



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session



House Bill No. 634

Introduced by CIBAC Party-List Representative
EDUARDO 'BRO. EDDIE' C. VILLANUEVA

EXPLANATORY NOTE

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

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

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

This bill seeks to address this existing disparity by providing key measures such as: obligatory publishing of certain information by government agencies even without prior request from the public; full online disclosure of

government contracts amounting to at least Fifty Million Pesos (PhP50,000,000); and mandatory production of all government offices, including government-owned or -controlled corporations (GOCCs), of their own Freedom of Information Manual that outlines the processes and procedures the public must know in order to request data.

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

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

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

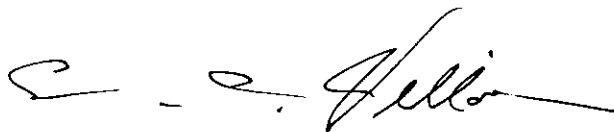
Stressing this bill's commitment to upholding the people's constitutional right to public information, violators of the provisions stated herein will not simply be held administratively liable, but criminally.

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

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

decades.

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

A handwritten signature in black ink, appearing to read 'Eduardo C. Villanueva', with a stylized flourish at the end.

EDUARDO "BRO. EDDIE" C. VILLANUEVA



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **634**

Introduced by CIBAC Party-List Representative
EDUARDO 'BRO. EDDIE' C. VILLANUEVA

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

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

3
4
5 **SECTION 1. Short Title.** – This Act shall be known as the "*People's*
6 *Freedom of Information Act.*"

7
8 **SECTION 2. Declaration of Policy.** – The State recognizes the
9 right of the people to information on matters of public concern and adopts
10 and implements a policy of full public disclosure of all its transactions
11 involving public interest, subject to the procedures and limitations
12 provided by this Act. It is likewise a declared policy of the State to promote
13 the meaningful and increased participation of the people in government
14 decision-making and public accountability.

15

1 Public officials and employees, in the performance of their duties
2 under this Act, as well as citizens in the exercise of their rights under this
3 Act, shall handle information kept or obtained under this Act fairly, lawfully,
4 and with due regard to the full protection of the right to privacy of
5 individuals.

6
7 **SECTION 3. Definition of Terms. – As used in this Act:**
8

- 9 a) "Information" shall mean any part, portion, or the whole of any public
10 and/or official record, document, paper, report, letters, contract,
11 minutes and transcripts of official meetings, maps, books,
12 photographs, data, research material, film, audio and video
13 recordings, magnetic or other tapes, electronic data, computer
14 stored data, or other like or similar data or material of public concern
15 recorded, stored or archived in whatever form or format, and any
16 content thereof in parts, portion, or in whole, which are made,
17 received or kept in or under the control and custody of any
18 government agency pursuant to law, executive order, rules and
19 regulations, ordinance or in connection with the performance or
20 transaction of official business by any government agency.
21
- 22 b) "Information of Public Concern" shall refer to all and any information
23 that a concerned citizen may lawfully request of any government
24 agency.
25
- 26 c) "Official record/records" shall refer to information, in final form
27 produced or received by a public officer or employee, or by a
28 government agency in an official capacity or pursuant to a public
29 function or duty.
30
- 31 d) "Public record/records" shall include information required by law,
32 executive orders, rules, or regulations to be entered, kept and
33 made publicly available by a government agency.
34
- 35 e) "Public service contractor" shall be defined as a private entity that
36 has a dealing, contract or transaction of whatever nature with the
37 government or a government agency/office that utilizes public funds.

1
2 f) "Personal information" shall refer to any information whether
3 recorded in a material form or not from which the identity of an
4 individual is apparent or can be reasonably and directly ascertained
5 by the entity holding the information or when put together with other
6 information would directly and certainly identify an individual.

7
8 g) "Sensitive personal information" shall refer to personal information:

9
10 1) about an individual's race, ethnic origin, marital status, age, color
11 and religious, philosophical or political affiliations;

12
13 2) about an individual's health, education, genetic or to any
14 proceeding for any offense committed or alleged to have been
15 committed by such person, the disposal of such proceedings, or
16 the sentence of any court in such proceedings;

17
18 3) issued by government agencies peculiar to an individual which
19 includes, but not limited to, social security numbers previous or
20 current health records, licenses or its denials, suspension or
21 revocation and tax returns; and

22
23 4) specifically established by an executive order or an act of
24 Congress to be kept classified.

25
26 h) "Personal data" refers to all types of personal information.

27
28 i) "Privileged information" refers to any and all forms of data, which,
29 under the Rules of Court and other pertinent laws constitute
30 privileged communication.

31
32 **SECTION 4. Coverage.** – This Act shall cover all government
33 agencies. Government agency or agencies shall include the executive,
34 legislative and judicial branches as well as constitutional bodies of the
35 Republic of the Philippines including, but not limited to, the national
36 government and all its agencies, departments, bureaus, offices and
37 instrumentalities, constitutional commissions and constitutionally

1 mandated bodies, local governments and all their agencies, regulatory
2 agencies, chartered institutions, government-owned or -controlled
3 corporations (GOCCs), including government financial institutions (GFIs),
4 government instrumentalities with corporate powers (GICP), government
5 corporate entities (GCE), and non-chartered GOCCs, state universities
6 and colleges (SUCs), and state-run technical vocational institutions
7 (STVIs).

8
9 **SECTION 5. Access to Information.** – Every Filipino citizen has a
10 right and shall, on request, be given access to any information of public
11 concern under the control of a government agency regardless of the
12 physical form or format in which they are contained subject only to the
13 exceptions enumerated in Section 7 of this Act.

14
15 **SECTION 6. Presumption.** – There shall be a legal presumption in
16 favor of access to information. No request for information shall be denied
17 unless it clearly falls under the exceptions provided under this Act.
18 Accordingly, government agency shall have the burden of proof of
19 showing by clear and convincing evidence that the information requested
20 is exempted from the disclosure by this Act.

21
22 **SECTION 7. Exceptions.** – Access to information shall be granted
23 unless:

24
25 a) The information is specifically authorized to be kept confidential
26 and/or privileged under guidelines established by law or an
27 Executive Order consistent with the Constitution, and in fact properly
28 classified pursuant thereto: Provided, That

29
30 1) The information directly relates to national security or defense
31 and its revelation may cause damage to the national security or
32 internal and external defense of the State; or

33
34 2) The information requested pertains to the foreign affairs of the
35 Republic of the Philippines, when its revelation shall unduly
36 weaken the negotiating position of the government in an ongoing
37 bilateral or multilateral negotiation or seriously jeopardize the

1 diplomatic relations of the Philippines with any state, or prejudice
2 the entrusting of information to the Republic of the Philippines on
3 a basis of confidence by the government of any other country or
4 any international organization: *Provided*, That sufficient
5 information is disclosed to afford reasonable public participation
6 in government decision-making on bilateral and multilateral
7 agreements: *Provided, further*, That the head of the department
8 or agency having custody or possession of such information,
9 shall keep under continuing review all classified information in his
10 custody and may direct the declassification review of such
11 information as needed. Declassification of the information shall
12 be subject to the approval of the President;
13

14 b) The information consists of minutes or records of advice given or of
15 opinions expressed during decision-making or policy formulation
16 including exchanges when the chief executive was not present, only
17 if invoked by the chief executive to be part of presidential
18 communications privilege. Whenever disclosure would significantly
19 undermine the free and frank provision of advice or exchange of
20 views: *Provided*, That an executive order shall be issued specifying
21 the reasonable period after which information invoked to be
22 privileged under this paragraph shall be made accessible to the
23 public.
24

25 c) The information requested pertains to internal and/or external
26 defense, law enforcement, and border control, when the disclosure
27 thereof may:
28

29 1) Compromise or interfere with any legitimate military or law
30 enforcement operation, or
31

32 2) Compromise or interfere with the legitimate prevention, detection
33 or suppression of criminal activity, or the legitimate
34 implementation of immigration controls and border security, or
35

36 3) Lead to the disclosure of the identity of a confidential source,
37 including a government, or foreign agency or authority or any

1 private institution which furnished information on a confidential
2 basis, and, in the case of a record or information compiled by a
3 law enforcement authority in the course of an investigation or by
4 an agency conducting a lawful national security intelligence
5 investigation, information furnished by a confidential source, or
6

7 4) Disclose legitimate techniques and procedures for law
8 enforcement investigations or prosecutions, or would disclose
9 legitimate guidelines for law enforcement investigations or
10 prosecutions if such disclosure could reasonably be expected to
11 risk circumvention of the law, or
12

13 5) Endanger the life or physical safety of any individual, or
14

15 6) Deprive a person of a right to a fair trial and impartial adjudication.
16

17 d) The information requested pertains to matters of human security,
18 such as, but not limited to, food, health, money and trade: *Provided*,
19 That such disclosure or premature disclosure will imperil well-being
20 or degrade the quality of life of people by causing unnecessary panic
21 and conflict and threatening to limit the range of policy choices
22 available to the concerned implementing and regulating agencies:
23 *Provided, further*, That this exception shall apply only until such time
24 that the confidentiality requirement of the action plan of said agency
25 is no longer necessary in addressing the said security issue;
26

27 e) The information requested pertains to the assistance of government
28 to overseas Filipino workers, including but not limited, to their cases
29 and records on criminal and family cases, and information that could
30 compromise or weaken their case or position in any legal
31 proceeding;
32

33 f) The information requested involves records of foreign diplomats on
34 diplomatic and consular missions, their arrival and departure, and
35 other information that could compromise their safety or that such
36 information is considered confidential by the Vienna Convention on

1 Diplomatic Relations and the Vienna Convention on Consular
2 Relations;
3

4 g) The information requested are exempted under a treaty or bilateral
5 agreement to which the Philippines is a party;
6

7 h) The information requested consists of drafts of orders, resolutions,
8 decisions, memoranda or audit reports by any executive,
9 administrative, regulatory, constitutional, judicial or quasi-judicial
10 body in the exercise of their regulatory, audit and adjudicatory
11 function: *Provided*, That the revelation of the information would
12 impair the impartiality of verdicts or otherwise obstruct the
13 administration of justice;
14

15 i) The information requested is obtained by either House of Congress,
16 or any committee thereof, in executive session;
17

18 j) The information requested pertains to the personal and sensitive
19 information of a natural person other than the requesting party, and
20 its disclosure would constitute an unwarranted invasion of his or her
21 personal privacy, unless it forms part of a public record, and the
22 person is or was an official or employee of a government agency
23 and the information relates to his public function and the person has
24 consented, in writing, to the disclosure of the information. To the
25 extent required to prevent an unwarranted invasion of privacy, an
26 agency may redact such personal data from a record made
27 available to the public;
28

29 k) The information requested forms part of a public record but its
30 disclosure would expose the people concerned to acts of
31 discrimination, unless such information is first redacted by the
32 concerned government agency;
33

34 l) The information requested pertains to trade secrets and commercial
35 or financial information obtained from a natural or juridical person
36 other than the requesting party, obtained in confidence or covered
37 by privileged communication, and/or filed with a government

1 agency, whenever the revelation thereof would prejudice the
2 interests of such natural or juridical person in trade, industrial,
3 financial or commercial competition. This includes information
4 protected under the Anti-Money Laundering Law, as amended, bank
5 secrecy laws and other laws;

6
7 m) The information is required to be kept confidential by law or consists
8 of privileged information unless the person entitled to the privilege
9 has waived it;

10
11 n) The information requested is exempted from disclosure by the
12 Constitution or by law;

13
14 o) The information is of a nature that its premature disclosure would:

15
16 1) in the case of an agency that regulates or deals with currencies,
17 interest rates, securities, commodities, or financial institutions,
18 likely lead to speculations in currencies, interest rates, securities,
19 or commodities market; or

20
21 2) in the case of other agencies, likely frustrate the effective
22 implementation of a proposed official action: *Provided*, That the
23 information shall be disclosed once the abovementioned dangers
24 have ceased.

25
26 p) The information has already been made accessible as provided in
27 Sections 8(a), 9, 11 and 14 of this Act.

28
29 q) The information requested pertains to information about the ongoing
30 evaluation or review of bids or proposals undertaken by the bidding
31 or review committee prior to an official recommendation by the
32 government.

33
34 For paragraphs (c) to (q) of this section, the determination whether
35 any of these grounds shall apply shall be the responsibility of the head of
36 office of the government agency in custody or control of the information,

1 or any responsible central or field officer/s duly designated by him, without
2 prejudice to Section 6 above: *Provided, That:*

3
4 (1) The exceptions are strictly construed;

5
6 (2) The exceptions are not used to cover-up a crime, or any unlawful
7 activity;

8
9 (3) The President, the Supreme Court, the Senate, the House of
10 Representatives, and the Constitutional Commissions with a
11 majority vote of the body in accordance with their own rules of
12 procedure when applicable may waive an exception with respect to
13 information in the custody of offices under their respective
14 supervision or control, when they deem that there is an overriding
15 public interest in disclosure;

16
17 (4) The exceptions do not constitute authority to withhold information
18 from, or limit the availability of records to congress, or any of its
19 committees;

20
21 (5) The exceptions do not constitute an authority of the executive
22 branch of a local government unit to withhold information from its
23 legislative body;

24
25 (6) Whenever the information requested is part of a record, whose other
26 parts are covered by an exception, but may be reasonably severed
27 from a record, the responding official shall communicate the
28 information not covered by the exception to the requester; and

29
30 (7) The exceptions set forth in this section may be overcome if the
31 requester is able to prove before a court of competent jurisdiction
32 that the public interest in the disclosure of information outweighs the
33 public interest in keeping the information secret or confidential.

34
35 All exempted information under this Section shall be mandatorily
36 reviewed every three (3) years by the head of office or agency in custody
37 or control of the information for reclassification and possible disclosure.

1 *Provided, That such information to be disclosed by an agency under the*
2 *executive branch shall be subject to the approval of the President.*
3

4 **SECTION 8. Mandatory Disclosure of Information. -**
5

6 a) In fulfillment of Article XI, Section 17 of the Constitution, the
7 following national officials shall disclose to the public their Statement
8 of Assets, Liabilities, and Net worth (SALN) on an annual basis in
9 their official website or the Official Gazette online, notwithstanding
10 the provisions of the Data Privacy Act of 2012:
11

12 1) President;
13

14 2) Vice-President;
15

16 3) Members of the Cabinet;
17

18 4) Members of Congress;
19

20 5) Justices of Supreme Court;
21

22 6) Members of Constitutional Commissions and other constitutional
23 offices;
24

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

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

31 1) Annual Budget of Government Agencies;
32

33 2) Itemized Monthly Collections and Disbursement;
34

35 3) Summary of Income and Expenditures;
36

37 4) Component of the IRA Utilization;

1
2 5) Annual Procurement Plan and Procurement List;
3

4 6) An updated plantilla of positions and vacant positions with
5 qualifications/ requirements in their organizations that need to be
6 filled- up;
7

8 7) Items to Bid;
9

10 8) Bid Results on Civil Works, and Goods and Services;

11 9) Abstract of Bids as Calculated;
12

13 10) Procurement contracts entered into by a government agency;
14

15 11) Construction or concession agreements or contracts entered
16 into by a government agency with any domestic or foreign person
17 or entity;
18

19 12) Private sector participation agreements or contracts in
20 infrastructure and development projects under Republic Act No.
21 6957, as amended by Republic Act No. 7718, authorizing the
22 financing, construction, operation and maintenance of
23 infrastructure projects;
24

25 13) Public funding extended to any private entity;
26

27 14) Bilateral or multilateral agreements and treaties in trade,
28 economic partnership, investments, cooperation and similar
29 binding commitments;
30

31 15) Licenses, permits or agreements granted by any government
32 agency to any person or entity for the extraction and/or utilization
33 of natural resources and a list of the grantees;
34

35 16) Guarantees given by any government agency to government-
36 owned or controlled corporations and to private corporations,
37 persons or entities;

- 1
- 2 17) Loans from domestic and foreign financial institutions;
- 3
- 4 18) Loans, grants, development assistance, technical assistance,
- 5 and programs entered into by a government agency with official
- 6 bilateral or multilateral agencies, as well as with private aid
- 7 agencies or institutions;
- 8
- 9 19) Compromise agreements entered into by a government
- 10 agency with any person or entity;
- 11
- 12 20) Scholarships and vouchers issued by relevant government
- 13 agencies; and
- 14
- 15 21) Alien Employment Permits (AEPs) and other work permits
- 16 issued to foreigners, subject to the requirements of the Data
- 17 Privacy Act of 2012.
- 18

19 The register shall contain a brief description of the transaction

20 involved including, but not limited to, the nature and object of the

21 transaction, the parties and amounts involved, the key steps undertaken

22 towards its conclusion, and the relevant dates; *Provided*, That contracts

23 and agreements involving an amount of at least Fifty Million Pesos

24 (Php50,000,000.00) shall be uploaded in full on the website of the

25 concerned government agency or the Official Gazette online. A covered

26 record shall be enrolled in the register not later than thirty (30) working

27 days from its perfection or issuance.

28

29 **SECTION 9. Openness and Transparency in Government**

30 **Agencies.** – Each government agency shall make available upon the

31 request of any citizen at no cost and in an accessible form, consistent with

32 the provisions of Republic Act No. 9485, or the Anti-Red Tape Act of 2007

33 and Republic Act No. 11032, or the Ease of Doing Business and Efficient

34 Government Service Delivery Act of 2018, and through their website,

35 timely, true, complete, accurate and updated key information including,

36 but not limited to:

37

- a) A description of its mandate, structure, powers, functions, duties and decision-making processes;
- b) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c) The names of its key officials, their powers, functions and responsibilities, and their profiles;
- d) Audited financial statements, and budget and expenditure records;
- e) Statements of assets, liabilities and net worth of all public officials with Salary Grade 27 and above or heads of office;
- f) Monthly income including allowances and sources of income of all public officials with Salary Grade 27 and above and heads of office; *Provided*, That names of minor children, if any, may be redacted;
- g) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- h) Important rules and regulations, orders or decisions: *Provided*, That they be published within fifteen (15) calendar days from promulgation;
- i) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;
- j) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency, including subsequent amendments;
- k) Current and important database and statistics that it generates;

1 l) Bidding processes, deadlines and requirements;

2
3 m) Mechanisms or procedures by which the public may participate in or
4 otherwise influence the formulation of policy or the exercise of its
5 powers; and
6

7 n) Any disclaimer that shall announce true and correct information
8 relative to a matter of public concern that has been the subject of
9 untruthful or inaccurate publication in media.
10

11 All government agencies, shall over time, endeavor and build the
12 capacity and practice to upload in full all other contracts, agreements, or
13 treaties covered under this Section, in particular those that are of the
14 highest public interest by reason of the amounts involved and the impact
15 of the transaction to the public.
16

17 **SECTION 10. Protection of Privacy.** – While providing for access
18 to information in public records, this Act also affords full protection of the
19 right to privacy of individuals, as follows:
20

21 a) Disclosure of public records involving personal data shall be guided
22 by the principle of transparency, legitimate purpose, and
23 proportionality;
24

25 b) A government agency must ensure that personal data in its custody
26 or under its control is disclosed only as permitted under this Act;
27

28 c) A government agency must protect personal data in its custody or
29 under its control in accordance with the provisions of the Data
30 Privacy Act of 2012, its implementing rules and regulations, and
31 issuances by the National Privacy Commission; and
32

33 d) An employee, officer or official of a government agency who has
34 access, whether authorized or unauthorized, to personal data in the
35 custody of the agency, has the duty to keep the personal data
36 confidential except as authorized under this Act.
37

1 **SECTION 11. Freedom of Information Manual. –**
2

3 a) For the effective implementation of this Act, all government agencies
4 shall prepare a Freedom of Information Manual, within six (6)
5 months from the effectivity of this Act indicating the following:
6

7 1) The location and contact information of the head, regional,
8 provincial and field offices, and other established places where
9 the public can obtain government information or submit requests;
10

11 2) The types of information it generates, produces, holds and/or
12 publishes;
13

14 3) A description of its record-keeping system;
15

16 4) The person or office responsible for receiving requests for
17 information;
18

19 5) The procedure for the filing of requests personally, by mail, or
20 through the identified electronic means;
21

22 6) The standard forms for the submission of request and for the
23 proper acknowledgment of the request;
24

25 7) The process for the disposition of the request, including the
26 routing of the request to the person or office with the duty to act
27 on the request, the decision making process, and the grant or
28 denial of access and its implementation;
29

30 8) The procedure for the administrative appeal of any denial for
31 access to information;
32

33 9) The schedule of fees;
34

35 10) The process and procedure for the mandatory disclosure of
36 information under Section 8 of this Act: *Provided, That*, should
37 the agency lack the capacity to fully comply therewith, a brief

1 description of its plan to facilitate compliance within three (3)
2 years from the approval of this Act; and
3

4 11) Such other information, taking into consideration the unique
5 characteristics of an agency that will help facilitate the effective
6 implementation of this Act;
7

8 The foregoing information shall also be posted in its website and
9 bulletin boards, and shall be regularly updated; Provided, That the absence
10 of the Manual as provided under this Section shall not be a reason for the
11 denial of any request for information made in accordance with this Act.
12

13 For the proper implementation of this Act, the heads of each of the
14 departments and agencies may designate liaison units or Committees
15 who shall coordinate with other agencies in implementing this Act. The
16 composition, functions and duties of these liaison units or Committees
17 shall be included in the FOI Manual.
18

19 **SECTION 12. Procedure of Access. –** 20

21 a) Any person who wishes to obtain information shall submit, free of
22 charge, a request to the government agency concerned personally,
23 by mail, or through electronic means. A person who is unable to
24 make a written request for information, because of illiteracy or
25 disability, may make an oral request, and the public official who
26 receives the oral request shall reduce it in writing, and include his
27 name and position within the government agency, and give a copy
28 thereof to the requesting party. The request shall state the name
29 and preferred contact information of the requesting party, and
30 reasonably describe the information required, the reason for the
31 request of the information and the preferred means by which the
32 government agency shall communicate such information to the
33 requesting party: *Provided*, That the stated reason shall not be used
34 as a ground to deny the request or to refuse the acceptance of the
35 request, unless such reason is contrary to law, public order or public
36 policy. If the request is submitted personally, the requesting party
37 shall show his current identification card issued by any government

1 agency or government or private employer or school, or a
2 community tax certificate. If the request is submitted by mail or
3 through electronic means, the requesting party may submit a
4 photostatic or electronically scanned copy of verifiable identification,
5 or other convenient means as determined by the agency.
6

7 b) The public official receiving the request shall provide reasonable
8 assistance, free of charge, to enable all requesters and particularly
9 those with special needs, to comply with the requirements under this
10 Section.
11

12 c) The request shall be stamped by the government agency, indicating
13 the date and time of receipt and the name, rank, title and position of
14 the receiving public officer or employee with the corresponding
15 signature, and a copy thereof furnished to the requesting party. In
16 case the request is submitted by electronic means, the government
17 agency shall provide for an equivalent means by which the
18 requirements of this paragraph shall be met. Each government
19 agency shall establish a system to trace the status of all requests
20 for information received by it.
21

22 d) The request may indicate the requesting party's preferred mode and
23 means of receiving the information requested, provided that the
24 mode and means are reasonable, taking into consideration
25 equipment normally available to the concerned government agency.
26

27 e) A government agency may communicate the information requested
28 in a form other than the preferred means whenever the agency has
29 no capability in communicating the information in the preferred
30 format, or such preferred means would unreasonably interfere with
31 the effective operation of the agency or be detrimental to the
32 preservation of the record.
33

34 f) The government agency shall comply with such request as soon as
35 practicable, and in any case within fifteen (15) working days from
36 the receipt thereof. The period may be extended whenever the
37 information requested requires a search of the government agency's

1 field or satellite offices, examination of voluminous records, the
2 occurrence of fortuitous events or other analogous cases.
3

4 g) The government agency shall, in writing or through electronic
5 means, notify the person making the request of the extension,
6 setting forth the reasons for such extension and the date when the
7 information shall be made available, which in no case shall result in
8 an extension of more than twenty (20) working days.
9

10 h) Once a decision is made to grant the request, the person making
11 the request shall be notified of such and shall pay the required
12 access and processing fees.
13

14 If the information is not held by the government agency to which the
15 request was made, it shall notify the requester of this fact, and indicate to
16 the requester which agency holds the record, if known. Whenever
17 practicable, the agency receiving the request may also cause the transfer
18 of the request to the appropriate agency that holds the information:
19 Provided, That the period to comply with the request under this Section
20 shall begin to run only upon the receipt of the agency to which the request
21 is transferred.
22

23 **SECTION 13. Access and Processing Fees.** – Government
24 agencies may charge a reasonable fee which shall in no case exceed the
25 actual cost of reproduction, copying or transcription and the
26 communication of the information requested. An agency may waive the
27 fees whenever it is satisfied that the requester is an indigent, or that the
28 cost of reproduction is negligible, or that it is pursuant to a program for
29 proactive disclosure.
30

31 **SECTION 14. Exemption from Compliance.** – A government
32 agency is excused from complying with a subsequent identical or
33 substantially similar request from the same requesting party if both
34 requests will require the agency to provide the same information to the
35 requesting party, unless a reasonable interval has lapsed between
36 compliance with the previous request and the making of the current

1 request: *Provided*, That the government agency complies with Section 15
2 of this Act.

3
4 **SECTION 15. Notice of Denial.** – If the government agency decides
5 to deny the request, in whole or in part, it shall, as soon as practicable,
6 and in any case within fifteen (15) calendar days from the receipt of the
7 request, notify the person making the request of such denial in writing or
8 through electronic means. The notice shall clearly set forth the ground or
9 grounds for denial and the circumstances on which the denial is based,
10 and indicate available rights of reconsideration or appeal. Failure to notify
11 the person making the request of the denial, or of the extension, shall be
12 deemed a denial of the request for access to information.

13
14 **SECTION 16. Remedies in Cases of Denial of Request for**
15 **Information.** –

16
17 a) In all government agencies other than the judicial branch:

18
19 1) Every denial of any request for access to information may be
20 appealed to the person or office next higher in authority of the
21 same agency, following the procedure mentioned in Section 11
22 (a)(8) of this Act: *Provided*, That the written appeal must be filed
23 by the same person making the request within fifteen (15)
24 calendar days from the notice of denial. The appeal shall be
25 decided within five (5) working days from filing of said written
26 appeal; otherwise, the appeal shall be deemed granted.

27
28 2) Upon denial of the appeal with the government agency, the
29 requesting party may file a verified petition for mandamus in the
30 proper court, alleging the facts with certainty and praying that
31 judgment be rendered ordering the respondent, immediately or
32 at some other time to be specified by the court, to disclose the
33 requested information. Unless restrained or enjoined, the
34 decision of the court shall be immediately executory without
35 prejudice to review in accordance with the Rules of Court. Any
36 action for administrative and/or criminal liability arising from the
37 same act or omission, if any, shall be filed with the Office of the

1 Ombudsman. No damages shall be assessed against the
2 respondent unless it is proven that the respondent acted with
3 malice, bad faith or negligence. Subject to the provisions of
4 existing laws and the issuances of the Supreme Court, all courts
5 shall give preference to the hearing and disposition of petitions
6 for mandamus filed pursuant to the provisions of this Act. The
7 court hearing the case is empowered to receive the information
8 subject of a claim of exception under Section 7 herein and
9 examine them in camera to determine the sufficiency of the
10 factual and legal basis of such claim, when such sufficiency
11 cannot be reasonably determined through evidence and
12 circumstances apart from the information.
13

14 b) In the Judicial Branch, the judiciary shall be governed by such
15 remedies as promulgated by the Supreme Court.
16

17 c) The remedies provided in this Section are without prejudice to any
18 other administrative, civil or criminal action covering the same act.
19

20 d) The remedies available under this Act shall be cumulative and
21 subject to the rule of exhaustion of administrative remedies.
22

23 The provisions of Republic Act No. 9285, otherwise known as the
24 Alternative Dispute Resolution Act of 2004, shall not apply to cases
25 filed pursuant to this Section.
26

27 e) In case the requesting party has limited or no financial capacity, the
28 Public Attorney's Office shall be mandated to provide legal
29 assistance to the requester in availing of the remedies provided
30 under this Act.
31

32 **SECTION 17. Keeping of Records. –**

33

34 a) Government agencies shall create and/or maintain in appropriate
35 formats, accurate and reasonably complete documentation or
36 records of their organization, policies, transactions, decisions,
37 resolutions, enactments, actions, procedures, operations, activities,

1 communications and documents received or filed with them and the
2 data generated or collected. These shall include working files such
3 as drafts or notes, whenever these have been circulated within the
4 agency for official purpose such as for discussion, comment or
5 approval or when these contain unique information that can
6 substantially contribute to a proper understanding of the agency
7 organization, policies, transactions, decisions, resolutions,
8 enactments, actions, procedures, operations, and activities. This
9 likewise includes information submitted by public service
10 contractors to the government agency concerned such as receipts,
11 identities of the suppliers, purchase orders, cash vouchers, related
12 agreements with other private entities, and other documents related
13 to the execution or the implementation of their transactions or
14 contracts with the government agency involved;
15

16 b) Government agencies shall identify specific and classes of official
17 records in their custody or control that have continuing historical,
18 administrative, informational, legal, evidentiary, or research value
19 for preservation by such agencies or their legitimate successors, or
20 for transfer to the National Archives of the Philippines. In addition,
21 the National Archives of the Philippines shall likewise identify
22 specific and classes of official records that it shall require agencies
23 to preserve and transfer to it;
24

25 c) In addition to the specific and classes of official records identified for
26 preservation under letter (b) of this Section, the following shall not
27 be destroyed:
28

29 1) Records pertaining to loans obtained or guaranteed by the
30 government;
31

32 2) Records of government contracts;

33 3) The declaration under oath of the assets, liabilities and net worth
34 of public officers and employees, as required by law; and
35

36 4) Records of official investigations pertaining to allegations of graft
37 and corruption of public officers.

1
2 d) Government agencies shall prepare, following standards and period
3 promulgated pursuant to Republic Act No. 9470 or the National
4 Archives of the Philippines Act of 2007, a records management
5 program that includes the following:
6

7 1) A records maintenance system for the creation, selection,
8 classification, indexing and filing of official records that facilitate
9 the easy identification, retrieval and communication of
10 information to the public;
11

12 2) A records maintenance, archival and disposition schedule
13 providing a listing of records under current use, for retention by
14 the agency, for transfer to the National Archives, or for
15 destruction: *Provided*, That destruction of the official records may
16 be implemented only upon approval of the National Archives of
17 the Philippines; and
18

19 3) A specification of the roles and responsibilities of agency
20 personnel in the implementation of such system and schedule.
21

22 e) In addition to its function as repository of all rules and regulations
23 issued by agencies as provided under Book VII, Chapter II of the
24 Administrative Code of 1987, the University of the Philippines Law
25 Center shall, in coordination with the Office of the President which
26 has exclusive editorial and printing jurisdiction over the Official
27 Gazette, and with other relevant agencies, maintain a database, and
28 publish the same in print in the Official Gazette or in digital or online
29 form, the following:
30

31 1) All laws of the Philippines and their amendments, from the period
32 of the Philippine Commission to the present;
33

34 2) All presidential issuances from November 15, 1935 to the
35 present including, but not limited, to executive orders,
36 presidential proclamations, administrative orders, memorandum
37 circulars, general orders, and other similar issuances;

1
2 3) A database of all appointments and designations made by the
3 President of the Philippines; and
4

5 4) Opinions of the Secretary of Justice.
6

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

13 For purposes of compliance with Article 2 of the Civil Code of the
14 Philippines, publication of the following in the online version of the Official
15 Gazette, with the corresponding timestamps on the document, shall be
16 considered as official publication:
17

18 (1) All legislative acts and resolutions of a public nature of the Congress
19 of the Philippines;
20

21 (2) All executive and administrative orders and proclamations of
22 general application;
23

24 (3) Decisions or abstracts of decisions of the Supreme Court and the
25 Court of Appeals or other courts of similar rank, as may be deemed
26 by said courts of sufficient importance to be so published;
27

28 (4) Such documents or classes of documents as the President shall
29 determine from time to time to have general application or which he
30 may authorize to be published. However, other documents or
31 classes of documents as may be required to be published by law,
32 such as petitions and/or legal notices in connection with land titles,
33 naturalization or special proceedings shall continue to be published
34 in the print version of the Official Gazette or in any newspaper of
35 general circulation for purposes of compliance with the publication
36 requirement.
37

1 **SECTION 19. Capacity-Building, Promotion of Best Practices**
2 **and Continuous Updating of Appropriate Information Technology**

3 **and FOI.** – All government agencies must ensure that they have a
4 compliant website within two (2) years from the date of effectivity of this
5 Act. The Department of Information and Communications Technology
6 (DICT) shall monitor all government agency websites and render the
7 appropriate support including capacity-building program and coordination
8 with another appropriate agency, utilizing alternative mechanism and
9 seeking the assistance of private relevant and willing volunteer groups to
10 ensure full compliance with the requirements of this Act.

11
12 In the performance of its monitoring function of government
13 websites and portals, the DICT shall endeavor to continuously develop,
14 improve and update its information technology system taking into
15 consideration usability and practical accessibility of government
16 documents by the public.

17
18 The DICT shall be responsible for setting the standards for the file
19 formats to be used by the political subdivisions of the State, including all
20 national and local government agencies including GOCCs with or without
21 an original charter, in the publication of government public information in
22 accordance with the provisions of this Act.

23
24 Every government agency shall ensure the provision of adequate
25 training for its officials to improve awareness of the people's right to
26 information and the provisions of this Act, and to keep updated on the best
27 practices in relation to information disclosure, records maintenance and
28 archiving.

29
30 **SECTION 20. Use of Plain Language.** – Every government agency
31 shall endeavor to use plain language in their orders, compliance,
32 requirements or instructions issued to implement the provisions of this Act.
33 The government agencies shall, as far as practicable, translate key
34 information into the Filipino language and other major languages in the
35 Philippines and present them in popular form and means.

1 (1)To carry out the provision of this Act, the Civil Service Commission
2 (CSC) is designated to issue guidelines on the use of plain language
3 in all government agencies to suit the needs of the requesting party;
4

5 (2)The CSC shall provide the necessary training to employees of each
6 government agency in using plain language in public documents;
7

8 (3)All departments, agencies and instrumentalities of the national
9 government, including government-owned or -controlled
10 corporations, local government units and state colleges and
11 universities shall designate an official responsible for implementing
12 the plain language requirement under this Act; and
13

14 (4)Website contents including, but not limited to, financial data, notices
15 and other technical and legal documents, of government agencies
16 shall also be written in plain language to ensure relevant information
17 is easy to read, understand and use.
18

19 **SECTION 21. Administrative Offenses and Penalties. –**

20

21 a) The acts enumerated in this sub-section shall be tantamount to
22 grave administrative offenses and shall constitute grounds for
23 administrative and disciplinary sanction against any public official or
24 employee who willfully and knowingly commits the following:
25

26 1) Refusal to promptly forward the request under Section 12 of this
27 Act to the public officer within the same office or agency
28 responsible for officially acting on the request when such is the
29 direct cause of the failure to disclose the information within the
30 periods required by this Act;
31

32 2) Failure to act on the request within the periods required by this
33 Act;
34

35 3) Refusal to comply with the decision of his immediate supervisor,
36 or of any court ordering the release of information;
37

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

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

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

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

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

23 b) Any public officer or employee responsible for officially acting on the
24 request, who shall claim an exception under Section 7 of this Act, or
25 under the Constitution, when such claim is manifestly devoid of
26 factual basis.
27

28 c) Any individual who divulged or released information covered under
29 Section 7 of this Act.
30

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

1
2 e) The responsible officers of the public service contractor and the
3 signatories to the contract or any document evidencing transaction
4 with the government or government agency who fail to submit the
5 necessary documents/papers.
6

7 Any individual who knowingly directed, induced or caused the
8 commission of the foregoing acts shall be liable as principal by
9 inducement in the prosecution of public officials or employees under this
10 Section.
11

12 If the violation committed in this Act is induced and assisted by a
13 private individual or a corporation, partnership or any kind of judicial entity,
14 the penalty provided herein shall be imposed on its executive officer
15 and/or other officials responsible therefor: *Provided*, That they shall suffer,
16 in addition to the penalties provided herein, the automatic revocation of
17 their license to operate.
18

19 Any public official or employee who willfully destroys, or causes to
20 be destroyed, or sells, information and/or documents being requested
21 under this Act, for the purpose of frustrating the requesting party's access
22 thereto shall suffer a fine of not less than Five Hundred Thousand Pesos
23 (Php500,000.00) but not more than One Million Pesos (Php1,000,000.00)
24 or a penalty of five (5) years but not more than fifteen (15) years, or both,
25 at the discretion of the Court.
26

27 **SECTION 23. Denial in Good Faith Not a Ground for Liability. –**
28 A denial in good faith of a request made pursuant to the provisions of this
29 Act shall not constitute grounds for administrative, civil or criminal liability.
30 In case of denial of the request, the public official, officer or employee
31 involved must prove that he/she acted in good faith by specifying the
32 ground/s relied upon for the denial.
33

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

1
2 **SECTION 25. Integration of Freedom of Information (FOI) and**
3 **Good Governance in the Curriculum.** – To ensure a well-informed
4 generation of citizens, the right to information, the principles of
5 accountability and transparency, democracy and leadership, and good
6 governance shall be integrated in subjects, such as Heyograpiya,
7 Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary
8 level and in subjects such as Social Studies and Makabayan or its
9 equivalent subjects in the high school level.

10
11 The Technical Education and Skills Development Authority
12 (TESDA) and the Commission on Higher Education (CHED) shall likewise
13 integrate lessons on the right to information, the principles of
14 accountability and transparency, democracy and leadership, and good
15 governance in their training modules or curriculum.

16
17 The Department of Education, TESDA and CHED, in coordination
18 with the Civil Service Commission and other relevant offices, shall prepare
19 the necessary modules and teaching programs consistent with the
20 objectives of this Act.

21
22 **SECTION 26. Reports on FOI.** – All government agencies shall be
23 required to submit annual reports on the number of requests for
24 information received and processed, of appeals made from the denial
25 thereof, and such other information as provided in this Act. The said report
26 may be integrated in the agencies' main Annual Reports; *Provided, That*
27 the posting and publication of this information in the respective websites
28 of the concerned agencies shall be considered sufficient compliance.

29
30 **SECTION 27. System of Incentives and Rewards.** – A system of
31 special incentives and rewards is hereby established to be given to
32 appropriate government agency or agencies that initiated and displayed
33 compliance and full participation in the meaningful and effective
34 implementation of this Act. The incentives and rewards may include, but
35 shall not be limited to, social projects, grants-in-aid, national recognition,
36 and similar entitlements.

37

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

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

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

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

26
27 Approved,