by such individual, including the disposal of such proceedings and the sentence of any court in such proceedings;

(3) Issued by government agencies that are peculiar to an individual, including but not limited to, social security numbers, health records, licenses (including denials, suspensions, or revocations), and tax returns; and

(4) Specifically classified as such by an executive order or an act of Congress.

### **CHAPTER III:**

#### **Freedom of Information Commission**

**Section 5. Establishment of the Commission.** The "Freedom of Information Commission" is hereby established as an independent and autonomous national government agency tasked with the implementation, oversight, and enforcement of the provisions of this Act.

**Section 6. Composition.** The Commission shall consist of a Chairperson, two Commissioners chosen at large, the Commissioners representing Luzon, Visayas, and Mindanao, overseeing policy, legal affairs, operations, and finance.

**Section 7. Qualifications of the Chairperson and the Commissioners.** — The Chairperson shall be at least 40 years old at the time of appointment and the appointive Commissioners shall be at least 35 years old at the time of appointment; are natural born citizens of the Philippines; with at least 10 years of service in a government agency, institution, or a related public-sector entity; of good moral character; and have not been convicted of any crime involving moral turpitude.

**Section 8. Nominations and Appointments.** — The Chairperson and Commissioners shall be appointed by the President of the Philippines from among the list of nominees submitted by people's organizations (POs) and non-governmental organizations (NGOs), including but not limited to organizations accredited by the Department of Social Welfare and Development and the National Anti-Poverty Commission's Basic Sectors with national constituencies (in the case of the Chairperson and Commissioner-at-Large) and those with regional

1 constituencies (in the case of regional Commissioners for Luzon, Visayas, and Mindanao,  
2 respectively).

3  
4 **Section 9. Terms of Office.** — The term of office for the Chairperson and Commissioners  
5 shall be four (4) years, with the possibility of reappointment for an additional term. For the  
6 initial appointments, the Chairperson shall serve a term of six (6) years. Among the first five  
7 (5) Commissioners, three (3) shall serve a term of six (6) years, while two (2) shall serve a  
8 term of three (3) years.

9  
10 **Section 10. Rank and Privileges.** — The Chairperson shall have the rank and privileges of  
11 a Department Secretary, and the Commissioners shall have the rank and privileges of an  
12 Undersecretary of a Department.

13  
14 **Section 11. Functions and Responsibilities.** The Commission shall:

- 15 a) Oversee and monitor the implementation of all FOI and e-FOI programs across the  
16 Executive, Legislative, and Judicial branches, ensuring compliance with this Act;  
17  
18 b) Monitor and evaluate compliance with the provisions of Section 41 on exemptions,  
19 ensuring a fair and consistent application of the law;  
20  
21 c) Issue policies, orders, and guidelines necessary for the implementation of this Act, in  
22 consultation with relevant stakeholders, including civil society and private sector  
23 representatives;  
24  
25 d) Develop and implement capacity-building programs to enhance the ability of  
26 government agencies and branches to comply with FOI requirements;  
27  
28 e) Establish a robust and transparent vetting mechanism for the disclosure of government  
29 information, ensuring decisions are consistent with this Act and subject to review;  
30  
31 f) Promote public awareness and understanding of the Right of Access to Information  
32 through education campaigns and partnerships with non-governmental organizations;  
33

- 1       g) Coordinate and participate with local and international civil society organizations or  
2       any non-governmental institutions in initiatives that promote transparency and  
3       accountability and are related to the implementation and enforcement of this Act;  
4
- 5       h) Enter into any agreement with any public or private entities or organizations relative  
6       to the implementation of this Act;  
7
- 8       i) Prescribe a schedule of reasonable fees for information requests, ensuring fees are  
9       minimal and aligned with the principle of proactive disclosure to encourage  
10      accessibility;
- 11      j) Provide technical and advisory assistance on matters relating to the Right of Access to  
12      information upon request by any of the covered agencies pursuant to Article 3 of this  
13      Act;  
14
- 15      k) Submit annual reports to Congress detailing its activities, compliance monitoring  
16      outcomes, and recommendations for improving FOI implementation; and  
17
- 18      l) Perform all other functions necessary for the effective enforcement and implementation  
19      of this Act.  
20

21   **Section 12. Powers of the Commission.** The Commission is empowered to:

- 22
- 23   a) Conduct inquiries and compel any person to appear and testify before it;  
24
- 25   b) Examine persons under oath or affirmation and, where necessary, require them to produce  
26      information in their possession. Any information exempt under Chapter VI shall be  
27      examined in strict confidence, with appropriate safeguards to protect sensitive data;  
28
- 29   c) Inspect information held by government agencies, including information denied under the  
30      provisions of this Act, to verify compliance;  
31
- 32   d) Direct government agencies to provide information in specified forms, ensuring  
33      uniformity and accessibility;  
34

- 1 e) Order the publication of withheld information when its disclosure is deemed in the public  
2 interest, subject to Chapter VI exemptions;  
3  
4 f) Hear and resolve appeals from aggrieved individuals or organizations whose requests for  
5 information have been denied;  
6  
7 g) Impose administrative penalties, including fines and disciplinary actions, on agencies or  
8 officials who fail to comply with the provisions of this Act;  
9  
10 h) Perform other actions necessary to ensure the effective implementation and enforcement of  
11 this Act.  
12

13 **Section 13. Good faith in the performance of functions.** – No administrative, criminal, or  
14 civil cases shall be filed against the Commission or its employees for acts performed in good  
15 faith and within the bounds of their authority under this Act. However, this protection does not  
16 extend to acts that constitute gross negligence, abuse of authority, or willful misconduct.  
17

18 **CHAPTER IV:**  
19 **Right to Access to Information Procedures**  
20

21 **Section 14. Access to information.** - Every Filipino citizen has the right to, and shall, whether  
22 upon request or not, be given access to any information, official records, public records,  
23 documents, and papers pertaining to official acts, transactions, decisions, or matters of public  
24 concern under the control of a government agency, regardless of the physical form or format  
25 in which they are contained.  
26

27 **Section 15. Presumption in Favor of Access.** - There shall be a legal presumption in favor of  
28 access to information. No request for information shall be denied unless it clearly falls within  
29 the exceptions provided under this Act. In such cases, the burden of proof shall rest upon the  
30 government agency to demonstrate, by clear and convincing evidence, that the information  
31 requested is exempt from disclosure as specified in this Act.  
32

33 **Section 16. Procedure for making a request.** –

1 a. Any individual or organization wishing to obtain information shall submit a request, free of  
2 charge, to the concerned government agency either in person, by mail, or through electronic  
3 means.

4  
5 b. A person who is unable to make a written request for information, illiteracy, disability, or  
6 other justifiable reason, may make an oral request, and the RTI Receiving Officer (RRO) who  
7 receives the verbal request shall transcribe it in writing, including their name and position  
8 within the government agency, and provide a copy thereof to the requesting party.

9  
10 c. The request shall state the name and preferred contact information of the requesting party,  
11 and reasonably describe the information required, the reason for the request of the information  
12 and the preferred means by which the government agency shall communicate such information  
13 to the requesting party: Provided, that the stated reason shall not be used as a ground to deny  
14 the request or to refuse the acceptance of the request, unless such reason is contrary to law,  
15 public order or public policy.

16  
17 d. In cases where the request is submitted in person, the requester must present a valid  
18 identification card issued by a government agency or a recognized institution.

19  
20 e. If the request is submitted by mail or through electronic means, the requesting party may  
21 submit a photostatic or electronically scanned copy of verifiable identification, or other  
22 convenient means as determined by the agency; Provided, that the government agency shall,  
23 by reasonable means, prevent the disclosure in public of the government issued identification  
24 card of any requesting party.

25  
26 f. The RRO receiving the request shall provide reasonable assistance, free of charge, to enable  
27 all requesting party and particularly those with special needs, to comply with the request  
28 requirements under this section.

29  
30 g. The request shall be stamped by the RRO, indicating the date and time of receipt and the  
31 name, rank, title and position of the RRO with the corresponding signature, and a copy thereof  
32 furnished to the requesting party. In case the request is submitted by electronic means, RRO  
33 shall provide for an equivalent means by which the requirements of this paragraph shall be

1 met. Each government agency shall establish a system to track the status of all requests for  
2 information received by it.

3  
4 h. The request may indicate the requesting party's preferred mode and means of receiving the  
5 requested information, provided that the agency can reasonably accommodate such  
6 preferences based on available equipment and resources.

7  
8 i. A government agency may communicate the information requested in a form other than the  
9 preferred means whenever the agency has no capability in communicating the information in  
10 the preferred format, or such preferred means would unreasonably interfere with the effective  
11 operation of the agency or be detrimental to the preservation of the record.

12  
13 **Section 17. Period for compliance.** – The government agency concerned, through its Right  
14 to Information Receiving Officer (RRO), shall act on all requests as expeditiously as possible  
15 and, in any event, within the following periods from receipt thereof: (a) three (3) working days  
16 for simple requests; (b) seven (7) working days for complex requests; and (c) twenty (20)  
17 working days for highly technical requests.

18  
19 The government agency shall determine and classify its disclosable information or records as  
20 falling under simple requests, complex requests, or highly technical requests.

21  
22 The RRO shall, in writing or through electronic means, notify the requesting party of the  
23 classification of the request as “simple,” “complex,” or “highly technical,” setting forth the  
24 reasons for such classification and the date when the requested information shall be made  
25 available, which in no case shall exceed twenty (20) working days from receipt thereof.

26  
27 Where the requesting party believes that the information is necessary to safeguard the life or  
28 liberty of a person, the requesting party shall include a statement to that effect, including the  
29 basis for such belief. The government agency shall respond to such requests within two (2)  
30 working days from receipt thereof.

31  
32 **Section 18. Right to Information Receiving Officer (RRO).** – Every government agency or  
33 instrumentality shall, within sixty (60) days from the date of effectivity of this Act, designate  
34 at least one (1) Right to Information Receiving Officer (RRO). The RRO shall, preferably, be

1 selected from the Public Assistance or Information Office, or its equivalent, within the agency.  
2 Local or regional offices of the agency shall designate their respective RROs.

3  
4 The RRO, in addition to the duties and responsibilities explicitly provided in other sections of  
5 this Act, shall have the following obligations:

6  
7 (a) Receive, on behalf of the agency, all requests for information submitted by requesting  
8 parties and conduct an initial evaluation to determine compliance with the requirements  
9 set forth under Section XX of this Act;

10  
11 (b) Acknowledge and/or respond, within three (3) working days from receipt thereof,  
12 indicating whether the request has been forwarded to the appropriate office within the  
13 agency for further evaluation or referred to another government agency with custody of  
14 the requested information;

15  
16 (c) Provide reasonable assistance, free of charge, to requesting parties, particularly to those  
17 with special needs, to ensure compliance with the requirements for filing a request; and

18  
19 (d) Monitor all FOI requests, including appeals, and compile statistical information as may  
20 be required by the FOI Focal Officer.

21  
22 **Section 19. Freedom of Information Officer (FOIO).** – Every government agency or  
23 instrumentality shall, within sixty (60) days from the date of effectivity of this Act, designate  
24 a Freedom of Information (FOI) Officer. All government agencies shall ensure that the public  
25 has access to relevant information concerning the FOI Officer, including their name, function,  
26 and contact details. In addition to any obligations specifically provided for in other sections of  
27 this Act, the FOI Officer shall have the following responsibilities:

28  
29 (a) To serve as the central officer responsible for receiving requests for information,  
30 assisting individuals seeking to obtain information, and addressing complaints related  
31 to the performance of the government agency regarding information disclosure;

32  
33 (b) To promote and implement best practices within the government agency concerning  
34 records management; and

1  
2 (c) To annually submit to the FOI Commission a report detailing the activities of the  
3 government agency in relation to, or to promote compliance with, this Act. The report  
4 shall include, but not be limited to, the following information:

5  
6 I. The number of requests for information received, granted in full or in part, and  
7 refused;

8  
9 II. The frequency and specific sections of the Act relied upon to refuse, in whole or in  
10 part, requests for information.

11  
12 III. Internal review decisions that denied access to, or resulted in refusals of, requests  
13 for information;

14  
15 IV. Fees charged for requests for information; and

16  
17 V. Other activities undertaken in pursuit of the objectives of this Act.  
18

19 **Section 20. Referral and transfer of request.** - When a request for information is made  
20 pursuant to Section XX of this Act, and the requested information is not held by the  
21 government agency to which the request is directed, but is believed by its RTI Receiving  
22 Officer (RRO) to be held by another government agency or to be more closely connected with  
23 the functions of another government agency, the government agency receiving the request  
24 shall, without delay, and in no case later than three (3) working days from receipt thereof,  
25 transfer the request to the appropriate government agency.

26 The government agency to which the request is referred and transferred shall process the  
27 request in accordance with the applicable timeframes set forth in Section XX of this Act. The  
28 request shall be treated as an initial request by the receiving government agency, in accordance  
29 with the provisions of this Act.  
30

31 When a request is referred and transferred to two (2) or more government agencies, the first  
32 one to respond shall be given preference. However, if there are succeeding responses from  
33 other government agencies, the responses shall be treated as that correlated with the first  
34 government agency that responded.

1 **Section 21. Fees.** Government agencies shall not impose any fees for access to information,  
2 except for the purpose of reimbursing the cost of reproducing and transmitting such  
3 information, in accordance with a fee schedule recommended by the Commission. No fees  
4 shall be charged to indigent requesting parties, nor shall any fees be imposed for access to  
5 digital data.

6  
7 The non-payment of fees shall not be a ground for refusing to comply with the provision of  
8 this Act.

9  
10 **Section 22. Freedom of Information Manual.** – All covered agencies shall prepare and make  
11 publicly available a Freedom of Information Manual, which shall include the following:

12  
13 a) **Procedures for Making a Request:** Clear, step-by-step instructions on how  
14 individuals can submit requests for access to information, including online and offline  
15 submission options.

16 b) **Compliance Timelines:** The specific periods within which agencies are required to  
17 comply with information requests, as outlined in this Act.

18  
19 c) **List of Exempted Information:** A comprehensive list of categories of information or  
20 records that are exempt from disclosure under this Act, in accordance with  
21 constitutional, legal, and privacy requirements.

22 d) **Referral and Transfer Process:** The procedures for referring and transferring  
23 requests to the appropriate agency or office if the information sought does not fall  
24 within the requesting agency's jurisdiction.

25  
26 e) **Fee Schedule:** A transparent and reasonable schedule of fees for reproduction and  
27 delivery of information, ensuring that costs are clearly communicated to the requesting  
28 party.

29  
30 f) **Interactive Tools and Materials:** To enhance public understanding and engagement,  
31 each agency shall provide play guides, interactive toolkits, or other user-friendly  
32 materials that clearly explain the process of making an FOI request. These tools should  
33 be designed to help users navigate the process easily and effectively, and may include  
34 online forms, FAQs, instructional videos, or visual guides.

1  
2       g) **Continuous Updates:** The Manual shall be periodically reviewed and updated to  
3       reflect changes in the law, new procedures, or improvements in the FOI system.  
4       Updates should be communicated clearly to the public, ensuring that the information  
5       remains accurate and current.

6  
7       The Freedom of Information Manual shall be made easily accessible on the agency's website  
8       and through physical copies available upon request at designated offices.

9  
10      **Section 23. Freedom of Information Portal.** – The Commission, in coordination with the  
11      Department of Information and Communications Technology (DICT), shall establish a  
12      centralized Freedom of Information Portal within sixty (60) working days from the  
13      establishment of the Commission. This online portal shall be designed to facilitate  
14      transparency, accountability, and efficient access to government information. The portal shall  
15      include the following key features and functions:

16  
17      a) **Electronic Submission of Requests:** The portal shall allow individuals to submit requests  
18      for information electronically, track the progress of their requests, and receive responses  
19      online.

20  
21      b) **Accessibility and Inclusivity:** The portal shall be designed to ensure accessibility for all  
22      individuals, including those with disabilities, in compliance with the Magna Carta for  
23      Disabled Persons (Republic Act No. 7277) and related regulations. This includes  
24      compatibility with screen readers, alternative text for images, and easy navigation  
25      features.

26  
27      c) **Centralized Feedback Mechanism:** The portal shall include a feedback mechanism  
28      enabling users to provide comments, suggestions, and complaints regarding the response times,  
29      quality of service, or issues with the request process. This feedback system shall be monitored  
30      by the Commission to enhance service delivery and accountability.

31  
32      d) **Consistent Updates of Data and Information:** The portal shall include a regularly updated  
33      repository of government information, reports, and datasets, ensuring that all uploaded content

1 is accurate, up-to-date, and relevant. Agencies shall be required to submit updates to their data  
2 within timeframes specified by the Commission.

3  
4 **e) Transparency Dashboard:** The portal shall feature a Transparency Dashboard displaying  
5 metrics such as the number of requests received, processing times, denial rates, and reasons  
6 for denials, categorized by government agency. This data shall be updated in real-time to  
7 promote accountability.

8  
9 **f) Integration with Local Systems:** The portal shall include features allowing integration with  
10 local government unit (LGU) systems and platforms to support the monitoring of compliance  
11 and streamline FOI processes at the municipal and barangay levels.

12  
13 **g) Educational Resources and Playguide:** The portal shall host an interactive play guide or  
14 toolkit containing step-by-step instructions on filing requests, understanding exemptions, and  
15 accessing public information. It shall also include FAQs, video tutorials, and other educational  
16 resources to help users navigate the FOI process effectively.

17  
18 **h) Feedback Reporting and Accountability:** The Commission shall publish regular reports  
19 summarizing the feedback received through the portal and actions taken in response to such  
20 feedback. This ensures that the mechanism is actively contributing to improving FOI services.

21  
22 The Commission shall oversee the implementation and maintenance of the portal, with DICT  
23 providing technical support and ensuring system reliability, scalability, and security. Funding  
24 for the development, operation, and maintenance of the FOI Portal shall be allocated from the  
25 Commission's annual budget and augmented by additional appropriations, if necessary.

26  
27 **Section 24. Mandatory Disclosure of Information. –**

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

32  
33 1) President;

34 2) Vice-President;

- 3) Members of the Cabinet;
- 4) Members of Congress;
- 5) Justices of Supreme Court;
- 6) Members of Constitutional Commissions and other constitutional offices: 440
- 7) Officers of the armed forces with general or flag rank.

b) Similarly, local officials, as defined under the Local Government Code and other relevant laws, shall disclose their Statement of Assets, Liabilities, and Net Worth (SALN) on an annual basis in a manner accessible to the public. The SALN of local officials shall be made available on the official website of the respective local government units (LGUs) or through other accessible online platforms. This shall apply to the following local officials:

- 1) Governors;
- 2) Vice-Governors;
- 3) Members of the Sangguniang Panlalawigan;
- 4) Mayors;
- 5) Vice-Mayors;
- 6) Members of the Sangguniang Panlungsod/Pambayan;
- 7) Barangay Captains and other Barangay Officials;
- 8) Sangguniang Kabataan Chairperson and other Sangguniang Kabataan Officials

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

- 1) Annual Budget of Government Agencies;
- 2) Itemized Monthly Collections and Disbursement;
- 3) Summary of Income and Expenditures;
- 4) Component of the IRA Utilization;
- 5) Annual Procurement Plan, Project Procurement Management Plan, and 464 Procurement List;
- 6) An updated Plantilla of positions and vacant positions with qualifications/ 466 requirements in their organizations that need to be filled- up:
- 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 **CHAPTER V:**

2 **Central Appeals and Review Committee**

3  
4 **Section 25. Central Appeals and Review Committee.** – There shall be established a Central  
5 Appeals and Review Committee (CARC) in every government agency and local government  
6 unit (LGU), which shall serve as an internal appeal mechanism. The CARC shall exercise the  
7 following functions:

- 8  
9 a. To receive, review, evaluate, and assess appeals concerning the denial of information  
10 requests;  
11  
12 b. To determine whether the appeal was filed within the timeframe prescribed by this Act;  
13  
14 c. To recommend to the head of the agency the appropriate action to be taken on the appeal  
15 filed by the requesting party; and  
16 d. To perform such other functions as may be assigned by the Commission.  
17

18 The CARC shall be composed of no more than three (3) public officers holding the rank of  
19 Director, Manager, or its equivalent, from offices responsible for information and  
20 communication, records management, or policy within the government agency. In the case of  
21 local government units, the CARC shall be composed of two (2) representatives from the local  
22 sanggunian and one (1) representative from the Legal Office of the Lokal na Sanggunian.  
23

24 **Section 26. Notice of Denial.** – If the government agency decides to deny the request, in  
25 whole or in part, it shall, as soon as practicable, and in any case within the prescribed applicable  
26 period from the receipt of the request, notify the person making the request of such denial in  
27 writing or through electronic means. The notice shall indicate the name, rank, title, or position  
28 of the person making the denial, clearly set forth the ground or grounds for denial and the  
29 circumstances on which the denial is based, and indicate available rights of reconsideration or  
30 appeal. Failure to notify the person making the request within the prescribed period shall be  
31 deemed a denial of the request, and the requesting party may avail of the remedies provided  
32 under this Act.  
33

34 In cases where only part of the requested information is denied, the agency shall release the

portions that are not covered by the denial, subject to applicable laws and regulations.

The denial of a request shall be appealable to the immediate superior of the official who issued the denial within fifteen (15) calendar days from receipt of the notice. If the appeal is denied, the requesting party may further elevate the matter to the appropriate reviewing body or court in accordance with the remedies provided under this Act.

**Section 27. Remedies in Cases of Denial of Request for Information.** – Any denial of a request for access to information may be appealed to the Central Appeals and Review Committee (CARC) of the concerned agency and local government unit. The written appeal must be filed by the same person making the request, or their authorized representative within fifteen (15) working days from the notice of denial. The CARC shall decide on the appeal within twenty (20) working days from the filing of the appeal.

The decision shall indicate the name, rank, title, or position of the person making the decision, clearly set forth the ground or grounds and the circumstances on which the grant or denial of decision is based.

Failure of the government agency to act and decide on the request within the period stated in the preceding paragraphs shall constitute a denial of thereof and is deemed to be final; Provided, that in case the requesting party fails to file a request to review within the period provided herein, the denial of the request shall be deemed final. Provided, further, that in case the requesting party is not satisfied with the decision of the concerned agency's internal review mechanism, said party may file an Appeal to the FOI Commission.

**Section 28. Appeal on behalf of the aggrieved requesting party.** – Where the aggrieved party is unable to make an appeal due to, among others, health conditions or lack of legal capacity to file a suit, such appeal may be made by a person duly authorized in writing by the aggrieved party.

## **CHAPTER VI:**

### **Settlement of Disputes**

**Section 29. Alternative Dispute Resolution.** – The Commission shall have the authority to settle disputes through mediation, adjudication, or any other non-litigious method. Mediation

1 shall be the preferred mode of dispute resolution, unless the parties, in writing, indicate their  
2 inability to resolve the dispute amicably. In such cases, the Commission shall declare the  
3 mediation process unsuccessful and may proceed to other forms of dispute resolution,  
4 including but not limited to arbitration.

5  
6 **Section 30. Arbitration.** – Arbitration proceedings shall be conducted before the Commission  
7 sitting en banc or, where applicable, a division thereof composed of three (3) members. The  
8 decisions of the Commission, or a division thereof, may be appealed to the appropriate regular  
9 courts.

10  
11 **CHAPTER VII:**  
12 **Inventory of Exceptions**  
13

14 **Section 31. Exceptions.** – Access to information shall be granted unless:  
15

16 (a) **National Security and Foreign Affairs** – Information specifically authorized to be  
17 kept secret under guidelines established by an executive order and properly classified  
18 pursuant thereto: Provided, That:

- 19  
20 1. The information directly relates to national security or defense, and its revelation may  
21 cause grave damage to the national security or the internal and external defense of the  
22 State; or  
23 2. The information pertains to the foreign affairs of the Republic of the Philippines, and  
24 its revelation would unduly weaken the negotiating position of the government in  
25 ongoing bilateral or multilateral negotiations or seriously jeopardize diplomatic  
26 relations with one or more states: Provided, That sufficient information is disclosed to  
27 afford reasonable public participation in government decision-making regarding  
28 bilateral and multilateral agreements: Provided, further, That the executive order  
29 shall specify the reasonable period after which the information shall be automatically  
30 declassified or subject to mandatory declassification review after six (6) years, and that  
31 any reasonable doubt as to classification or declassification shall be resolved in favor  
32 of the right to information.  
33

1       **(b) Law Enforcement and Investigatory Records** – Information that discloses  
2       investigatory records compiled for law enforcement purposes or information contained  
3       therein, but only to the extent that the production of such records or information:

- 4
- 5       1. Reasonably be expected to interfere with enforcement proceedings;
  - 6       2. Deprive a person of the right to a fair trial or impartial adjudication;
  - 7       3. Reasonably be expected to constitute an unwarranted invasion of privacy;
  - 8       4. Is furnished by a confidential source, and in the case of records compiled by criminal  
9       law enforcement authorities in the course of a criminal investigation, or by an agency  
10      conducting a lawful national security intelligence investigation, confidential  
11      information is furnished only by the confidential source;
  - 12      5. Unjustifiably disclose investigative or prosecutorial techniques and procedures; or
  - 13      6. Reasonably be expected to endanger the life or physical safety of any individual:  
14      Provided, that convictions by final judgment rendered by judicial or quasi-judicial  
15      bodies, and other similar records, shall be disclosable.
- 16

17       **(c) Executive Sessions** – Information pertaining to a testimony, report, document, or  
18       discussion obtained during an executive session of the Congress of the Philippines or  
19       any of its committees.

20

21       **(d) Personal Information** – Information pertaining to the personal information of  
22       a natural person, whether from the public or private sector, where its disclosure would  
23       constitute an unwarranted invasion of personal privacy, unless:

24

- 25      1. The information is specifically required by law to be entered into an official record  
26      and made available to the public; or
  - 27      2. The person has consented in writing to the disclosure of such information. To the extent  
28      necessary to prevent an unwarranted invasion of personal privacy, an agency may  
29      redact such information from a record made available to the public. The justification  
30      for the redaction shall be provided in writing, and the extent of the redaction shall be  
31      indicated on the portion of the record made available or published.
- 32
- 33

1       (e) **Trade Secrets and Commercial Information** – Information pertaining to  
2       trade secrets, commercial or financial information, or intellectual property obtained  
3       from a natural or juridical person other than the requesting party, where the  
4       revelation thereof would seriously prejudice the interests of such person in trade,  
5       industrial, financial, or commercial competition.

6  
7       (f) **Privileged Communications** – Information classified as privileged communications in  
8       legal proceedings by law or by the Rules of Court, unless the person entitled to the privilege  
9       has waived it.

10      (g) **Constitutional or Legal Exemptions** – Information exempted from disclosure by the  
11      Constitution or by law.

12      (h) **Premature Disclosure in Financial Matters** – When prematurely disclosed, information  
13      would, in the case of a government agency that regulates financial institutions and markets,  
14      such as commodities, interest rates, and security markets, likely lead to fraud, manipulation,  
15      or other unlawful acts or schemes involving financial instruments, or in the case of other  
16      government agencies, likely impede the effective implementation of a proposed official  
17      action: Provided, That such information shall become accessible once the anticipated danger  
18      has ceased.

19  
20      For paragraphs (b) through (h) of this Section, the determination of whether any of these  
21      grounds apply shall be the responsibility of the head of office of the government agency in  
22      custody or control of the information, or any responsible central or field officer duly  
23      designated by the head of office: Provided, That with regard to collegial bodies, boards,  
24      commissions, or other courts, the chairperson or presiding officer shall be deemed the head of  
25      office for purposes of this provision.

26  
27      The exceptions provided in paragraphs (a) to (h) shall be reviewed and updated regularly by  
28      the Commission in coordination with the Office of the Solicitor General and the Department  
29      of Justice. The updated list of exceptions shall be issued by the Commission: Provided, That  
30      the exceptions contained in paragraphs (a) to (h) shall not be diminished or removed.

31  
32      **Section 32. Qualifiers for Disclosure.** – Notwithstanding the foregoing exceptions, access to  
33      information shall not be denied if:

- a. The information may reasonably be severed from the body of information that would otherwise be subject to the exceptions;
- b. The public interest in disclosure outweighs the harm to the interests sought to be protected by the exceptions;
- c. The requesting party is either House of Congress, or any of its committees, and the disclosure is to be made in executive session, unless the disclosure would constitute a violation of the Constitution;
- d. The requested information pertains to cases already decided with finality by the courts, tribunals, commissions, agencies exercising quasi-judicial functions, administrative bodies, or officials in the exercise of their administrative functions; or
- e. The person entitled to the privilege or the body holding the information has waived the exception.

**Section 33. Classification and Declassification of Government Information or Records –**  
Government agencies may classify information or records within their control or custody for a period specified by the agency: Provided, that all classified information contained in government agency records that:

1. Are more than thirty (30) years old; and
2. Have been determined to have historical value, shall be automatically declassified, regardless of whether the records have been reviewed. Subsequently, all classified information in such records shall be automatically declassified no more than thirty (30) years from the date of its original classification.

1 **CHAPTER VIII:**

2 **Data Privacy and Records Management**

3  
4 **Section 34. Consultation with the National Privacy Commission.** – Prior to issuing a  
5 resolution or decision on a complaint filed under this Act, the Freedom of Information (FOI)  
6 Commission may consult with the National Privacy Commission to assess the merits of the  
7 case, particularly when the refusal to disclose information is based on privacy concerns.  
8

9 **Section 35. Compliance with Data Privacy Laws.** – All covered agencies shall comply with  
10 the provisions of the Data Privacy Act of 2012 (Republic Act No. 10173) and other applicable  
11 laws and regulations to ensure the protection of personal data of individuals requesting  
12 information. Agencies shall implement appropriate security measures to safeguard personal  
13 data during the submission, processing, and storage of information requests.  
14

15 In the exercise of ensuring access to information in public records, the right to privacy of  
16 individuals shall be protected at all times, in the following manner:  
17

- 18 a. A government agency shall ensure that personal information in its custody or under its  
19 control is disclosed only in accordance with the provisions of this Act;  
20  
21 b. A government agency shall take reasonable measures to protect personal information  
22 in its custody or under its control from risks such as unauthorized access, collection,  
23 use, disclosure, or disposal;  
24  
25 c. A public officer or employee of a government agency who has access, whether  
26 authorized or unauthorized, to personal information in the custody of the agency shall  
27 not disclose such information except as authorized under this Act;  
28  
29 d. The processing of Personal Information and Sensitive Personal Information shall be  
30 conducted in accordance with the General Data Privacy Principles set forth in the Data  
31 Privacy Act, ensuring the protection of the rights of the data subject.  
32

33 **Section 36. Records Management.** – All government agencies shall establish and maintain  
34 records of their activities in a manner that facilitates the exercise of the right to information as

1 provided under this Act. Records management shall be in accordance with the rules and  
2 regulations established by the National Archives of the Philippines and the FOI Commission,  
3 ensuring proper support for the right to information.

4  
5 **Section 37. FOI Code of Practice.** – The FOI Commission shall issue an FOI Code of Practice  
6 within sixty (60) working days from the establishment of the Commission. The Code may be  
7 revised periodically to reflect best practices in the implementation of the FOI program. It shall  
8 serve as a guide for government offices in performing their duties and responsibilities,  
9 including but not limited to the rules and regulations governing the processing of FOI requests,  
10 monitoring and evaluation, records management, and related processes.

11  
12 **Section 38. FOI Code of Practice. – Accountability for Data Protection.** – Each government  
13 agency shall designate a Data Protection Officer (DPO) or an equivalent responsible party to  
14 ensure compliance with data privacy regulations and to address any concerns or complaints  
15 regarding data protection. The DPO shall ensure that all FOI requests are processed in a manner  
16 that safeguards personal data in accordance with applicable laws.

## 17 18 **CHAPTER IX:**

### 19 **Freedom of Information (FOI) Council**

20  
21 **Section 39. Creation of the Freedom of Information (FOI) Council at the Local Level.** –  
22 To ensure broad and multi-sectoral participation in the exercise of the right to information,  
23 there shall be established a Freedom of Information (FOI) Council in every province, city, and  
24 municipality, hereinafter referred to as the Provincial FOI Council (PFOIC), City FOI Council  
25 (CFOIC), and Municipal FOI Council (MFOIC), respectively. Each FOI Council shall be  
26 headed by the elected Chairperson of the representatives from various local sectors at the  
27 provincial, city, and municipal levels. The FOI Council shall assist in the planning,  
28 implementation, and execution of projects and programs of the FOI Officer and the FOI  
29 Commission at the local levels.

30  
31 **Section 40. Local Registration of People's Organizations and Civil Society Organizations**  
32 – All people's organizations and civil society organizations, with a minimum of ten (10)  
33 members in good standing and which are operating within the jurisdiction of the concerned

1 province, city, or municipality, shall be registered in accordance with the following  
2 procedures:

- 3 1) Organizations based in a component city or independent component city, as well as  
4 municipalities, shall register with the City or Municipal FOI Office (C/MFO).  
5
- 6 2) Organizations based in a province or highly urbanized city shall register with the  
7 Provincial or Highly Urbanized City Public Information Office (P/HUFO).  
8
- 9 3) In the absence of a Local FOI Office (FO) within the province, city, or municipality,  
10 the Local Chief Executive (LCE) shall designate appropriate personnel from the local  
11 government unit to register these organizations until such time as the local government  
12 unit establishes the office.  
13
- 14 4) People's organizations and civil society organizations that are registered with other  
15 national government agencies shall be recognized as registered organizations by the  
16 FOI Office, provided that such organizations are based and/or operate within the  
17 concerned province, city, or municipality.  
18
- 19 5) Notwithstanding the foregoing, if a Local Government Unit (LGU) maintains an  
20 existing People's Council or similar mechanism, the FOI Officer shall only be required  
21 to verify the registration of the organizations within such mechanism, provided that the  
22 ordinance establishing the People's Council is amended to include functions related to  
23 the FOI Council.  
24

25 **Section 41. Renewal, Verification, and Continuing Local Registration** – Registered  
26 people's organizations and civil society organizations shall renew their local registration and  
27 verification every three (3) years. The FOI Officer, or the designated personnel, shall conduct  
28 a continuing registration procedure, considering the budgetary and manpower requirements  
29 and the presence of such organizations.  
30

31 **Section 42. Condition Precedent** – Local registration and verification of people's  
32 organizations and civil society organizations shall be a condition precedent for participation  
33 in the FOI Council (FOIC) elections. In the event that a people's organization or civil society  
34 organization is denied local registration and verification, the organization may apply for special

1 registration and verification with the FOI Commission. Upon approval of such special  
2 registration and verification, the organization shall be entitled to participate in the FOIC  
3 elections. An appeal mechanism shall be established by the FOI Commission.

4  
5 **Section 43. Composition.** – The FOI Council shall be composed of no fewer than twenty (20)  
6 and no more than thirty (30) representatives from various local sectors. Provided, however,  
7 that all incumbent government officials and employees shall be ineligible for membership in  
8 the FOI Council.

9  
10 The Council shall be constituted to ensure a balanced representation from diverse sectors,  
11 including, but not limited to, the following:

- 12  
13 1) Civil society organizations (CSOs) with a focus on governance, transparency, and  
14 accountability;  
15 2) Community-based organizations (CBOs) representing marginalized or vulnerable groups;  
16 3) Local businesses and trade associations;  
17 4) Academic and research institutions specializing in governance and public policy;  
18 5) Other organizations contributing to local community development and advocacy.

19  
20 **Section 44. Manner of Election.** – Within forty-five (45) days following the enactment of this  
21 Act, the FOI Officer or the designated personnel from the local government unit shall notify  
22 the presidents or duly authorized representatives of the registered people's organizations or  
23 civil society organizations within the locality. The FOI Officer or designated personnel shall  
24 convene a meeting in a public venue, where, through either consensus or secret balloting, the  
25 representatives shall elect no fewer than twenty (20) and no more than thirty (30) individuals  
26 to serve as members of the FOI Council.

27  
28 The representatives so elected shall serve a term of four (4) years on the FOI Council (FOIC).

29  
30 **Section 45. Convening of the FOIC** – The Chairperson of the FOI Council shall convene the  
31 Council and shall preside over all its meetings, which shall be observed by the FOI Officer.

32  
33 **Section 46. Meetings and Quorum** –  
34

- 1) The FOI Council shall hold regular meetings on a quarterly basis and may convene additional meetings as necessary. In the event that the President or Vice President of the FOIC fails to convene a meeting as scheduled, at least one-third (1/3) of the total membership of the FOI Council may call for a meeting. In either case, a written notice shall be sent to all members, either by traditional or electronic means, specifying the date, time, place, and agenda of the meeting. Such notice must be received by the members at least two (2) days prior to the meeting.
- 2) A quorum shall be constituted by the presence of a majority of the total membership of the FOI Council.

#### **Section 47. Duties and Functions of the FOI Council:**

- a) The Council shall assess local FOI compliance by monitoring how information is being made accessible to the public and ensuring that requests for information are processed promptly and efficiently.
- b) The Council shall also help raise public awareness on the right to access information, educate the public on how to file FOI requests, and ensure that local government officials adhere to the standards set by this Act.
- c) The Council shall engage in regular consultations with local stakeholders, especially marginalized sectors, to ensure that their concerns are included in local governance discussions.
- d) The Council shall also conduct periodic assessments and reviews of the effectiveness of local FOI initiatives and propose recommendations to improve transparency and accountability at the local level.
- e) The Council shall proactively access and review public records and documents, including but not limited to government plans, programs, and budget utilization, to ensure that such information is accessible, accurate, and aligned with the principles of good governance.

#### **Section 48. Capacity Building and Support for FOI Council:**

- a. The FOI Council shall undergo mandatory training programs provided by the Freedom of Information Commission in coordination with the Local Government Unit (LGU). These training programs will focus on enhancing the Council's capacity to effectively oversee

1 FOI compliance, facilitate transparency initiatives, and engage with the public regarding  
2 their right to access information. The training shall cover the key provisions of this Act,  
3 best practices in information management, and tools for citizen engagement and  
4 monitoring.

- 5 b. The FOI Council shall also be responsible for organizing capacity-building programs at  
6 the barangay level. These programs shall be aimed at educating local communities on their  
7 right to access information and how to engage in local governance processes. The training  
8 shall be supported by the LGU, which will provide funding and logistical assistance for  
9 the successful implementation of these initiatives.

- 10  
11 c. The FOI Council shall foster an inclusive environment where marginalized groups, such  
12 as indigenous communities, women, persons with disabilities, and other vulnerable  
13 sectors, are encouraged and supported to actively participate in local governance  
14 processes. Special attention shall be given to ensuring that these groups are informed about  
15 their right to access information and have the resources to engage effectively in decision-  
16 making processes.

17  
18 **Section 49. Periodic Evaluation.** – The FOI Council shall submit annual reports to the  
19 Freedom of Information Commission on its activities, findings, and recommendations related  
20 to FOI compliance and transparency at the national and local level.

21  
22 **Section 50. FOI Council Funds.** – The Local Government Unit (LGU) shall allocate  
23 mandatory and sustainable funding for the operations of the FOI Council. This funding shall  
24 be used to cover the Council's operational expenses, including its training programs, advocacy  
25 efforts, and the development of local transparency initiatives. The funds provided for the FOI  
26 Council shall be free from political influence and control, ensuring that the Council's work  
27 remains independent and focused on promoting transparency and accountability in local  
28 governance.

1 **CHAPTER X:**

2 **Penalties**

3  
4 **Section 51. Criminal Offenses.** – The Commission may, motu proprio or upon receipt of a  
5 complaint from the requesting party, initiate a criminal case against any individual who  
6 commits any of the following acts:

- 7
- 8 a. When a public officer or employee knowingly or willfully obstructs,  
9 impedes, frustrates, or delays access to any information or records that are necessary  
10 to safeguard the life or liberty of a person;
- 11
- 12 b. When a public officer or employee willfully refuses to comply with the decision of  
13 the Commission, or any court, tribunal, commission, agency exercising quasi judicial  
14 functions, administrative body, or official within the scope of their jurisdiction, or any  
15 superior authority ordering the release of information;
- 16
- 17 c. When a public officer or employee willfully interferes with or obstructs the work 864  
18 of the Commission or any officer of the Commission;
- 19
- 20 d. When a public officer or employee deliberately conceals, falsifies, or provides false,  
21 misleading, incomplete, or inaccurate information in response to a request made  
22 pursuant to this Act;
- 23
- 24 e. When a public officer or employee claims an exception under Chapter VII of this Act,  
25 knowing such a claim is devoid of factual or legal basis;
- 26
- 27 f. When a public officer or employee discloses or releases any information covered under  
28 Chapter VII of this Act through malicious breach, inexcusable negligence, or  
29 ignorance;
- 30
- 31 g. When a public officer or employee willfully discloses or releases a document that has  
32 been altered, tampered with, or modified in a manner that changes its meaning, or  
33 includes statements contrary to or different from the original document.
- 34

1 Provided, that altering or modifying a document solely for the purpose of severing exempt  
2 information from non-exempt information within a single document shall not be punishable  
3 under this Act.

4 If a violation is induced or assisted by a private individual or any corporation, partnership, or  
5 juridical entity, the penalty prescribed herein shall be imposed on the executive officer and/or  
6 other responsible officials of the entity.

7  
8 **Section 52. Penalties.** – Any violation of the provisions in Section 36 shall incur the following  
9 penalties:

10  
11 **1. Administrative Liability:** Dismissal from service, perpetual disqualification from holding  
12 public office, and forfeiture of retirement benefits; and

13  
14 **2. Criminal Liability:** Imprisonment for a term of one (1) year to six (6) years, or a fine  
15 ranging from Five Hundred Thousand Pesos (Php 500,000.00) to One Million Pesos (Php  
16 1,000,000.00), or both.

17 Any public officer or employee who willfully destroys, causes the destruction of, or  
18 sells information and/or documents being requested under this Act, for the purpose  
19 of frustrating access thereto by the requesting party, shall be subject to a fine of not less than  
20 Five Hundred Thousand Pesos (Php 500,000.00) but not more than One Million Pesos (Php  
21 1,000,000.00), or imprisonment for a period of five (5) to fifteen (15) years, or both, in  
22 accordance with Republic Act No. 9470 (National Archives of the Philippines Act of 2007).

23  
24 **Section 53. Administrative Offenses.** – The Commission may, motu proprio or upon receipt  
25 of a complaint from the requesting party, file an administrative case against any public officer  
26 or employee for any of the following offenses:

- 27
- 28 a. When a public officer or employee willfully denies or obstructs access to  
29 any information or records;
  - 30 b. When a public officer or employee willfully fails to act on a request within the  
31 compliance periods provided under Section XX of this Act;
  - 32 c. When a public officer or employee claims an exception under Chapter VII of this Act,  
33 due to inexcusable negligence or ignorance, and the claim is devoid of factual or legal  
34 basis.

**Section 54. Administrative Liability.** – Any violation of the provisions in Section XX shall incur the following penalties:

- a. **First Offense:** Suspension of not less than one (1) month, but not more than six (6) months;
- b. **Second Offense:** Suspension of not less than six (6) months, but not more than one (1) year;
- c. **Third Offense:** Dismissal from service.

**Section 55. Whistleblower Protection.** – No individual shall be subjected to any legal, administrative, or employment-related sanction for disclosing information on wrongdoing, or that which would reveal a serious threat to health, safety, the environment, or public interest, provided the disclosure is made in good faith and with a reasonable belief that the information is substantially true and discloses evidence of wrongdoing or a serious threat to public interest.

However, if it is found that the disclosure was made in violation of this provision, the individual shall be held liable under Section XX (x) of this Act and Sections 29 or 32 of Republic Act No. 10173 (Data Privacy Act of 2012).

For purposes of this section, "wrongdoing" includes the commission of a criminal offense, failure to comply with a legal obligation, miscarriage of justice, corruption or dishonesty, or serious maladministration or misconduct by a public official.

## **CHAPTER XI:**

### **Functions of the Office of the Ombudsman**

**Section 56. Functions of the Office of the Ombudsman.** – The Office of the Ombudsman, pursuant the Philippine Constitution, shall be given the following additional functions:

- a. To investigate and review decision of any responsible public officers or employees, and Central Appeals and Review Committee of government agencies relative to the disclosure or non-disclosure of information;

- 1 b. To investigate and review any decision of any government agencies, departments, or  
2 institutions regarding the arbitrary extension of the time limit to respond provided in  
3 this Act;
- 4 c. To investigate and review any written complaint against any officers or employees of  
5 any government agencies, departments, or institutions for all actions;
- 6 d. To investigate and review all offenses and penalties committed under Sec. XX and  
7 Sec. XX of this Act;
- 8 e. To provide for its own rules of procedure as regards investigation and review;  
9 Provided that said rules of procedure shall take into utmost consideration the expedient  
10 handling of all the investigation and review of any of the acts mentioned under this  
11 Chapter;
- 12 f. And all other functions and powers as may be deemed necessary and appropriate for  
13 the enforcement of this Act.  
14

15 **Section 57. Applicability of relevant laws.** – The functions and powers of the Office of the  
16 Ombudsman as stated in this Act shall be without prejudice to its other functions and powers  
17 provided under the 1987 Constitution of the Republic of the Philippines, Republic Act 6770 or  
18 The Ombudsman Act of 1989, and other relevant laws.  
19

20 **Section 58. Consultation with the National Privacy Commission.** – The Office of the  
21 Ombudsman may, before coming up with a resolution or decision to a complaint made under  
22 this Act, to consult with the National Privacy Commission regarding the merits of the case  
23 especially if the refusal is grounded on privacy concerns.  
24

## 25 **CHAPTER XII:**

### 26 **Capacity Building, Technological Investment, and Systems of Incentives for FOI** 27 **Advancement**

28 **Section 59. Capacity-Building, Promotion of Best Practices, and Continuous Updating**  
29 **of Appropriate Use of Information Technology.** – Pursuant to its mandate, the Commission  
30 shall:  
31

- 32 a) **Training and Awareness:** Ensure that public officers and employees, especially those  
33 designated as public information officers (PIOs), receive adequate and continuous  
34 training to enhance their understanding of the constitutional right of access to

1 information, the provisions of this Act, and the principles of transparency and  
2 accountability in governance.

3  
4 **b) Professionalization of Public Information Officers:** Advocate for the  
5 professionalization of public information officers by requiring qualifications in  
6 information and communications technology (ICT) or related fields. PIOs shall be  
7 equipped with the necessary skills to handle information disclosure, data management,  
8 and digital communication effectively.

9  
10 I. A certification program shall be developed in coordination with the Civil Service  
11 Commission (CSC) and the DICT to recognize qualified PIOs who demonstrate  
12 proficiency in ICT and FOI-related competencies.

13  
14 II. The Commission, in partnership with DICT and other relevant agencies, shall  
15 provide technical and leadership training programs tailored for PIOs to enhance  
16 their capacity to manage modern digital platforms and ensure compliance with FOI  
17 standards.

18  
19 **c) Promotion of Best Practices:** Encourage government agencies to adopt and share best  
20 practices in information disclosure, records management, and public engagement. This  
21 includes developing templates, toolkits, and systems that ensure the timely, accurate,  
22 and efficient release of public information.

23  
24 **d) Monitoring and Support for Government Websites:** The DICT, in coordination  
25 with the Commission, shall:

26 I. Monitor all government websites to ensure compliance with the requirements of  
27 this Act, particularly in terms of functionality, accessibility, and the publication of  
28 public records.

29 II. Collaborate with other agencies, private sector partners, and volunteer groups to  
30 enhance the quality and usability of government digital platforms.

31  
32 **e) Continuous Development and Updating of Technology Systems:** In the  
33 performance of its monitoring function, the DICT shall ensure the continuous

development, improvement, and updating of government technology systems. These systems must prioritize:

- I. Usability and accessibility for the public, including individuals with disabilities.
- II. Practical mechanisms for accessing government records in digital formats.
- III. Robust security protocols to protect the integrity of data and personal information.

- f) **Implementation Oversight:** The Commission shall establish a monitoring framework to ensure compliance with capacity-building programs and ICT development initiatives across all covered agencies. Regular performance audits and evaluations shall be conducted, with results published for public accountability.

**Section 60. Integration of Freedom of Information in Elementary, Secondary and Tertiary Curriculum.** – The principles of Freedom of Information (FOI) and media and information literacy shall be integrated into the national curriculum to promote transparency, accountability, and informed citizenship. At the **elementary level**, FOI concepts shall be introduced through subjects like *Araling Panlipunan*, emphasizing civic awareness. At the **secondary level**, *Social Studies* or equivalent subjects shall focus on critical thinking and the responsible use of information. At the **tertiary level**, relevant courses, particularly in public administration, political science, communication, and information technology, shall incorporate advanced FOI principles and practices. The Department of Education (DepEd), the Commission on Higher Education (CHED), and other relevant agencies shall develop learning modules, teaching materials, and interactive resources to facilitate this integration.

**Section 61. Advancing Information and Communications Technology and Research –** The government, through the Commission and other relevant agencies, shall enhance access to information and public services by advancing technology and developing necessary infrastructure.

- a) **Community-Based Information Hubs:** The Commission, in coordination with Local Government Units (LGUs), shall establish community-based central information hubs as one-stop-shops for public services. These hubs shall provide digital platforms that facilitate access to government services and information, with particular focus on marginalized sectors.

- 1       b) **ICT Infrastructure Investment:** The government shall invest in ICT infrastructure  
2       to ensure universal and reliable internet access, prioritizing underserved areas. This  
3       includes supporting local internet providers and improving connectivity in rural and  
4       remote communities.
- 5       c) **Geographically Isolated and Disadvantaged Areas (GIDA):** Special attention shall  
6       be given to GIDA, ensuring that their ICT infrastructure needs are addressed and that  
7       these areas are fully integrated into the government's public service delivery systems.
- 8       d) **Research and Development Funding:** The Commission shall allocate funds for  
9       research and development (R&D) to advance digital solutions that improve information  
10      access, transparency, and public service delivery.
- 11      e) **Public-Private Partnerships:** The Commission shall foster public-private  
12      partnerships (PPPs) to support technological development and infrastructure projects,  
13      ensuring sustainable funding and long-term growth for ICT initiatives.
- 14      f) **Telecommunications Companies' Responsibility:** Telecommunications companies  
15      shall be required to expand their infrastructure to remote areas, including the  
16      installation of internet towers, to provide citizens with reliable and affordable internet  
17      access necessary for engaging in FOI processes.

18  
19      **Section 62. Institutionalization of Freedom of Information Week and Hackathon**  
20      **Activities** – To foster public awareness and promote active participation in the Freedom of  
21      Information (FOI) program, **FOI Week** shall be institutionalized at both the national and local  
22      levels.

23  
24      a. **National and Local FOI Week Celebrations:** FOI Week shall serve as an annual  
25      celebration to emphasize the importance of the right to access information. Activities shall  
26      include:

- 27  
28          I.      **Forums, workshops, and exhibitions** to educate the public on FOI principles and  
29          processes
- 30          II.     **Interactive events** to encourage community engagement in transparency and  
31          accountability initiatives.
- 32          III.    **Hackathon events** as a centerpiece activity to engage IT experts, particularly  
33          young people, in developing innovative, technology-based solutions that enhance  
34          public information accessibility, transparency, and accountability.

1  
2 **b. Participation of Local Government Units (LGUs):** LGUs shall actively participate in FOI  
3 Week by organizing localized campaigns and activities that cater to their specific community  
4 needs.

5 **c. Funding and Safeguards:** LGUs shall allocate mandatory funding for the successful  
6 implementation of FOI Week celebrations and related initiatives. Such funds must be managed  
7 transparently and protected from political influence to ensure they achieve the objectives of  
8 this Act.

9  
10 **Section 63. Incentives, rewards, and building FOI Champions.** – To promote  
11 and recognize exemplary efforts in implementing and advancing the principles of Freedom of  
12 Information, the Commission shall create mechanisms including, but not limited to, the  
13 following:

14  
15 **a. Establishment of FOI Recognition and Rewards System:** The Commission shall  
16 establish a system of incentives and rewards to honor government agencies, local government  
17 units (LGUs), and Local FOI Councils that demonstrate exemplary compliance with this Act.  
18 Recognition shall be awarded to entities that exhibit exceptional commitment to transparency,  
19 accountability, and the promotion of public access to information. Annual recognition shall  
20 be given to:

- 21  
22 I. LGUs with innovative FOI practices and consistent compliance with this Act.  
23 II. National and local government agencies that achieve exceptional performance in  
24 FOI promotion and implementation.  
25 III. Local FOI Councils that actively engage communities, enforce policies, and  
26 empower citizens through FOI initiatives.

27  
28 **b. Forms of Incentives and Rewards: Incentives and rewards may include:**

- 29  
30 I. Grants-in-aid and funding for social projects.  
31 II. National recognition and awards during FOI Week celebrations.  
32 III. Certification as Freedom of Information Champions for outstanding performance  
33 in FOI implementation and advocacy.  
34

1 **c. Inclusion in the Seal of Good Local Governance (SGLG):** FOI compliance and  
2 promotion shall be integrated as an indicator for the Seal of Good Local Governance (SGLG).  
3 LGUs demonstrating robust FOI mechanisms, active promotion of transparency, and effective  
4 citizen engagement shall be eligible for 1105 this prestigious distinction.

5  
6 **CHAPTER XIII:**  
7 **Transitory Provisions**  
8

9 **Section 64: Implementing Authority.** – The Director of the Freedom of Information Project  
10 Management Office (FOI-PMO), established under Presidential Communications Operations  
11 Office Department Order No. 018, s. 2017, Memorandum Order No. 10, s. 2016, and Executive  
12 Order No. 02, s. 2016, shall be responsible for implementing the provisions of this Act and for  
13 overseeing the necessary organizational changes during the transition period. This period shall  
14 continue until a Chairperson has been appointed and has assumed office.

15  
16 **Section 65: Effectivity of Existing Policies, Rules, and Regulations.** – All existing policies,  
17 rules, and regulations of the FOI-PMO shall remain in full force and effect unless subsequently  
18 revoked, modified, or amended by the Commission.

19 All cases and appeals filed during the transition period shall continue to be processed by the  
20 incumbent authorities until the transition is complete and the FOI Commission's operations  
21 are fully established. Thereafter, the Commission shall assume jurisdiction over those cases  
22 and appeals. All decisions of the Commission shall thereafter be appealable to the Court of  
23 Appeals in accordance with Rule 43 of the Rules of Court.

24  
25 **Section 66: Transfer of Functions, Assets, and Obligations.** – The transfer of functions,  
26 assets, funds, personnel, equipment, properties, transactions, and personnel of the FOI-PMO  
27 to the FOI Commission, including the formulation and implementation of internal organic  
28 structures, staffing patterns, operational systems, and revised budgets, shall be completed  
29 within six (6) months from the effectivity of this Act. During this period, existing personnel  
30 shall continue to assume their posts in a holdover capacity until new appointments are issued.

31  
32 The following actions shall be completed within six (6) months from the effectivity of this  
33 Act:

1 a. The allocation of existing equipment, funds, and other assets of the FOI-PMO shall be  
2 transferred to the FOI Commission;

3  
4 b. The records and pertinent transactions of the FOI-PMO shall be transferred to the FOI  
5 Commission;

6  
7 c. The FOI Commission shall facilitate the creation of additional positions and augment its  
8 budget appropriations, as necessary, with the approval of the Department of Budget and  
9 Management (DBM).

10  
11 The Commission shall be subrogated to all rights and assume all liabilities of the FOI PMO.

12  
13 **Section 67: Absorption or Separation from Service of Employees of the Consolidated**  
14 **Agencies.** – Employees of the FOI-PMO shall enjoy security of tenure and shall be absorbed  
15 by the FOI Commission, in accordance with the staffing patterns and selection process under  
16 Republic Act No. 6656, otherwise known as the "Government Reorganization Law."

17 Employees who opt to be separated from service due to the consolidation and reconstitution  
18 under the provisions of this Act shall, within one (1) month from their separation or phase-  
19 out, receive separation benefits in accordance with existing laws. Additionally, employees  
20 who are qualified for retirement shall be allowed to retire and shall be entitled to all benefits  
21 provided under existing retirement laws.

22  
23 **Section 68: Structure and Staffing Pattern.** – With the approval of the DBM, the  
24 Commission shall determine its organizational structure, create new divisions or units as  
25 necessary, and appoint officers and employees in accordance with civil service laws, rules,  
26 and regulations.

27  
28 **Section 69: Transition Period.** – The transfer of functions, assets, funds, equipment,  
29 properties, transactions, and personnel of the FOI-PMO, and the formulation of the internal  
30 organic structure, staffing patterns, and operating systems of the Commission, shall be  
31 completed within six (6) months from the effectivity of this Act. During this transition period,  
32 existing personnel shall continue to hold their positions on a regular basis. Upon the abolition  
33 of the FOI-PMO, the Commission, in coordination with the DBM, shall determine and create

1 new positions as necessary. The funding requirements for these new positions may exceed the  
2 equivalent cost of positions abolished.

### 3 4 **CHAPTER XIII:**

#### 5 **Final Provisions**

6  
7 **Section 70: Appropriations.** – The initial sum of Sixty Million Pesos (Php 60,000,000.00),  
8 or so much thereof as may be necessary, is hereby authorized to be released from the National  
9 Treasury, from any fund not otherwise appropriated, including the current year's  
10 appropriations of the FOI-PMO. Thereafter, such sums as may be necessary for the continued  
11 implementation of this Act shall be included in the annual General Appropriations Act.

12  
13 **Section 71: Separability Clause.** – If any section or provision of this Act is held to be  
14 unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain  
15 in full force and effect.

16 **Section 72: Repealing Clause.** – All laws, decrees, executive orders, rules, and regulations,  
17 or any part thereof, inconsistent with the provisions of this Act are hereby deemed repealed,  
18 specifically including Memorandum Circular (MC) No. 78, s. 1964, as amended by MC No.  
19 196, s. 1968 (Rules Governing Security of Classified Matter in Government Offices),  
20 Republic Act No. 10173 (Data Privacy Act of 2012), and Republic Act No. 11032 (Ease of  
21 Doing Business and Efficient Government Service Delivery Act of 2018). Provided, that the  
22 provisions of Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public  
23 Officials and Employees) shall remain in force and shall not be deemed modified or repealed  
24 by any provision of this Act.

25  
26 **Section 73: Effectivity.** – This Act shall take effect fifteen (15) calendar days after  
27 its publication in at least two (2) newspapers of general circulation.

*Approved,*