

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 259



Introduced by: **REP. RACHEL MARGUERITE "CUTIE" DEL MAR**

EXPLANATORY NOTE

This bill seeks to put in place the enabling law necessary to implement the Constitutional provision: *"The right of the people to information on matters of public concerns shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."* (Article II, Section 7).

Provisions include a clear mandate for promoting a clear transparency and accountability in government; a convenient procedure to facilitate access to information; remedies available for denial of access; administrative, civil and criminal penalties for violation thereof, among others. Access to public records means access to evidence vital to proving public officials accountable for wrongdoing. But more than that, it serves as a great deterrent to wrongdoing.

This same measure was already approved on third and final reading by both the House and the Senate and further approved by the Bicameral Conference Committee constituted by both chambers to harmonize their both version in the last 14th Congress. Unfortunately, however, while the subject Conference Committee Report was ratified by the Senate, the same could not be ratified by this House due to lack of quorum of the last session day of the 14th Congress. This was refiled by this representation during the 15th Congress and was refiled by my father, the late Raul V. Del Mar during the 16th, 17th and 18th Congresses. Hence, refiled of this bill with the earnest hope that approval of the same be given the highest priority it deserves.


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AN ACT
STRENGTHENING THE PEOPLE’S RIGHT TO INFORMATION

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

I. GENERAL PROVISIONS

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

3 SEC. 2. **Declaration of Policy.** – The State recognizes the right of the
4 people to information on matters of public concern and adopts a policy of full
5 public disclosure of all its transactions involving public interest, subject to
6 the procedures and limitations provided by law.

7 Every citizen shall be afforded access to official records, documents and
8 papers pertaining to official acts, transactions or decisions, and government
9 research data used as basis for policy development, subject to such
10 limitations provided under this Act.

11 This Act shall uphold and strengthen the right to information with due
12 regard to the full protection of the right to privacy of individuals.

13 SEC. 3. **Coverage.** – This Act covers all government agencies in the
14 executive, legislative, and judicial branches including departments, bureaus,
15 offices, agencies and instrumentalities of the national government,

1 Constitutional Commissions and constitutionally mandated bodies; local
2 government units and all their agencies; regulatory agencies; chartered
3 institutions; government-owned-or-controlled corporations including wholly-
4 owned or controlled subsidiaries; government financial institutions; state
5 universities and colleges; the Armed Forces of the Philippines and the
6 Philippine National Police; all offices in the Congress of the Philippines,
7 including the offices of Senators and Representatives; and the Supreme
8 Court and all lower courts established by law.

9 **SEC. 4. *Definition of Terms.*** – As used in this Act:

10 a) *Dataset* refers to an organized collection of data or information in
11 a variety of forms including tabular, geo-spatial or image data files;

12 b) *Freedom of Information (FOI) request* refers to a request made in
13 accordance with the provisions of this Act;

14 c) *FOI Website* refers to the website with address www.foi.gov.ph
15 that shall serve as the government's comprehensive FOI website for all
16 information on the FOI. It shall be the central resource for the public to:
17 understand the FOI law, search data and records inventories of agencies,
18 make a request for information that is not yet publicly available, track all FOI
19 requests made by other citizens, and monitor agency performance in terms of
20 FOI. The FOI website shall also be a platform for all government agencies to
21 facilitate and address all FOI requests of the public;

22 d) *Information* refers to data that have been processed into a record,
23 document, paper, report, letter, contract, minutes and transcripts of official
24 meetings, maps, books, photographs and research material in whatever form,
25 or films, audio and video recordings, magnetic or other tapes and electronic
26 data, in whatever format, which are made, received, and under the control
27 and custody of any government agency pursuant to law, executive order,
28 rules and regulations, ordinance, or are in its possession in connection with
29 the performance of its official duty or transaction;

30 e) *Machine-readable* refers to formats that allow data to be
31 extracted and processed by computer programs;

32 f) *Official record* refers to information generated or received by a
33 public officer or employee or by a government agency in an official capacity or

1 pursuant to a public function or duty, but does not include the current
2 status of the information;

3 h) *Open Data Philippines Website (www.data.gov.ph)* refers to the
4 official website containing all government data generated by agencies in the
5 implementation of agency mandates, programs, activities, and projects. The
6 website shall be the central repository of all searchable, understandable, and
7 accessible government data;

8 g) *Open format* refers to information that is platform-independent,
9 machine-readable, and made available to the public without restrictions that
10 impede its reuse;

11 i) *Personal information* refers to any information, whether or not
12 recorded in a material form, which reveals or describes the identity of an
13 individual or from which such identity can be reasonably and directly
14 ascertained by the entity handling the information, or when put together with
15 other information, would directly and certainly identify an individual. It
16 includes signatures, addresses, telephone numbers, identification numbers,
17 names of family members, race or ethnicity, religion, health, education,
18 sexual orientation, and other similar information;

19 j) *Public record* refers to information required by law, executive
20 orders, rules, or regulations to be entered, kept, and made publicly available
21 by a government agency; and

22 k) *Public service contractor* refers to a private entity, domestic or
23 foreign, that transacts or deals with the government or government agency or
24 office that utilizes public funds, to provide any form of service or goods for the
25 official use of such government agency or office.

26 **II. DUTY TO DISCLOSE**

27 **SEC. 5. *Mandatory Disclosure of Information.*** – a) *Constitutionally-*
28 *Mandated Disclosure of Statement of Assets, Liabilities and Net Worth (SALN)* –
29 Pursuant to the mandate of Section 17, Article XI of the Constitution, the
30 following public officials and employees shall make their annual SALN

1 declaration available and accessible in the official website of their respective
2 offices:

- 3 1) President;
- 4 2) Vice-President;
- 5 3) Members of the Cabinet;
- 6 4) Members of Congress;
- 7 5) Justices of Supreme Court;
- 8 6) Members of Constitutional Commissions and other
9 constitutional offices; and
- 10 7) Officers of the Armed Forces of the Philippines with general
11 or flag rank.

12 b) *Disclosure of information in agency websites* – All agencies and
13 branches of the government shall publish in their websites and update on a
14 monthly basis the following information in full:

- 15 1) Freedom of Information Manual;
- 16 2) Rules of procedure, description of forms available, the
17 places at which forms may be obtained, and instructions as to the
18 scope and contents of all papers, reports, or examinations;
- 19 3) Substantive rules of general applicability adopted as
20 authorized by law, and statements of general policy or interpretations
21 of general applicability formulated and adopted by the agency,
22 including subsequent amendments;
- 23 4) Public documents or records including:
 - 24 i) Annual budget of government agencies;
 - 25 ii) Itemized monthly collections and disbursement;
 - 26 iii) Summary of income and expenditures;
 - 27 iv) Annual procurement plan and procurement list;
 - 28 v) Items for bidding;
 - 29 vi) Bid results on civil works, and goods and services
30 projects;
 - 31 vii) Abstract of bids as calculated;
 - 32 viii) Procurement contracts entered into by the
33 government agency;

- 1 ix) Construction or concession agreements or contracts
2 entered into by the government agency with any
3 public service contractor or domestic or foreign
4 person or entity;
- 5 x) Private sector participation agreements or contracts
6 in infrastructure and development projects under
7 Republic Act No. 6957, otherwise known as "*An Act*
8 *Authorizing the Financing, Construction, Operation*
9 *and Maintenance of Infrastructure Projects by the*
10 *Private Sector and for Other Purposes*" as amended by
11 Republic Act No. 7718, otherwise known as the
12 "*Build Operate and Transfer Law*," authorizing the
13 financing, construction, operation, and maintenance
14 of infrastructure projects and such amendatory law
15 thereto;
- 16 xi) Public funding extended to any private entity;
- 17 xii) Licenses, permits, or agreements granted by any
18 government agency for the extraction or utilization of
19 natural resources, as well as the list of persons or
20 entities who were granted the same;
- 21 xiii) An updated plantilla of positions including unfilled
22 positions in the public office or agency, and the
23 qualifications and requirements for each unfilled
24 position;
- 25 xiv) Compromise agreements entered into by the
26 government agency with any person or entity;
- 27 xv) Work programs, development plans, investment
28 plans, projects, performance targets, and
29 accomplishments;
- 30 xvi) Audited financial statements, annual budgets,
31 revenue allotments and expenditures;

- 1 xvii) Guarantees given by any government agency to
2 government-owned or -controlled corporations and to
3 private corporations, persons or entities;
4 xviii) Utilization of the Internal Revenue Allotment (IRA),
5 Special Education Fund, Local Disaster Risk
6 Reduction Management Fund, Local Development
7 Fund, and other local government unit (LGU) funds;
8 xix) Bilateral or multilateral agreements and treaties in
9 trade, economic partnerships, investments,
10 cooperation and similar binding commitments; and
11 xx) Loans from domestic and foreign financial
12 institutions, loans and grants for development
13 assistance, technical assistance, utilization of all
14 form of donations for calamity-stricken areas and
15 programs entered into by a government agency with
16 official bilateral or multi-lateral agencies, as well as
17 with private aid agencies or institutions.

18 All government agencies shall ensure that their websites comply with
19 the provisions of this Act within two (2) years from its effectivity.

20 In case an agency lacks the capacity to comply with the website
21 publication requirement of this section, the agency shall initiate a capacity-
22 building program, coordinate with another appropriate agency, or use an
23 alternative mechanism to facilitate substantive compliance not later than two
24 (2) years from the effectivity of this Act.

25 **SEC. 6. Promotion of Openness in Government.** - a) *Duty to*
26 *Publish Information* - Every government agency shall regularly publish, print,
27 and disseminate in an accessible form through its website and at no cost to
28 the public, the true, accurate, and updated key information including the
29 following:

- 30 1) description of its mandate, structure, powers, functions,
31 duties, and decision-making processes;
32 2) description of the frontline services it delivers and the
33 procedure and length of time by which they may be availed of;

1 3) the names of its key officials, their powers, functions, and
2 responsibilities, their profiles and curriculum vitae;

3 4) work programs, development plans, investment plans,
4 projects, performance targets and accomplishments, budgets, revenue
5 allotments, and expenditures;

6 5) important rules and regulations, orders, or decisions:
7 *Provided*, That the same shall be published within fifteen (15) calendar
8 days from promulgation;

9 6) datasets generated in the implementation of agency
10 mandates, programs, activities, and projects such as statistics, figures,
11 and geospatial data;

12 7) current and important database and statistics that the
13 database generates;

14 8) bidding processes and requirements; and

15 9) mechanisms or procedures by which the public may
16 participate in or otherwise influence the formulation of policy or the
17 exercise of its powers.

18 b) *Accessibility of Language and Form* – Every government agency
19 shall endeavor to translate key information into Filipino and the regional
20 languages, and present them in popular form and means.

21 SEC. 7. ***Publication of Government Data in the Open Data***
22 ***Philippines Website***. – For purposes of enhancing the public's access to
23 government information and abiding by the international commitments of the
24 Philippines to transparency and government openness, all government
25 agencies shall publish in the Open Data Philippines website, datasets
26 generated in the implementation of agency mandates, programs, activities,
27 and projects. These datasets shall be updated, whenever permissible, at least
28 once in every quarter of every year, and shall be, whenever practicable, in a
29 machine-readable and open format.

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

1 **III. THE RIGHT TO INFORMATION**

2 **A. Access to Information**

3 SEC. 8. **Access to Information.** – Every Filipino citizen has a right to
4 and shall, upon request, be given access to any record under the control of a
5 government agency. Government agencies and public officials have the duty
6 to disclose and make available for scrutiny, copying, and reproduction in the
7 manner provided by this Act, all information pertaining to official acts,
8 transactions, or decisions as well as government research data used as a
9 basis for policy development, subject to the exceptions enumerated under
10 Section 10 of this Act, regardless of the physical form or format in which they
11 are contained and by whom they were made.

12 Except as provided in this Act, actions, transactions, or records of
13 private individuals and public officials in their private capacity shall not be
14 the subject of mandatory disclosure under this Act: *Provided*, That the SALN
15 of public officials shall be released in accordance with Section 8 of Republic
16 Act No. 6713, otherwise known as the “*Code of Conduct and Ethical*
17 *Standards for Public Officials and Employees.*”

18 SEC. 9. **Presumption in Favor of Access to Information.** – There
19 shall be a legal presumption in favor of access to information. The request for
20 information may be denied only if it clearly falls under the exceptions
21 provided under Section 10 of this Act. Government agencies shall have the
22 burden of proving that the information requested is exempted from disclosure.

23 SEC. 10. **Exceptions.** – Access to information shall be granted unless:

24 a) the information is specifically authorized to be kept secret under
25 guidelines established by an executive order, and properly classified
26 pursuant thereto: *Provided*, That,

27 1) the information directly relates to national security or
28 defense and its revelation may cause grave damage to the national
29 security or internal and external defense of the State; or

30 2) the information requested pertains to the foreign affairs of
31 the Republic of the Philippines, and its revelation shall unduly weaken

1 the negotiating position of the government in an ongoing bilateral or
2 multilateral negotiation or seriously jeopardize the diplomatic relations
3 of the Philippines with one or more States: *Provided*, That sufficient
4 information is disclosed to afford reasonable public participation and
5 government decision-making on bilateral and multilateral agreements:
6 *Provided, further*, That the executive order shall specify the reasonable
7 period after which the information shall be automatically declassified or
8 be subject to mandatory declassification review after six (6) years, and
9 that any reasonable doubt as to classification and declassification shall
10 be settled in favor of the right to information: *Provided, finally*, That all
11 classified information contained in all government agency records that:
12 (1) are more than twenty-five (25) years old, and (2) have been
13 determined to have historical value shall be automatically declassified
14 whether or not the records have been reviewed. Subsequently, all
15 classified information in such records shall be automatically
16 declassified no longer than twenty-five (25) years from the date of its
17 original classification.

18 b) the information discloses investigatory records compiled for law
19 enforcement purposes or information which are contained in such records,
20 but only to the extent that the production of such records or information will:

21 1) reasonably be expected to interfere with enforcement
22 proceedings;

23 2) deprive a person of the right to a fair trial or an impartial
24 adjudication;

25 3) reasonably be expected to constitute an unwarranted
26 invasion of privacy;

27 4) the information is furnished by a confidential source and
28 in the case of a record compiled by a criminal law enforcement
29 authority in the course of a criminal investigation, or by an agency
30 conducting a lawful national security intelligence investigation,
31 confidential information is furnished only by the confidential source;

32 5) unjustifiably disclose investigative or prosecutorial
33 techniques and procedures; or

1 6) reasonably be expected to endanger the life or physical
2 safety of any individual;

3 c) the information pertains to a testimony, report, document, or
4 discussion obtained during an executive session of the Congress of the
5 Philippines or any of its Committees;

6 d) the information pertains to the personal information of a natural
7 person, whether from the public or the private sector, and its disclosure
8 constitutes an unwarranted invasion of personal privacy, unless such
9 information is specifically required by law to be entered into an official record
10 and made available to the public, or the person has consented in writing to
11 the disclosure of the information. To the extent required to prevent an
12 unwarranted invasion of personal privacy, an agency may redact such
13 information from a record made available to the public. The justification for
14 the redaction shall be explained fully in writing, and the extent of such
15 redaction shall be indicated on the portion of the record which is made
16 available or published;

17 e) the information pertains to trade secrets, commercial or
18 financial information, or intellectual property obtained from a natural or
19 juridical person other than the requesting party, and the revelation thereof
20 will seriously prejudice the interests of such natural or juridical person in
21 trade, industrial, financial, or commercial competition;

22 f) the information is classified as privileged communications in
23 legal proceedings by law or by the Rules of Court, unless the person entitled
24 to the privilege has waived it;

25 g) the information is exempted from disclosure by the Constitution
26 or law; and

27 h) when prematurely disclosed, the information would, in case of a
28 government agency that regulates financial institutions and the financial
29 markets that they deal in, such as commodities, interest rates, and security
30 markets, likely lead to fraud, manipulation, or other unlawful acts or
31 schemes involving financial instruments, or, in the case of other government
32 agencies, likely impede the effective implementation of a proposed official

1 action: *Provided*, That the information shall be accessible once the
2 anticipated danger has ceased.

3 For paragraphs (b) to (h) of this Section, the determination of whether
4 any of these grounds apply shall be the responsibility of the head of office of
5 the government agency in custody or control of the information, or any
6 responsible central or field officer duly designated by the head of office:
7 *Provided*, That with regard to collegial bodies, boards, commissions, or other
8 courts, the chairperson or presiding officer or member is deemed the head of
9 office for purposes of this provision.

10 SEC. 11. ***Qualifications to the Exceptions.*** – The exceptions in the
11 preceding section shall be strictly construed and may not be invoked to cover
12 up a crime, wrongdoing, graft, or corruption. Whenever the information
13 covered by an exception may be reasonably severed from a record, the record
14 shall be released with the exempt information redacted, or the information
15 not covered by the exception shall otherwise be communicated to the
16 requesting party.

17 The President, the Supreme Court, the Senate, the House of
18 Representatives, and the Constitutional Commissions may waive an
19 exception with respect to information in the custody of offices under their
20 respective supervision or control, when they deem that there is an overriding
21 public interest in disclosure.

22 SEC. 12. ***Exemption from Compliance.*** – The government agency
23 shall be excused from complying with a subsequent identical or substantially
24 similar request from the same requesting party where it has previously
25 complied with a request for information unless a reasonable interval has
26 lapsed between compliance with the previous request and the making of the
27 current request, or unless the information has already been made available
28 in the website: *Provided*, That the government agency, in denying the request,
29 shall comply with Section 16 of this Act.

30 SEC. 13. ***Additional Protection of Privacy.*** – While providing for
31 access to information in public records, the right to privacy of individuals
32 shall at all times be protected in the following manner:

1 a) A government agency shall ensure that personal information in
2 its custody or under its control is disclosed only as permitted under this Act;

3 b) A government agency shall protect personal information in its
4 custody or under its control by making reasonable security arrangements
5 against such risks as unauthorized access, collection, use, disclosure, or
6 disposal;

7 c) A director, officer or employee of a government agency who has
8 access, whether authorized or unauthorized, to personal information in the
9 custody of the agency, shall not disclose that information except as
10 authorized under this Act.

11 **B. Procedure of Access**

12 SEC. 14. ***Procedure of Access.*** – The following procedure shall
13 govern the filing and processing of a request for access to information:

14 a) Any person who requests access to information shall submit an
15 FOI request to the government office concerned. The request shall state the
16 name and contact information of the requesting party, provide valid proof of
17 the identification of the requesting party, reasonably describe the information
18 requested and the reason for, or purpose of, the request for information:
19 *Provided*, That no request shall be denied or refused acceptance unless the
20 reason for the request is contrary to law or existing rules and regulations or
21 the information requested is provided under Section 10 of this Act. The public
22 official receiving the request shall provide reasonable assistance to enable all
23 requesting parties, particularly those with special needs, to comply with the
24 necessary requirements under this section;

25 b) The receiving government office shall indicate on the request the
26 date and time of receipt, and the name, rank, title, and position of the
27 receiving public officer or employee who shall correspondingly sign the
28 request. A copy of the request shall be furnished to the requesting party.
29 Each government office shall establish a tracking system to monitor the
30 status of all requests for information received by it;

31 c) Unless an earlier period is provided under existing laws, the
32 government office shall respond to a request that is fully compliant with
33 requirements of sub-section (a) hereof as soon as practicable, but not

1 exceeding fifteen (15) working days from receipt of the request. The agency's
2 response may either be to grant or deny access to the information requested;
3 and

4 d) The period to respond may be extended whenever the information
5 requested requires extensive search of the government office's records
6 facilities, examination of voluminous records, the occurrence of fortuitous
7 events or other analogous cases. The government office shall notify the
8 person making the request of the extension, setting forth the reasons for
9 such extension. In no case shall the extension go beyond twenty (20) working
10 days unless exceptional circumstances warrant a longer period.

11 Once a decision is made to grant the request, the requesting party shall
12 be notified of such decision and directed to pay a reasonable fee.

13 The same procedure applies when requesting through the FOI website,
14 except that the requesting party shall file the FOI request at www.foi.gov.ph.

15 **SEC. 15. Access and Processing Fees.** – Government offices shall
16 not charge any fee for accepting requests for access to information. They may,
17 however, charge a reasonable fee to reimburse necessary costs, including
18 actual costs of reproduction and copying of the information requested,
19 subject to existing rules and regulations. In no case shall the applicable fees
20 be so onerous as to defeat the purpose of this Act.

21 **SEC. 16. Notice of Denial.** – If the government office decides to deny
22 the request in whole or in part, it shall as soon as practicable, and in any
23 case within fifteen (15) working days from the receipt of the request, notify
24 the requesting party of the denial in writing. The notice shall clearly state the
25 ground or grounds for denial and the circumstances on which the denial is
26 based.

27 **SEC. 17. Remedies in Cases of Denial.** – a) *In all government*
28 *agencies other than the Judicial Branch:*

29 1) The requesting party shall be informed in writing of the
30 decision within fifteen (15) working days from the receipt of the request.
31 Denial of any request for access to information may be appealed to the
32 person or office next higher in authority following the procedure
33 provided in the FOI Manual as required in Section 25, paragraph (h) of

1 this Act: *Provided*, That the written appeal must be filed by the same
2 person making the request within fifteen (15) calendar days from the
3 notice of denial, or from the lapse of the period to respond to the
4 request;

5 2) The appeal shall be decided by the person or office next
6 higher in authority within thirty (30) working days from the filing of
7 said written appeal. If the appeal is granted, the requested information
8 shall be released within fifteen working days to the requesting party
9 from the date of the decision. Failure to decide within the period shall
10 be deemed an approval and will always be considered in favor of access
11 unless prohibited due to exceptions. Denial should also be in writing;
12 and

13 3) Upon the denial of the appeal, the requesting party may file
14 the appropriate case in the proper courts in accordance with the Rules
15 of Court.

16 b) *In the Judicial Branch* – The Judiciary shall be governed by
17 remedies as promulgated by the Supreme Court.

18 The remedies under this section shall be sought or granted without
19 prejudice to any other administrative, civil or criminal action covering the
20 same act.

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

24 **IV. LIABILITIES AND PENALTIES**

25 SEC. 18. ***Administrative Liability.*** – Depending on the gravity and
26 repetition of the act, the following acts shall be tantamount to neglect of duty,
27 refusal to perform official duty, or some other appropriate charge under
28 existing rules of the Civil Service Commission, and shall constitute grounds
29 for administrative and disciplinary sanction against any public official or
30 employee:

31 a) refusal to promptly forward the FOI request, pursuant to Section
32 14 herein, to the public officer within the same office or agency responsible

1 for officially acting on the request when such is the direct cause of the failure
2 to disclose the information within the periods required under this Act;

3 b) failure to act on the request within the periods required under
4 this Act;

5 c) claim of an exception under Section 10 of this Act when the claim
6 is manifestly devoid of factual or legal basis;

7 d) refusal to comply with the decision of an immediate supervisor or
8 of any court ordering the release of information; and

9 e) approval of policies, rules and regulations manifestly contrary to
10 the provisions of this Act, and which policies, rules and regulations are the
11 direct cause of the denial of a request for information.

12 SEC. 19. **Criminal Liability.** – a) The commission of the following acts
13 by a public officer or employee shall be subject to the penalty of
14 imprisonment of not less than one (1) month, but not more than six (6)
15 months, with the accessory penalty of dismissal from the service:

16 1) falsely denying or concealing the existence of information
17 mandated for disclosure under this Act, and

18 2) destroying, or causing to be destroyed, information or
19 documents being requested under this Act for the purpose of
20 frustrating the requesting party's access thereto.

21 b) Any private individual who knowingly induces or causes the
22 commission of the foregoing acts shall be liable as principal by inducement in
23 the prosecution of public officials or employees under this section.

24 SEC. 20. **Denial in Good Faith Not a Ground for Liability.** – A
25 denial in good faith of a request for access to information made pursuant to
26 the provisions of this Act shall not constitute a ground for administrative or
27 criminal liability.

28 SEC. 21. **Act Not a Bar to Claim of Right to Information Under**
29 **the Constitution.** – No provision of this Act shall be interpreted as a bar to
30 any claim of denial of the right to information under Article III, Section 7 of
31 the 1987 Constitution.

32 V. ADMINISTRATIVE DUTIES OF AGENCIES

1 SEC. 22. **One-Stop Shop.** – Each government office is mandated to
2 have a one-stop shop for the services made available by this Act.

3 SEC. 23. **Release to One, Release to All.** – For purposes of
4 streamlining requests for information, an information that has been made
5 available to an individual through a request for information shall also be
6 published in an appropriate website such as the FOI website, the Open Data
7 Philippines website, Official Gazette Online, departmental website, or local
8 government website, thus allowing the public access to all information that
9 has been requested.

10 SEC. 24. **Tracking of Requests for Information.** – Websites of
11 government agencies shall contain a matrix of requests made, their status,
12 and the decision regarding the request. The matrix shall also contain links to
13 uploaded information from approved requests. In such cases where requests
14 are denied, the matrix shall contain the reasons for denial and the status of
15 the appeal if such is made.

16 SEC. 25. **Freedom of Information Manual.** – For the effective
17 implementation of this Act, all government agencies shall prepare an FOI
18 Manual, setting forth the following:

19 a) the location and contact information of the central, regional,
20 provincial and field office of the agency, and such other established place
21 where the public can obtain information or submit requests;

22 b) the types of information it generates, holds, or publishes;

23 c) a description of its record-keeping system;

24 d) the person or office responsible for receiving requests for
25 information;

26 e) the procedure for the filing of requests personally, by mail or
27 through the identified electronic means;

28 f) the standard forms for the submission of requests and for the
29 proper acknowledgement of requests;

30 g) the process for the disposition of requests, including the routing
31 of requests to the persons or offices with the duty to act on the same and the
32 decision-making processes for the grant or denial of requests;

1 h) the procedure for the administrative appeal of any denial for
2 access to information;

3 i) the schedule of service or processing fees pertinent to requests
4 for information;

5 j) the process and procedure for the mandatory disclosure of
6 information under Section 6 of this Act: *Provided*, That, should the agency
7 lack the capacity to comply with Section 6 of this Act, a brief description of its
8 plan to facilitate compliance within three (3) years from the approval of this
9 Act; and

10 k) such other information that will help facilitate the effective
11 implementation of this Act, taking into consideration the unique
12 characteristics of the agency.

13 The FOI Manual shall also be posted in the agency website and a hard
14 copy shall be available at the agency reception area for use by the public.

15 In no case, however, shall the absence of the aforementioned FOI
16 Manual be a reason for the denial of any request for information made in
17 accordance with this Act.

18 The head of the departments and agencies may designate liaison units
19 or committees which shall coordinate with the other units of the agency in
20 implementing this Act. The composition, functions, and duties of these
21 liaison units or committees shall be included in the FOI Manual.

22 SEC. 26. **Records Management.** – Subject to existing laws, rules, and
23 regulations, government offices shall create and maintain an accurate and
24 complete record of important information in appropriate formats, and
25 implement a records management system that facilitates easy identification,
26 retrieval and communication of information to the public.

27 SEC. 27. **Annual Reports on Actions Taken on Requests for**
28 **Access to Information.** – All government agencies shall prepare, for each
29 fiscal year, a report on the number of requests for information received,
30 processed, granted and denied; of appeals made from denials of such
31 requests; and of pending court actions they are a party to as a result of such
32 requests. These reports may be integrated in the main annual reports of

1 government agencies and may be posted and published in their respective
2 websites.

3 **VI. MISCELLANEOUS PROVISIONS**

4 **SEC. 28. *Capacity-Building and Role of the Department of***
5 ***Information and Communications Technology (DICT).*** – Every government
6 agency shall ensure the provision of adequate training for its officials and
7 employees to improve awareness of the people’s right to information on
8 matters of public concern and the provisions of this Act. Similarly, every
9 government agency shall endeavor to study and adopt best practices in
10 relation to information disclosure, records maintenance, and archiving.

11 The DICT shall monitor all government agency websites for compliance
12 with Section 5 of this Act and render the appropriate technical support to
13 government agencies to enable their compliance.

14 In the performance of its monitoring and support function of
15 government websites and portals, the DICT shall endeavor to continuously
16 develop, improve, and update its information technology system taking into
17 consideration usability and practical accessibility of government documents
18 by the public.

19 The DICT shall set the standards for the file formats and the system of
20 archival and preservation of information to be used by all government
21 agencies in the implementation of this Act.

22 **SEC. 29. *Integration of Freedom of Information and Good***
23 ***Governance in Elementary and Secondary Curricula.*** – To ensure well-
24 informed generations of citizens, the right to information, the principles of
25 accountability and transparency, democracy and leadership, and good
26 governance shall be integrated in such subjects as “Heyograpiya, Kasaysayan
27 at Sibika (HEKASI)” and “Araling Panlipunan” in the elementary level and in
28 such subjects as Social Studies and “Makabayan” or its equivalent subjects
29 in the high school level. The Department of Education, in coordination with
30 the Civil Service Commission and other relevant offices, shall prepare the
31 necessary modules and teaching programs consistent with the objectives of
32 this Act.

1 SEC. 30. **Congressional Oversight Committee.** – There is hereby
2 created a Congressional Oversight Committee which shall be composed of six
3 (6) members from the Senate and six (6) members from the House of
4 Representatives with the Chairpersons of the Committee on Public
5 Information and Media of the Senate and the Committee on Public
6 Information of the House of Representatives as joint Chairpersons of this
7 Committee. The five (5) other members from each chamber are to be
8 designated by the Senate President and the Speaker of the House of
9 Representatives, respectively. The minority shall be entitled to *pro rata*
10 representation but shall have at least two (2) representatives from each
11 chamber.

12 SEC. 31. **Appropriations.** – The amount necessary to carry out the
13 provisions of this Act shall be charged against the agencies' current budget
14 and shall thereafter be included in the annual General Appropriations Act.

15 SEC. 32. **Separability Clause.** – If any provision of this Act is
16 declared unconstitutional, the remainder of this Act or any provisions not
17 affected thereby shall remain in full force and effect.

18 SEC. 33. **Repealing Clause.** – Section 3, Rule IV of the Rules
19 Implementing Republic Act No. 6713, otherwise known as the "*Code of*
20 *Conduct and Ethical Standards for Public Officials and Employees,*" is hereby
21 repealed. Memorandum Circular No. 78, dated 14 August 1964, otherwise
22 known as "*Promulgating Rules Governing Security of Classified Matter in*
23 *Government Offices*" shall be deemed amended one (1) year after the effectivity
24 of this Act. All other laws, decrees, executive orders, rules and regulations,
25 issuances, memorandum circulars or any part thereof inconsistent with the
26 provisions of this Act are hereby repealed or amended accordingly.

27 SEC. 34. **Effectivity.** – This Act shall take effect fifteen (15) days after
28 its publication in the *Official Gazette* or in a newspaper of general circulation.

29 *Approved,*