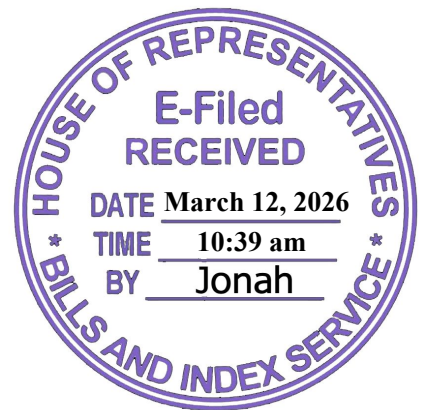


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **8487**



Introduced by **REPRESENTATIVE RICARDO S. CRUZ, JR.**

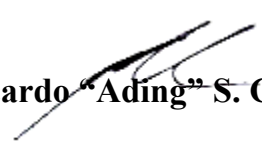
EXPLANATORY NOTE

Transparency and accountability are essential pillars of a democratic government. The Constitution recognizes the people's right to information on matters of public concern and mandates the State to adopt and implement policies that ensure openness in governance. Access to information empowers citizens to participate meaningfully in public affairs, strengthens democratic institutions, and helps prevent corruption and abuse in public service.

Despite this constitutional guarantee, the absence of a comprehensive statutory framework has limited the effective exercise of the people's right to access government-held information. A clear and institutionalized mechanism is therefore necessary to ensure that citizens can obtain official records and data in a timely, efficient, and transparent manner.

This proposed **Freedom of Information (FOI) Act** seeks to promote transparency in public service and strengthen accountability in government by guaranteeing the public's right to access information on matters of public concern. It mandates government agencies under the Executive Branch, including government-owned or controlled corporations, state universities and colleges, and local government units, to make available official records, data, and documents related to official acts, transactions, or decisions, subject only to reasonable exceptions recognized by law.

In view of the foregoing, the early passage of this measure is earnestly sought.


Ricardo "Ading" S. Cruz, Jr.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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TWENTIETH CONGRESS
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House Bill No. **8487**

Introduced by **REPRESENTATIVE RICARDO S. CRUZ, JR.**

**AN ACT INSTITUTIONALIZING THE PEOPLE’S RIGHT TO INFORMATION,
PROVIDING MECHANISMS FOR ITS ENFORCEMENT, ESTABLISHING A
STANDARD CLASSIFICATION SYSTEM**

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

CHAPTER I
General Provisions

SECTION 1. Short Title. – This Act shall be known as the “Freedom of Information Act.”

SECTION 2. Declaration of Policy. – It is the policy of the state to promote transparency in public service and accountability by guaranteeing the people’s right to access to information on matters of public concern. Government agencies shall make available to the public records and data pertaining to official acts, or decisions, subject only to the exceptions provided in this Act.

SECTION 3. Coverage. – This Act shall apply to all departments, bureaus, offices, agencies, and instrumentalities of the Executive Branch, including government-owned or controlled corporations, state universities and colleges, and local government units. Constitutional bodies, the Judiciary, and the Legislature are enjoined to adopt their own freedom of information (FOI) rules consistent with the principles of this Act.

SECTION 4. Right of Access to Information. – Every Filipino citizen shall have the right to request, examine, and obtain copies of official records and information under the custody or control of any covered government agency, without need to show legal interest of purpose, subject only to the exceptions enumerated under this Act.

CHAPTER II
Exceptions and Classification

SECTION 5. Exceptions. – The right of access under Section 4 shall be subject

only to the following narrowly defined exceptions:

A. Information exempted by existing statutes, including but not limited to:

- (1) Personal information protected under Republic Act No. 10173, or the "Data Privacy Act of 2012," unless the data subject consents to disclosure;
- (2) Bank records protected under Republic Act No. 1405, or the "Bank Secrecy Law," and Republic Act No. 6426, or the "Foreign Currency Deposit Act;"
- (3) Taxpayer information protected under Section 270 of the National Internal Revenue Code of 1997, as amended;
- (4) Juvenile, family court, and adoption records protected under Republic Act No. 9344, or the "Juvenile Justice and Welfare Act of 2006," and the Family Code of the Philippines;
- (5) Records under the Witness Protection, Security and Benefit Program pursuant to Republic Act No. 6981; and
- (6) Trade secrets and proprietary information protected under Republic Act No. 8293, or the "Intellectual Property Code."

B. Constitutionally or executively protected information, including:

- (1) Presidential communications and Cabinet deliberations, when executive privilege is validly invoked;
- (2) Classified information involving national security or foreign affairs, as determined under applicable executive issuances; and
- (3) Records of criminal investigations, if premature disclosure would impair law enforcement or endanger individuals.

C. Time-bound or qualified exemptions, such as:

- (1) Internal policy deliberations, prior to final agency action;
- (2) Ongoing procurement and audit proceedings, prior to official conclusion; and
- (3) Unpublished diplomatic correspondence during active negotiations.

The Department of Justice shall periodically publish and update a Compendium of Exceptions to serve as interpretive guidance to all covered agencies and requesting parties.

SECTION 6. Standards of Clarification. – A covered agency may classify a document as exempt only if:

- a. The classification is based on one of the grounds in Section 5;
- b. The classification is made in writing by an authorized officer;
- c. The classification includes the date, legal basis, and duration or review schedule; and
- d. A summary index of classified documents is maintained for public inspection, without disclosing sensitive content.

CHAPTER III **Access Procedures and Appeals**

SECTION 7. Procedures for Access. – The PSC shall, in consultation with various national sports associations, promulgate the rules and regulations to implement the provisions of this Act within sixty (60) days after its effectivity.

SECTION 8. Denial and Appeal. – A denial of access shall:

- (a) Be in writing and state the specific exception relied upon;
- (b) Include the name and signature of the officer issuing the denial; and
- (c) Advise the requester of available remedies.

The requester may appeal the denial to the head of the agency within fifteen (15) working days. Upon final denial or inaction, the requester may file a verified complaint before the Office of the Ombudsman or seek appropriate relief from the courts.

CHAPTER IV
Proactive Disclosure and Institutional Compliance

SECTION 9. Mandatory Disclosure of Key Information. – Covered agencies shall publish the following information, regularly updated and accessible to the public:

- (a) Annual budgets and disbursement reports;
- (b) Procurement plans, bidding results, and awarded contracts;
- (c) Performance targets and accomplishments;
- (d) Audit findings from the Commission on Audit;
- (e) Organizational structure and directory of officials; and
- (f) Citizen's charters and service delivery standards.

SECTION 10. FOI Manual and Officers. – Within ninety (90) days from effectivity, each agency shall publish an FOI Manual, and designate an FOI Receiving Officer responsible for receiving and processing requests.

SECTION 11. Records Management. – Agencies shall maintain updated, well-organized, and digitized record systems to facilitate prompt access, compliance, and long-term preservation.

CHAPTER V
Oversight, Remedies and Sanctions

SECTION 12. Oversight and Legal Advisory. – The Department of Justice shall:

- (a) Issue and update the Compendium of Exceptions;
- (b) Provide advisory opinions to agencies and requesters;
- (c) Review improper or unreasonable classifications; and
- (d) Recommend administrative sanctions to the Civil Service Commission.

SECTION 13. Administrative Sanctions. – Any officer or employee who:

- (a) Knowingly denies access without legal basis;
- (b) Unreasonably delays response to a valid request; and
- (c) Falsifies, alters, or destroys requested records, shall be subject to disciplinary action under the Administrative Code of 1987, Civil Service rules, and other applicable laws.

CHAPTER VI FINAL PROVISIONS

SECTION 14. Appropriations. – The amount necessary to implement this Act shall be charged against current agency appropriations. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

SECTION 15. Separability Clause. – If any portion or provision of this Act is declared invalid or unconstitutional, other provisions hereof shall remain in full force and effect.

SECTION 16. Repealing Clause. – All laws, decrees, orders, rules, and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 17. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,