

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **4612**



Introduced by **Representative AGATHA PAULA "AGAY" A. CRUZ**

EXPLANATORY NOTE

"Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."

—U.S. Supreme Court Justice Louis Brandeis, *What Publicity Can Do* (1913)

In the Philippine legal framework, this principle is more than just a metaphor; It is a constitutional mandate. The framers of the 1987 Philippine Constitution illuminated the path towards transparent governance: Article III, Section 7¹ switches on people's right to information on matters of public concern, while Article II, Section 28² powers up a policy of full disclosure in all transactions involving public interest.

Yet, more than three decades since the ratification of the Constitution, this mandate remains without a comprehensive legislative framework. Existing initiatives³ to give life to every Filipino's right to know and every public office's duty to show, though commendable, are fragmented, limited in coverage, and lacking in statutory force. The absence of an enabling law has led to inconsistent and often restrictive practices among government agencies in responding to requests for information. Citizens continue to face barriers such as delayed responses, arbitrary denials, and the absence of clear remedies.

In the legislative sphere, efforts to institutionalize a comprehensive Freedom of Information (FOI) framework span more than three decades. Since the 8th Congress, numerous FOI bills have been filed in both chambers, with some versions passing on third reading in either the House or the Senate but never reaching enactment. These attempts, while persistent, have yet to establish a lasting statutory framework binding all branches, agencies, and instrumentalities of government.

¹ §7. 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.

² §28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

³ Memorandum Circular No. 2010-83 issued by the Department of the Interior and Local Government (DILG); National Budget Circular 542 issued by the Department of Budget and Management (DBM); Executive Order No. 2 (s. 2016) issued by President Rodrigo Duterte; Executive Order No. 31 (s. 2023) issued by President Ferdinand R. Marcos Jr., among others

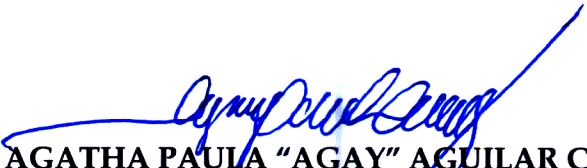
The passage of this bill is therefore both urgent and indispensable. It is not merely a compliance measure with constitutional directives, but a cornerstone of accountable and democratic governance. Transparency is the antidote to corruption, inefficiency, and misuse of public resources. By ensuring that citizens have timely, reliable, and accessible information, the State empowers the people to participate meaningfully in decision-making, demand accountability, and safeguard the integrity of public institutions.

The Philippines, as one of the eight founding governments of the Open Government Partnership (OGP), has also made international commitments to institutionalize transparency, accountability, and public participation in governance. Enacting this measure will bring the country closer to fulfilling these obligations. It will mark a decisive step toward strengthening democratic institutions and restoring public trust in government.

This bill transforms the people's constitutional right to know into a living reality, making transparency the rule and secrecy the rare exception. It seeks to provide a uniform and enforceable framework for access to information across all branches and levels of government. It sets out clear procedures, remedies, and penalties to ensure compliance, while also investing in capacity-building, records management, and digital infrastructure to sustain long-term transparency. By integrating openness and good governance principles into education, it likewise prepares future generations to become active, informed, and responsible citizens.

Through this proposed measure, we aim to empower every Filipino to become a light-bearer, ensuring that the promise of "a government of the people, by the people, and for the people" shines brightly through openness, accountability, and trust.

On this note, the immediate passage of this bill is earnestly sought.



AGATHA PAULA "AGAY" AGUILAR CRUZ
Representative, Fifth Legislative District of Bulacan

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HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. **4612**

Introduced by Representative AGATHA PAULA “AGAY” A. CRUZ

**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**

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

CHAPTER I
Preliminary Provisions

Section 1. *Short Title.* – This Act shall be known as the “People’s Freedom of
Information Act.”

Section 2. *Declaration of Policy.* – It is hereby declared the policy of the state to
recognize the right of the people to information on matters of public concern and to adopt
and implement a policy of full public disclosure of all its transactions involving public
interest, subject to the procedures and limitations provided by this Act. It is likewise the
policy of the State to promote the meaningful and increased participation of the people in
government decision-making and public accountability.

Consistent with these policies, the State affirms its commitment to transparency,
accountability, citizen participation, and the responsible use of information technologies
to strengthen democratic governance. Towards these ends, public officials and employees
in the performance of their duties, as well as citizens in the exercise of their rights under
this Act, shall handle information kept or obtained fairly, lawfully, and with due regard
to the full protection of the right to privacy of individuals.

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

- (a) *Information* refers to any public and/or official record, document, paper, report,
letters, contract, decision, minutes, and transcripts of official meetings,
statistics, maps, books, photographs, data, research material, film, audio and

1 video recordings, magnetic or other tapes, electronic data, computer-stored
2 data, or other like or similar data or material of public concern recorded, stored
3 or archived in whatever form or format, which are made, received or kept in or
4 under the control and custody of any government agency pursuant to law,
5 executive order, rules, and regulations, ordinance or in connection with the
6 performance or transaction of official business by any government agency;
7

8 (b) *Official record* refers to information in final form produced, received, or kept by
9 a public officer or employee, or by a government agency in an official capacity
10 or pursuant to a public function or duty, whether in paper, digital, or any other
11 format;
12

13 (c) *Personal data* refers to a collective term used to refer to personal information,
14 sensitive personal information, and privileged information. These are any
15 information that relates to an identified or identifiable living individual.
16 Different pieces of information, which are collected together can lead to the
17 identification of a particular person and also constitute personal data;
18

19 (d) *Personal information* refers to any information whether recorded in a material
20 form or not from which the identity of an individual is apparent or can be
21 reasonably and directly ascertained by the entity holding the information or
22 when put together with other information would directly and certainly identify
23 an individual;
24

25 (e) *Privileged information* refers to any and all forms of data, which, under the Rules
26 of Court and other pertinent laws, constitute privileged communication;
27

28 (f) *Public records* refer to information required by laws, executive orders, rules, or
29 regulations to be entered, kept, and made publicly available by a government
30 agency/office;
31

32 (g) *Public service contractor* refers to a private individual, partnership, corporation,
33 or juridical entity that has a dealing, contract, or transaction of whatever form
34 or kind with the government or a government agency/office that utilizes public
35 funds;
36

37 (h) *Sensitive personal information* refers to personal information:

- 38 i. about an individual's race, ethnic origin, marital status, age, color, and
39 religious, philosophical or political affiliations;
- 40 ii. about an individual's health, education, genetic, or sexual life of a person;
- 41 iii. any proceeding for any offense allegedly or actually committed by an
42 individual, including the disposal of, or the court's sentence in such
43 proceedings;
- 44 iv. issued by government agencies peculiar to an individual which includes,

- 1 but not limited to, social security numbers, previous or current health
2 records, licenses or its denials, suspension or revocation, and tax returns or
3 data submitted by individuals to government agencies such as previous or
4 current health records; and
5 v. specifically established by an executive order or an act of Congress to be
6 kept classified.
7

8 **Section 4. Coverage.** – This Act shall cover all subdivisions, agencies, and
9 instrumentalities of the government across all branches, including:

- 10 (a) Executive, Legislative, and Judicial branches;
11 (b) Constitutional commissions and offices;
12 (c) Local government units (LGUs);
13 (d) Government-owned or -controlled corporations (GOCCs) and government
14 financial institutions (GFIs);
15 (e) State universities and colleges (SUCs) and local universities and colleges
16 (LUCs); and
17 (f) Other entities vested with public functions or using public funds.
18

19 Further, this Act shall also apply to all back-end government operations, within,
20 between, and across agencies, government-to-government communications, particularly
21 those involving sharing and processing of data and information between and among
22 government agencies for policy, planning, and decision-making purposes, and other
23 government operations.
24

25 CHAPTER II

26 Right of Access to Information and Core Principles 27

28 **Section 5. Right of Access to Information.** – Every Filipino citizen has a right to,
29 and shall upon request, be given access to any information of public concern under the
30 control of a government agency regardless of the physical form in which they are
31 contained, subject only to the exceptions set forth in the Constitution, this Act, or other
32 existing laws. Non-Filipino citizens may likewise exercise such right when consistent with
33 constitutional limitations, laws, or international agreements.
34

35 **Section 6. Presumption.** – There shall be a legal presumption in favor of access to
36 information. No request for information shall be denied unless it clearly falls under the
37 exceptions provided under this Act. Accordingly, government agencies shall have the
38 burden of proof of showing by clear and convincing evidence that the information
39 requested is exempted from the disclosure by this Act.
40

41 **Section 7. Exceptions.** – Access to information shall be granted unless it falls under
42 any of the following narrowly construed exceptions. All exceptions shall be subject to
43 strict construction, periodic review, redaction where feasible, and disclosure once the
44 grounds for confidentiality cease to exist.

1
2 (a) *National Security and Foreign Affairs* – Information properly classified under an
3 Executive Order:

4 (1) Directly relating to national security or defense and its revelation may cause
5 damage to the national security, military operations, or internal and
6 external defense of the State, where disclosure would cause demonstrable
7 harm.

8 (2) Pertaining to the foreign affairs of the Republic of the Philippines when its
9 revelation shall unduly weaken the negotiating position of the government
10 in an ongoing bilateral or multilateral negotiation or seriously jeopardize
11 the diplomatic relations of the Philippines with any state, or prejudice the
12 entrusting of information to the Republic of the Philippines on a basis of
13 confidence by the government of any other country or any international
14 organization: *Provided*, That sufficient information is disclosed to afford
15 reasonable public participation in government decision-making on bilateral
16 and multilateral agreements: *Provided, further*, That the head of the
17 department or agency having custody or possession of such information,
18 shall keep under continuing review all classified information in his custody
19 and may direct the declassification review of such review as needed.
20 Declassification of information shall be subject to the approval of the
21 President.
22

23 (b) *Executive Privilege and Policy Deliberations* –

24 (1) Presidential communications, consisting minutes or records of advice given
25 or of opinions expressed during decision-making or policy formulation
26 including exchanges when the chief executive was not present, privileged
27 by the Chief Executive, where disclosure would significantly undermine
28 the free and frank provision of advice or exchange of views: *Provided*, That
29 an executive order shall be issued specifying the reasonable period after
30 which information invoked to be privileged under this paragraph shall be
31 made accessible to the public.

32 (2) Drafts of orders, resolutions, decisions, memoranda, or audit reports by any
33 executive, administrative, regulatory, constitutional, judicial, or quasi-
34 judicial body in the exercise of their regulatory, audit, and adjudicatory
35 functions, where premature disclosure would impair impartiality of
36 verdicts or otherwise obstruct the administration of justice: *Provided*, That
37 once finalized or adopted, such records shall be accessible.
38

39 (c) *Law Enforcement and Public Safety* –

40 (1) Information pertaining to internal and/or external defense, law
41 enforcement, and border control, where disclosure may compromise or
42 interfere with any legitimate military or law enforcement operation, or
43 legitimate prevention, detection, or suppression of criminal activity, or the
44 legitimate implementation of immigration controls and border security.

- 1 (2) Identities of confidential sources, including a government, or foreign
2 agency or authority or any private institution which furnished information
3 on a confidential basis, and, in the case of a record or information compiled
4 by a law enforcement authority in the course of an investigation or by an
5 agency conducting a lawful national security intelligence investigation,
6 information furnished by a confidential source.
- 7 (3) Law enforcement techniques, procedures, and guidelines for investigations
8 or prosecutions, where disclosure would risk circumvention of the law.
- 9 (4) Information that would endanger the life or physical safety of any
10 individual.
- 11 (5) Information that would deprive a person of a right to a fair trial and
12 impartial adjudication.
- 13 (6) Security plans, blueprints, or protocols for custodial facilities, correctional
14 institutions, or prisoner transport, where disclosure would jeopardize
15 safety.
- 16
- 17 (d) *Human Security and Public Order* – Information pertaining to matters of human
18 security, such as, but not limited to, food, health, financial, or trade security:
19 *Provided*, That such disclosure or premature disclosure will undermine public
20 wellbeing, cause unnecessary panic and conflict, and limit the range of policy
21 choices available to the concerned implementing and regulating agencies:
22 *Provided, further*, That this exception shall apply only until such time that the
23 confidentiality requirement of the action plan of said agency is no longer
24 necessary in addressing the said security issue.
- 25
- 26 (e) *Overseas Filipinos and Overseas Filipino Workers* –
- 27 (1) Information on government assistance to overseas Filipino and overseas
28 Filipino workers, including but not limited to their personal data, cases files
29 on criminal and family cases, or communications, where disclosure could
30 compromise their safety, weaken their position in legal proceedings, or
31 expose them to undue risk of retaliation: *Provided*, That this exception shall
32 lapse once the case have concluded and safety concerns have ceased.
- 33 (2) Information pertaining to the repatriation or evacuation operations for
34 overseas Filipino and overseas Filipino workers from war-stricken or
35 disaster-affected areas, including but not limited to their locations,
36 transport details, and related arrangements, where disclosure could
37 endanger their safety: *Provided*, That this exception shall apply only during
38 the period of actual repatriation or until the imminent threat has ceased.
- 39
- 40 (f) *Diplomatic Relations and Treaty Obligations* –
- 41 (1) Records of foreign diplomats and consular missions, including arrival and
42 departure details, where disclosure would compromise their safety or
43 violate the Vienna Convention on Diplomatic and Consular Relations.

(2) Information exempted under a treaty, convention, or bilateral/multilateral agreement to which the Philippines is a party.

(g) *Privacy and Personal information* –

(1) Personal or sensitive information of a natural person other than the requester, where disclosure would constitute an unwarranted invasion of privacy, unless consented to in writing.

(2) Information forms part of public record, but its disclosure, without redaction, would expose concerned individuals to discrimination, harassment, or risk.

(3) Records relating to whistleblowers, witnesses, or persons under government protection programs, whether past or present, unless sufficient safeguards such as redaction or anonymization are applied, or written consent is given: *Provided*, That this exemption shall not apply where the concerned individual has publicly disclosed or expressly waived confidentiality.

(h) *Trade Secrets and Commercial Information* – Trade secrets, privileged communications, and commercial or financial information submitted to a government agency, where disclosure would prejudice legitimate commercial or industrial competition, unless waived by the party concerned: *Provided*, That this exemption shall not apply where the information concerns the use of substantial public funds, subsidies, or public contracts, subject to redaction of proprietary details.

(i) *Legally Protected Information* –

(1) Information required to be kept confidential by the Constitution, statute, or lawful court order.

(2) Privileged communications, unless expressly waived by the person entitled to the privilege.

(j) *Financial and Regulatory Information* – Information whose premature disclosure would:

(1) Lead to market manipulation or speculation in currencies, interest rates, securities, or commodities; or

(2) Frustrate the effective implementation of a proposed official action: *Provided*, That this exemption shall automatically lapse once the official action has been taken or the risk of speculation has passed.

(k) *Procurement and Bidding* – Information about ongoing evaluation or review of bids, proposals, or negotiations prior to an official recommendation or decision, where premature disclosure would compromise the integrity of the procurement processes; *Provided*, That once an award or final decision is made, relevant information shall be disclosed, subject only to redaction of proprietary

1 or security-sensitive details.

2
3 (l) *Legislative and Judicial Confidentiality* –

- 4 (1) Information obtained in executive session by either House of Congress or
5 its committee;
6 (2) Court records, pleadings, or deliberations that are confidential under
7 existing laws or Supreme Court rules.

8
9 (m) The information has already been made accessible under this Act.

10
11 The determination of whether any of these grounds shall apply shall be the
12 responsibility of the head of the office of the concerned government agency, or a duly
13 designated official, subject to the following:

- 14 (1) Exceptions shall be strictly construed and may not be used to conceal
15 wrongdoing, inefficiency, corruption, or abuse of authority;
16 (2) Where a record contains both exempt and non-exempt information, the latter
17 shall be disclosed with necessary redactions or severability, ensuring that non-
18 exempt portions are released.
19 (3) The President, the Supreme Court, the Senate, the House of Representatives,
20 and the Constitutional Commissions may, by majority vote and in accordance
21 with their rules, waive an exemption in the interest of overriding public interest
22 in disclosure;
23 (4) Exceptions shall not bar the availability of records to Congress or local
24 legislative bodies, or any of its committees, in aid of their constitutional or
25 statutory functions;

26
27 Even where an exemption applies, disclosure shall be ordered if the requester
28 demonstrates before a competent court that the public interest in disclosure clearly
29 outweighs the harm. In determining this, courts shall consider:

- 30 (1) the seriousness of any wrongdoing, negligence, or impropriety involved;
31 (2) the significance of the information for public accountability or democratic
32 participation; and
33 (3) the adequacy of safeguards, such as redaction.

34
35 All exempted information shall be subject to mandatory review every three (3)
36 years by the head of office or agency in custody or control of the information for possible
37 reclassification and disclosure: *Provided*, That such information to be disclosed by an
38 agency under the executive branch shall be subject to the approval of the President.

39
40 **Section 8. *Protection of Privacy.*** – In providing access to information in public
41 records, this Act shall fully safeguard the right to privacy of individuals, consistent with
42 the Constitution and Republic Act (R.A.) No. 10173 or the Data Privacy Act of 2012. For
43 this purpose:
44

- (a) Disclosure of public records involving personal data shall be guided by the principle of transparency, legitimate purpose, and proportionality;
- (b) Government agencies shall ensure that personal and sensitive information in their custody or control is disclosed only as permitted under this Act;
- (c) All government agencies shall adopt and implement appropriate measures to protect personal and sensitive data in their custody, in accordance with RA 10173, its implementing rules and regulations, and issuances of the National Privacy Commission (NPC).
- (d) Public officers, employees, or any person with access, whether authorized or unauthorized, to personal or sensitive information in the custody of any government agency shall maintain strict confidentiality and shall be criminally, civilly, and administratively liable for any unauthorized use or disclosure.
- (e) Privacy-related exemptions shall be construed narrowly. Where disclosure serves an overriding public interest, the public interest override under Section 7 shall apply, subject to appropriate safeguards such as redaction, anonymization, or protective orders to minimize or prevent harm.

Section 9. *Act Not a Bar to Claim of Right to Information Under the Constitution.*

– No provision of this Act shall be interpreted as a bar to any claim of the right to information under Article III, Section 7 of the Constitution.

CHAPTER III

Proactive Disclosure and Transparency Obligations

Section 10. *Proactive Disclosure Platforms.* – All government agencies shall proactively disclose information of public interest, including but not limited to: policies, programs, decisions, transactions, and reports. Disclosure shall be made through:

- (a) Their respective official agency website;
- (b) The Official Gazette Online, for documents of general applicability, legislative acts, executive issuances, and other matters as specified under Section 11(a); and
- (c) The Open Data Philippines (ODPH) Portal, for all agency-specific datasets, reports, and records required under this Act.

All government agencies shall likewise ensure that information is timely, accurate, complete, and accessible, with proper metadata, searchability, and downloadable formats to facilitate public access.

Section 11. *Mandatory Disclosure.* – All government agencies and shall, without need of request, simultaneously publish, and regularly update information of public interest:

- (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national

officials shall disclose to the public their Statement of Assets, Liabilities, and Net Worth (SALN) on an annual basis:

- (1) President;
- (2) Vice-President;
- (3) Members of the Cabinet;
- (4) Members of Congress;
- (5) Justices of the Supreme Court, Court of Appeals, Court of Tax Appeals, and Sandiganbayan;
- (6) The Ombudsman and Deputy Ombudsmen;
- (7) Members of Constitutional Commissions and other constitutional offices; and
- (8) Officers of the Armed Forces with general or flag rank.

Provided, That sensitive personal information contained in the SALN such as:

- i. Home address of the declarant;
- ii. Details of any unmarried children below eighteen (18) years of age living in the declarant's household, if any, particularly their names, dates of birth, and ages;
- iii. Signatures of the declarant and co-declarant; and
- iv. Government-issued ID numbers of the declarant and co-declarant redacted to protect the dignity, safety, and security of the public officer shall be redacted: *Provided, further*, That all SALNs for previous years shall be archived and kept available on the said websites.

(b) All government agencies shall proactively disclose and update monthly a register of the following public interest transactions, documents, or records, including:

- (1) Annual budget, appropriations, and utilization reports;
- (2) Itemized monthly collections and disbursement;
- (3) Summary of income and expenditures;
- (4) Component of the IRA utilization;
- (5) Annual procurement plan and procurement list;
- (6) List of officials and employees;
- (7) Updated *plantilla* positions and vacant positions with qualifications/requirements in their organizations that need to be filled up;
- (8) Items to Bid;
- (9) Bid Results on Civil Works, and Goods and Services;
- (10) Abstract of Bids as calculated;
- (11) Procurement contracts entered into by a government agency with corresponding income tax returns, if applicable, of the person or entity awarded of the same;
- (12) Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;
- (13) Private sector participation agreements or contracts in infrastructure and

- development projects under R.A. No. 6957, as amended by R.A. No. 7718, authorizing the financing, construction, operation, and maintenance of infrastructure projects;
- (14) Public funding extended to any private entity;
 - (15) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation, and similar binding commitments;
 - (16) Licenses, permits, or agreements granted by any government agency to any person or entity for the extraction and/or utilization of natural resources and a list of the grantees;
 - (17) Guarantees given by any government agency to GOCCs and to private corporations, persons or entities;
 - (18) Loans from domestic and foreign financial institutions;
 - (19) Loans, grants, development assistance, technical assistance, and programs entered into by a government agency with official bilateral or multilateral agencies, as well as with private aid agencies or institutions;
 - (20) Compromise agreements entered into by a government agency with any person or entity; and
 - (21) Other information of public interest determined by the FOI Oversight Commission.

The register shall contain a brief description of the transaction involved including, but not limited to: the nature and object of the transaction, the parties and amounts involved, the key steps undertaken towards its conclusion, and the relevant dates provided that contracts and agreements involving an amount of at least fifty million pesos (PhP 50,000,000.00) shall be uploaded in full. A covered record shall be enrolled in the register not later than thirty (30) working days from its perfection or issuance.

Section 12. *Openness and Transparency in Government Agencies.* – Each government agency shall make available upon the request of any citizen at no cost and in an accessible form, consistent with the provisions of R.A. No. 9485 or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- (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) SALN 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;

- 1 (g) Work programs, development plans, investment plans, projects, performance
2 targets and accomplishments, and budgets, revenue allotments and
3 expenditures;
- 4 (h) Important rules and regulations, orders, or decisions: *Provided*, That they be
5 published within fifteen (15) calendar days from promulgation;
- 6 (i) Rules of procedure, descriptions of forms available or the places at which forms
7 may be obtained, and instructions as to the scope and contents of all papers,
8 reports, or examinations;
- 9 (j) Substantive rules of general applicability adopted as authorized by law, and
10 statements of general policy or interpretations of general applicability
11 formulated and adopted by the agency, including subsequent amendments;
- 12 (k) Current and important database and statistics that it generates;
- 13 (l) Bidding processes, deadlines, and requirements;
- 14 (m) Mechanisms or procedures by which the public may participate in or otherwise
15 influence the formulation of policy or the exercise of its powers; and
- 16 (n) Any disclaimer that shall announce true and correct information relative to a
17 matter of public concern that has been the subject of untruthful or inaccurate
18 publication in media.

19
20 All government agencies shall upload in full other contracts, agreements, or
21 treaties covered under this Section, in particular those that are of the highest public
22 interest by reason of the amounts involved and the impact of the transaction to the public.

23
24 **Section 13. *Protection of Privacy.*** – While ensuring access to information in public
25 records, this Act also safeguards the right to privacy of individuals, as follows:

- 26
27 (a) Disclosure of public records involving personal data shall be guided by the
28 principle of transparency, legitimate purpose, and proportionality;
- 29 (b) Government agencies must ensure that personal and sensitive information in
30 its custody or under its control is disclosed only as permitted under this Act;
- 31 (c) Government agencies must protect personal data in its custody or under its
32 control, in accordance with the provisions of the R.A. No. 10173 or the Data
33 Privacy Act of 2012, its implementing rules and regulations, and issuances by
34 the NPC; and
- 35 (d) An employee, officer, or official of a government agency who has access,
36 whether authorized or unauthorized, to personal and sensitive information in
37 the custody of the agency, must not disclose that information except as
38 authorized under this Act.

39
40 **Section 14. *Use of Plain Language.*** – Every government agency shall endeavor to
41 use plain language in their communications orders, compliance, requirements, or
42 instructions issued to implement the provisions of this Act. The government agencies
43 shall translate key information into major Filipino languages and present them in popular
44 form and means.

- 1
2 (a) To carry out the provision of this Act, the Civil Service Commission (CSC) is
3 designated to issue guidelines on the use of plain language to suit the needs of
4 the requesting party;
5 (b) The CSC shall provide the necessary training to employees of each government
6 agency in using plain language in public documents;
7 (c) All covered government agencies shall designate an official responsible for
8 implementing the plain language; and
9 (d) Website contents including, but not limited to, financial data, notices, and other
10 technical and legal documents, of government agencies must also be written in
11 plain language to ensure that this information is easy to read, understand and
12 use.
13

14 **Section 15. *Publication in the Official Gazette Online.*** – For purposes of
15 mandatory disclosure as provided in Section 11 of this Act, online publication in the
16 Official Gazette website shall be considered official publication provided there shall be a
17 timestamp in the said document.
18

19 For purposes of compliance with Article 2 of the Civil Code of the Philippines,
20 publication of the following in the Official Gazette Online, with the corresponding
21 timestamps on the document, shall be considered as official publication:

- 22 (a) All legislative acts and resolutions of a public nature of the Congress of the
23 Philippines;
24 (b) All executive and administrative orders and proclamations of general
25 application;
26 (c) Decisions or abstracts of decisions of the Supreme Court and the Court of
27 Appeals or other courts of similar rank, as may be deemed by said courts of
28 sufficient importance to be so published;
29 (d) Such documents or classes of documents as the President shall determine from
30 time to time to have general application or which he may authorize to be
31 published. However, other documents or classes of documents as may be
32 required to be published by law, such as petitions and/or legal notices in
33 connection with land titles, naturalization or special proceedings shall continue
34 to be published in the print version of the Official Gazette or any newspaper of
35 general circulation for purposes of compliance with the publication
36 requirement.
37

38 **Section 16. *Open Data Philippines (ODPH) Portal.*** – The Department of
39 Information and Communications Technology (DICT), in coordination with the
40 Presidential Communications Office (PCO), shall redevelop and maintain the existing
41 ODPH Portal to consolidate disclosures under this Act. Agencies shall interconnect their
42 data systems with the portal for ease of public access.
43
44

CHAPTER IV
Institutional Mechanisms and Implementation

Section 17. *Freedom of Information (FOI) Oversight Commission.* – There is hereby created an FOI Oversight Commission composed of representatives from the following to oversee the implementation of this Act:

- (a) CSC;
- (b) DICT;
- (c) NPC;
- (d) Office of the Ombudsman;
- (e) PCO;
- (f) National Archives of the Philippines (NAP);
- (g) Anti-Red Tape Authority (ARTA);
- (h) Chairperson of the House Committee on Public Information, as ex-officio member; and
- (i) Chairperson of the Senate Committee on Public Information and Mass Media, as ex-officio member.

The FOIOC shall:

- (a) Issue uniform standards and guidelines;
- (b) Monitor and evaluate agency compliance with this Act; and
- (c) Recommend policy measures to Congress and the Executive.

Section 18. *Freedom of Information (FOI) Manual.* – For the effective implementation of this Act, all government agencies shall prepare and publish their respective FOI Manual, within six (6) months from the effectivity of this Act, indicating the following:

- (a) Location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain government information or submit requests;
- (b) Types of information it generates, produces, holds, and/or publishes;
- (c) Description of its record-keeping system;
- (d) Person or office responsible for receiving requests for information;
- (e) Procedure for the filing of requests personally, by mail, or through the identified electronic means;
- (f) Standard forms for the submission of requests and the proper acknowledgment of the request;
- (g) Process for the disposition of the request, including the routing of the request to the person or office with the duty to act on the request, the decision-making process, and the grant or denial of access and its implementation;
- (h) Procedure for the administrative appeal of any denial of access to information;
- (i) Schedule of fees;
- (j) Process and procedure for the mandatory disclosure of information under

Section 11 of this Act: *Provided*, That should the agency lack the capacity to fully comply therewith, a brief description of its plan to facilitate compliance within three (3) years from the approval of this Act; and

- (k) Such other information, taking into consideration the unique characteristics of an agency, will help facilitate the effective implementation of this Act. The foregoing information shall also be posted on its website and bulletin boards and shall be regularly updated.

The CSC shall issue a Model FOI Manual to guide agencies in preparing their own manuals. Agencies may adopt the Model FOI Manual with necessary adjustments to reflect their respective mandates.

In no case shall the absence of the aforementioned manual be a reason for the denial of any request for information made in accordance with this Act.

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

Section 19. *Standard Forms and Processes.* – The DICT shall prescribe standard FOI request forms, digital platforms, and monitoring systems to streamline compliance across agencies. FOI requests shall not be denied solely due to variations in form, provided intent and identity are reasonably clear.

Section 20. *Technology-Enabled Access.* – All agencies shall establish the following within two (2) years from the effectivity of this Act:

- (a) Electronic FOI request system;
- (b) Access to requested information via secure electronic transmission or download; and
- (c) Interconnection of agency databases with the ODPH Portal to allow seamless and automated public access to records subject to mandatory disclosure.

The DICT shall set standards, provide support, and ensure accessibility for senior citizens, persons with disabilities and marginalized sectors.

Section 21. *FOI Compliance Report.* – All government agencies shall submit an annual FOI Compliance report. The report shall include updates on:

- (a) Statistics on requests received, granted, and denied;
- (b) Reasons for denial;
- (c) Statistics on appeals made from the denial thereof;
- (d) Information uploaded to the Official Gazette Online;
- (e) Datasets and records shared through the ODPH Portal;

- 1 (f) Measures taken to improve public accessibility; and
2 (g) Such other information as provided in this Act.
3

4 The said report may be integrated with the Annual Report of the agencies. Its
5 posting and publication in their respective agency websites, Official Gazette Online, and
6 ODPH Portal shall be considered as sufficient compliance.
7

8 **Section 22. Capacity-Building, Promotion of Best Practices, and Continuous**
9 **Updating of Appropriate Information Technology.** – The CSC, in coordination with the
10 FOI Oversight Commission, shall institutionalize training programs on transparency,
11 information management, records maintenance, digital accessibility, and privacy
12 safeguards for public officials and employees.
13

14 All government agencies shall ensure the provision of adequate training for its
15 officials to improve awareness of the people’s right to information and the provisions of
16 this Act and adopt best practices in open government, information disclosure, records
17 maintenance, and archiving.
18

19 All government agencies shall likewise maintain, upgrade, and interconnect their
20 respective digital infrastructure with the ODPH Portal. They must also ensure that they
21 have a compliant website within two (2) years from the date of effectivity of this Act. The
22 DICT shall monitor all government agency websites and render the appropriate support
23 including capacity-building programs and coordination with another appropriate agency,
24 utilizing alternative mechanisms and seeking the assistance of private relevant and
25 willing volunteer groups to ensure full compliance with the requirements of this Act.
26

27 In the performance of its monitoring function of government websites and portals,
28 the DICT shall endeavor to continuously develop, improve, and update its information
29 technology system taking into consideration the usability and practical accessibility of
30 government documents by the public.
31

32 The DICT shall be responsible for setting the standards for the file formats to be
33 used by government agencies in the publication of government public information in
34 accordance with the provisions of this Act.
35

36 **Section 23. System of Incentives and Recognition.** – The CSC, in coordination with
37 the Department of Budget and Management (DBM), shall develop a system of incentives
38 and recognition for covered entities that demonstrate exemplary FOI compliance and full
39 participation in the meaningful implementation of this Act, including, but not limited to,
40 eligibility for performance-based bonuses, national recognition, grants-in-aid, and similar
41 entitlements.
42

43 **Section 24. FOI Education.** – The Department of Education (DepEd) and
44 Commission on Higher Education (CHED) shall integrate FOI principles, transparency,

1 accountability, citizen participation, democracy and leadership, and good governance
2 into relevant curricula of elementary, secondary, and tertiary education to cultivate a
3 culture of openness among future generations. The DepEd and CHED, in coordination
4 with the CSC, and other relevant offices shall prepare the necessary modules and teaching
5 programs consistent with the objectives of this Act.

6
7 **Section 25. *Records Management, Archiving, and Digital Infrastructure.*** –
8 Government agencies shall maintain accurate, organized, and up-to-date records and
9 progressively digitize these records in accordance with standards set by the DICT and the
10 NAP to ensure accessibility, long-term preservation, and disaster resilience. All covered
11 government entities shall:

- 12
13 (a) Adopt modern records management systems aligned with RA 9470;
14 (b) Digitize essential records;
15 (c) Establish disaster-resilient backup systems; and
16 (d) Ensure accessibility for future public use through digital preservation.
17

18 **Section 26. *Keeping of Records.*** –
19

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

37 (b) *Identification of Records for Preservation* – Government agencies shall identify
38 specific and classes of official records in their custody or control that have
39 continuing historical, administrative, informational, legal, evidentiary, or
40 research value for preservation by such agencies or their legitimate successors,
41 or for transfer to the NAP. In addition, the NAP shall likewise identify specific
42 and classes of official records it requires agencies to preserve and transfer.
43

44 (c) *Records Not to Be Destroyed* – In addition to the specific and classes of official

1 records identified for preservation under subsection (b) of this Section, the
2 following shall not be destroyed:

- 3 (1) Records pertaining to loans obtained or guaranteed by the government;
- 4 (2) Records of government contracts;
- 5 (3) Declarations under oath of the SALNs of public officers and employees, as
6 required by law; and
- 7 (4) Records of official investigations concerning allegations of graft and
8 corruption involving public officers.

9
10 (d) *Records Management Program* – Government agencies shall implement a records
11 management program, in accordance with standards and period promulgated
12 pursuant to R.A. No. 9470 or the National Archives of the Philippines Act of
13 2007, including:

- 14 (1) A records maintenance system for the creation, selection, classification,
15 indexing, and filing of official records that facilitate the efficient
16 identification, retrieval, and dissemination of information to the public;
- 17 (2) A retention, archival, and disposition schedule providing a listing of
18 records under current use, for retention, transfer to the NAP, or destruction:
19 *Provided, That* destruction of the official records may be implemented only
20 upon approval of the NAP; and
- 21 (3) A delineation of the roles and responsibilities of agency personnel in
22 implementing such system and schedule.

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

- 32 (1) All laws of the Philippines and their amendments, from the period of the
33 Philippine Commission to the present;
- 34 (2) All presidential issuances from November 15, 1935, to the present
35 including, but not limited, to executive orders, presidential proclamations,
36 administrative orders, memorandum circulars, general orders, and other
37 similar issuances;
- 38 (3) A database of all appointments and designations made by the President of
39 the Philippines; and
- 40 (4) Opinions of the Secretary of Justice.

41 42 **CHAPTER V** 43 **Access Procedures and Remedies** 44

1 **Section 27. Procedure of Access. –**

2
3 (a) *Filing of Requests* – Any person may request access to information by
4 submitting, free of charge, a written, electronic, or oral request to the concerned
5 government agency, either personally, by mail, or through electronic means.
6

7 Oral requests due to due to illiteracy or disability shall be reduced in writing
8 by the receiving public officer or employee, who shall indicate his or her name
9 and official position, and furnish a copy to the requesting party.
10

11 A request for information shall contain the following:

- 12 (1) Name and preferred contact information of the requesting party;
13 (2) Reasonable description of the information sought;
14 (3) Preferred mode of communication; and
15 (4) Reason for the request: *Provided*, That the stated reason shall not be a
16 ground for denial of the request or refusal for its acceptance, except where
17 contrary to law.
18

19 (b) *Verification of Identity* – For purposes of verifying the identity of the requesting
20 party:

- 21 (1) Requests made in persons shall be accompanied by a current government-
22 issued ID, or ID issued by government or private employer, or school, or a
23 community tax certificate;
24 (2) Requests by mail or electronic means may be supported by a photostatic or
25 electronically scanned ID, or such other reasonable verification method
26 determined by the agency; and
27 (3) Citizens without formal identification cards may present a barangay
28 certification, sworn statement, or other reasonable proof of identity as
29 determined by the agency.
30

31 (c) *Agency Duties* – The receiving officer or employee shall:

- 32 (1) Provide reasonable assistance, free of charge, to all requesters, particularly
33 those with special needs;
34 (2) Stamp or otherwise acknowledge the request, indicating with the date and
35 time of receipt, as well as the name and position of the receiving officer or
36 employee with his or her signature, and provide a copy to the requesting
37 party; and
38 (3) Establish a system to track the status of all requests for information
39 received.
40

41 (d) *Processing of Requests* –

- 42 (1) The receiving government agency shall act promptly and in good faith on
43 requests.
44 (2) Requests shall be decided within fifteen (15) working days from receipt

thereof.

- (3) The period may be extended once, for not more than twenty (20) working days, whenever the information requested requires a search of the government agency's field or satellite offices, examination of voluminous records, the occurrence of fortuitous events, or other analogous circumstances. The requester shall be notified in writing of the extension, setting forth the reasons for such extension, and the expected date when the information shall be made available.
- (4) Information shall be provided in the preferred means indicated in the request, unless doing so would unreasonably disrupt agency operations or threaten the preservation of records. In such case, an accessible alternative shall be provided.
- (5) Once granted, the requester shall be notified and required to pay any applicable fees pursuant to the subsequent Section of this Act.

(e) *Transfer of Requests* – If the information is not held by the government agency to which the request was made, it shall notify the requester and, if known, identify the agency that holds the record. Whenever practicable, it may also cause the transfer of the request to the appropriate agency that holds the information: *Provided*, That the period to comply with the request under this Section shall begin to run only upon the receipt of the agency to which the request is transferred.

Section 28. Access and Processing Fees. – Access to information shall generally be free of charge. Government agencies may impose a reasonable fee as may be necessary to cover the actual and direct cost of reproduction, copying, or transcription of the information requested.

The DBM, in consultation with the FOI Oversight Commission and relevant stakeholders, shall issue uniform guidelines to standardize such fees in order to ensure affordability, uniformity, and non-discrimination.

No fees shall be charged for:

- (a) The mere inspection of documents in person; and
- (b) The electronic transmission of information.

An agency may waive the fees when:

- (a) The requester is determined to be indigent under existing law or regulations;
- (b) The cost of reproduction, copying, or transcription is negligible; or
- (c) The request falls within the scope of the agency's proactive disclosure program.

Section 29. Exemption from Compliance. – A government agency shall not be required to comply with a subsequent request for information that is identical or substantially similar to one it has already granted to the same requesting party, unless:

- 1
2 (a) At least six (6) months have elapsed since the prior request; or
3 (b) New facts, circumstances, or information justify an earlier request.
4

5 An agency invoking this exemption shall issue a written notice to the requester,
6 stating the specific grounds for treating the request as repetitive.
7

8 For purposes of this Section, no request shall be deemed repetitive if the prior
9 disclosure was partial, incomplete, or withheld in reliance on an exception under this Act.
10 Government agencies are prohibited from invoking this provision to avoid full disclosure
11 through piecemeal release of information.
12

13 Any unjustified or abusive reliance on this exemption shall constitute an
14 administrative offense under Section 33 of this Act and, where warranted, may give rise
15 to criminal liability under Section 34.
16

17 The requester may appeal a denial under this Section in accordance with Section
18 31 of this Act.
19

20 In all cases, the government agency shall comply with the notice requirement
21 under Section 30 of this Act.
22

23 **Section 30. Notice of Denial.** – If the government agency denies a request for access
24 to information, in whole or in part, it shall, within fifteen (15) calendar days from receipt
25 of the request, notify the requester of such denial in writing or through electronic means.
26

27 The notice of denial shall:

- 28 (a) State clearly and specifically the ground or grounds relied upon;
29 (b) Describe the factual circumstances justifying such denial;
30 (c) Identify the name and designation of the responsible officer; and
31 (d) Inform the requester of the remedies available under this Act, including the
32 procedures and timeframes for reconsideration or appeal.
33

34 Failure to provide a written notice within the prescribed or extended period shall
35 constitute a denial of the request, subject to the remedies provided under this Act.
36

37 **Section 31. Remedies in Cases of Denial of Request for Information.** –
38

39 (a) *Administrative Appeal* – In all government agencies other than the Judicial
40 Branch:

- 41 (1) Any denial of any request for access to information may be appealed to the
42 person or office next higher in authority of the same agency, following the
43 procedure mentioned in Section 18(h) of this Act.

- 44 (2) The written appeal must be filed by the requester within fifteen (15)

working days from the notice of denial.

(3) The appeal shall be resolved within five (5) working days from the filing of written appeal. Failure to decide within this period shall be deemed a denial of the appeal.

(b) *Judicial Remedy* – Upon denial of the administrative appeal, the requester may file a verified petition for *mandamus* before the proper court, alleging the facts with certainty and praying that judgment be rendered ordering the respondent, immediately or at some other time to be specified by the court, to disclose the requested information. Unless restrained or enjoined, the decision of the court shall be immediately executory without prejudice to review in accordance with the Rules of Court.

Subject to the provisions of existing laws and the issuances of the Supreme Court, all courts shall give preference to the hearing and disposition of petitions for *mandamus* filed pursuant to the provisions of this Act.

The court hearing the case is empowered to receive the information subject of a claim of exception under Section 7 herein and examine them in camera to determine the sufficiency of the factual and legal basis of such claim whenever such determination cannot be reasonably made by other means.

No damages shall be assessed against the respondent unless it is proven that the respondent acted with malice, bad faith, or negligence. Any action for administrative and/or criminal liability arising from the same act or omission, if any, shall be filed with the Office of the Ombudsman.

(c) *Judicial Branch* – Requests involving the judiciary shall be governed by remedies as may be promulgated by the Supreme Court.

(d) *Cumulative Remedies* – The remedies available under this Act are cumulative and without prejudice to any other administrative, civil, or criminal actions arising from the same act. The doctrine of exhaustion of administrative remedies shall apply. The provisions of R.A. No. 9285 or the Alternative Dispute Resolution Act of 2004 shall not apply to cases filed under this Section.

(e) *Legal Assistance* – In case the requesting party has limited or no financial capacity, the Public Attorney's Office (PAO) shall provide legal assistance to the requester in availing of the remedies under this Act.

Section 32. Requester Protection. – No requester shall be penalized, harassed, or discriminated against for exercising the right to information under this Act.

CHAPTER VI
Accountability and Sanctions

Section 33. *Administrative Offenses and Penalties.* –

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

- (1) Unjustified refusal to accept or promptly forward the request under Section 27 of this Act to the public officer within the same office or agency responsible for officially acting on the request when such is the direct cause of the failure to disclose the information within the periods required by this Act;
- (2) Failure to act on requests within the periods required by this Act;
- (3) Refusal to comply with the decision of his immediate supervisor, or any court of competent jurisdiction ordering disclosure;
- (4) Approval and issuance of internal rules or memoranda. of policies, rules, and regulations clearly contrary to the provisions of this Act, and which policies, rules, and regulations are the direct cause of the denial of a request for information;
- (5) Failure to upload mandatory disclosures within the period prescribed under this Act: *Provided*, That the head of agency or any other officer or employee tasked to perform said uploading shall be held liable.

(b) The preceding subsection does not bar the filing of appropriate administrative cases other than those grave offenses enumerated above.

Penalties shall be imposed under the Revised Rules on Administrative Cases in the Civil Service (RRACCS), without prejudice to criminal or civil liability.

Section 34. *Criminal Offenses and Penalties.* – The penalty of imprisonment of not less than one (1) year but not more than six (6) years and a fine ranging from One Hundred Thousand Pesos (PhP 100,000.00) to One Million Pesos (PhP 1,000,000.00) shall be imposed upon:

- (a) Any public official or employee who falsely denies or conceals the existence of information that is a proper subject for disclosure under this Act;
- (b) Any public official or employee who willfully destroys, or causes to be destroyed information and/or documents being requested under this Act, for the purpose of frustrating the requesting party's access thereto;
- (c) Any public officer or employee knowingly invokes a false ground for exemption;
- (d) Any individual who wrongfully discloses exempt information covered under

Section 7 of this Act;

- (e) Any public officer or employee who divulged or released information that is altered, tampered or modified to the extent that the released information materially differs from the original contents of the document: *Provided*, That altering or modifying a document for the purpose of severing an exempt information from non-exempt information in a single document shall not be punishable under this subsection; and
- (f) The responsible officers of the public service contractor and the signatories to the contract or any document evidencing transaction with the government or government agency who fail to submit the necessary documents/papers.

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

Any public official or employee who willfully destroys, or causes to be destroyed, or sells, information and/or documents being requested under this Act, for the purpose of frustrating the requesting party's access thereto shall suffer a fine of not less than five hundred thousand pesos (PhP 500,000.00) but not more than One million pesos (PhP 1,000,000.00) or a penalty of five (5) years but not more than fifteen (15) years, or both, as provided in R.A. No. 9470 or the National Archives of the Philippines Act.

Section 35. *Good Faith Defense.* – A public officer or employee who denies access to information in good faith, relying on an official exception or legal ground, shall not be held administratively, civilly, or criminally liable, provided such ground is clearly stated in writing at the time of denial.

CHAPTER VII

Appropriations, Review, and Final Provisions

Section 36. Appropriations. – The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of concerned agencies. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

Section 37. *Periodic Review.* – Congress shall conduct a mandatory review of the implementation of this Act three (3) years after its effectivity, and every five (5) years thereafter, to determine needed amendments and improvements.

Section 38. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the FOI Oversight Commission, in consultation with stakeholders, shall promulgate the necessary rules and regulations to carry out its

provisions.

Section 39. Separability Clause. – If any part or provision of this Act is held unconstitutional or invalid, the remainder thereof not otherwise affected shall remain in full force and effect.

Section 40. Repealing Clause. – Sections 18, 24, and 25 of Executive Order No. 292, series of 1987 (The Administrative Code of 1987), in relation to Article 2 of R.A. No. 386; Memorandum Circular No. 78, series of 1964 (Promulgating Rules Governing Security of Classified Matter in Government Offices), as amended; and Section 3, Rule IV of the Rules Implementing R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), are hereby repealed: *Provided*, That Memorandum Circular No. 78 shall be deemed repealed after one (1) year from the effectivity of this Act or upon issuance of the Executive Order in Section 7(a), whichever comes first.

All other laws, presidential decrees, executive orders, letters of instruction, proclamations, or administrative regulations that are inconsistent with the provisions of this act are hereby repealed, amended, or modified accordingly.

Section 41. Effectivity. – This Act shall take effect after fifteen (15) days following the completion of its publication in the Official Gazette, or in a national newspaper of general circulation, and upon posting on the Official Gazette online portal.

Approved,