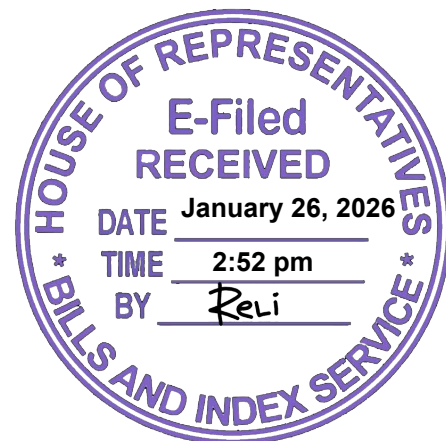


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City
Twentieth Congress
First Regular Session



House Bill No. **7306**

Introduced by Honorable Representatives
PERCIVAL V. CENDAÑA (Akbayan Partylist)
JOSE MANUEL TADEO "CHEL" I. DIOKNO (Akbayan Partylist)
DADAH KIRAM ISMULA (Akbayan Partylist)
KAKA BAG-AO (Dinagat Islands)

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,
ESTABLISHING A FREEDOM OF INFORMATION COMMISSION
FOR THE PURPOSE, APPROPRIATING FUNDS THEREFOR,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

Article III, Section 7 of the Constitution provides that "the right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."¹ Complementing this, Article II, Section 28 of the Constitution declares as a State policy the full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law.² These constitutional mandates

¹ Art. III, Sec. 7, 1987 Constitution.

² Art. II, Sec. 28, 1987 Constitution.

embody the principle that a government accountable to the people must operate with transparency.

Today, however, the implementation of these constitutional guarantees faces serious challenges. Accountability mechanisms that were intended to safeguard public funds and prevent abuse have eroded. Across the entire budget cycle—from budget preparation to authorization, execution, and audit—many of the institutional safeguards intended to prevent abuse of public funds have weakened, resulting in an environment marked by opacity, diminished public oversight, and elevated risk of corruption.³

In such circumstances, the people's right to information on matters of public concern and the State policy of full public disclosure of all transactions involving public interest assume renewed significance and urgency. The citizens' right to information is not merely a procedural right; it is an essential instrument of democratic control. When internal checks falter, the right to information empowers citizens, civil society organizations, and the media to serve as external oversight. Access to information in real time strengthens the capacity of the people to scrutinize official action, deter misconduct, and hold public authority to account.

The *“People's Freedom of Information and Disclosure Act”* responds decisively to this need. It establishes a comprehensive and coherent mechanism to operationalize the citizens' right to information and to advance proactive disclosure in matters of public interest. Specifically, the bill seeks to: (1) establish precise and uniform procedures for accessing government-held information; (2) enumerate an exclusive list of legitimate exceptions; (3) enable the state policy of proactive disclosure of transactions involving public interest without requiring a request; (4) adopt a harm-

³ International Budget Partnership, *The Road to Budget Transparency in the Philippines: IBP Case Study* (2017), <https://internationalbudget.org/wp-content/uploads/the-road-to-budget-transparency-in-the-philippines-ibp-case-study-2017.pdf>

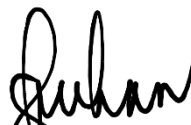
based standard for exceptions; (5) mandate proactive disclosure of transactions involving public interest, including contracts, procurement, infrastructure projects, and beneficiaries of public programs; (6) create a proactive disclosure regime for high officials by ensuring that their Statements of Assets, Liabilities, and Net Worth (SALNs) remain accessible in accordance with the law; (7) establish an independent, credible, and collegial Freedom of Information Commission (FOIC) with quasi-judicial powers to hear appeals and compel disclosure of information; (8) mandate a formal and reciprocal institutional relationship between the FOIC and the National Privacy Commission (NPC); (9) encourage integration of FOI and Data Privacy Officers within agencies to streamline compliance and reduce conflicting interpretations; and (10) provide penalties for violations of the provisions of this Act.



PERCIVAL V. CENDAÑA
Akbayan Representative



JOSE MANUEL TADEO
“CHEL” I. DIOKNO
Akbayan Representative



DADAN KIRAM ISMULA
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*Be it enacted by the Senate and the House of Representatives of the
Philippines in Congress assemble:*

1 CHAPTER I

2 GENERAL PROVISIONS

3 SECTION 1. *Short Title.* — This Act shall be known as the “*People’s*
4 *Freedom of Information and Disclosure Act.*”

5 SECTION 2. *Declaration of Policy.* — It is the policy of the State that:

- 6 a. Transparency and accountability are indispensable to integrity in
7 public service, the prevention of corruption, and the meaningful
8 participation of citizens in governance.

1 b. Institutional mechanisms must be strengthened to facilitate effective
2 disclosure, promote citizen oversight, and foster informed
3 participation in governance;

4 c. Clear, accessible, and predictable procedures must be established to
5 govern the disclosure of public information, while ensuring that any
6 limitations thereto are strictly defined, reasonable, and necessary to
7 protect legitimate public interests;

8 d. A culture of openness in government shall be encouraged through
9 proactive publication of information, reduced bureaucratic barriers,
10 and support for civic monitoring;

11 e. Effective remedies, reporting channels, and enforcement measures
12 must be made available to ensure their effective and meaningful
13 realization of the constitutional policy of full public disclosure.

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

17 a. The Executive, Legislative, and Judicial branches;

18 b. Constitutional commissions and offices;

19 c. Local government units including barangays; and

20 d. Government-owned or controlled corporations, government financial
21 institutions, and state universities and colleges.

22 **SECTION 4. *Exclusive Exceptions.*** — Access to information may be
23 denied only when disclosure would demonstrably and substantially harm a
24 legitimate interest protected by the Constitution or by any law. The
25 exceptions must be exclusive and strictly construed in favor of access,

1 consistent with the rules of interpretation under this Act. The following are
2 the exceptions:

- 3 a. Information affecting national security or defense, the disclosure of
4 which would endanger the safety of the State, the stability of its
5 institutions, or the security of its citizens;
- 6 b. Information relating to ongoing diplomatic negotiations, the
7 disclosure of which would prejudice the Philippines' relations with
8 other States or international organizations;
- 9 c. Information concerning legitimate and ongoing law-enforcement or
10 criminal investigations, where disclosure would compromise
11 proceedings, reveal confidential sources, or endanger the life or safety
12 of involved individuals;
- 13 d. Sensitive personal information, the disclosure of which would
14 unjustifiably violate the right to privacy of individuals, whether
15 public officials or private persons, in accordance with Republic Act No.
16 10173 otherwise known as the Data Privacy Act of 2012, except when
17 such information forms part of, or is directly relevant to, the
18 performance of official functions, the use of public authority or
19 resources, or other matters of public interest necessary to ensure
20 accountability in public office or governance.
- 21 e. Trade secrets and confidential commercial or financial information,
22 disclosure of which would cause demonstrable and substantial
23 competitive harm to the person or entity concerned except when such
24 information forms part of, or is directly relevant to, the performance
25 of official functions, the use of public authority or resources, or other
26 matters of public interest necessary to ensure accountability in public
27 office or governance;

1 f. Privileged communications recognized under the Constitution, by any
2 law, or the Rules of Court; and

3 g. Internal deliberations of officials prior to the adoption of a definite
4 proposition, position, or decision, where disclosure would cause
5 demonstrable and substantial harm to the integrity of the decision-
6 making process or discourage candid policy discussion, actual,
7 statistical, technical, or scientific reports, and summaries of
8 proceedings shall be accessible once the government has reached a
9 definite proposition or position.

10 **SECTION 5. *Rules of Interpretation of the Right to Information.* —**

11 The exceptions provided in this Act are exclusive and shall be strictly
12 construed in favor of the right of access. The following rules shall govern the
13 interpretation and application of this Act:

14 a. Presumption of Public Concern and Openness. – All information held
15 by the government is presumed to be of public interest or concern, and
16 therefore accessible to the public, subject only to the exceptions
17 provided in this Act.

18 b. Burden of Proof. – The agency or official invoking an exception bears
19 the burden of proving that the requested information clearly falls
20 within one of the exceptions.

21 c. Harm Test. – Non-disclosure must be necessary to prevent specific,
22 identifiable, and irreparable harm to a protected interest as defined
23 in the exclusive exceptions under this Act.

24 d. Public-Interest Override. – Even where an exception applies, the
25 requester may demonstrate that an overriding public interest in
26 disclosure exists. In such cases, agencies must balance the competing
27 interests and, where the public interest in disclosure outweighs the

1 interest protected by the exception, grant access in whole or in part.

2 e. Partial Disclosure. – When a record contains both exempt and non-
3 exempt information, the non-exempt portions shall be released with
4 appropriate redactions.

5 f. No Cover-Up. – Exceptions may not be invoked to conceal graft,
6 wrongdoing, or abuse of authority.

7 g. Disclosure Obligation. – Once the reason for non-disclosure ceases to
8 exist, such as the completion of ongoing investigations, the
9 information shall become accessible to the public.

10 **SECTION 6. *Periodic Review of Claimed Exceptions.*** — All claims of
11 exemption from disclosure under Section 5 of this Act are subject to periodic
12 review by the concerned agency and the Freedom of Information
13 Commission.

14 a. The review must be conducted every three (3) years from the initial
15 invocation of the exception.

16 b. Unless the agency demonstrates that the harm or legal basis for non-
17 disclosure continues to subsist, the information is deemed open for
18 disclosure.

19 c. Each agency must submit to the Freedom of Information Commission
20 a report of all exceptions reviewed, indicating those maintained or
21 lifted, together with the basis for each determination.

22 **SECTION 7. *Full Public Disclosure of All Transactions Involving***
23 ***Public Interest.*** — Every government agency must make information on
24 transactions involving public interest available to the public in a timely,
25 accessible, and comprehensible manner, without requiring a request.

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

- 2 a. All transactions involving public interest, including but not limited to
3 the public bidding, negotiation, award, or implementation of
4 contracts, joint venture agreements, concessions, franchises, loans,
5 guarantees, subsidies, public-private partnership agreements, and
6 public works or infrastructure projects, including project costs,
7 contractors, and implementation status;
- 8 b. The agency's mandates, powers, functions, organizational structure,
9 and directory of officials;
- 10 c. Annual budgets, appropriations, and fund-utilization reports;
- 11 d. Annual procurement plans, notices of bidding, and awards of
12 contracts; and
- 13 e. Lists of beneficiaries of government programs, subsidies, or
14 assistance;
- 15 f. Other analogous information involving public interest.

16 **SECTION 8. *Use of Plain Language.*** — Every government agency must
17 endeavor to use plain language in their communications, orders,
18 compliance, requirements, or instructions issued to implement the
19 provisions of this Act. The government agencies shall translate key
20 information into major Filipino languages and present them in popular form
21 and means.

22 **SECTION 9. *Disclosure of Statements of Assets, Liabilities, and Net***
23 ***Worth.*** — The Statements of Assets, Liabilities, and Net Worth (SALNs) of
24 public officials and employees shall be made accessible to the public.

25 The SALNs of the following public officials shall be proactively disclosed

1 through the FOI Officer or other accessible means within the period
2 prescribed by law, without the need for a request:

3 a. President, Vice President, Members of the Cabinet, Members of
4 Congress, Justices of the Supreme Court, Members of the
5 Constitutional Commissions, and other constitutional offices, and
6 officers of the Armed Forces with general or flag rank;

7 b. In the Philippine National Police, officers with Police General rank;

8 c. Heads of government-owned or -controlled corporations, government
9 financial institutions, and national agencies and bureaus; and

10 d. Governors of provinces and Mayors of cities and municipalities.

11 The SALNs of all other officials and employees shall be available for
12 inspection and copying at reasonable hours, and upon payment of
13 reproduction costs.

14 CHAPTER II

15 FREEDOM OF INFORMATION COMMISSION

16 SECTION 10. *Creation of the Freedom of Information Commission.*

17 — There is hereby created an independent, credible, and collegial quasi-
18 judicial body to be known as the Freedom of Information Commission. The
19 Freedom of Information Commission shall have the status of a national
20 government agency and shall be organized within sixty (60) days from the
21 effectivity of this Act.

22 SECTION 11. *Composition, Qualifications, and Term of Office.* — The
23 Freedom of Information Commission shall be composed of a Chairperson
24 and two (2) Commissioners, with salary grades thirty-one (31) and thirty
25 (30), respectively, to be appointed by the President.

1 The Chairperson and Commissioners must be Filipino citizens, at least
2 thirty-five (35) years of age, of good moral character, and of unquestionable
3 integrity. They must have distinguished themselves in public life and
4 possess demonstrated competence and experience in the fields of law,
5 governance, public administration, human rights, social development,
6 journalism, information and communications technology, or management.
7 Their good standing or reputation is expected throughout the whole term.

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

14 Any vacancy in the Freedom of Information Commission arising before the
15 end of a term shall be filled by appointment for the unexpired portion
16 thereof only.

17 **SECTION 12. *Prohibitions and Disqualifications.*** — The Chairperson
18 and Commissioners shall not, during their tenure, hold any other office or
19 employment. They shall not, directly or indirectly, engage in the practice of
20 any profession except in a teaching capacity, participate in any business, or
21 have any financial interest in any contract with, or in any franchise or
22 special privilege granted by, the government or any of its subdivisions,
23 agencies, or instrumentalities, including government-owned or -controlled
24 corporations and their subsidiaries.

25 The Chairperson and Commissioners shall strictly avoid conflicts of interest
26 in the performance of their duties and shall not be eligible to run for any
27 elective office in the election immediately following their cessation from
28 office.

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

4 **SECTION 13. *Powers and Functions.*** — The Freedom of Information
5 Commission shall have the following powers:

6 (a) Oversight and Monitoring

- 7 1. Oversee, monitor, and promote the implementation of Freedom of
8 Information programs across all branches of government, including
9 the Executive, Legislative, and Judicial branches;
- 10 2. Ensure agency compliance with the right to information, proper
11 application of exceptions, disclosure requirements, and other
12 provisions under this Act;
- 13 3. Supervise the performance of FOI Officers, FOI Units, and Appeals
14 and Review Committees in all government agencies;

15 (b) Policy Development and Capacity Building

- 16 4. Issue policies, rules, orders, circulars, and guidelines for the uniform
17 and effective implementation of this Act;
- 18 5. Develop and implement programs to enhance agency capacity for
19 compliance, including institutional development and training of FOI
20 Officers and personnel;
- 21 6. Guide the digitization and publication of information in open and
22 machine-readable formats, and on proactive disclosure mechanisms;
- 23 7. Promote the integration of transparency, accountability, and the
24 right to information in educational instruction.

25 (c) Coordination and Partnerships

- 26 8. Enter into agreements and partnerships with civil society, academic

1 institutions, non-government organizations, or private entities to
2 strengthen the implementation of this Act;

3 9. Represent the Philippine Government in national, regional, or
4 international matters relating to the right to information;

5 **(d) Appeals and Enforcement**

6 10. Hear and resolve administrative appeals and complaints filed
7 under this Act fairly and expeditiously;

8 11. Direct any government agency to provide or publish information
9 unlawfully withheld;

10 12. Hear and decide administrative appeals and complaints arising
11 from denials of access or noncompliance with this Act, *motu proprio*
12 or upon written complaint, and issue appropriate orders directing
13 disclosure, compliance, or other remedial action.

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

19 **(e) Other Powers**

20 13. Prescribe reasonable fees for access and reproduction of
21 information, consistent with the principle of affordability and
22 proactive disclosure;

23 14. Administer oaths, issue subpoenas, and compel attendance of
24 witnesses and production of documents in aid of its functions;

25 15. Exercise such other powers and perform such other functions as
26 may be necessary or incidental to carry out the objectives of this Act.

27 **SECTION 14. *Secretariat.*** — The Freedom of Information Commission

1 shall have a permanent Secretariat headed by an Executive Director
2 appointed by the Commission.

3 The Secretariat will provide technical, administrative, legal, and
4 operational support to the Commission, including the management of
5 appeals and case dockets, compliance monitoring, capacity building,
6 research, public communication, and coordination with Freedom of
7 Information Officers in all agencies.

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

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

16 The Freedom of Information Commission shall have the authority to
17 appoint, hire, and determine the terms and conditions of employment of
18 Secretariat personnel, subject to existing civil service laws, rules, and
19 regulations. It shall coordinate with the Department of Budget and
20 Management to create plantilla positions necessary for the effective
21 operation of the Secretariat.

22 **SECTION 15. *National Electronic Freedom of Information Portal.* —**

23 The existing Electronic Freedom of Information (eFOI) Portal
24 (www.foi.gov.ph), presently managed by the Freedom of Information

1 Program Management Office under the Presidential Communications
2 Office, is hereby transferred to the Freedom of Information Commission.
3 The portal shall be renamed the “People’s eFOI” and serve as a unified and
4 centralized online platform for filing, tracking, and managing requests for
5 information under this Act.

6 The Freedom of Information Commission shall ensure that the People’s
7 eFOI is accessible, secure, user-friendly, and available in open and machine-
8 readable formats, and prescribe the technical and operational standards for
9 its maintenance and development.

10 **SECTION 16. *Harmonization with the National Privacy***
11 ***Commission.*** — The Freedom of Information Commission and the National
12 Privacy Commission (NPC) shall coordinate and collaborate to ensure the
13 harmonization of the right to information and the protection of personal
14 data under Republic Act No. 10173, otherwise known as the Data Privacy
15 Act of 2012.

16 Government agencies shall integrate the functions of Freedom of
17 Information Officers and Data Privacy Officers through shared offices to
18 promote consistent and balanced application of both transparency and
19 privacy obligations.

20 The Freedom of Information Commission and the NPC must jointly issue
21 Guidelines and Standards governing the handling of requests involving
22 personal or sensitive information, which shall include:

- 23 a. A harmonized framework and approach for implementation of the
24 constitutional right to information vis-à-vis the performance of the
25 government duty to protect the right to privacy;
- 26 b. Procedures for redaction, anonymization, or aggregation to protect
27 privacy while maximizing transparency;

1 c. Mechanisms to resolve conflicts between privacy and disclosure in
2 accordance with the interpretive rules under Section 6 of this Act and
3 the harmonized framework and approach for implementation; and

4 d. Joint training, capacity-building, and compliance programs for
5 Freedom of Information and Data Privacy Officers.

6 Privacy will be treated as an exception under this Act, subject to the harm,
7 and necessity standards outlined in Section 6.

8 **SECTION 17. *People's FOI Manual.*** — Every government agency, office,
9 or instrumentality shall prepare and make publicly available a People's
10 Freedom of Information Manual within ninety (90) days from the
11 organization of the Freedom of Information Commission.

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

13 a. The agency's mandate, powers, and organizational structure;

14 b. The procedures for requesting and obtaining information, including
15 the required forms, response periods, contact information, and
16 available remedies;

17 c. The duties and responsibilities of the FOI Officer;

18 d. The procedures and standards for proactive disclosure under Sections
19 9, 10 and 26 of this Act;

20 e. The schedule of reasonable fees for reproduction or delivery of
21 information; and

22 f. Such other information or procedures as may be prescribed by the
23 Freedom of Information Commission.

24 The Freedom of Information Commission shall issue the standard template,

1 content requirements, and formatting guidelines for the People's FOI
2 Manual and shall monitor and evaluate agency compliance.

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

6 **SECTION 18. *Agency Freedom of Information Report.*** — Every
7 government agency, office, or instrumentality shall prepare and submit to
8 the Freedom of Information Commission an Agency FOI Report on the
9 implementation of this Act, in such form, frequency, and manner as may be
10 prescribed by the Freedom of Information Commission.

11 The Report shall include, at a minimum:

- 12 a. The number of requests received, granted, and denied, indicating for
13 each denial the specific exception or ground invoked under this Act;
- 14 b. The number and disposition of administrative appeals;
- 15 c. The average processing time of requests per stage of the procedure;
- 16 d. Compliance with proactive disclosures of this Act; and
- 17 e. Issues encountered, capacity-building activities undertaken, and
18 recommendations for improving transparency and compliance.

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

21 **SECTION 19. *Freedom of Information National Consultative***
22 ***Council.*** — The Freedom of Information Commission shall convene a
23 Freedom of Information National Consultative Council to advise the
24 Commission on policies, programs, and priorities in the implementation of

1 this Act.

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

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

14 **SECTION 20. *Annual Report.*** — The Freedom of Information
15 Commission shall publish, through its official website and other platforms,
16 an Annual Report on the State of Access to Information. This Annual Report
17 will include agency compliance, requests received and acted upon, denials,
18 appeals, enforcement actions, and policy developments relevant to the
19 implementation of this Act. It shall also include the Commission's findings
20 and recommendations to enhance transparency and accountability.

21 **CHAPTER III**

22 **PROCEDURE FOR ACCESS**

23 **SECTION 21. *Freedom of Information Officer*** — Every government
24 agency or instrumentality must designate at least (1) one Freedom of
25 Information (FOI) officer, within sixty (60) days from the effectivity of this
26 Act.

1 The FOI Officer is be responsible for receiving, acknowledging, recording,
2 and monitoring all requests for access to information and related appeals,
3 as well as providing reasonable assistance to requesting parties in
4 accordance with this Act.

5 **SECTION 22. *Filing a Request for Information.*** — Any person who
6 requests access to information must submit an FOI request to the
7 designated FOI officer of the concerned government office. The request
8 should state the name and contact information of the requesting party,
9 provide valid proof of identity or authorization, and reasonably describe the
10 information requested, reflecting the reason or purpose of the request for
11 information: No request shall be denied or refused acceptance unless for
12 reasons contrary to law.

13 The FOI Officer must provide reasonable assistance to enable all requesting
14 parties, particularly those with special needs, to comply with the
15 requirements.

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

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

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

1 Each government office shall establish a system to track and monitor the
2 status of all requests received, consistent with the standards prescribed by
3 the Freedom of Information Commission.

4 **SECTION 24. *Timeframe for Action on Requests.*** — Every government
5 agency shall act promptly on all requests for access to information. The FOI
6 Officer shall notify the requesting party of the decision to grant or deny
7 access as soon as practicable, but in no case later than fifteen (15) working
8 days from receipt of a complete request.

9 The period to respond may be extended only when:

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

15 The requesting party shall be notified in writing of any such extension
16 before the expiration of the original period, stating the reasons and the
17 expected completion date. The extension should not exceed twenty (20)
18 working days, unless exceptional circumstances duly justified by the agency
19 warrant a longer period.

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

25 In all cases, the applicable fees shall not be excessive, oppressive, or
26 unreasonable to defeat or impair the exercise of the right to information

1 under this Act.

2 The Freedom of Information Commission shall issue uniform guidelines on
3 the imposition, computation, and waiver of fees to ensure consistency,
4 fairness, and accessibility across all agencies.

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

9 When a request is granted, whether in full or in part, the agency shall issue
10 a written Notice of Grant of Request to the requesting party within the
11 period prescribed under Section 22 of this Act. Access shall be provided in
12 printed, certified, electronic, or other reasonable and accessible formats,
13 subject to payment of any applicable fees.

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

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

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

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CHAPTER V

PENALTIES

SECTION 29. *Administrative Liability.* — The following acts 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; and
- 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.

SECTION 30. 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.

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

