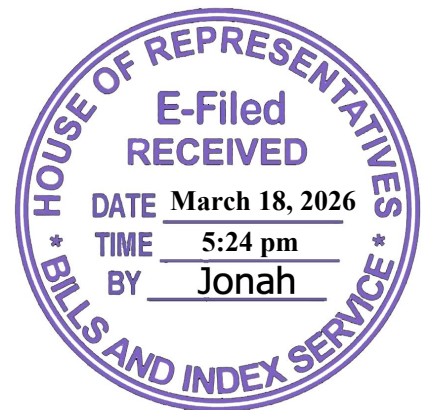


Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. 8691



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**Introduced by Hon. Kenneth T. Gatchalian**

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**EXPLANATORY NOTE**

The right of the people to information on matters of public concern is enshrined in Article III, Section 7 of the 1987 Constitution. This right is a cornerstone of a functioning democracy, enabling citizens to meaningfully participate in governance, hold public officials accountable, and make informed decisions. However, despite this constitutional guarantee, access to government information in the Philippines remains uneven, inconsistent, and often dependent on internal policies rather than a uniform statutory framework.

At present, transparency mechanisms rely heavily on executive issuances, particularly Executive Order No. 2 (2016), which applies only to the Executive Branch. This fragmented approach leaves significant gaps in coverage, especially in the Legislative and Judicial branches, as well as in local government units and government-owned or controlled corporations. The absence of a comprehensive Freedom of Information (FOI) law has resulted in delays, denials, and procedural inconsistencies that undermine the public's right to know.

This proposed Freedom of Information Act seeks to institutionalize and standardize access to information across all branches and instrumentalities of

government. It establishes a clear legal framework governing the disclosure of public records, the procedures for requesting information, and the responsibilities of government agencies to proactively publish key data. By mandating uniform timelines, clear grounds for denial, and accessible appeal mechanisms, the measure ensures that the right to information is not merely theoretical but fully enforceable.

The bill likewise introduces a system of proactive disclosure, requiring government agencies to regularly publish critical information such as budgets, procurement activities, contracts, development plans, and performance indicators. This reduces the need for formal requests and promotes a culture of openness. Complementing this is the institutionalization of digital platforms such as the FOI website and the Open Data Philippines portal, ensuring that information is accessible, searchable, and usable by the public.

At the same time, the measure carefully balances transparency with legitimate state interests. It provides narrowly tailored exceptions to disclosure, including matters involving national security, foreign relations, law enforcement, trade secrets, and personal privacy. These safeguards are aligned with existing laws such as Republic Act No. 10173, or the Data Privacy Act of 2012, and jurisprudential standards on privileged communication and due process. Importantly, the bill adopts a presumption in favor of disclosure, placing the burden on government agencies to justify any denial of access.

The proposed measure also strengthens institutional accountability by imposing administrative and criminal liabilities for unjustified refusal to disclose information, deliberate concealment, or destruction of public records. It further mandates the establishment of FOI units within agencies, the adoption of records management systems, and the submission of annual reports on FOI compliance. These mechanisms ensure that transparency is not only declared as policy but operationalized in practice.

In addition, the bill recognizes the importance of building a culture of transparency beyond government processes. It mandates capacity-building programs for public officials and integrates the principles of freedom of information, accountability, and good governance into the education curriculum. By doing so, it fosters a more informed and engaged citizenry that understands both its rights and responsibilities in a democratic society.

This measure is likewise consistent with the Philippines' commitments under international frameworks such as the Open Government Partnership and global standards on transparency and access to information. Strengthening access to information is not only a matter of domestic governance but also a key component of promoting investor confidence, improving public service delivery, and combating corruption.

Ultimately, this proposed Freedom of Information Act affirms that transparency is not a privilege granted at the discretion of government, but a fundamental right of the people. By institutionalizing open access to information, establishing clear rules and safeguards, and promoting a culture of accountability, this measure seeks to bridge the gap between constitutional principle and everyday practice.

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



KENNETH T. GATCHALIAN

Republic of the Philippines  
House of Representatives  
Quezon City, Metro Manila

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First Regular Session

HOUSE BILL NO. 8691

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Introduced by Hon. Kenneth T. Gatchalian

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**AN ACT STRENGTHENING THE PEOPLE’S RIGHT TO INFORMATION**

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

**I. GENERAL PROVISIONS**

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

3           **SEC. 2.** *Declaration of Policy.* – The State recognizes the right of the  
4           people to information on matters of public concern and adopts a policy of full  
5           public disclosure of all its transactions involving public interest, subject to the  
6           procedures and limitations provided by law.

7           Every citizen shall be afforded access to official records, documents, and  
8           Papers pertaining to official acts, transactions or decisions, and government  
9           research data used as basis for policy development, subject to such limitations  
10          provided under this Act.

11          This Act shall uphold and strengthen the right to information with due  
12          regard to the full protection of the right to privacy of individuals.

13          **SEC. 3.** *Coverage.* – This Act covers all government agencies in the  
14          executive, legislative, and judicial branches including departments, bureaus,

1 offices, agencies and instrumentalities of the national government, Constitutional  
2 Commissions and constitutionally mandated bodies; local government units and all  
3 their agencies; regulatory agencies; chartered institutions; government-owned-or-  
4 controlled corporations including wholly-owned or controlled subsidiaries;  
5 government financial institutions; state universities and colleges; the Armed  
6 Forces of the Philippines and the Philippine National Police; all offices in the  
7 Congress of the Philippines, including the offices of Senators and Representatives;  
8 and the Supreme Court and all lower courts established by law.

9 **SEC. 4. *Definition of Terms.*** – As used in this Act:

10 a) *Dataset* refers to an organized collection of data or information in a variety  
11 of forms including tabular, geo-spatial or image data files;

12 b) *Freedom of Information (FOI) request* refers to a request made in  
13 accordance with the provisions of this Act;

14 c) *FOI Website* refers to the website with address [www.foi.gov.ph](http://www.foi.gov.ph) that shall  
15 serve as the government's comprehensive FOI website for all information on the  
16 FOI. It shall be the central resource for the public to: understand the FOI law,  
17 search data and records inventories of agencies, make a request for information  
18 that is not yet publicly available, track all FOI requests made by other citizens, and  
19 monitor agency performance in terms of FOI. The FOI website shall also be a  
20 platform for all government agencies to facilitate and address all FOI requests of  
21 the public;

22 d) *Information* refers to data that have been processed into a record,  
23 documents, paper, report, letter, contract, minutes and transcripts of official  
24 meetings, maps, books, photographs, and research material in whatever form, or  
25 films, audio and video recordings, magnetic or other tapes and electronic data, in  
26 whatever format, which are made, received, and under the control and custody of  
27 any government agency pursuant to law, executive order, rules and regulations,

1 ordinance, or are in its possession in connection with the performance of its  
2 official duty or transaction;

3 e) *Machine-readable* refers to formats that allow data to be extracted and  
4 processed by computer programs;

5 f) *Official record* refers to information generated or received by a public  
6 officer or employee or by a government agency in an official capacity or pursuant  
7 to a public function or duty, but does not include the current status of the  
8 information;

9 g) *Open Data Philippines Website (www.data.gov.ph)* refers to the official  
10 website containing all government data generated by agencies in the  
11 implementation of agency mandates, programs, activities, and projects. The  
12 website shall be the central repository of all searchable, understandable, and  
13 accessible government data;

14 h) *Open Format* refers to information that is platform-independent, machine-  
15 readable, and made available to the public without restrictions that impede its  
16 reuse;

17 i) *Personal Information* refers to any information, whether or not recorded in  
18 a material form, which reveals or describes the identity of an individual or from  
19 which such identity can be reasonably and directly ascertained by the entity  
20 handling the information, or when put together with other information, would  
21 directly and certainly identify an individual. It includes signatures, addresses,  
22 telephone numbers, identification numbers, names of family members, race or  
23 ethnicity, religion, health, education, sexual orientation, and other similar  
24 information;

25 j) *Public record* refers to information required by law, executive orders, rules,  
26 or regulations to be entered, kept, and made publicly available by a government  
27 agency; and

1 k) *Public service contractor* refers to a private entity, domestic or foreign, that  
2 transacts or deals with the government or government agency or office that utilizes  
3 public funds, to provide any form of service or goods for the official use of such  
4 government agency or office.

## 5 **II. DUTY TO DISCLOSE**

6 **SEC. 5. *Mandatory Disclosure of Information.*** – a) Constitutionally-  
7 Mandated Disclosure of Statement of Assets, Liabilities, and Net Worth (SALN) –  
8 Pursuant to the mandate of Section 17, Article XI of the Constitution, the  
9 following public officials and employees shall make their annual SALN  
10 declaration available and accessible in the official website of their respective  
11 offices:

- 12 1) President;
- 13 2) Vice-President;
- 14 3) Members of the Cabinet;
- 15 4) Members of Congress;
- 16 5) Justices of Supreme Court;
- 17 6) Members of Constitutional Commissions and other constitutional  
18 offices; and
- 19 7) Officers of the Armed Forces of the Philippines with general or  
20 flag rank.

21 b) Disclosure of information in agency websites – All agencies and  
22 branches of the government shall publish in their websites and update on a  
23 monthly basis the following information in full:

- 24 1) Freedom of Information Manual;
- 25 2) Rules of procedure, description of forms available, the places at  
26 which forms may be obtained, and instructions as to the scope and contents  
27 of all papers, reports, or examinations;

1                   3) Substantive rules of general applicability adopted as authorized  
2 by law, and statements of general policy or interpretations of general  
3 applicability formulated and adopted by the agency, including subsequent  
4 amendments;

5                   4) Public documents or records including;

- 6                   i)     Annual budget of government agencies;
- 7                   ii)    Itemized monthly collections and disbursement;
- 8                   iii)   Summary of income and expenditures;
- 9                   iv)    Annual procurement plan and procurement list;
- 10                  v)     Items for bidding;
- 11                  vi)    Bid results on civil works, and goods and services projects;
- 12                  vii)   Abstract of bids as calculated;
- 13                  viii)   Procurement contracts entered into by the government  
14                      agency;
- 15                  ix)    Construction or concession agreements or contracts  
16                      entered into by the government agency with any public  
17                      service contractor or domestic or foreign person or entity;
- 18                  x)     Private sector participation agreements or contracts in  
19                      infrastructure and development projects under Republic  
20                      Act No. 6957, otherwise known as *"An Act Authorizing the*  
21                      *Financing, Construction, Operation and Maintenance of*  
22                      *Infrastructure Projects by the Private Sector and for Other*  
23                      *Purposes"* as amended by Republic Act No. 7718,  
24                      otherwise known as the *"Build Operate and Transfer*  
25                      *Law,"* authorizing the financing, construction, operation,  
26                      and maintenance of infrastructure projects and such  
27                      amendatory law thereto;
- 28                  xi)    Public funding extended to any private entity;

- 1                   xii) Licenses, permits, or agreements granted by any  
2                   government agency for the extraction or utilization of  
3                   natural resources, as well as the list of persons or entities  
4                   who were granted the same;
- 5                   xiii) An updated plantilla of positions including unfilled  
6                   positions in the public office or agency, and the  
7                   qualifications and requirements for each unfilled position;
- 8                   xiv) Compromise agreements entered into by the government  
9                   agency with any person or entity;
- 10                  xv) Work programs, development plans, investment plans,  
11                  projects, performance targets, and accomplishments;
- 12                  xvi) Audited financial statements, annual budgets, revenue  
13                  allotments and expenditures;
- 14                  xvii) Guarantees given by any government agency to  
15                  government-owned or -controlled corporations and to  
16                  private corporations, persons or entities;
- 17                  xviii) Utilization of the Internal Revenue Allotment (IRA),  
18                  Special Education Fund, Local Disaster Risk Reduction  
19                  Management Fund, Local Development Fund, and other  
20                  local government unit (LGU) funds;
- 21                  xix) Bilateral or multilateral agreements and treaties in trade,  
22                  economic partnerships, investments, cooperation and  
23                  similar binding commitments; and
- 24                  xx) Loans from domestic and foreign financial institutions,  
25                  loans and grants for development assistance, technical  
26                  assistance, utilization of all form of donations for calamity-  
27                  stricken areas and programs entered into by a government

1 agency with official bilateral or multi-lateral agencies, as  
2 well as with private aid agencies or institutions.

3 All government agencies shall ensure that their websites comply with the  
4 provisions of this Act within two (2) years from its effectivity.

5 In case an agency lacks the capacity to comply with the website publication  
6 requirement of this section, the agency shall initiate a capacity-building program,  
7 coordinate with another appropriate agency, or use an alternative mechanism to  
8 facilitate substantive compliance not later than two (2) years from the effectivity of  
9 this Act.

10 **SEC. 6. *Promotion of Openness in Government – a) Duty to Publish***  
11 *Information* – Every government agency shall regularly publish, print, and  
12 disseminate in an accessible form through its website and at no cost to the public,  
13 the true, accurate, and updated key information including the following:

14 1) description of its mandate, structure, powers, functions, duties, and  
15 decision-making processes;

16 2) description of the frontline services it delivers and the procedure and  
17 length of time by which they may be availed of;

18 3) the names of its key officials, their powers, functions, and  
19 responsibilities, their profiles and curriculum vitae;

20 4) work programs, development plans, investment plans, projects,  
21 performance targets and accomplishments, budgets, revenue allotments,  
22 and expenditures;

23 5) important rules and regulations, orders, or decisions: *Provided*, That  
24 the same shall be published within fifteen (15) calendar days from  
25 promulgation;

26 6) datasets generated in the implementation of agency mandates,  
27 programs, activities, and projects such as statistics, figures, and geospatial  
28 data;

1           7) current and important database and statistics that the database  
2 generates;

3           8) bidding processes and requirements; and

4           9) mechanisms or procedures by which the public may participate in or  
5 otherwise influence the formulation of policy or the exercise of its powers.

6           b) *Accessibility of Language and Form* – Every government agency shall  
7 endeavor to translate key information into Filipino and the regional  
8 languages, and present them in popular form and means.

9           **SEC. 7. *Publication of Government Data in the Open Data Philippines***  
10 *Website.* – For purposes of enhancing the public's access to government  
11 information and abiding by the international commitments of the Philippines to  
12 transparency and government openness, all government agencies shall publish in  
13 the Open Data Philippines website, datasets generated in the implementation of  
14 agency mandates, programs, activities, and projects. These datasets shall be  
15 updated, whenever permissible, at least once in every quarter of every year, and  
16 shall be, whenever practicable, in a machine-readable and open format.

17           The Open Data Philippines website shall be maintained and administered by  
18 an Open Data Task Force under the Office of the President, or any such similar  
19 body designated by the President of the Philippines for this purpose.

### 20                           **III.                   THE RIGHT TO INFORMATION**

#### 21                                   **A. Access to Information**

22           **SEC. 8. *Access to Information*** – Every Filipino citizen has a right to and  
23 shall, upon request, be given access to any record under the control of a  
24 government agency. Government agencies and public officials have the duty to  
25 disclose and make available for scrutiny, copying, and reproduction in the manner  
26 provided by this Act, all information pertaining to official acts, transactions, or  
27 decisions as well as government research data used as a basis for policy

1 development, subject to the exceptions enumerated under Section 10 of this Act,  
2 regardless of the physical form or format in which they are contained and by  
3 whom they were made.

4 Except as provided in this Act, actions, transactions, or records of private  
5 individuals and public officials in their private capacity shall not be the subject of  
6 mandatory disclosure under this Act: *Provided*, That the SALN of public officials  
7 shall be released in accordance with Section 8 of Republic Act No. 6713,  
8 otherwise known as the "*Code of Conduct and Ethical Standards for Public*  
9 *Officials and Employees.*"

10 **SEC. 9. *Presumption in Favor of Access to Information.*** – There shall be  
11 a legal presumption in favor of access to information. The request for information  
12 may be denied only if it clearly falls under the exceptions provided under Section  
13 10 of this Act. Government agencies shall have the burden of proving that the  
14 information requested is exempted from disclosure.

15 **SEC. 10. *Exceptions.*** – Access to information shall be granted unless:

16 a) The information is specifically authorized to be kept secret under  
17 guidelines established by an executive order, and properly classified pursuant  
18 thereto: *Provided*, That,

19 1) the information directly relates to national security or defense and  
20 its revelation may cause grave damage to the national security or internal  
21 and external defense of the State; or

22 2) the information requested pertains to the foreign affairs of the  
23 Republic of the Philippines, and its revelation shall unduly weaken the  
24 negotiating position of the government in an ongoing bilateral or  
25 multilateral negotiation or seriously jeopardize the diplomatic relations of  
26 the Philippines with one or more States: *Provided*, That sufficient  
27 information is disclosed to afford reasonable public participation and  
28 government decision-making on bilateral and multilateral agreements:

1       *Provided, further,* That the executive order shall specify the reasonable  
2       period after which the information shall be automatically declassified or be  
3       subject to mandatory declassification review after six (6) years, and that  
4       any reasonable doubt as to classification and declassification shall be  
5       settled in favor of the right to information: *Provided, finally,* That all  
6       classified information contained in all government agency records that:  
7       (1) are more than twenty-five (25) years old, and (2) have been determined  
8       to have historical value shall be automatically declassified whether or not  
9       the records have been reviewed. Subsequently, all classified information in  
10      such records shall be automatically declassified no longer than twenty-five  
11      (25) years from the date of its original classification.

12      b) the information discloses investigatory records compiled for law  
13      enforcement purposes or information which are contained in such records, but only  
14      to the extent that the production of such records or information will:

15           1) reasonably be expected to interfere with enforcement proceedings;

16           2) deprive a person of the right to a fair trial or an impartial  
17      adjudication;

18           3) reasonably be expected to constitute an unwarranted invasion of  
19      privacy;

20           4) the information is furnished by a confidential source and in the case  
21      of a record compiled by a criminal law enforcement authority in the course  
22      of a criminal investigation, or by an agency conducting a lawful national  
23      security intelligence investigation, confidential information is furnished  
24      only by the confidential source;

25           5) unjustifiably disclose investigative or prosecutorial techniques and  
26      procedures; or

27           6) reasonably be expected to endanger the life or physical safety of any  
28      individual;

1           c) the information pertains to a testimony, report, document, or discussion  
2 obtained during an executive session of the Congress of the Philippines or any of  
3 its Committees;

4           d) the information pertains to the personal information of a natural person,  
5 whether from the public or the private sector, and its disclosure constitutes an  
6 unwarranted invasion of personal privacy, unless such information is specifically  
7 required by law to be entered into an official record and made available to the  
8 public, or the person has consented in writing to the disclosure of the information.  
9 To the extent required to prevent an unwarranted invasion of personal privacy, an  
10 agency may redact such information from a record made available to the public.  
11 The justification for the redaction shall be explained fully in writing, and the  
12 extent of such redaction shall be indicated on the portion of the record which is  
13 made available or published;

14           e) the information pertains to trade secrets, commercial or financial  
15 information, or intellectual property obtained from a natural or juridical person  
16 other than the requesting party, and the revelation thereof will seriously prejudice  
17 the interests of such natural or juridical person in trade, industrial, financial, or  
18 commercial competition;

19           f) the information is classified as privileged communications in legal  
20 proceedings by law or by the Rules of Court, unless the person entitled to the  
21 privilege has waived it;

22           g) the information is exempted from disclosure by the Constitution by  
23 law; and

24           h) when prematurely disclosed, the information would, in case of a  
25 government agency that regulates financial institutions and the financial markets  
26 that they deal in, such as commodities, interest rates, and security markets, likely  
27 lead to fraud, manipulation, or other unlawful acts or schemes involving financial  
28 instruments, or, in the case of other government agencies, likely impede the

1 effective implementation of a proposed official action; *Provided*, That the  
2 information shall be accessible once the anticipated danger has ceased.

3 For paragraphs (b) to (h) of this Section, the determination of whether any  
4 of these grounds apply shall be the responsibility of the head of office of the  
5 government agency in custody or control of the information, or any responsible  
6 central or field officer duly designated by the head of office: *Provided*, That with  
7 regard to collegial bodies, boards, commissions, or other courts, the chairperson or  
8 presiding officer or member is deemed the head of office for purposes of this  
9 provision.

10 **SEC. 11. *Qualifications to the Exceptions.*** – The exceptions in the  
11 preceding section shall be strictly construed and may not be invoked to cover up a  
12 crime, wrongdoing, graft, or corruption. Whenever the information covered by an  
13 exception may be reasonably severed from a record, the record shall be released  
14 with the exempt information redacted, or the information not covered by the  
15 exception shall otherwise be communicated to the requesting party.

16 The President, the Supreme Court, the Senate, the House of  
17 Representatives, and the Constitutional Commissions may waive an exception with  
18 respect to information in the custody of offices under their respective supervision  
19 or control, when they deem that there is an overriding public interest in disclosure.

20 **SEC. 12. *Exemption from Compliance.*** – The government agency shall be  
21 excused from complying with a subsequent identical or substantially similar  
22 request from the same requesting party where it has previously complied with a  
23 request for information unless a reasonable interval has lapsed between  
24 compliance with the previous request and the making of the current request, or  
25 unless the information has already been made available in the website: *Provided*,  
26 That the government agency, in denying the request, shall comply with Section 16  
27 of this Act.

1           **SEC. 13. *Additional Protection of Privacy.*** – While providing for access to  
2 information in public records, the right to privacy of individuals shall at all times  
3 be protected in the following manner:

4           a) A government agency shall ensure that personal information in its  
5 custody or under its control is disclosed only as permitted under this Act;

6           b) A government agency shall protect personal information in its custody  
7 or under its control by making reasonable security arrangements against such risks  
8 as unauthorized access, collection, use, disclosure, or disposal;

9           c) A director, officer or employee of a government agency who has access,  
10 whether authorized or unauthorized, to personal information in the custody of the  
11 agency, shall not disclose that information except as authorized under this Act.

#### 12                                   **B. Procedure of Access**

13           **SEC. 14. *Procedure of Access.*** – The following procedure shall govern the  
14 filing and processing of a request for access to information:

15           a) Any person who requests access to information shall submit an FOI  
16 request to the government office concerned. The request shall state the name and  
17 contact information of the requesting party, provide valid proof of the  
18 identification of the requesting party, reasonably describe the information  
19 requested and the reason for, or purpose of, the request for information: *Provided,*  
20 That no request shall be denied or refused acceptance unless the reason for the  
21 request is contrary to law or existing rules and regulations or the information  
22 requested is provided under Section 10 of this Act. The public official receiving  
23 the request shall provide reasonable assistance to enable all requesting parties,  
24 particularly those with special needs, to comply with the necessary requirements  
25 under this section;

26           b) The receiving government office shall indicate on the request the date  
27 and time of receipt, and the name, rank, title, and position of the receiving public  
28 officer or employee who shall correspondingly sign the request. A copy of the

1 request shall be furnished to the requesting party. Each government office shall  
2 establish a tracking system to monitor the status of all requests for information  
3 received by it;

4 c) Unless an earlier period is provided under existing laws, the  
5 government office shall respond to a request that is fully compliant with  
6 requirements of sub-section (a) hereof as soon as practicable, but not exceeding  
7 fifteen (15) working days from receipt of the request. The agency's response may  
8 either be to grant or deny access to the information requested; and

9 d) The period to respond may be extended whenever the information  
10 requested requires extensive search of the government office's records facilities,  
11 examination of voluminous records, the occurrence of fortuitous events or other  
12 analogous cases. The government office shall notify the person making the  
13 request of the extension, setting forth the reasons for such extension. In no case  
14 shall the extension go beyond twenty (20) working days unless exceptional  
15 circumstances warrant a longer period.

16 Once a decision is made to grant the request, the requesting party shall be  
17 notified of such decision and directed to pay a reasonable fee.

18 The same procedure applies when requesting through the FOI website,  
19 except that the requesting party shall file the FOI request at [www.foi.gov.ph](http://www.foi.gov.ph).

20 **SEC. 15. *Access and Processing Fees*** – Government offices shall not  
21 charge any fee for accepting requests for access to information. They may,  
22 however, charge a reasonable fee to reimburse necessary costs, including actual  
23 costs of reproduction and copying of the information requested, subject to existing  
24 rules and regulations. In no case shall the applicable fees be so onerous as to defeat  
25 the purpose of this Act.

26 **SEC. 16. *Notice of Denial***. – If the government office decides to deny the  
27 request in whole or in part, it shall as soon as practicable, and in any case within  
28 fifteen (15) working days from the receipt of the request, notify the requesting

1 party of the denial in writing. The notice shall clearly state the ground or grounds  
2 for denial and the circumstances on which the denial is based.

3 **SEC. 17. Remedies in Cases of Denial.** – a) *In all government agencies*  
4 *other than the Judicial Branch:*

5 1) The requesting party shall be informed in writing of the decision  
6 within fifteen (15) working days from the receipt of the request. Denial of  
7 any request for access to information may be appealed to the person or  
8 office next higher in authority following the procedure provided in the FOI  
9 Manual as required in Section 25, paragraph (h) of this Act: *Provided, That*  
10 *the written appeal must be filed by the same person making the request*  
11 *within fifteen (15) calendar days from the notice of denial, or from the*  
12 *lapse of the period to respond to the request;*

13 2) The appeal shall be decided by the person or office next higher in  
14 authority within thirty (30) working days from the filing of said written  
15 appeal. If the appeal is granted, the requested information shall be released  
16 within fifteen (15) working days to the requesting party from the date of the  
17 decision. Failure to decide within the period shall be deemed an approval  
18 and will always be considered in favor of access unless prohibited due to  
19 exceptions. Denial should also be in writing; and

20 3) Upon the denial of the appeal, the requesting party may file the  
21 appropriate case in the proper courts in accordance with the Rules of Court.

22 b) *In the Judicial Branch* – The Judiciary shall be governed by remedies as  
23 promulgated by the Supreme Court.

24 The remedies under this section shall be sought or granted without prejudice  
25 to any other administrative, civil, or criminal action covering the same act.

26 In case the requesting party has limited or no financial capacity, the Public  
27 Attorney's Office is mandated to provide legal assistance to the requesting party in  
28 availing the remedies provided under this Act.

#### IV.LIABILITIES AND PENALTIES

**SEC. 18. *Administrative Liability.*** – Depending on the gravity and repetition of the act, the following acts shall be tantamount to neglect of duty, refusal to perform official duty, or some other appropriate charge under existing rules of the Civil Service Commission, and shall constitute grounds for administrative and disciplinary sanction against any public official or employee:

a) refusal to promptly forward the FOI request, pursuant to Section 14 herein, to the public officer within the same office or agency responsible for officially acting on the request when such is the direct cause of the failure to disclose the information within the periods required under this Act;

b) failure to act on the request within periods required under this Act;

c) claim of an exception under Section 10 of this Act when the claim is manifestly devoid of factual or legal basis;

d) refusal to comply with the decision of an immediate supervisor or of any court ordering the release of information; and

e) approval of policies, rules and regulations manifestly contrary to the provisions of this Act, and which policies, rules and regulations are the direct cause of the denial of a request for information.

**SEC. 19. *Criminal Liability*** – a) The commission of the following acts by a public officer or employee shall be subject to the penalty of imprisonment of not less than one (1) month, but not more than six (6) months, with the accessory penalty of dismissal from the service:

(1) falsely denying or concealing the existence of information mandated for disclosure under this Act; and

(2) destroying, or causing to be destroyed, information or documents being requested under this Act for the purpose of frustrating the requesting party's access thereto.

1 (b) Any private individual who knowingly induces or causes the commission  
2 of the foregoing acts shall be liable as principal by inducement in the  
3 prosecution of public officials or employees under this section.

4 **SEC. 20.** *Denial in Good Faith Not a Ground for Liability.* – A denial in  
5 good faith of a request for access to information made pursuant to the provisions of  
6 this Act shall not constitute a ground for administrative or criminal liability.

7 **SEC. 21.** *Act Not a bar to Claim of Right to Information Under the*  
8 *Constitution.* – No provision of this Act shall be interpreted as a bar to any claim  
9 of the right to information under Article III, Section 7 of the 1987 Constitution.

## 10 **V. ADMINISTRATIVE DUTIES OF AGENCIES**

11 **SEC. 22.** *One-Stop Shop.* – Each government office is mandated to have a  
12 one-stop shop for the services made available by this Act.

13 **SEC. 23.** *Release to One, Release to All.* – For purposes of streamlining  
14 requests of information, an information that has been made available to an  
15 individual through a request for information shall also be published in an  
16 appropriate website such as the FOI website, the Open Data Philippines website,  
17 Official Gazette Online, departmental website, or local government website, thus  
18 allowing the public access to all information that has been requested.

19 **SEC. 24.** *Tracking of Requests for Information.* – Websites of government  
20 agencies shall contain a matrix of requests made, their status, and the decision  
21 regarding the request. The matrix shall also contain links to uploaded information  
22 from approved requests. In such cases where requests are denied, the matrix shall  
23 contain the reasons for denial and the status of the appeal of such is made.

24 **SEC. 25.** *Freedom of Information Manual.* – For the effective  
25 implementation of this Act, all government agencies shall prepare an FOI Manual,  
26 setting forth of the following:

1           a) the location and contact information of the central, regional, provincial  
2 and field office of the agency, and such other established place where the public  
3 can obtain information or submit requests;

4           b) the types of information it generates, holds, or publishes;

5           c) a description of its record-keeping system;

6           d) the person or office responsible for receiving requests for information;

7           e) the procedure for the filing of requests personally, by mail or through  
8 the identified electronic means;

9           f) the standard forms for the submission of requests and for the proper  
10 acknowledgement of requests;

11           g) the process for the disposition of requests, including the routing of  
12 requests to the persons or offices with the duty to act on the same and the  
13 decision-making processes for the grant or denial of requests;

14           h) the procedure for the administrative appeal of any denial for access to  
15 information;

16           i) the schedule of service or processing fees pertinent to requests for  
17 information;

18           j) the process and procedure for the mandatory disclosure of information  
19 under Section 6 of this Act: *Provided*, That, should the agency lack the capacity to  
20 comply with Section 6 of this Act, a brief description of its plan to facilitate  
21 compliance within three (3) years from the approval of this Act; and

22           k) such other information that will help facilitate the effective  
23 implementation of this Act, taking into consideration the unique characteristics of  
24 the agency.

25           The FOI Manual shall also be posted in the agency website and a hard copy  
26 shall be available at the agency reception area for use by the public.

1 In no case, however, shall the absence of the aforementioned FOI Manual  
2 be a reason for the denial of any request for information made in accordance with this  
3 Act.

4 The head of the departments and agencies may designate liaison units or  
5 committees which shall coordinate with the other units of the agency in implementing  
6 this Act. The composition, functions, and duties of these liaison units or committees  
7 shall be included in the FOI Manual.

8 **SEC. 26. *Records Management.*** – Subject to existing laws, rules, and  
9 regulations, government offices shall create and maintain an accurate and complete  
10 record of important information in appropriate formats, and implement a records  
11 management system that facilitates easy identification, retrieval and  
12 communication of information to the public.

13 **SEC. 27. *Annual Reports on Actions Taken on Requests for Access to***  
14 ***Information.*** – All government agencies shall prepare, for each fiscal year, a report  
15 on the number of requests for information received, processed, granted and denied;  
16 of appeals made from denials of such requests; and of pending court actions they  
17 are a party to as a result of such requests. These reports may be integrated in the  
18 main annual reports of government agencies and may be posted and published in  
19 their respective websites.

## 20 VI.MISCELLANEOUS PROVISIONS

21 **SEC. 28. *Capacity-Building and Roles of the Department of Information***  
22 ***and Communications Technology (DICT).*** – Every government agency shall  
23 ensure the provision of adequate training for its officials and employees to improve  
24 awareness of the people's right to information on matters of public concern and the  
25 provisions of this Act. Similarly, every government agency shall endeavor to study  
26 and adopt best practices in relation to information disclosure, records maintenance,  
27 and archiving.

1           The DICT shall monitor all government agency websites for compliance  
2 with Section 5 of this Act and render the appropriate technical support to  
3 government agencies to enable their compliance.

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

8           The DICT shall set the standards for the file formats and the system of  
9 archival and preservation of information to be used by all government agencies in  
10 the implementation of this Act.

11           **SEC. 29.** *Integration of Freedom of Information and Good Governance in*  
12 *Elementary and Secondary Curricula.* – To ensure well-informed generations of  
13 citizens, the right to information, the principles of accountability and transparency,  
14 democracy and leadership, and good governance shall be integrated in such  
15 subjects as "Heyograpiya, Kasaysayan at Sibika (HEKASI)" and "Araling  
16 Panlipunan" in the elementary level and in such subjects as Social Studies and  
17 "Makabayan" or its equivalent subjects in the high school level. The Department  
18 of Education, in coordination with the Civil Service Commission and other  
19 relevant offices, shall prepare the necessary modules and teaching programs  
20 consistent with the objectives of this Act.

21           **SEC. 30.** *Congressional Oversight Committee.* – There is hereby created a  
22 Congressional Oversight Committee which shall be composed of six (6) members  
23 from the Senate and six (6) members from the House of Representatives with the  
24 Chairpersons of the Committee on Public Information and Media of the Senate and  
25 the Committee on Public Information of the House of Representatives as joint  
26 Chairpersons of this Committee. The five (5) other members from each chamber  
27 are to be designated by the Senate President and the Speaker of the House of

1 Representatives, respectively. The minority shall be entitled to *pro rata*  
2 representation but shall have at least two (2) representatives from each chamber.

3 **SEC. 31. Appropriations.** – The amount necessary to carry out the  
4 provisions of this Act shall be charged against the agencies' current budget and  
5 shall thereafter be included in the annual General Appropriations Act.

6 **SEC. 32. Separability Clause.** – If any provision or part of this Act is held  
7 unconstitutional, the remainder of this Act or any provisions not affected thereby  
8 shall remain in full force and effect.

9 **SEC. 33. Repealing Clause.** – Section 3, Rule IV of the Rules  
10 Implementing Republic Act No. 6713, otherwise known as the "*Code of Conduct*  
11 *and Ethical Standards for Public Officials and Employees*," is hereby repealed.  
12 Memorandum Circular No. 78, dated 14 August 1964, otherwise known as  
13 "*Promulgating Rules Governing Security of Classified Matter in Government*  
14 *Offices*" shall be deemed amended one (1) year after the effectivity of this Act. All  
15 other laws, decrees, executive orders, rules and regulations, issuances,  
16 memorandum circulars or any part thereof inconsistent with the provisions of this  
17 Act are hereby repealed or amended accordingly.

18 **SEC. 34. Effectivity.** - This Act shall take effect fifteen (15) days after its  
19 publication in the *Official Gazette* or in a national newspaper of general  
20 circulation.

*Approved,*