

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

20th CONGRESS
First Regular Session

HOUSE BILL NO. 6149



Introduced by **REP. JUAN CARLOS "ARJO" C. ATAYDE**

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

EXPLANATORY NOTE

Section 7, Article III of the 1987 Constitution guarantees the people's right to information on matters of public concern. Furthermore, it is warranted by the State policy of full public disclosure under Article II, Section 28 of the 1987 Constitution, which mandates transparency in government transactions involving public interest. Despite these constitutional provisions, the absence of a comprehensive legislative framework continues to limit the effective exercise of this right.

This bill seeks to address that gap by providing clear standards, procedures, and mechanisms that will enable citizens to access public information efficiently while ensuring the protection of national security, privacy, and other legitimate state interests.

This proposed legislation reaffirms transparency as a fundamental principle of good governance. It establishes a presumption in favor of access to information, and strengthens accountability through digital accessibility. Moreover, the measure promotes inclusivity and citizen-centered governance by requiring all government agencies to maintain accessible websites, regularly publish essential records online, and use plain and understandable language in communicating public information. It also integrates

transparency and accountability into the basic education curriculum, ensuring that future generations are informed of their right to information and the responsibilities that come with it.

Overall this measure not only seeks to guarantee the people's constitutional right to information but also aims to strengthen public trust, which is the foundation of a functioning and responsive democracy.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



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

3 **SECTION. 1. Short Title.** - This Act shall be known as the "People's Freedom of
4 Information Act of 2025."

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

11 Towards these ends, public officials and employees, in the performance of their duties,
12 as well as citizens in the exercise of their rights under this Act, shall handle information
13 kept or obtained fairly and lawfully, with due regard to the full protection of the right to
14 privacy of individuals.

15 **SEC. 3. Coverage.** - This Act shall cover government agencies. Government
16 agencies refer to the executive, legislative and judicial branches as well as the

1 constitutional bodies of the Republic of the Philippines including, but not limited to, the
2 national government and all its agencies, departments, bureaus, offices and
3 instrumentalities, constitutional commissions and constitutionally mandated bodies,
4 local governments and all their agencies, regulatory agencies, chartered institutions,
5 Government-Owned or -Controlled Corporations (GOCCs), including wholly-owned or
6 8 controlled subsidiaries, government financial institutions, State Universities and
7 Colleges (SUCs), the Armed Forces of the Philippines (AFP), the Philippine National
8 Police (PNP), all offices in the Congress of the Philippines including the offices of Senators
9 and Representatives, the Supreme Court, all other appellate courts and lower courts
10 established by law.

11 **SEC. 4. Definitions of Terms. -** As used in this Act:

12 **a) Information** — shall mean any public and/or official record, document, paper,
13 report, letter, contract, minutes and transcripts of official meetings, maps, books,
14 photographs, data, research materials in whatever form, or films, audio and video
15 recordings, magnetic or other tapes, electronic data, computer stored data, or archived
16 data in whatever format, which are made, received, or kept in or under the control and
17 custody of any government agency pursuant to law, executive order, rules and
18 regulations, ordinance or in connection with the performance or transaction of official
19 business by any government agency.

20 **b) Official record/s** — shall refer to information produced or received by a public
21 officer or employee, or by a government agency in an official capacity or pursuant to a
22 public function or duty. This shall not refer to the stage or status of the information.

23 **c) Public record/s** — shall include information required by law, executive orders,
24 rules, or regulations to be entered, kept, and made publicly available by a government
25 agency/office.

1 **d) Public service contractor** — shall be defined as a private entity that has a
2 dealing, contract, or transaction of whatever nature with the government or a
3 government agency / office that utilizes public funds.

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

8 **f) Sensitive personal information** — shall refer to personal information:

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

11 2) about an individual's health, education, genetics, or sexual life, or any
12 proceedings for any offense committed or alleged to have been committed by such
13 person, the disposal of such proceedings, or the sentence of any court;

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

17 4) specifically established by an Executive Order or an Act of Congress to
18 be kept classified.

19 **g) Privileged information** — refers to any and all forms of data which, under the
20 Rules of Court and other pertinent laws, constitute privileged communication;

21 **h) Dataset** — refers to an organized collection of data, which is presented in a
22 variety of forms such as but not limited to tabular, geospatial, or image data files.

23 **i) Machine-readable** — refers to formats that allow computer programs to
24 easily extract and process the data contained within the file.

1 **j) Open format** — refers to a data format that is platform independent, machine
2 readable, and made available to the public without restrictions that would impede the re-
3 use of the contained information.

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

12 Nothing contained herein shall allow private acts, transactions, or records of
13 public officials and private individuals to be the subject of mandatory disclosure under
14 this Act: Provided, however, that income tax returns, and statement of assets, liabilities
15 and net worth (SALN) of public officials shall be released subject to existing laws, rules,
16 and regulations: Provided, further, that the limitations and prohibitions to make available
17 to the public the SALN shall not apply when upon order of the Sandiganbayan, it has
18 been established that there is probable cause related to the commission of an offense.

19 **SEC. 6. Presumption.** — There shall be a legal presumption in favor of access to
20 information. The request for information may be denied only if it clearly falls under the
21 exceptions provided under this Act. Accordingly, government agencies shall have the
22 burden of proving that the information requested is exempted from disclosure by this
23 Act.

24 **SEC. 7. Exceptions.** — Access to information shall be granted unless:

25 a) The information is specifically authorized to be kept secret under
26 guidelines established by an Executive Order (E.O.), and in fact properly classified
27 pursuant thereto: Provided, that:

1 1) The information directly relates to national security or defense and
2 its revelation may cause grave damage to the national security or internal
3 and external defense of the State; or

4 2) The information requested pertains to the foreign affairs of the
5 Republic of the Philippines, when its revelation shall unduly weaken the
6 negotiating position of the government in an ongoing bilateral or
7 multilateral negotiation or seriously jeopardize the diplomatic relations of
8 the Philippines with any state, or prejudice the entrusting of information to
9 the Republic of the Philippines on a basis of confidence by the government
10 of any other country or any international organization: Provided, that
11 sufficient information is disclosed to afford reasonable public participation
12 in government decision-making on bilateral and multilateral agreements:
13 Provided, further, that the executive order shall specify the reasonable
14 period after which the information shall be automatically declassified or
15 subject to mandatory declassification review, and that any reasonable
16 doubt as to classification and declassification shall be settled in favor of the
17 right to information;

18 b) The information consists of records or minutes of advice given and of
19 opinions expressed during decision-making or policy formulation, invoked by the
20 Chief Executive to be privileged by reason of the impairment of the Chief
21 Executive's deliberative process that would result from the disclosure thereof.
22 Once policy has been formulated and decisions made, minutes and research data
23 may be made available for disclosure unless they were made in executive session;

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

26 1) compromise or interfere with any legitimate military or law
27 enforcement operation;

1 2) compromise or interfere with the prevention, detection, or
2 suppression of criminal activity, the effective implementation of
3 immigration controls and border security;

4 3) deprive a person of a right to a fair trial or an impartial
5 adjudication;

6 4) lead to the disclosure of the identity of a confidential source,
7 including a government, or foreign agency or authority, or any private
8 institution which furnished information on a confidential basis, and, in the
9 case of a record or information compiled by a law enforcement authority in
10 the course of an investigation or by an agency conducting a lawful national
11 security intelligence investigation, information furnished by a confidential
12 source;

13 5) disclose techniques and procedures for law enforcement
14 investigations or prosecutions, or would disclose guidelines for law
15 enforcement investigations or prosecutions if such disclosure could
16 reasonably be expected to risk circumvention of the law; or

17 6) endanger the life or physical safety of any individual.

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

26 e) The information requested pertains to the assistance of the government
27 to overseas Filipino workers, including but not limited to their cases and records

1 on criminal and family cases; and information that could compromise or weaken
2 their case or position in any legal proceeding;

3 f) The information requested involves records of foreign diplomats on
4 diplomatic and consular missions, their arrival and departure, and other
5 information that could compromise their safety or that such information is
6 considered confidential by the Vienna Convention on Diplomatic Relations and
7 the Vienna Convention on Consular Relations;

8 g) The information requested is exempted under a treaty or bilateral
9 agreement to which the Philippines is a party;

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

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

18 j) The information requested pertains to personal and sensitive information
19 of a natural person other than the requesting party, whether from the public or the
20 private sector, and its disclosure would constitute an unwarranted invasion of his
21 or her personal privacy. This may include signatures, addresses, telephone
22 numbers, identification numbers, family members, race or ethnicity, religion,
23 health, education, sexual orientation, and similar information, unless such
24 information is specifically required by law to be entered into an official record and
25 made available to the public, or the person has consented in writing to the
26 disclosure of the information. To the extent required to prevent an unwarranted
27 invasion of personal privacy, an agency may redact such information from a

1 record made available to the public. However, the justification for the deletion
2 shall be explained fully in writing, and the extent of such deletion shall be
3 indicated on the portion of the record which is made available or published;

4 k) The information requested pertains to trade secrets and commercial or
5 financial information or intellectual property obtained from a natural or juridical
6 person other than the requesting party, whenever the revelation thereof would
7 seriously prejudice the interests of such natural or juridical person in trade,
8 industrial, financial or commercial competition;

9 l) The information is classified as privileged communications in legal
10 proceedings by law by the Rules of Court, unless the person entitled to the
11 privilege has waived it;

12 m) The information requested is exempted by law or the Constitution, in
13 addition to those provided in this section;

14 n) The information is of a nature that its premature disclosure would,

15 1) in the case of a government agency that regulates or deals
16 with currencies, interest rates, securities, commodities, or financial
17 institutions, likely lead to fraud, manipulation, or other unlawful
18 acts or schemes involving currencies, interest rates, securities, or the
19 commodities market; or

20 2) in the case of other government agencies, likely frustrate
21 the effective implementation of a proposed official action: Provided,
22 that the information shall be accessible once the anticipated danger
23 has ceased.

24 o) The information has already been made accessible as provided for in
25 Section 12; and

1 p) The information requested pertains to information about the ongoing
2 evaluation or review of bids or proposals undertaken by the bidding or review
3 committee prior to an official recommendation by the government.

4 For paragraphs (c) to (p) of this section, the determination whether any of these
5 grounds shall apply shall be the responsibility of the head of office of the government
6 agency in custody or control of the information, or any responsible central or field
7 officer/s duly designated by him.

8 **SEC. 8. Qualifications. —**

9 1) The exceptions in the preceding section shall be strictly construed;

10 2) The exceptions cannot be invoked to cover-up legitimate investigations
11 being conducted by law enforcement agencies or the Legislature involving the
12 commission of a crime, wrongdoing, graft, corruption, or any unlawful activity
13 wherein such information is material or relevant to the allegations or issues;

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

20 4) The exceptions do not constitute authority to withhold information from,
21 or limit the availability of records to Congress, or any of its committees;

22 5) The exceptions do not constitute an authority for the executive branch of
23 a Local Government Unit (LGU) to withhold information from its legislative body;

24 6) Whenever the information requested is part of a record, whose other
25 parts are covered by an exception, but may be reasonably severed from a record,

1 the responding official shall communicate the information not covered by the
2 exception to the requester; and

3 7) The exceptions set forth in this section may be overcome if the requester
4 is able to prove before a court of competent jurisdiction that the public interest in
5 the disclosure of information outweighs the public interest in keeping the
6 information secret or confidential.

7 All exempted information under this section shall be mandatorily reviewed after
8 every three (3) years by the head of office or agency in custody or control of the
9 information for reclassification and possible disclosure: Provided, that such information
10 to be disclosed by an agency under the executive branch shall be subject to the approval
11 of the President.

12 **SEC. 9. Mandatory Disclosure of Information. —**

13 (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national
14 officials shall disclose to the public, through the websites of their respective offices,
15 their Statement of Assets, Liabilities, and Net Worth (SALN) on an annual basis:
16

- 17 1) the President;
- 18 2) the Vice-President;
- 19 3) the Members of the Cabinet;
- 20 4) the Members of the Senate and the House of Representatives;
- 21 5) the Justices of the Supreme Court;
- 22 6) the Commissioners of the Constitutional Commissions and other
23 constitutional offices; and
- 24 7) the officers of the Armed Forces with the rank of general or the equivalent
25 flag rank.

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

- 27 i. Home address of the declarant;

- 1 ii. Details of any unmarried children below eighteen (18) years of age living in the
- 2 declarant's household, if any, particularly their names, dates of birth, and ages;
- 3 iii. Signatures of the declarant and co-declarant; and
- 4 iv. Government-issued ID numbers of the declarant and co-declarant redacted to
- 5 protect the dignity, safety, and security of the public officer

6 shall be redacted: Provided, further, that all SALNs for previous years shall be archived
7 and kept available on the said websites.

8 (b) All agencies of all branches of government shall publish on their websites and
9 update on a monthly basis, a register of the following public interest transactions,
10 documents, or records, including:

- 11 1) Annual budget of government agencies;
- 12 2) Itemized monthly collections and disbursement;
- 13 3) Summary of income and expenditures;
- 14 4) Component of the Internal Revenue Allotment (IRA) utilization;
- 15 5) Annual procurement plan and procurement list;
- 16 6) An updated plantilla of positions and vacant positions with qualifications/
17 requirements in their organizations that need to be filled up;
- 18 7) Items for bidding;
- 19 8) Bid results on civil works, and goods and services;
- 20 9) Abstract of bids as calculated;
- 21 10) Procurement contracts entered into by a government agency with
22 corresponding income tax returns, if applicable, of the person or entity
23 awarded of the same;
- 24 11) Construction or concession agreements or contracts entered into by a
25 government agency with any domestic or foreign person or entity;
- 26 12) Private sector participation agreements or contracts in infrastructure and
27 development projects under Republic Act No. 6957, otherwise known as the

- Philippine BOT Law, as amended by Republic Act No. 7718, authorizing the financing, construction, operation, and maintenance of infrastructure projects;
- 13) Public funding extended to any private entity;
 - 14) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation, and similar binding commitments;
 - 15) Licenses, permits, or agreements granted by any government agency to any person or entity for the extraction and/or utilization of natural resources and a list of the grantees;
 - 16) Guarantees given by any government agency to Government-Owned or -Controlled Corporations (GOCCs) and to private corporations, persons, or entities;
 - 17) Loans from domestic and foreign financial institutions;
 - 18) Loans, grants, development assistance, technical assistance, and programs entered into by a government agency with official bilateral or multilateral agencies, as well as with private aid agencies or institutions; and
 - 19) Compromise agreements entered into by a government agency with any person or entity.

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 (P50,000,000.00) shall be published in full on the website of the concerned government agency or the Official Gazette Online subject to the succeeding section. A covered record shall be enrolled in the register not later than thirty (30) working days from its perfection or issuance.

- (c) All government agencies shall, over time, endeavor and build the capacity and practice to publish in full all other contracts, agreements, or treaties covered under this Section, especially those that are of the highest public interest by reason of the

1 amounts involved and the impact of the transaction to the public. All government
2 agencies must ensure that they have a compliant website within two (2) years from
3 the effectivity of this Act.

4 (d) Should an agency lack the capacity to comply with the website publication 15
5 requirement of this Section, the agency shall initiate a capacity-building program,
6 coordinate with another appropriate agency, or use an alternative mechanism, to
7 facilitate substantive compliance not later than three (3) years from the effectivity
8 of this Act.

9 **SEC. 10. Openness and Transparency in Government.** Each government agency
10 shall regularly publish, print, and disseminate at no cost and in an accessible form,
11 consistent with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their
12 website, timely, true, accurate, and updated key information including, but not limited
13 to:

- 14 a) A description of its mandate, structure, powers, functions, duties, and decision-
15 making processes;
- 16 b) A description of the frontline services it delivers and the procedure and length of
17 time by which they may be availed of;
- 18 c) The names of its key officials, their powers, functions and responsibilities, and
19 their profiles and curriculum vitae;
- 20 d) Audited financial statements, and budget and expenditure records;
- 21 e) SALN of all public officials with Salary Grade 27 and above, and heads of office;
- 22 f) Monthly income including allowances and sources of income of all public
23 officials with Salary Grade 27 and above, and heads of office;
- 24 g) Work programs, development plans, investment plans, projects, performance
25 targets, and accomplishments, and budgets, revenue allotments, and
26 expenditures;
- 27 h) Important rules and regulations, orders or decisions: Provided, that they be
28 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) Datasets generated in the implementation of agency mandates, programs, activities, and projects such as statistics, figures, and geospatial data, among others;
- l) Bidding processes, deadlines, and requirements;
- m) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers; and
- n) Any disclaimer that shall announce true and correct information relative to a matter of public concern that has been the subject of untruthful or inaccurate publication in media.

SEC. 11. Capacity-Building, Promotion of Best Practices, and Continuous Updating of Appropriate Information Technology and FOI. — All government agencies shall establish, operate, and maintain a website with features that are compliant with all the provisions of this Act within two (2) years from the effectivity of this Act. The Department of Information and Communications Technology (DICT) shall monitor all government agency websites and render the appropriate support including capacity-building programs and coordination with another appropriate agency, utilizing alternative mechanisms and seeking the assistance of relevant and willing private volunteer groups to ensure full compliance with the requirements of this Act.

In the performance of its monitoring function of government websites and portals, the DICT shall endeavor to continuously develop, improve, and update its information technology system taking into consideration the usability and practical 44 accessibility of government documents by the public.

1 The DICT shall be responsible for setting the standards for the file formats to be used
2 by the political subdivisions of the State, all national and local government agencies
3 including GOCCs, with or without original charter, in the publication of government
4 public information in accordance with the provisions of this Act.

5 Every government agency shall likewise ensure the provision of adequate training
6 for its officials and employees to improve awareness of the people's right to information
7 on matters of public concern and the provisions of this Act, and to keep updated as to
8 best practices in relation to information disclosure, records maintenance, and archiving.

9 **SEC. 12. Exemption from Compliance.** — A government agency shall be excused
10 from complying with a subsequent identical or substantially similar request from the
11 same requesting party where it has previously complied with a request for information,
12 unless a reasonable interval has lapsed between compliance with the previous request
13 and the making of the current request: Provided, that the government agency complies
14 with Section 20 of this Act.

15 **SEC. 13. Protection of Privacy.** — While providing for access to information in
16 public records, this Act also affords full protection of the right to privacy of individuals,
17 as follows:

- 18 a) Disclosure of public records involving personal data shall be guided by the
19 principle of transparency, legitimate purpose, and proportionality;
- 20 b) A government agency must ensure that personal and sensitive information in its
21 custody or under its control is disclosed only as permitted under this Act;
- 22 c) A government agency must protect personal data in its custody or under its
23 control in accordance with the provisions of the Republic Act No. 10173 or the
24 Data Privacy Act of 2012, its implementing rules and regulations, and issuances
25 by the National Privacy Commission (NPC); and
- 26 d) An employee, officer, or director of a government agency who has access,
27 whether authorized or unauthorized, to personal and sensitive information in the

1 custody of the agency, must not disclose that information except as authorized
2 under this Act.

3 **SEC. 14. Administrative Offenses and Penalties. -**

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

8 1) Refusal to promptly forward the request under Section 18 of this Act to the
9 public officer within the same office or agency responsible for officially acting on
10 the request when such is the direct cause of the failure to disclose the information
11 within the periods required by this Act;

12 2) Failure to act on the request within the periods required by this Act;

13 3) Refusal to comply with the decision of his immediate supervisor, the
14 Ombudsman, or any court ordering the release of information;

15 4) Approval of policies, rules, and regulations manifestly contrary to the
16 provisions of this Act, and which policies, rules, and regulations are the direct
17 cause of the denial of a request for information; and

18 5) Failure to upload information required to be posted on an agency's website
19 within the period provided under Section 11: Provided, that the head of agency or
20 any other officer or employee tasked to perform said uploading shall be held
21 liable.

22 (b) The preceding sub-section does not bar the filing of appropriate administrative
23 cases for other than those grave offenses enumerated above.

24 **SEC. 15. Criminal Offenses and Penalties. —** The penalty of imprisonment of not less
25 than one (1) year but not more than six (6) years and a fine ranging from One Hundred

1 Thousand Pesos (P100,000.00) to One Million Pesos (P1,000,000.00) shall be imposed
2 upon:

3 a) Any public official or employee who falsely denies or conceals the
4 existence of information that is a proper subject for disclosure under this Act;

5 b) Any public official or employee who destroys, or causes to be destroyed,
6 information and/or documents being requested under this Act, for the purpose of
7 frustrating the requesting party's access thereto;

8 c) Any public officer or employee responsible for officially acting on the
9 request, who shall claim an exception under Section 7 of this Act, or under the
10 Constitution, when such claim is manifestly devoid of factual basis;

11 d) Any individual who divulged or released information covered under
12 Section 7 of this Act;

13 e) Any public officer or employee who divulged or released information
14 that is altered, tampered, or modified to the extent that the released information
15 materially differs from the original contents of the document: Provided, that
16 altering or modifying a document for the purpose of severing an exempt
17 information from non-exempt information in a single document shall not be
18 punishable under this sub-section; and

19 f) The responsible officers of the public service contractor and the
20 signatories to the contract or any document evidencing transaction with the
21 government or government agency who fail to submit the necessary
22 documents/paper.

23 Any private individual who knowingly induced or caused the commission of the
24 foregoing acts shall be liable as principal by inducement in the prosecution of public
25 officials or employees under this section.

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

6 The acts under this Section, if proven in an administrative proceeding, shall be
7 subject to the penalty of dismissal, even if no criminal prosecution is instituted against
8 the public officer or employee concerned.

9 **SEC. 16. Denial in Good Faith Not a Ground for Liability.** — A denial in good
10 faith of a request for access to information made pursuant to the provisions of this Act
11 shall not constitute grounds for administrative, civil, or criminal liability. In cases of
12 denial of the request, the public official, officer, or employee involved must prove that
13 he/she acted in good faith by specifying the ground relied upon for the denial.

14 **SEC. 17. Freedom of Information (FOI) Manual.** — For the effective
15 implementation of this Act, all government agencies shall prepare a Freedom of
16 Information (FOI) Manual, within six (6) months from the effectivity of this Act,
17 indicating the following:

18 a) The location and contact information of the head, regional, provincial,
19 and field offices of the agency, and other established places where the public can
20 obtain information or submit requests;

21 b) The types of information it generates, produces, holds and/or publishes;

22 c) A description of its record-keeping system;

23 d) The person or office responsible for receiving requests for information;

24 e) The procedure for the filing of requests personally, by mail, or through
25 the identified electronic means;

1 f) The standard forms for the submission of request and for the proper
2 acknowledgement of the request;

3 g) The process for the disposition of the request, including the routing of
4 the request to the person or office with the duty to act on the request, the
5 decision-making process, and the grant or denial of access and its
6 implementation;

7 h) The procedure for the administrative appeal of any denial for access to
8 information;

9 i) The schedule of service or processing fees pertinent to a request for
10 information;

11 j) The process and procedure for the mandatory disclosure of information
12 under Section 9 of this Act: Provided, that should the agency lack the
13 capacity to comply with Section 9 of this Act, a brief description of its plan
14 to facilitate compliance within three (3) years from the approval of this Act;
15 and

16 k) Such other information, taking into consideration the unique
17 characteristics of an agency, that will help facilitate the effective
18 implementation of this Act.

19 The FOI Manual shall also be posted on the agency website, and a hard copy shall
20 be available at the agency reception area for use by the public. These shall be regularly
21 updated.

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

24 The heads of each of the departments and agencies may designate liaison units or
25 Committees which shall coordinate with the other units of the agency in implementing

1 this Act. The composition, functions, and duties of these liaison units or Committees shall
2 be included in the FOI Manual.

3 **SEC. 18. Procedure of Access. —**

4 (a) Any person who wishes to obtain information shall submit, free of
5 charge, a request to the government agency concerned personally, by mail, or
6 through electronic means. A person who is unable, because of illiteracy or
7 disability, to make a written request for information may make an oral request
8 instead. The public officer who receives the oral request shall reduce it to writing,
9 indicating therein his or her name and position within the government agency,
10 and give a copy thereof to the person who made the request. The request shall
11 state the name and preferred contact information of the requesting party, and
12 reasonably describe the information required, the reason for the request of the
13 information, and the preferred means by which the government agency shall
14 communicate such information to the requesting party: Provided, that the stated
15 reason shall not be used as a ground to deny the request or to refuse the acceptance
16 of the request, unless such request is contrary to law. If the request is submitted
17 personally, the requesting party shall show a current identification document
18 issued by any government agency, government or private employer or school, or
19 a community tax certificate. If the request is submitted by mail or through
20 electronic means, the requesting party may submit a photostatic or electronically
21 scanned copy of verifiable identification, or other convenient means as determined
22 by the agency.

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

26 (c) The request shall be duly received by the concerned government agency,
27 which shall forthwith indicate the date and time of receipt and the name, rank,

1 title, and position of the receiving public officer or employee who shall likewise
2 affix his or her signature thereon, and shall furnish the requesting party a copy
3 thereof. In case the request is submitted by electronic means, the government
4 agency shall provide for an equivalent means by which the requirements of this
5 paragraph shall be met. Each government agency shall establish a system by which
6 the status of all requests for information received by it may be verified at any time.

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

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

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

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

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

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

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

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

22 **SEC. 21. Remedies in Cases of Denial.** —

23 (a) In all government agencies other than the judicial branch:

24 1) Every denial of any request for access to information may be
25 appealed to the person or office next higher in authority of the same agency,
26 following the procedure required under Section 17 (h) of this Act: Provided,
27 that the appeal must be filed by the same person making the request within

1 fifteen (15) working days from the receipt of the notice of denial. The appeal
2 shall be decided by the person or office next higher in authority of the same
3 agency within five (5) working days from the filing of said appeal. Failure
4 of the government agency to decide within the aforementioned period shall
5 constitute a denial of the appeal.

6 2) A person denied access to information may file a verified
7 complaint with the Office of the Ombudsman, praying that the government
8 agency concerned be directed to immediately afford access to the
9 information being requested. The Office of the Ombudsman shall
10 promulgate its special rules of procedure for the immediate disposition of
11 complaints filed pursuant to this Section. Unless restrained or enjoined, the
12 decisions of the Office of the Ombudsman shall be immediately executory,
13 without prejudice to review in accordance with the Rules of Court.

14 3) Upon denial of the appeal with the government agency, the
15 requesting party may file a verified petition for mandamus in the proper
16 court, alleging the facts with certainty and praying that judgment be
17 rendered ordering the respondent, immediately or at some other time to be
18 specified by the court, to disclose the information and to pay the damages
19 sustained by the requesting party by reason of the denial. The procedure
20 for such petition shall be summary in nature. Subject to the provisions of
21 existing laws and the issuances of the Supreme Court, all courts shall give
22 preference to the hearing and disposition of petitions for mandamus filed
23 pursuant to the provisions of this Act.

24 In resolving a complaint or petition brought under paragraphs (2) and (3) hereof,
25 the Ombudsman or the court is empowered to receive the information subject of a claim
26 of exception under Section 7 herein and examine them in camera to determine the
27 sufficiency of the factual and legal basis of such claim, when such sufficiency cannot be
28 reasonably determined through evidence and circumstances apart from the information.

1 (b) In the Judicial Branch, the judiciary shall be governed by such remedies
2 as promulgated by the Supreme Court.

3 (c) The remedies under this section shall be sought or granted without
4 prejudice to any other administrative, civil, or criminal action covering the same
5 act.

6 (d) The remedies available under this Act shall be exempt from the rules on
7 non-exhaustion of administrative remedies. The provisions of Republic Act No.
8 9285, otherwise known as the Alternative Dispute Resolution Act of 2004, shall not
9 apply to cases filed pursuant to this section.

10 (e) In case the requesting party has limited or no financial capacity, the
11 Public Attorney's Office shall be mandated to provide legal assistance to the
12 requesting party in availing of the remedies provided under this Act.

13 **SEC. 22. Keeping of Records. —**

14 (a) Government agencies shall create and maintain in appropriate formats,
15 accurate and reasonably complete documentation or records of their organization,
16 policies, transactions, decisions, resolutions, enactments, actions, procedures,
17 operations, activities, communications, and documents received or filed with them
18 and the data generated or collected. These shall include working files such as
19 drafts or notes, for whenever these have been circulated within the agency for
20 official purpose such as discussion, comment, or approval or when these contain
21 unique information that can substantially contribute to a proper understanding of
22 the agency organization, policies, transactions, decisions, resolutions, enactments,
23 actions, procedures, operations, and activities. This likewise includes information
24 submitted by public service contractors to the government agency concerned such
25 as receipts, identities of the suppliers, purchase orders, cash vouchers, related
26 agreements with other private entities, and other documents related to the

1 execution or the implementation of their transactions or contracts with the
2 government agency involved.

3 (b) Government agencies shall identify specific and classes of official
4 records in their custody or control that have continuing historical, administrative,
5 informational, legal, evidentiary, or research value for preservation by such
6 agencies or their legitimate successors, or for transfer to the National Archives of
7 the Philippines (NAP). In addition, the NAP shall likewise identify specific and
8 classes of official records that it shall require agencies to preserve and transfer to
9 it.

10 (c) In addition to the specific and classes of official records identified for
11 preservation under letter (b) of this section, the following shall not be destroyed:

- 12 1) Records pertaining to loans obtained or guaranteed by the
13 government;
- 14 2) Records of government contracts;
- 15 3) The original declaration under oath of the SALN of public officers
16 and employees, as required by law; and
- 17 4) Records of official investigations pertaining to allegations of graft
18 and corruption of public officers.

19 (d) Government agencies shall prepare, following the standards and period
20 promulgated pursuant to Republic Act No. 9470 or the National Archives of the
21 Philippines Act of 2007, a records management program that includes the
22 following:

- 23 1) A records maintenance system for the creation, selection,
24 classification, indexing, and filing of official records that facilitate the
25 easy identification, retrieval, and communication of information to
26 the public;

- 2) A records maintenance, archival, and disposition schedule providing a listing of records under current use for retention by the agency, for transfer to the National Archives, or for destruction: Provided, that destruction of the official records may be implemented only upon approval of the NAP; and
- 3) Identification of the specific roles and responsibilities of agency personnel in the implementation of such system and schedule.

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

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

SEC. 23. Publication in the Official Gazette. — For purposes of mandatory disclosure as provided in Section 9 of this Act, online publication in the Official Gazette

1 website shall be considered official publication provided there shall be a timestamp in
2 the said document.

3 For purposes of compliance with Article 2 of the Civil Code of the Philippines,
4 publication of the following in the online version of the Official Gazette, with the
5 corresponding timestamps on the document, shall be considered as official publication:

6 a) All legislative Acts and resolutions of a public nature of the Congress of the
7 Philippines;

8 b) All executive and administrative orders and proclamations of general
9 application;

10 c) Decisions or abstracts of decisions of the Supreme Court and the Court of
11 Appeals or other courts of similar rank, as may be deemed by said courts of
12 sufficient importance to be so published;

13 d) Such documents or classes of documents as the President shall determine from
14 time to time to have general application or which he may authorize to be
15 published.

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

21 **SEC 24. Use of Plain Language.** — Every government agency shall endeavor to
22 use plain language in their communications, orders, compliance, requirements, or
23 instructions issued to implement the provisions of this Act. The government agencies
24 shall translate key information into major Filipino languages and present them in popular
25 form and means.

1 a) 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 to suit the
3 needs of the requesting party;

4 b) The CSC shall provide the necessary training to employees of each
5 government agency in using plain language in public documents;

6 c) All departments, agencies, and instrumentalities of the national
7 government, including LGUs and SUCs, shall designate an official responsible for
8 implementing the plain language; and

9 d) Website contents including, but not limited to, financial data, notices,
10 and other technical and legal documents, of government agencies must also be
11 written in plain language to ensure that this information is easy to read,
12 understand, and use.

13 **SEC. 25. Act Not a Bar to Claim of Right to Information Under the Constitution.**

14 — No provision of this Act shall be interpreted as a bar to any claim of denial of the right
15 to information under Article III, Section 7 of the 1987 Constitution.

16 **SEC. 26. Tracking Requests for Information.** — Websites of government agencies

17 shall contain a matrix of requests made, their status, and the decision 12 regarding the
18 request. The matrix shall also contain links to uploaded information from approved
19 requests. In such cases where requests are denied, the matrix shall contain the reasons for
20 denial and the status of the appeal if such is done.

21 **SEC. 27. Release to One, Release to All.** — For purposes of streamlining requests

22 for information, once information has been made available to an individual through a
23 request for information, the said dataset shall also be published in an appropriate website
24 such as, but not limited to, the Official Gazette website, Departmental website, or Local
25 Government website, thus allowing the public access to all information that has been
26 requested.

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

10 **SEC. 29. Reports on FOI.** — All government agencies are required to submit
11 annual reports on the number of requests for information received, processed, granted,
12 and denied; of appeals made from the denial thereof; of pending court actions it is a party
13 to as result of such requests; and such other information as provided in this Act. The said
14 report may be integrated in the agencies' main Annual Report, and its posting and
15 publication in their respective websites shall be considered as sufficient compliance.

16 **SEC. 30. System of Incentives and Rewards.** — A system of special incentives and
17 rewards is hereby established to be given to appropriate government agencies or agencies
18 that initiated and displayed compliance and full participation in the meaningful
19 implementation of this Act. The incentives and rewards may include, but not limited to,
20 social projects, grants-in-aid, national recognition, and similar entitlements.

21 **SEC. 31. Appropriations.** — The amount necessary to carry out the provisions of
22 this Act shall be charged against the agencies' current budget and shall thereafter be
23 included in the annual General Appropriations Act.

24 **SEC. 32. Separability Clause.** — If any provision of this Act is declared invalid or
25 unconstitutional, the provisions not affected thereby shall continue to be in full force and
26 effect.

1 **SEC. 33. Repealing Clause.** — All laws, decrees, executive orders, rules and
2 regulations, issuances, or any part thereof inconsistent with the provisions of this Act,
3 including Sections 18, 24 and 25, Book 1, of Executive Order No. 292 or the Administrative
4 Code of 1987 in relation to Article 2 of Republic Act No. 386 or the Civil Code,
5 Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing
6 Security of Classified Matter in Government Offices), as amended, and Section 3, Rule IV
7 of the Rules Implementing Republic Act No. 6713 (Code of Conduct 20 and Ethical
8 Standards for Public Officials and Employees), are deemed repealed: Provided, that
9 Memorandum Circular No. 78 shall be deemed repealed after one (1) year from the
10 effectivity of this Act or upon issuance of the Executive Order in Section 7(a), whichever
11 comes first.

12 **SEC. 34. Effectivity.** — This Act shall take effect fifteen (15) days following its 26
13 publication in the Official Gazette or in two (2) newspapers of general circulation in the
14 Philippines.

15
16 Approved,
17