



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



TWENTIETH (20TH) CONGRESS
First Regular Session

HOUSE BILL NO. 7210

Introduced by KAMANGGAGAWA Partylist
Representative **ELIJAH R. SAN FERNANDO**

EXPLANATORY NOTE

The right of the people to information on matters of public concern is a foundational pillar of democratic governance. The 1987 Constitution explicitly guarantees this right under Article III, Section 7, and further directs the State under Article II, Section 28 to adopt and implement a policy of full public disclosure of all transactions involving public interest. These provisions recognize that democracy is not sustained by elections alone, but by the continuous ability of citizens to know, understand, and evaluate how public power is exercised in their name.

Yet despite these constitutional guarantees, access to government-held information in the Philippines remains uncertain, inconsistent, and often dependent on discretion. In the absence of a comprehensive freedom of information law, ordinary citizens, workers, journalists, and civil society groups routinely encounter delays, denials, and procedural obstacles when seeking information on public spending, infrastructure projects, and social services. Vague claims of confidentiality, fragmented secrecy provisions, and the expansive invocation of data privacy have weakened the practical enjoyment of a right that the Constitution already recognizes as fundamental.

This persistent opacity has real and material consequences. When public information is withheld, workers and ordinary Filipinos bear the cost. Budget allocations for social services, employment programs, health care, housing, and infrastructure become harder to scrutinize. Contracting decisions and procurement processes escape public review. In such conditions, inefficiency, misuse of public funds, and corruption are more likely to flourish, while those who rely most on public

services are left without the information needed to demand accountability or corrective action.

This measure seeks to restore balance by giving full and effective meaning to the constitutional right to information and the policy of full public disclosure. It establishes clear, uniform, and enforceable procedures for accessing information held by all branches and instrumentalities of government, including local government units and government-owned or controlled corporations. It affirms a strong presumption of openness, recognizing that information held by the State is presumed to be of public concern, and that secrecy must be justified, not assumed.

At its core, this proposed legislation affirms that public office is a public trust, and that transparency is a condition for social justice, effective governance, and democratic participation. By strengthening access to information and institutionalizing full public disclosure, the bill empowers citizens, including workers and their families, to better understand government decisions that affect their lives, to hold public officials accountable, and to participate more meaningfully in shaping the policies that govern them.

In solidarity with the working class, the passage of this bill is earnestly sought.



ELIJAH R. SAN FERNANDO
Representative
KAMANGGAGAWA PARTYLIST



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AN ACT
STRENGTHENING THE PEOPLE'S RIGHT TO INFORMATION ON MATTERS
OF PUBLIC CONCERN AND IMPLEMENTING THE STATE POLICY OF FULL
PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC
INTEREST, PROVIDING MECHANISMS FOR THEIR EFFECTIVE EXERCISE,
AND FOR OTHER PURPOSES

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

I. DECLARATION OF POLICY AND THE RIGHT TO INFORMATION

SECTION 1. *Short Title.* — This Act shall be known as the "People's Freedom of Information and Disclosure Act."

SECTION 2. *Constitutional Foundations and Declaration of Policy.* — Pursuant to Article III, Section 7 and Article II, Section 28 of the 1987 Constitution, the State recognizes the right of the people to information on matters of public concern and affirms its constitutional policy to disclose all transactions involving public interest.

Public office is a public trust. Transparency and accountability are indispensable to integrity in public service, to the prevention of corruption, and to meaningful citizen participation in governance.

It is therefore the policy of the State to strengthen the full exercise of the people's right to information and to implement the constitutional policy of full public disclosure by

establishing clear procedures, institutional mechanisms, and exclusive exceptions to ensure their effective and meaningful realization.

SECTION 3. *Coverage.* — This Act shall apply to all branches, departments, bureaus, offices, and instrumentalities of the Government, including:

- (a) the Executive, Legislative, and Judicial branches;
- (b) constitutional commissions and offices;
- (c) local government units, including barangays; and
- (d) government-owned or -controlled corporations, government financial institutions, and state universities and colleges.

SECTION 4. *Right to Information.* — The Constitution expressly recognizes the right of the people to information on matters of public concern.

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 a basis for policy development, shall be afforded to every citizen, subject only to the exclusive exceptions and interpretation standards enumerated in this Act.

SECTION 5. *Exclusive Exceptions.* — Access to information may be denied only when disclosure would demonstrably and substantially harm a legitimate interest protected by the Constitution or by law. Such exceptions shall be exclusive and strictly construed in favor of access, consistent with the rules of interpretation under this Act. They shall include only the following categories:

- (a) Information affecting national security or defense, the disclosure of which would endanger the safety of the State, the stability of its institutions, or the security of its citizens;
- (b) Information relating to ongoing diplomatic negotiations, the disclosure of which would seriously prejudice the Republic's relations with other States or international organizations;
- (c) Information concerning legitimate and ongoing law-enforcement or criminal investigations, where disclosure would compromise proceedings, reveal confidential sources, or endanger life or safety;
- (d) Sensitive personal information, the disclosure of which would unjustifiably violate the right to privacy of individuals, whether public officials or private

persons, except when such information forms part of, or is directly relevant to, the performance of official functions, the use of public authority or resources, or other matters of public interest necessary to ensure accountability in public office or governance. The scope and application of this exception shall be governed by the interpretive rules under this Act and the joint guidelines of the Freedom of Information Commission and the National Privacy Commission (NPC).

- (e) Trade secrets and confidential commercial or financial information, disclosure of which would cause demonstrable and substantial competitive harm to the person or entity concerned;
- (f) Privileged communications recognized under the Constitution, law, or the Rules of Court; and
- (g) Internal deliberations of officials prior to the adoption of a definite proposition, position, or decision, where disclosure would cause demonstrable and substantial harm to the integrity of the decision-making process or discourage candid policy discussion, provided that factual, statistical, technical, or scientific reports, and summaries of proceedings shall be accessible once a definite proposition or position has been reached by the government.

SECTION 6. *Rules of Interpretation of the Right to Information.* — The exceptions provided in this Act are exclusive and shall be strictly and narrowly construed in favor of the right of access. The following rules shall govern the interpretation and application of this Act:

- (a) **Presumption of Public Concern and Openness.** All information held by the government is presumed to be of public interest or concern, and therefore accessible to the public, subject only to the exceptions provided in this Act.
- (b) **Burden of Proof.** The agency or official invoking an exception bears the burden of proving that the requested information clearly falls within one of the exceptions.
- (c) **Harm Test.** Non-disclosure must be necessary to prevent specific, identifiable harm to a protected interest as defined in the exclusive exceptions under this Act.
- (d) **Public-Interest Override.** Even where an exception applies, the requester may demonstrate that an overriding public interest in disclosure exists. In such cases, agencies shall balance the competing interests and, where the public interest in disclosure outweighs the interest protected by the exception, grant access in whole or in part.

- (e) **Partial Disclosure.** When a record contains both exempt and non-exempt information, the non-exempt portions shall be released with appropriate redactions.
- (f) **No Cover-Up.** Exceptions may not be invoked to conceal graft, wrongdoing, or abuse of authority.

SECTION 7. *Periodic Review of Claimed Exceptions.* — All claims of exemption from disclosure under Section 5 of this Act shall be subject to periodic review by the concerned agency and the Freedom of Information Commission.

- (a) The review shall be conducted every three (3) years from the date of the initial invocation of the exception.
- (b) Unless the agency demonstrates that the harm or legal basis for non-disclosure continues to subsist, the information shall be deemed open for disclosure.
- (c) Each agency shall submit to the Freedom of Information Commission a report of all exceptions reviewed, indicating those maintained or lifted, together with the basis for each determination.

SECTION 8. *Statutory Secrecy Provisions and Consistency Clause.* — All statutory provisions, decrees, rules, or regulations inconsistent with the exclusive exceptions under this Act are deemed repealed or amended accordingly.

In any claim of confidentiality based on statute, the burden of proof shall rest on the government agency or official to demonstrate that the restriction is consistent with this Act and the Constitution.

SECTION 9. *Full Public Disclosure of All Transactions Involving Public Interest.* — Pursuant to Article II, Section 28 of the Constitution, the State, through all its agencies, adopts and implements a policy of full public disclosure of all its transactions involving public interest, as well as other information necessary to ensure transparency, accountability, and citizen participation in governance. Every government agency shall make such information public in a timely, accessible, and comprehensible manner, without need of request.

At a minimum, the following shall be published and regularly updated:

- (a) All transactions involving public interest, including but not limited to the negotiation, award, or implementation of contracts, joint venture agreements, concessions, franchises, loans, guarantees, subsidies, public-private partnership

agreements, and public works or infrastructure projects, including project costs, contractors, and implementation status;

- (b) The agency's mandates, powers, functions, organizational structure, and directory of officials;
- (c) Annual budgets, appropriations, and fund-utilization reports;
- (d) Annual procurement plans, notices of bidding, and awards of contracts; and,
- (e) Lists of beneficiaries of government programs, subsidies, or assistance.

For purposes of this Act, transactions involving public interest refer to any act, negotiation, contract, decision, or activity of a government agency or official that: entails the use or disposition of public authority, funds, property, or natural resources; or grants a right, privilege, concession, or benefit to any private party.

The duty of disclosure under this section attaches once a definite proposition, position, or decision has been reached by the government, or when the transaction is otherwise ready for official action or public commitment.

SECTION 10. *Disclosure of Statements of Assets, Liabilities, and Net Worth.* — Pursuant to Article XI, Section 17, in relation to Article II, Section 28 of the Constitution, and consistent with the policy of full public disclosure of all transactions involving public interest, the Statements of Assets, Liabilities, and Net Worth (SALNs) of public officials and employees shall be made accessible to the public in accordance with this Act.

- (a) **Mandatory Disclosure.** The SALNs of the following public officials shall be proactively disclosed through official websites or other accessible means within the period prescribed by law, without need of request:
 - (1) President, Vice President, Members of the Cabinet, Members of Congress, Justices of the Supreme Court, Members of the Constitutional Commissions and other constitutional offices, and officers of the Armed Forces with general or flag rank;
 - (2) In the Philippine National Police, officers with Police General rank;
 - (3) Heads of government-owned or -controlled corporations, government financial institutions, and national agencies and bureaus; and
 - (4) Governors of provinces and Mayors of cities and municipalities.

- (b) General Accessibility. The SALNs of all other officials and employees shall be available for inspection and copying at reasonable hours and upon payment of reproduction costs, consistent with Section 8(C) of Republic Act No. 6713 and the rules of interpretation under this Act.
- (c) Purpose of Disclosure. The disclosure of SALNs serves the constitutional purposes of promoting transparency, preventing conflicts of interest, and enabling the people to assess whether public officials are living within their means.
- (d) Limits on Use. The obtaining or use of any SALN shall be governed by the limitations set forth in Section 8(D) of Republic Act No. 6713.

II. FREEDOM OF INFORMATION COMMISSION

SECTION 11. *Creation of the Freedom of Information Commission (FOIC).* — There is hereby created an independent, collegial, and autonomous quasi-judicial body to be known as the Freedom of Information Commission or FOIC. The FOIC shall have the status of a national government agency and shall be organized within sixty (60) days from the effectivity of this Act.

SECTION 12. *Composition, Qualifications, and Term of Office.* — The FOIC shall be composed of a Chairperson and two (2) Commissioners, with salary grades thirty-one (31) and thirty (30), respectively, to be appointed by the President.

The Chairperson and Commissioners must be Filipino citizens, at least thirty-five (35) years of age, of good moral character, and of unquestionable integrity. They must have distinguished themselves in public life and possess demonstrated competence and experience in the fields of law, governance, public administration, human rights, social development, journalism, information and communications technology, or management.

The Chairperson and Commissioners shall serve for a term of seven (7) years without reappointment. Of the first set of appointees, the Chairperson shall serve for seven (7) years, the first Commissioner for five (5) years, and the second Commissioner for three (3) years. They shall enjoy security of tenure and shall not be suspended or removed from office except for just cause as provided by law.

Any vacancy in the FOIC arising before the end of a term shall be filled by appointment for the unexpired portion thereof only.

SECTION 13. *Prohibitions and Disqualifications.* — The Chairperson and Commissioners shall not, during their tenure, hold any other office or employment. They shall not, directly or indirectly, engage in the practice of any profession except in a teaching capacity, participate in any business, or have any financial interest in any contract with, or in any franchise or special privilege granted by, the government or any of its subdivisions, agencies, or instrumentalities, including government-owned or -controlled corporations and their subsidiaries.

They shall strictly avoid conflicts of interest in the performance of their duties. They shall not be eligible to run for any elective office in the election immediately following their cessation from office.

No former Chairperson or Commissioner shall personally appear or practice as counsel or agent in any matter pending before the Commission within two (2) years after leaving office.

SECTION 14. *Powers and Functions.* — The FOIC shall have powers necessary or incidental to the effective implementation of this Act. In the exercise of its mandate, it shall:

(a) Oversight and Monitoring

- (1) Oversee, monitor and champion the implementation of Freedom of Information programs across all branches of government, including the Executive, Legislative, and Judicial branches;
- (2) Ensure agency compliance with the right to information, the proper application of exceptions, and disclosure requirements under this Act;
- (3) Supervise the performance of FOI Officers, FOI Units, and Appeals and Review Committees in all government agencies;

(b) Policy Development and Capacity Building

- (4) Issue policies, rules, orders, circulars, and guidelines for the uniform and effective implementation of this Act;
- (5) Develop and implement programs to enhance agency capacity for compliance, including institutional development and training of FOI Officers and personnel;
- (6) Provide guidance on the digitization and publication of information in open and machine-readable formats, and on proactive disclosure mechanisms;

- (7) Promote the integration of transparency, accountability, and the right to information in educational instruction.

(c) Coordination and Partnerships

- (8) Enter into agreements and partnerships with civil society, academic institutions, non-government organizations, or private entities to strengthen the implementation of this Act;
- (9) Represent the Philippine Government in national, regional, or international matters relating to the right to information;

(d) Appeals and Enforcement

- (10) Hear and resolve administrative appeals and complaints filed under this Act in a fair and expeditious manner;
- (11) Direct any government agency to provide or publish information unlawfully withheld;
- (12) Hear and decide administrative appeals and complaints arising from denials of access or noncompliance with this Act, *motu proprio* or upon written complaint, and issue appropriate orders directing disclosure, compliance, or other remedial action.

The FOIC may refer to the concerned agency, or to the appropriate body such as the Civil Service Commission, the Office of the Ombudsman, or the Department of Justice, any matter that may warrant disciplinary or criminal action under applicable laws.

(e) Other Powers

- (13) Prescribe reasonable fees for access and reproduction of information, consistent with the principle of affordability and proactive disclosure;
- (14) Exercise such other powers and perform such other functions as may be necessary or incidental to carry out the objectives of this Act.

SECTION 15. Secretariat. — The FOIC shall have a permanent Secretariat headed by an Executive Director, who shall be appointed by the Commission.

The Secretariat shall provide technical, administrative, legal, and operational support to the Commission, including the management of appeals and case dockets,

compliance monitoring, capacity building, research, public communication, and coordination with Freedom of Information Officers in all agencies.

The Secretariat shall be composed of such a number of personnel as may be necessary for the effective performance of its functions, including:

- (a) Legal officers and analysts;
- (b) Administrative and finance personnel;
- (c) Information technology and records management staff;
- (d) Monitoring and evaluation officers;
- (e) Training and capacity-building specialists; and
- (f) Such other personnel as may be determined by the Commission.

The Commission shall have the authority to appoint, hire, and determine the terms and conditions of employment of Secretariat personnel, subject to existing civil service laws, rules, and regulations. It shall coordinate with the Department of Budget and Management for the creation of *plantilla* positions necessary for the effective operation of the Secretariat.

SECTION 16. *Fiscal Autonomy.* — The Freedom of Information Commission shall enjoy fiscal autonomy. Appropriations for the FOIC may not be reduced below the amount appropriated for the previous years and, after approval, shall be automatically and regularly released.

SECTION 17. *National Electronic Freedom of Information Portal.* — The existing Electronic Freedom of Information (eFOI) Portal (www.foi.gov.ph), presently managed by the Freedom of Information Program Management Office under the Presidential Communications Office, is hereby transferred to the FOIC. The portal shall be renamed the “People’s eFOI” and shall serve as the unified and centralized online platform for the filing, tracking, and management of requests for information under this Act.

The People’s eFOI shall also host proactively disclosed information from all government agencies, including those required under Sections 8 and 9 of this Act, and shall interconnect with agency transparency portals and other open government platforms.

The FOIC shall ensure that the People's eFOI is accessible, secure, user-friendly, and available in open and machine-readable formats, and shall prescribe the technical and operational standards for its maintenance and development.

SECTION 18. *Harmonization with the National Privacy Commission.* — The FOIC and the National Privacy Commission (NPC) shall coordinate and collaborate to ensure the harmonization of the right to information and the protection of personal data under Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.

Government agencies shall integrate, to the extent practicable, the functions of Freedom of Information Officers and Data Privacy Officers through shared offices to promote consistent and balanced application of both transparency and privacy obligations.

The FOIC and the NPC shall jointly issue Guidelines and Standards governing the handling of requests involving personal or sensitive information, which shall include:

- (a) A harmonized framework and approach for implementation of the constitutional right to information vis-a-vis the performance of the government duty to protect the right to privacy;
- (b) Procedures for redaction, anonymization, or aggregation to protect privacy while maximizing transparency;
- (c) Mechanisms to resolve conflicts between privacy and disclosure in accordance with the interpretive rules under Section 6 of this Act and the harmonized framework and approach for implementation; and
- (d) Joint training, capacity-building, and compliance programs for Freedom of Information and Data Privacy Officers.

Privacy shall be treated as an exception under this Act, subject to the harm, necessity, and proportionality standards set forth in Section 6. In accordance with constitutional principles and jurisprudence, public officials and employees shall have a reduced expectation of privacy with respect to information relating to their functions, duties, and the use of public resources. The same reduced expectation shall apply to private individuals or entities insofar as their activities, transactions, or benefits involve the use of public funds, the exercise of public authority, or matters of legitimate public concern.

The FOIC and the NPC shall jointly monitor compliance with this Section and may recommend administrative or disciplinary action in cases of noncompliance.

SECTION 19. *Freedom of Information National Consultative Council.* — The FOIC shall convene a Freedom of Information National Consultative Council to advise the Commission on policies, programs, and priorities in the implementation of this Act.

The Council shall be chaired by the Chairperson of the FOIC and composed of representatives from relevant government agencies, civil society organizations, the media, the academe, and other sectors concerned with transparency, accountability, and access to information. The Commission shall determine the composition, selection process, and operating procedures of the Council, ensuring balanced representation from both government and non-government stakeholders.

The Council shall provide insights and recommendations on emerging issues, including the reconciliation of transparency and exceptions, technological innovations, capacity-building needs, and other matters affecting the effective and meaningful implementation of this Act.

SECTION 20. *Annual Report.* — The FOIC shall publish an Annual Report on the State of Access to Information in the Philippines, which shall include data and analysis on agency compliance, the number and nature of requests received, denials or delays, appeals resolved, enforcement actions taken, and policy or institutional developments relevant to the implementation of this Act.

The Annual Report shall also contain the Commission's findings and recommendations to strengthen transparency, accountability, and the effective exercise of the people's right to information.

The Report shall be made publicly accessible through official websites and other appropriate platforms.

III. PROCEDURE FOR ACCESS

SECTION 21. *Freedom of Information Officer and Decision Maker.* — Every government agency or instrumentality shall, within sixty (60) days from the effectivity of this Act, designate at least one (1) Freedom of Information (FOI) Officer and one (1) FOI Decision Maker.

The FOI Officer shall be responsible for receiving, acknowledging, recording, and monitoring all requests for access to information and related appeals, and for providing reasonable assistance to requesting parties in accordance with this Act.

The FOI Decision Maker, who shall have a rank or position sufficiently senior to ensure effective authority and accountability for decisions under this Act, as may be

prescribed by the FOIC, shall be the principal authority within the agency for deciding requests for access to information, determining the applicability of exceptions, and ensuring overall compliance with this Act and its implementing rules.

The FOIC shall prescribe the detailed qualifications, functions, and reporting mechanisms of FOI Officers and Decision Makers, and may issue guidelines for their training, coordination, and performance evaluation to ensure uniform and effective implementation across all government agencies.

SECTION 22. *Filing a Request for Information.* — Any person who requests access to information shall submit an FOI request to the government office concerned, through its designated FOI Officer. The request shall state the name and contact information of the requesting party, provide valid proof of identity or authorization, and reasonably describe the information requested and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law.

The FOI Officer shall provide reasonable assistance to enable all requesting parties, particularly those with special needs, to comply with the requirements, and shall immediately transmit the request to the appropriate FOI Decision Maker for evaluation and disposition in accordance with this Act and the rules issued by the FOIC.

SECTION 23. *Form, Manner, and Acknowledgement of Requests.* — Requests for information may be made in written or electronic form, including through the official electronic requesting platform established under this Act.

They may be filed personally, by mail or e-mail, or through the People's eFOI, and shall be addressed to the head of the office or the designated Freedom of Information Officer.

Upon receipt, the FOI Officer shall: acknowledge the request immediately by written or electronic notice; indicate the date and time of receipt, the name and position of the receiving officer, and furnish a copy to the requesting party; and record the request in the agency's FOI registry or tracking system.

Each government office shall establish a system to track and monitor the status of all requests received, consistent with the standards prescribed by the FOIC.

SECTION 24. *Timeframe for Action on Requests.* — Every government agency shall act promptly on all requests for access to information. The FOI Decision Maker shall notify the requesting party, through the FOI Officer, of the decision to grant or deny

access as soon as practicable, but in no case later than fifteen (15) working days from receipt of a complete request.

The period to respond may be extended only when:

- (a) The requested information requires an extensive search or retrieval from field or regional offices;
- (b) The request involves the examination of voluminous records; or
- (c) The occurrence of fortuitous events or other analogous circumstances prevents timely action.

The requesting party shall be notified in writing of any such extension before the expiration of the original period, stating the reasons therefor and the expected date of completion. In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances duly justified by the agency warrant a longer period.

SECTION 25. Fees. — No fee shall be charged for the filing or receipt of requests for access to information. Government agencies may, however, collect a reasonable fee only to reimburse the actual and necessary costs of reproduction or copying of the information requested, subject to existing rules and regulations.

In all cases, the applicable fees shall not be excessive, oppressive, or unreasonable so as to defeat or impair the exercise of the right to information under this Act.

The FOIC shall issue uniform guidelines on the imposition, computation, and waiver of fees to ensure consistency, fairness, and accessibility across all agencies.

SECTION 26. Action on the Request. — The government agency concerned shall act on every request for information within the period prescribed under this Act and shall either grant or deny the same, in whole or in part.

(a) Grant of Request.

When a request is granted, whether in full or in part, the agency shall issue a written Notice of Grant of Request to the requesting party within the period prescribed under Section 24 of this Act. Access shall be provided in printed, certified, electronic, or other reasonable and accessible means, subject to payment of applicable fees, if any.

When only portions of the requested information are subject to disclosure, the agency shall release the disclosable parts with appropriate redaction or segregation of exempt information.

(b) Denial of Request.

A denial, whether in whole or in part, shall be made in writing through a Notice of Denial that clearly and specifically states the legal ground or grounds relied upon and the factual circumstances on which the denial is based. The Notice shall likewise inform the requesting party of the available remedies and appeal procedures under this Act.

Failure of the agency or officer to act within the period prescribed in this Act shall be deemed a denial of the request and shall constitute a violation of this Act, giving rise to administrative and other appropriate liability. Such inaction shall be presumed to constitute grave abuse of discretion.

SECTION 27. *Access to Proactively Disclosed Information.* — All government agencies shall maintain publicly accessible channels for information required to be disclosed under Sections 9 and 10 of this Act, including official websites, publications, public information offices, and the People’s eFOI platform.

The FOIC shall prescribe the standards, formats, and mechanisms for proactive disclosure. Such standards shall ensure that:

- (a) Information is made available through official websites, the People’s eFOI, and other publicly accessible platforms;
- (b) Data is published in open and machine-readable formats;
- (c) Updates are made at least semesterly, unless a shorter period is prescribed by law or regulation; and
- (d) Information remains freely accessible, searchable, and downloadable to the public without the need of request.

The FOIC may require agencies to maintain or link to a unified public transparency portal, including integration with the People’s eFOI, to facilitate citizen access to proactively disclosed information, and shall regularly monitor agency compliance with these standards.

SECTION 28. *Access to Information in the Judiciary.* — Access to information, records, and documents within the Judicial Branch shall be governed by rules to be promulgated by the Supreme Court, consistent with the principles, policies, and interpretive standards of this Act.

SECTION 29. *People's FOI Manual.* — Every government agency, office, or instrumentality shall prepare and make publicly available a People's Freedom of Information Manual within ninety (90) days from the organization of the FOIC.

The People's FOI Manual shall contain, at a minimum:

- (a) The agency's mandate, powers, and organizational structure;
- (b) The procedures for requesting and obtaining information, including the required forms, response periods, and available remedies;
- (c) The duties and responsibilities of the FOI Officer and FOI Decision Maker;
- (d) The procedures and standards for proactive disclosure under Sections 9, 10 and 27 of this Act;
- (e) The schedule of reasonable fees for reproduction or delivery of information; and
- (f) Such other information or procedures as may be prescribed by the FOIC.

The FOIC shall issue the standard template, content requirements, and formatting guidelines for the People's FOI Manual and shall monitor and evaluate agency compliance.

Each agency, office or instrumentality shall make its People's FOI Manual readily available to the public through its official website, physical offices, and the People's eFOI platform.

SECTION 30. *Agency Freedom of Information Report.* — Every government agency, office, or instrumentality shall prepare and submit to the FOIC an Agency FOI Report on the implementation of this Act, in such form, frequency, and manner as may be prescribed by the FOIC.

The Report shall include, at a minimum:

- (a) The number of requests received, granted, and denied, indicating for each denial the specific exception or ground invoked under this Act;
- (b) The number and disposition of administrative appeals;
- (c) The average processing time of requests;

(d) Compliance with proactive disclosures made under Sections 9, 10, and 26 of this Act; and

(e) Issues encountered, capacity-building activities undertaken, and recommendations for improving transparency and compliance.

All such reports shall be public records and shall be made accessible through agency websites and the People's eFOI platform.

SECTION 31. *FOI Compliance as a Performance Indicator.* — The Department of Budget and Management (DBM), in coordination with the FOIC, shall integrate Freedom of Information (FOI) compliance as a key performance indicator in the Performance-Based Bonus (PBB) System and other results-based performance management systems for all government agencies.

For this purpose, the FOIC shall provide the DBM with annual FOI compliance assessments, including ratings of proactive disclosure, response timeliness, and appeals resolution.

The FOIC and DBM shall jointly issue guidelines to operationalize this section.

IV. REMEDIES IN CASES OF DENIAL OF ACCESS

SECTION 32. *Internal Review.* — A requester whose access to information has been denied, in whole or in part, or who has not received a timely response, may file a written internal appeal within fifteen (15) working days from receipt of notice of denial or from the lapse of the response period.

Each government agency shall establish a Central Appeals and Review Committee (CARC), or its equivalent, to decide such appeals. The Committee shall be composed of officials designated by the head of agency and shall be independent of the FOI Officer and FOI Decision Maker involved in the original action.

The CARC shall resolve the appeal within thirty (30) working days from filing, unless extended for justifiable reasons as may be provided by the FOIC. Failure to act within this period shall be deemed a denial of the appeal.

The internal appeal may be filed in person, by mail, by electronic transmission, or through the People's eFOI platform. The FOIC shall prescribe uniform standards and procedures for the establishment, composition, and operation of agency review committees.

SECTION 33. *Review by the Freedom of Information Commission.* — Upon exhaustion of internal remedies, the requester may file an appeal before the FOIC within thirty (30) working days from receipt of the decision of the agency or from the lapse of the appeal period.

The FOIC shall have the power to review denials of access, summon records, require compliance, and issue appropriate orders consistent with its mandate under this Act. It shall resolve appeals within sixty (60) working days from filing, extendable only for just cause.

The FOIC shall issue rules and guidelines to streamline and digitize the appeals process, including the use of the People's eFOI platform for the filing, tracking, and resolution of appeals.

SECTION 34. *Judicial Remedies.* — An aggrieved party may, after final action by the FOIC or upon the lapse of applicable periods, seek recourse before the proper courts pursuant to the applicable Rules of Court.

SECTION 35. *Appeals within the Judiciary.* — The rules on access to information to be promulgated by the Supreme Court under Section 28 of this Act shall likewise include procedures for internal review and appeal of denials of access within the Judicial Branch, consistent with the principles, policies, and interpretive standards of this Act.

VI. PENALTIES

SECTION 36. *Administrative Liability.* — The acts enumerated in this Section shall constitute gross neglect of duty and shall be grounds for administrative and disciplinary sanctions against any public official or employee who willfully or knowingly commits any of the following acts:

- (a) Failure or unjustified refusal to act on a request for information or appeal, or to comply with any final decision, directive, or order issued under this Act within the prescribed periods;
- (b) Knowingly invoking or applying an exception under Section 5 of this Act that is manifestly devoid of factual or legal basis;
- (c) Knowingly approving or enforcing policies, rules, or regulations manifestly contrary to this Act, when such policies directly cause the denial, obstruction, or delay of access to information.

The FOIC shall investigate complaints of administrative violations *motu proprio* or upon complaint, and refer its findings and recommendations to the concerned agency or appropriate disciplinary authority, including the Civil Service Commission or the Office of the Ombudsman, for the imposition of proper sanctions.

SECTION 37. Criminal Liability. — Any public official or employee who knowingly and maliciously obstructs access to information, destroys or alters public records to prevent disclosure, or causes the concealment or falsification of information for corrupt or fraudulent purposes shall, upon conviction, suffer the penalty of imprisonment of not less than six (6) months but not more than two (2) years, or a fine not exceeding Two hundred thousand pesos (PhP200,000.00), or both, at the discretion of the court, without prejudice to prosecution under other applicable laws.

Criminal liability shall attach only upon a clear showing of willful intent to obstruct, conceal, destroy, or falsify information in violation of this Act. Acts done in good faith or in the legitimate exercise of discretion under recognized exceptions shall not be penalized.

The FOIC shall refer findings indicating possible criminal violations to the Office of the Ombudsman or the Department of Justice for appropriate investigation and prosecution.

SECTION 38. Protection of Whistleblowers. — No person shall be subject to any administrative, civil, or criminal liability, or to any retaliatory action, for disclosing information concerning a violation of this Act, corruption, wrongdoing, or abuse of authority, if such disclosure is made in good faith and based on reasonable belief of its truth.

The FOIC shall, in coordination with the Civil Service Commission and the Office of the Ombudsman, issue rules for the protection, confidentiality, and assistance of whistleblowers under this Act.

VII. FINAL PROVISIONS

SECTION 39. Implementing Rules and Regulations. — Within ninety (90) days from the appointment of the full membership of the FOIC, it shall promulgate the necessary rules and regulations to implement the provisions of this Act after due consultation with relevant stakeholders.

SECTION 40. Appropriations. — The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the concerned agencies. Thereafter, such sums as may be necessary for the continued

implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 41. *Separability Clause.* — If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 42. *Repealing Clause.* — All laws, decrees, executive orders, rules, and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 43. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,