



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

TWENTIETH CONGRESS
First Regular Session



HOUSE BILL NO. 6424

Introduced by Representative DE CARLO "OYO" L. UY

EXPLANATORY NOTE

The 1987 Constitution, under Article III, Section 7, guarantees the people's right to information on matters of public concern. This right is indispensable to the exercise of participatory democracy, transparency, and accountability in government. However, more than three decades since the ratification of the 1987 Constitution, this fundamental right has yet to be fully realized through a comprehensive statutory framework.

The absence of an enabling law has left the constitutional provision open to varying interpretations, often resulting in barriers to access and limited disclosure of public records. While Executive Order No. 2, s. 2016, has operationalized the people's right to information within the Executive Branch, the measure remains incomplete and inconsistent, as it does not extend to the Legislative, Judicial, and Local Government units, nor to government-owned and -controlled corporations (GOCCs) and other instrumentalities.

This bill seeks to institutionalize a Freedom of Information (FOI) Act of 2025, thereby affirming and operationalizing the people's constitutional right to information. Specifically, the measure aims to:

- a) Establish clear, uniform, and reasonable procedures for requesting and obtaining access to official records, documents, papers, and government research data;
- b) Promote transparency and accountability by mandating disclosure of government transactions, programs, and decisions;
- c) Set out exceptions to disclosure in a narrowly tailored and well-defined manner, ensuring that limitations are consistent with the Constitution and the protection of national security, privacy rights, and other legitimate interests;
- d) Institutionalize proactive disclosure, requiring government agencies to publish key information without need of request; and

- e) Strengthen public participation in governance by ensuring citizens, civil society, the private sector, and the media have reliable access to accurate and timely information.

The passage of a Freedom of Information law will empower citizens to exercise oversight over government action, enhance public trust in institutions, and uphold democratic values. It is a necessary step to foster good governance, deter corruption, and build a culture of transparency across all levels of government.

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



DE CARLO "OYO" L. UY
Representative

First District, Davao del Norte



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HOUSE BILL NO. 6424

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AN ACT
IMPLEMENTING THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION,
INSTITUTIONALIZING PROACTIVE DISCLOSURE AND TIMELY ACCESS TO
OFFICIAL RECORDS ACROSS THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL
BRANCHES, INCLUDING CONSTITUTIONAL BODIES, LOCAL GOVERNMENT
UNITS, GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS, STATE
UNIVERSITIES AND COLLEGES, AND OTHER INSTRUMENTALITIES, AND FOR
OTHER PURPOSES

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

CHAPTER I

GENERAL PROVISIONS

1 **SECTION 1. Title.** – This Act shall be known as the "Freedom of Information Act of 2025."
2

3 **SECTION 2. Declaration of Policy.** – It is the policy of the State to (a) fully disclose all
4 transactions involving public interest, (b) ensure timely, low-cost access to information held
5 by government, (c) institutionalize proactive publication of high-value datasets in open
6 formats, and (d) balance transparency with legitimate interests such as privacy, national
7 security, law enforcement, and other statutory confidences.
8

9 Private entities performing public functions or receiving substantial government funding
10 shall disclose records directly related to such functions/funding.
11

12 **SECTION 3. Coverage.** – This Act applies to all branches of government—Executive,
13 Legislative, and Judiciary; constitutional commissions; local government units (LGUs);
14 government-owned or -controlled corporations (GOCCs) and subsidiaries; state universities
15 and colleges (SUCs); and other instrumentalities including bodies created by special law or
16 executive issuance.
17

Private entities performing public functions or receiving substantial government funding shall disclose records directly related to such functions/funding.

SECTION 4. *Right of Access.* - Every Filipino citizen has the right to access information, official records, and public records, including documents and papers pertaining to official acts, transactions, decisions, and government research data used as factual basis for policy or regulation.

SECTION 5. *Definition of Terms.* - As used in this Act:

1. *Information/Record:* Any data, regardless of form (paper, electronic, audiovisual, GIS, databases, emails, messages in official channels), created, received, or under the control of a covered entity in connection with official functions;
2. *Public Officer:* Any official or employee (permanent, temporary, coterminous, or contractual) of a covered entity;
3. *FOI Receiving Officer (FRO):* The designated officer responsible for processing FOI requests;
4. *Harm Test:* Assessment that disclosure would likely cause specific, identifiable, and substantial harm to a protected interest; and
5. *Public Interest Override:* Even if an exception applies, disclosure shall be made when the public interest in disclosure clearly outweighs the harm.

CHAPTER II

THE FREEDOM OF INFORMATION COMMISSION

SECTION 6. *Creation of the Freedom of Information Commission.* - To give full effect to Article III, Section 7 of the 1987 Constitution, there is hereby created an independent constitutional commission to be known as the Freedom of Information Commission (FOIC).

The Commission shall be the primary guardian and enforcer of the people's right to information, and shall enjoy independence, fiscal autonomy, and security of tenure as provided for other constitutional commissions.

The FOIC shall have the following powers and functions:

1. *Oversight and Compliance.* - Monitor, audit, and ensure compliance by all branches of government, constitutional bodies, local government units, government-owned or -controlled corporations, and other instrumentalities, with this Act.
 - a) Each covered entity shall designate an FOI Decision Maker and FRO(s); publish their names/contacts.
 - b) Each entity shall adopt and publish an FOI Manual and Records Disposition Schedule; maintain a Disclosure Log of FOI requests and actions.

c) The FOIC shall develop and create minimum standards which shall streamline the manner in which information, official records, public records, and other data is stored, requested, and retrieved. The FOIC, while allowing each covered agency reasonable leeway to adopt their own means and methods of storage and retrieval, shall endeavor to create minimum standards that will:

- a. Ensure that information, official records, public records, and other data is easily requested, retrieved, and preserved;
- b. Establish minimum standards for the storage of paper files and electronic databases for such information and data including but not limited to requiring covered agencies to keep and preserve backup files and archives, and creating technical requirements for the same;
- c. Create reasonable standards for archiving of old files, while ensuring efficiency in retrieval from archives; and
- d. Continuously develop policies and procedures to further optimize the storage, preservation, and retrieval of such information and data.

2. *Adjudicatory Powers.* — Hear and resolve complaints for denial of access to information, issue compliance orders, and impose penalties and sanctions against erring officials and employees, consistent with due process;

3. *Rule-Making Authority.* — Promulgate rules and regulations necessary to effectively implement this Act, in consultation with civil society and other stakeholders;

4. *Capacity-Building.* — Develop and administer programs to enhance transparency practices across all levels of government;

5. *Proactive Disclosure.* — Ensure that covered entities shall publish and regularly update on their websites and the Unified Open Government Portal at least the following, in machine-readable, open formats:

- a) Organizational structure; mandates; directory of officials;
- b) Annual budgets, procurement plans, contracts/awards (including TORs, winning bids, amounts, suppliers), status of projects, and performance reports;
- c) Audited financial statements and COA observations/responses;
- d) SALN submission statistics (not the SALNs themselves unless otherwise provided by law), and gift policy registers;
- e) Datasets of high value (public services, transport, environment, health, education, agriculture, disaster risk, geospatial data), with data dictionaries and licenses;
- f) FOI request statistics and disclosure logs; and
- g) Any information routinely requested three (3) or more times in a year.

6. *Public Advocacy.* — Lead nationwide information and education campaigns on the people's right to information; and

7. *Annual Reports.* — Submit an annual report on the state of implementation of the Freedom of Information Act to Congress and the President, which shall be made accessible to the public.

SECTION 7. *Composition.* — The Commission shall be composed of a Chairperson and four (4) Commissioners who shall be natural-born citizens of the Philippines, of proven probity

and independence, and with demonstrated expertise in law, public administration, information technology, or governance. They shall be appointed by the President of the Philippines from a list prepared by a Joint Congressional Committee on Appointments.

The Chairperson and Commissioners shall serve for a term of seven (7) years without reappointment, and shall enjoy security of tenure.

SECTION 8. *Fiscal Autonomy.* – The Freedom of Information Commission shall enjoy fiscal autonomy. Appropriations for the Commission shall be automatically and regularly released. Thereafter, its approved annual appropriations shall not be reduced below the amount appropriated for the previous year, except in cases of general budgetary reductions proportionately applied to all branches and constitutional bodies.

CHAPTER III

ACCESS PROCEDURES AND RECORDS MANAGEMENT

SECTION 9. *Procedure for Requests.*

1. **Form:** Requests may be written, electronic, or verbal (memorialized by the FRO). No proof of purpose shall be required.
2. **Acknowledgment:** Within two (2) working days, the FRO shall acknowledge, assign a tracking number, and if necessary, assist in clarifying scope.
3. **Decision Period:** Within fifteen (15) working days from receipt, the FOI Decision Maker shall grant or deny the request. One extension up to twenty (20) additional working days may be invoked for voluminous records, archives, or inter-agency searches, with written notice stating reasons.
4. **Partial Grants/Redaction:** Non-exempt portions shall be released with exempt information reasonably redacted.
5. **Forms of Access/Fees:** Viewing is free. Reproduction costs shall be limited to reasonable, actual reproduction/storage media fees; waive for digital release where feasible. No “search” or “review” fees.
6. **Duty to Assist:** FROs shall help locate records, transfer misdirected requests within three (3) working days, and advise on narrowing broad requests.

SECTION 10. *Records Management and Preservation.* – Covered entities shall maintain searchable indexes and metadata, ensure email/IM retention consistent with the FOI Manual, and protect integrity/availability of records, including through backups and digital preservation standards.

SECTION 11. *Exceptions.* – Information may be withheld only if the agency demonstrates, by written justification applying the Harm Test, that disclosure falls under a specific exception below, and no public interest override applies:

1. National security and defense information properly classified by law or executive order;
2. Law enforcement sensitive techniques/operations, ongoing investigations where disclosure would create a substantial risk of interference or harm;
3. Privacy and personal data protected under the Data Privacy Act of 2012 and its IRR, including sensitive personal information, unless the data subject consents or anonymization sufficiently mitigates risk;
4. Deliberative process: draft orders, memoranda, recommendations, and intra- or inter-agency advice while a matter is actively under deliberation; however, final policies, reasons, and factual bases are disclosable;
5. Trade secrets and confidential commercial/financial information obtained from a person and customarily treated as private;
6. Legally privileged communications (attorney-client, attorney work-product);
7. Court-sealed records and those protected by judicial rules;
8. Statutory confidences, including but not limited to the Secrecy of Bank Deposits Law (RA 1405 and related laws) and the Anti-Wiretapping Act (RA 4200); and
9. Security of critical information systems where disclosure would materially increase cybersecurity risk.

Items under (4) become disclosable upon final decision or after one (1) year, whichever is earlier, except where another exception applies and is justified.

CHAPTER IV

ROLE OF OTHER GOVERNMENT AGENCIES

SECTION 12. *Congressional Transparency.* – Each House of Congress shall adopt FOI rules consistent with this Act and ensure coverage of bureaus, service offices, committees, task forces, and congressional commissions; committee reports, voting records, attendance, journals, and final budgetary/utilization reports are proactively disclosed.

SECTION 13. *Judicial Transparency.* – The Judiciary shall disclose final decisions, resolutions, rules, and budgets/expenditures, and adopt procedures for requests consonant with this Act, without prejudice to judicial independence and confidentiality of case deliberations.

SECTION 14. *Local Government and GOCC Compliance.* – LGUs and GOCCs shall designate FROs, publish FOI Manuals, and integrate with the Unified Open Government Portal. DILG and GCG shall incorporate FOI compliance into performance scorecards and incentives.

CHAPTER V

ACCOUNTABILITY AND ENFORCEMENT PROVISIONS

SECTION 15. *Appeals.* – A requester whose application for access to information has been denied, whether expressly or by inaction, shall have the right to appeal such denial through the remedies provided under this Act. Appeals shall be made in accordance with the following:

1. **Agency Appeal:** A requester may file an appeal with the head of the concerned agency within fifteen (15) working days from receipt of the denial or from the lapse of the prescribed period to decide. The agency head shall resolve the appeal within fifteen (15) working days from receipt thereof.
2. **FOIC Appeal:** In case of denial by the agency head, the requester may further appeal to the FOIC within fifteen (15) working days from receipt of the agency's decision. The FOIC shall resolve the appeal within thirty (30) working days from receipt.
3. **Judicial Review:** Decisions of the FOIC may be elevated to the Court of Appeals through a petition for review under Rule 43 of the Rules of Court.

SECTION 16. *Sanctions and Remedies.* – To ensure accountability and protect the right of access to information, any violation of this Act shall give rise to the following sanctions and remedies, without prejudice to other liabilities under existing laws:

1. **Administrative:** For willful or negligent violation (unjustified denial, undue delay, destruction/alteration of records, charging prohibited fees), the IC may impose reprimand, suspension, or dismissal, without prejudice to CSC rules.
2. **Criminal:** Any person who knowingly and maliciously destroys or conceals requested public records to evade disclosure shall, upon conviction, suffer imprisonment of six (6) months to three (3) years and/or a fine of ₱50,000 to ₱200,000.
3. **Damages:** A requester who suffers loss due to unlawful denial or delay may claim actual and moral damages under existing laws.

SECTION 17. *Whistleblower and Requester Protection.* – No requester shall be discriminated against or denied services for making an FOI request. Public officers who, in good faith, disclose wrongdoing or gross waste to proper authorities are protected against retaliation, without prejudice to existing whistleblower protections.

SECTION 18. *Open Data Standards and Interoperability.* – The Department of Information and Communications Technology (DICT), in consultation with the FOIC, shall issue Open Data Technical Standards (metadata, APIs, licenses) and cybersecurity baselines; agencies shall publish datasets with data dictionaries, update frequencies, and archival versions.

SECTION 19. *Periodic Disclosure Review.* – Every two (2) years, agencies shall review exceptions invoked, identify datasets for proactive disclosure, and submit a Transparency Performance Report to the FOIC, which shall publish a national FOI Scorecard.

SECTION 20. *Relationship with Other Laws.* – Nothing in this Act shall be construed to amend or repeal existing statutory confidences, including RA 1405 and RA 4200, the Data Privacy Act (RA 10173) and its IRR, except to the extent this Act requires segregation/redaction to release non-exempt portions and to apply the Public Interest Override where compatible with such laws.

CHAPTER VI

AUTHORITY TO ENGAGE IN PUBLIC-PRIVATE PARTNERSHIPS

275 **SECTION 21. *Authority to Engage in Public-Private Partnerships (PPP).*** The FOIC shall be
276 empowered to engage in PPP's consistent with R.A. No. 11966.

277 278 CHAPTER VII

279 280 FINAL PROVISIONS

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283 **SECTION 22. *Appropriations.*** - The amount necessary for the initial implementation of this
284 Act shall be charged against current appropriations; thereafter included in the General
285 Appropriations Act. Each agency shall allocate funds for FOI implementation, digitization,
286 and proactive disclosure.

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288 **SECTION 23. *Implementing Rules and Regulations*** - Within ninety (90) days from the
289 appointment of the Chairperson and Commissioners, the Freedom of Information
290 Commission (FOIC) shall promulgate the necessary rules and regulations for the effective
291 implementation of this Act. In the exercise of this function, the Commission may consult
292 relevant government agencies, civil society organizations, and other stakeholders, consistent
293 with its mandate of independence.

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295 **SECTION 24. *Transitory Provisions.*** - To ensure the effective organization of the Freedom
296 of Information Commission (FOIC), the following interim measures shall apply:

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298 a) ***Initial Funding.*** - Pending inclusion in the annual General Appropriations Act, the
299 amount necessary for the initial operations of the FOIC shall be charged against the
300 Contingent Fund of the National Government. Thereafter, such sums as may be
301 necessary for its continued operations shall be provided in the annual General
302 Appropriations Act;
- 303
304 b) ***Staffing and Personnel.*** - The FOIC shall be authorized to organize its plantilla and hire
305 necessary personnel in accordance with existing civil service laws, rules, and
306 regulations. The Commission may also contract the services of experts and consultants
307 during its initial year of operations;
- 308
309 c) ***Office Space and Facilities.*** - The Department of Public Works and Highways (DPWH)
310 and other appropriate agencies are hereby directed to extend support in securing office
311 premises and facilities until the FOIC establishes its permanent offices; and
- 312
313 d) ***Interim Guidelines.*** - Within ninety (90) days from the appointment of the Chairperson
314 and Commissioners, the FOIC shall issue the necessary implementing rules and
315 regulations (IRR) of this Act, and may adopt interim administrative guidelines as may
316 be required for its immediate operations.

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318 **SECTION 25. *Separability Clause.*** - If any provision or portion of this Act is declared
319 unconstitutional, the remainder or any provision of this Act not thereby affected shall remain
320 in full force and effect.

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322 **SECTION 26. *Repealing Clause.*** - All laws, decrees, orders, rules and regulations, other
323 issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or
324 modified accordingly.

326 **SECTION 27. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in
327 the Official Gazette or in a newspaper of general circulation.
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330 *Approved.*