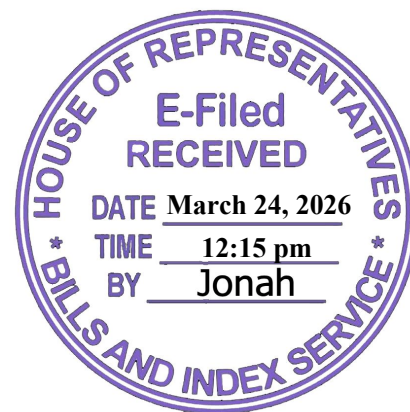


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8744**



Introduced by **REP. NATHANIEL “Atty. Nat” M. ODUCAO**

EXPLANATORY NOTE

The Constitution of the Republic of the Philippines recognizes the right of the people to information on matters of public concern and mandates full public disclosure and honesty in the public service. The proposed “People’s Freedom of Information Act” seeks to operationalize these constitutional principles by establishing a comprehensive framework that guarantees access to government records, promotes transparency, and strengthens public accountability.

This Act affirms that every Filipino citizen has the right to request and obtain information from government agencies, regardless of the form in which such information is held, subject only to specific and clearly defined exceptions. It provides for a presumption in favor of disclosure and ensures that agencies bear the burden of proving any claim for exemption from public access. Mandatory disclosure requirements, including the publication of official records, budgets, contracts, agreements, and statements of assets of public officials, are designed to foster open governance and empower citizens to participate meaningfully in public decision-making.

In order to safeguard the rights of individuals, the Act balances transparency with the protection of personal and sensitive information, in accordance with the Data Privacy Act of 2012. It also establishes clear procedures for requesting information, including accessible and reasonable processes for filing, processing, and appealing requests, with provisions for fee waivers and support for indigent or disadvantaged requesters.

To ensure effective implementation, the Act mandates the creation of Freedom of Information Manuals by all government agencies, capacity-building initiatives, website compliance, and the use of plain language in public communications. It also sets forth administrative and criminal penalties for willful non-compliance, false denial, or destruction of information, while providing that good-faith denials are not liable.

Finally, the Act institutionalizes the integration of Freedom of Information and good governance principles into the basic education curriculum, thereby fostering a culture of transparency, accountability, and civic engagement among future generations. In sum, this measure strengthens democratic governance, reinforces the rule of law, and empowers citizens by granting them meaningful access to information necessary for informed participation in public life.

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

A handwritten signature in black ink, appearing to read 'N. Oducado', with a small blue circular stamp or mark near the end of the signature.

REP. NATHANIEL “ATTY. NAT” M. ODOCADO
1Tahanan Party List

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TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **8744**

Introduced by **REP. NATHANIEL “ATTY. NAT” M. ODUCAO**

**AN ACT IMPLEMENTING THE PEOPLE’S RIGHT TO INFORMATION AND THE
CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY
IN THE PUBLIC SERVICE, AND FOR OTHER PURPOSES**

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

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

3 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to ensure
4 public access to information on matters of public concern and to adopt and implement a policy of
5 full public disclosure of all transactions involving public interest, in accordance with the procedures
6 and limitations provided by this Act. The State likewise affirms its commitment to promote
7 meaningful and increased public participation in government decision-making and accountability.
8 Public officials and employees, in the performance of their duties under this Act, as well as citizens
9 exercising their rights under this Act, shall handle information lawfully, fairly, and with due regard
10 for the protection of individuals’ right to privacy.

11 **SEC. 3. *Definition of Terms.*** — As used in this Act:

12 a) *Information* shall mean any public and/or official record, document, paper,
13 report, letters, contract, minutes and transcripts of official meetings, maps, books,
14 photographs, data, research material, film, audio and video recordings,
15 magnetic or other tapes, electronic data, computer stored data, or archived in
16 whatever form or format, which are made, received or kept in or under the control
17 and custody of any government agency pursuant to law, executive order, rules and
18 regulations, ordinance or in connection with the performance or transaction of
19 official business by any government agency;

20 b) *Official record/records* shall refer to information, in final form produced or
21 received by a public officer or employee, or a government agency in an official
22 capacity or pursuant to a public function or duty;

23 c) *Public record/records* shall include information required by law, executive
24 orders, rules or regulations to be entered, kept and made publicly available by a
25 government agency;

1 d) *Public Service Contractor* shall be defined as a private entity that has a dealing,
2 contract or transaction of whatever nature with the government or a government
3 agency/ office that utilizes public funds;

4 e) *Personal information* shall refer to any information whether recorded in a
5 material form or not from which the identity of an individual is apparent or can be
6 reasonably and directly ascertained by the entity holding the information or when
7 put together with other information would directly and certainly identify an
8 individual;

9 f) *Sensitive personal information* shall refer to personal information:

- 10 1. about an individual's race, ethnic origin, marital status, age, color and
11 religious, philosophical or political affiliations;
- 12 2. about an individual's health, education, genetic or sexual life of a person or
13 to any proceedings for any offense committed or alleged to have been
14 committed by such person, the disposal of such proceedings, or the sentence
15 of any court;
- 16 3. issued by government agencies peculiar to an individual which includes,
17 but not limited to, social security numbers, previous or current health
18 records, licenses or its denials, suspension or revocation and tax returns;
19 and
- 20 4. specifically established by an executive order or an act of Congress to be
21 kept classified.

22 g) *Personal data* refers to any and all forms of data, which, under the Rules of
23 Court and other pertinent laws constitute privileged communication.

24 **SEC. 4. Coverage.** - This Act shall cover all government agencies which shall include the
25 executive, legislative and judicial branches as well as the constitutional bodies of the Republic of
26 the Philippines, including but not limited to, the national government and all its agencies,
27 departments, bureaus, offices and instrumentalities, constitutional commissions and constitutionally
28 mandated bodies, local governments anti all their agencies regulatory agencies, chartered
29 institutions, government-owned-or-controlled corporations (GOCCs), including government
30 financial institutions (GFIs), government instrumentalities with corporate powers (GICP),
31 government corporate entities (GCE), and non-chartered GOCCs, and state universities and colleges.

32 **SEC.5. Access to Information.** - Every Filipino citizen has a right to and shall, on request,
33 be given access to any information of public concern under the control of a government agency
34 regardless of the physical form or format in which they are contained subject only to the exceptions
35 enumerated in Section 7 of this Act.

36
37 **SEC.6. Presumption.** - There shall be a legal presumption in favor of access to information.
38 No request for information shall be denied unless it clearly falls under the exceptions provided under
39 this Act. Accordingly, government agencies shall have the burden of proof of showing by clear and
40 convincing evidence that the information requested is exempted from the disclosure by this Act.

41 **SEC. 7. Exceptions.** - Access to information shall be granted unless:

42 (a) The information is specifically authorized to be kept confidential under
43 guidelines established by an Executive Order, and in fact properly classified pursuant thereto:
44 Provided, That

- 45 1) The information directly
46 relates to national security or defense and its revelation may cause damage to the
47 national security or internal and external defense of the State;

1 2) The information requested
2 pertains to the foreign affairs of the Republic of the Philippines, when its
3 revelation shall unduly weaken the negotiating position of the government in an
4 ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic
5 relations of the Philippines with any State, or prejudice the entrusting of
6 information to the Republic of the Philippines on a basis of confidence by the
7 government of any other country or any international organization: Provided, That
8 sufficient information is disclosed to afford reasonable public participation in
9 government decision-making on bilateral and multilateral agreements: Provided,
10 further: That the head of the department or agency having custody or possession
11 of such information shall keep under continuing review all classified information
12 in his custody and may direct the declassification review of such review as needed.
13 Declassification of information shall be subject to the approval of the President.

14 (b) The information consists
15 of minutes or records of advice given or of options expressed during decision
16 expressed during decision making or policy formulation including
17 exchanges when the Chief Executive was not present, if invoked by the Chief
18 Executive to be part of presidential communications privilege. Whenever
19 disclosure would significantly undermine the free and frank provision of advice
20 or exchange of views: Provided, That an executive order shall be issued specifying
21 the reasonable period after which information invoked to be privileged under this
22 paragraph shall be made accessible to the public.

23 (c) The information requested
24 pertains to internal auditor and/or eternal defense, law enforcement, and border
25 control, when the disclosure thereof may:

26 1) Compromise or interfere
27 with any legitimate military or law enforcement operation; or

28 2) Compromise or interfere
29 with the legitimate prevention, detection or suppression of criminal activity, or
30 the legitimate implementation of immigration controls and border security; or

31 3) Lead to the disclosure of
32 the identity of a confidential source, including a government, or foreign agency
33 or authority or any private institution which furnished information compiled by
34 law enforcement authority in the course of an investigation or by an agency
35 conducting a lawful national security intelligence investigation or by an agency
36 conducting a lawful national security intelligence investigation, information
37 furnished by a confidential source; or

38 4) Disclose legitimate
39 techniques and procedures for law enforcement investigations or prosecutions, or
40 would disclose legitimate guidelines for law enforcement investigations or
41 prosecutions if such disclosure could reasonably be expected to risk
42 circumvention of the law; or

43 5) Endanger the life or
44 physical safety of any individual; or

45 6) Deprive a person of a
46 right to a fair trial and impartial adjudication.

47 (d) The information requested
48 pertains to matters of human security, such as, but not limited to, food, health,

1 money and trade: Provided, That such disclosure or premature disclosure will
2 imperil our well-being or degrade to the quality of life of our people by causing
3 unnecessary panic and conflict and threatening to limit the range of policy choices
4 available to the concerned implementing and regulating agencies: Provided,
5 further, That this exception shall apply only until such time that the confidentiality
6 requirement of the action plan of said agency is no longer.

7 (e) The information requested
8 pertains to the assistance of government to overseas Filipino workers, including,
9 but not limited to their cases and records on criminal and family cases; and
10 information that could compromise or weaken their case or position in any legal
11 proceeding;

12 (f) The information requested
13 involve records of foreign diplomats on diplomatic and consular missions, their
14 arrival and departure, and other information that could compromise their safety or
15 that such information is considered confidential by the Vienna Convention on
16 Diplomatic Relations and the Vienna Convention on Consular Relations;

17 (g) The information requested
18 are exempted under a treaty or bilateral agreement to which the Philippines is a
19 party;

20 (h) The information requested
21 consists of drafts or orders, resolutions, decisions, memoranda or audit reports by
22 any executive, administrative, regulatory, constitutional, judicial or quasi-judicial
23 body in the exercise of their regulatory, audit and adjudicatory function. The
24 revelation of which would impair the impartiality of verdicts or otherwise obstruct
25 the administration of justice.

26 (i) The information requested
27 or obtained by either House of Congress, or any Committee thereof, in executive
28 session;

29 (j) The information requested
30 pertains to the personal and sensitive information of a natural person other than
31 the requesting party, and its disclosure would constitute an unwarranted invasion
32 of his or her personal privacy, unless it forms part of a public record, and the
33 person is or was an official or employee of a government agency and the
34 information relates to his public function and the person has consented, in writing,
35 to the disclosure of the information. To the extent required to prevent an
36 unwarranted invasion of to privacy, an agency may redact such personal data from
37 a record made available to the public;

38 (k) The information requested
39 forms part of a public record but its disclosure would expose the people concerned
40 to acts of discrimination, unless such information is first redacted by the
41 concerned government agency;

42 (l) The information requested pertains to trade secrets and commercial or financial
43 information obtained from natural or juridical person other than the requesting
44 party, obtained in confidence or covered by privileged communication, and/or filed
45 with a government agency, whenever the revelation thereof would prejudice the
46 interests of such natural or juridical person in trade, industrial, financial or
47 commercial competition. This includes information protected under the Anti-
48 Money Laundering Law, as amended, and the bank secrecy laws.

1 (m) The information is
2 required to be kept confidential by law or consists of privileged information unless
3 the person entitled to the privilege has waived it;

4 (n) The information requested
5 is exempted from disclosure by Constitution or by law.

6 (o) The information is of a
7 nature that its premature disclosure would:

8 1) In the case of an agency
9 that regulates or deals with currencies, interest rates, securities, commodities, or
10 financial institutions, be likely to lead speculations in currencies, interest rates,
11 securities or commodities

12 market, or

13 2) In the case of other
14 agencies, be likely to frustrate the effective implementation of a proposed official
15 action: Provided, That the information shall be disclosed once the aforementioned
16 dangers have ceased.

17 (p) The information has already been made accessible as provided in Sections
18 8(a), 9, 11 and 14 of this Act.

19 (q) The information requested
20 pertains to information about the ongoing evaluation or review of bids or
21 proposals undertaken by the bidding or review committee prior to an official
22 recommendation by the government. For paragraphs (c) to (q) of this section, the
23 determination whether any of these grounds shall apply shall be the responsibility
24 of the head of office of the government agency in custody or control of the
25 information, or any responsible central or field officer/s duly designated by him:
26 Provided,

27 That:

28 1) The exceptions are
29 strictly construed;

30 2) The exceptions are not
31 used to cover-up a crime, or any unlawful activity;

32 3) The President, the
33 Supreme Court, the Senate, the House of Representatives, and the
34 Constitutional Commissions with a majority vote of the body in accordance with
35 their own rules of procedure when applicable may waive an exception with
36 respect to information in the custody of offices under their respective supervision
37 or control, when they deem that there is an overriding public interest in disclosure;

38 4) The exceptions do not
39 constitute authority to withhold information from or limit the availability of
40 records to Congress, or any of its committees;

41 5) The exceptions do not
42 constitute an authority of the executive branch of a local government unit to
43 withhold information from its legislative body;

44 6) Whenever the
45 information requested is part of a record, whose other parts are covered by an
46 exception, but may be reasonably severed from a record, the responding official

1 shall communicate the information not covered by the exception to the requester;
2 and

3 7) The exceptions set forth
4 in this Section may be overcome if the requester is able to prove before a court of
5 competent jurisdiction that the public interest in the disclosure of information
6 outweighs the public interest in keeping the information secret or confidential; All
7 exempted information under this Section shall be mandatorily reviewed after
8 every three (3) years by the head of office or agency in custody or control of the
9 information for reclassification and possible disclosure. Provided, That such
10 information to be disclosed by an agency under the executive branch shall be
11 subject to the approval of the President.

12 **SEC.8. Mandatory Disclosure of Information.** – Provides for the mandatory public
13 disclosure of SALNs of key national officials and the regular publication of government
14 financial, procurement, and contractual records to ensure transparency and accountability,
15 as follows:

16 a) In fulfillment of Art, XI, Section 17 of the Constitution, the following national
17 officials shall disclose to the public their Statement of Assets, Liabilities, and
18 Net Worth (SALN) on an annual basis in their official website:

19 1) President;

20 2) Vice-President;

21 3) Members of the Cabinet;

22 4) Members of Congress;

23 5) Justices of Supreme Court;

24 6) Members of Constitutional Commissions and other constitutional offices;

25 7) Officers of the Armed Forces with general or flag rank.

26 b) All agencies of all branches of government shall upload on their websites, which
27 shall be updated monthly, a register of the following public interest transactions, documents or
28 records, including:

29 1) Annual Budget of Government Agencies;

30 2) Itemized Monthly Collections and Disbursement;

31 3) Summary of Income and Expenditures;

32 4) Component of the IRA Utilization;

33 5) Annual Procurement Plan and Procurement List;

34 6) An updated plantilla of positions and vacant positions with
35 qualifications/requirements in their organizations that need to be filled up;

36 7) Items to Bid;

37 8) Bid Results on Civil Works, and Goods and Services;

38 9) Abstract of Bids As Calculated;

39 10) Procurement contracts entered into by a government agency;

40 11) Construction of concession agreements or contracts entered into by a
41 government agency with any domestic or foreign person or entity;

- 1 12) Private sector participation agreements or contracts in infrastructure and
2 development projects under Republic Act No. 6957, as amended by Republic Act
3 No. 7718, authorizing the financing, construction, operation and maintenance of
4 infrastructure projects;
5 13) Public funding extended to any private entity;
6 14) Bilateral or multilateral agreements and treaties in trade, economic partnership,
7 investments, cooperation and similar binding commitments;
8 15) Licenses, permits or agreements granted by any government agency to any
9 person or entity for the extraction and/or utilization of natural resources and a list
10 of the grantees;
11 16) Guarantees given by any government agency to government-owned or
12 controlled corporations and to private corporations, persons or entities;
13 17) Loans from domestic and foreign financial institutions;
14 18) Loans, grants, development assistance, technical assistance, and programs
15 entered into by government agency with official bilateral or multilateral agencies,
16 as well as with private aid agencies or institutions; and
17 19) Compromise agreements entered into by a government agency with any person
18 or entity. The register shall contain a brief description of the transaction involved
19 including, but not limited to, the nature and object of the transaction, the parties,
20 and amounts involved, the key steps undertaken towards its conclusion, and the
21 relevant dates provided that contracts and agreements involving an amount of at
22 least Fifty Million Pesos (Php50,000,000.00) shall be uploaded in full on the
23 website of the concerned government agency or the Official Gazette online. A
24 covered record shall be enrolled in the register not later than thirty (30) working
25 days from the perfection or issuance.

26 **SEC. 9. Openness and Transparency in Government Agencies.** – Each government
27 agency shall make available upon the request of any citizen at no cost and in an accessible form,
28 consistent with the provisions of Republic Act No. 9485, or the Anti-Red Tape Act of 2007, and
29 through their website, timely, true, accurate and updated key information including, but not limited
30 to:

- 31 1) A description of its mandate, structure, powers, functions, duties and decision-
32 making processes;
33 2) A description of the frontline services it delivers and the procedure and length
34 of time by which they may be availed of;
35 3) The names of its key officials, their powers, functions, and responsibilities, and
36 their profiles;
37 4) Audited financial statements, and budget and expenditure records;
38 5) Statement of assets, liabilities and net worth of all public officials with Salary
39 Grade and above or heads of office;
40 6) Monthly income including allowances and sources of income of all public
41 officials with Salary Grade 27 and heads of office, provided that names of
42 minor children, if any, may be redacted;
43 7) Work programs, development plans, projects, performance targets and
44 accomplishments, and budgets, revenue allotments and expenditures;

- 8) Important rules and regulations, orders or decisions: Provided, That they be published within fifteen (15) calendar days from promulgation;
- 9) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations;
- 10) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency, including subsequent amendments;
- 11) Current and important database and statistics that it generates;
- 12) Bidding processes, deadlines and requirements; and
- 13) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers;
- 14) Any disclaimer that shall announce true and correct information relative to a matter of public concern that has been the subject of untruthful or inaccurate publication in media. All government agencies shall over time endeavor and build the capacity and practice to upload in full all other contracts, agreements or treaties covered under this section, in particular those that are of the highest public interest by reason of the amounts involved and the impact of the transaction to the public.

SEC.10. *Protection of Privacy.* - While providing for access to information in public records, this Act also affords full protection of the right to privacy of individuals, as follows:

- a) Disclosure of public records involving personal data shall be guided by the principle of transparency, legitimate purpose, and proportionally;
- b) A government agency must ensure that personal data in its custody or under its control is disclosed only as permitted under this Act;
- c) A government agency must protect personal data in its custody or under its control in accordance with the provisions of the Data Privacy Act of 2012, its implementing rules and regulations, and issuances by the National Privacy Commission;
- d) An employee, officer or official of a government agency who has access, whether authorized or unauthorized, to personal data in the custody of the agency, has the duty to keep the personal data confidential except as authorized under this Act.

SEC. 11. *Freedom of Information Manual.* — Prescribes the preparation and contents of a Freedom of Information Manual by all government agencies to ensure clear procedures, accessibility of information, and effective implementation of this Act, as follows:

- a) For the effective implementation of this Act, all government agencies shall prepare a Freedom of Information Manual, within six (6) months from the effectivity of this Act indicating the following:
 - 1) The location and contact information of the head, regional, provincial and field offices, and other established places where the public can obtain government information or submit requests; obtain government information or submit requests;
 - 2) The types of information it generates, produces, holds and/or publishes;
 - 3) A description of its record-keeping system;

- 4) The person or office responsible for receiving requests for information;
- 5) The procedure for the filing of requests personally, by mail, or through the identified electronic means;
- 6) The standard forms for the submission of request and for the proper acknowledgment of the request;
- 7) The process for the disposition of the request, including the routing of the request to the person or office with the duty to act on the request, the decision making process, and the grant or denial of access and its implementation;
- 8) The procedure for the administrative appeal of any denial for access to information;
- 9) The schedule of fees;
- 10) The process and procedure for the mandatory disclosure of information under Section 8 of this Act. Provided, That should the agency lack the capacity to fully comply therewith, a brief description of its plan to facilitate compliance within three (3) years from the approval of this Act;
- 11) Such other information, taking into consideration the unique characteristics of an agency, that will help facilitate the effective implementation of this Act;
- 12) The foregoing information shall also be posted in its website and bulletin boards, and shall be regularly updated;
- 13) In no case shall the absence of the aforementioned Manual be a reason for the denial of any request for information made in accordance with this Act; and
- 14) The heads of each of the departments and agencies may designate liaison units or Committees who shall coordinate with the other units of the agency in implementing this Act. The composition, functions and duties of these liaison units or Committees shall be included in the FOI Manual.

SEC. 12. Procedure of Access. — This procedure for submitting, receiving, and processing requests for access to information shall be as follows:

- a) Any person who wishes to obtain information shall submit, free of charge, a request to the government agency concerned personally, by mail, or through electronic means. A person who is unable to make a written request for information, because of illiteracy or disability, may make an oral request, and the public official who receives the oral request shall reduce it to writing, and include his name and position within the government agency, and give a copy thereof to the requesting party. The request shall state the name and preferred contact information required, the reason for the request of the information and the preferred means by which the government agency shall communicate such information to the requesting party: Provided, That the stated reason shall not be used as a ground to deny the request or to refuse the acceptance of the request, unless such reason is contrary to law, public order or public policy. If the request is submitted personally, the requesting party shall show his current identification card issued by any government agency or government or private employer or school, or a community tax certificate. If the request is submitted by mail or through electronic means, the requesting party may submit a photostatic or electronically scanned copy of verifiable identification, or other

1 convenient means as determined by the agency.

- 2 b) The public official receiving the request shall provide reasonable assistance,
3 free of charge, to enable all requesters and particularly those with special needs,
4 to comply with the request requirements under this section.
- 5 c) The request shall be stamped by the government agency, indicating the date
6 and time of receipt and the name, rank, title and position of the receiving public
7 official or employee with the corresponding signature, and a copy thereof
8 furnished to the requesting party. In case the request is submitted by electronic
9 means, the government agency shall provide for an equivalent means by which
10 the requirements of this paragraph shall be met. Each government agency shall
11 establish a system to trace the status of all requests for information received by
12 it.
- 13 d) The request may indicate the requesting party's preferred mode and means of
14 receiving the information requested, provided that the mode and means of
15 receiving are reasonable and, taking into consideration equipment normally
16 available to the concerned government agency.
- 17 e) A government agency may communicate the information requested in a form
18 other than the preferred means whenever the agency has no capability in
19 communicating the information in the preferred format, or such preferred
20 means would unreasonably interfere with the effective operation of the agency
21 or be detrimental to the preservation of the record.
- 22 f) The government agency shall comply with such request as soon as practicable,
23 and in any case within fifteen (15) working days from the receipt thereof. The
24 period may be extended whenever the information requested requires a search
25 of the government agency's field or satellite offices, examination of
26 voluminous records, the occurrence of fortuitous events or other analogous
27 cases.
- 28 g) The government agency shall, in writing or through electronic means, notify
29 the person making the request of the extension, setting forth the reasons for
30 such extension and the date when the information shall be made available,
31 which in no case shall result in an extension of more than twenty (20) working
32 days.
- 33 h) Once a decision is made to grant the request, the person making the request
34 shall be notified of such and shall pay the required access and processing fees.
35 If the information is not held by the government agency to which the request
36 was made, it shall notify the requester that it does not hold the information, and
37 indicate to the requester which agency holds the record, if known. Whenever
38 practicable, the agency receiving the request may also cause the transfer of
39 the request to the appropriate agency that holds the information. Provided, That
40 the period to comply with the request under this section shall begin to run only
41 upon the receipt of the agency to which the request is transferred.

42 **SEC. 13. Access and Processing fees.** - Government agencies may charge a reasonable
43 fee which shall in no case exceed the actual cost of reproduction, copying or transcription and the
44 communication of the information requested. An agency may waive the fees whenever it is satisfied
45 that the requester is an indigent, or that the cost of reproduction is negligible, or that it is pursuant
46 to a program for proactive disclosure.

47 **SEC. 14. Exemption from Compliance.** - A government agency is excused from
48 complying with a subsequent identical or substantially similar request from the same requesting

1 party if both requests will require the agency to provide the same information to the requesting
2 party, unless a reasonable interval has lapsed between compliance with the previous request and
3 the making of the current request. Provided, That the government agency complies with Section 15
4 of this Act.

5 **SEC.15. Notice of Denial** - If the government agency decides to deny the request, in whole
6 or in part, it shall, as soon as practicable, and in any case within fifteen (15) calendar days from the
7 receipt of the request, notify the person making the request of such denial in writing or through
8 electronic means. The notice shall clearly set forth the ground or grounds for denial and the
9 circumstances on which the denial is based, and indicate available rights of reconsideration or
10 appeal. Failure to notify the person making the request of the denial, or of the extension, shall be
11 deemed a denial of the request for access to information.

12 **SEC. 16. Remedies in Cases of Denial Request for Information.** — Provides for the
13 available remedies and procedures in cases of denial of requests for information, including appeals,
14 judicial recourse, and legal assistance, as follows:

15 a) In all government agencies other than the judicial branch:

16 1) Every denial of any request for access to information may be appealed to the
17 person or office next higher in authority of the same agency.

18 b) In the Judicial branch, the judiciary shall be governed by such remedies as
19 promulgated by the Supreme Court.

20 c) The remedies provided in this section are without prejudice to any other
21 administrative, civil or criminal action covering the same act.

22 d) The remedies available under this Act shall be cumulative and subject to the rule
23 of exhaustion of administrative remedies. The provisions of Republic Act No. 9285,
24 otherwise known as the Alternative Dispute Resolution Act of 2004, shall not apply
25 to cases filed pursuant to this section.

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

29 **SEC.17. Keeping of Records** – Government agencies shall establish and maintain official
30 records, including their creation, classification, retention, and publication, in accordance with the
31 following provisions, as follows:

32 a) Government agencies shall create and/or maintain in appropriate formats,
33 accurate and reasonably complete documentation or records of their
34 organization, policies, transactions, decisions, resolutions, enactments,
35 actions, procedures, operations, activities, communications and documents
36 received or filed with them and the data generated or collected. These shall
37 include working files such as drafts or noted, whenever these have been
38 circulated within the agency for official purpose such as for discussion,
39 comment or approval or when these contain unique information that can
40 substantially contribute to a proper understanding of
41 the agency organization
42 policies, transactions, decisions, resolutions, enactments, actions,
43 procedures, operations, and activities. This likewise include information
44 submitted by public service contractors to the government agency concerned
45 such as receipts, identities of the suppliers, purchase orders, cash vouchers,
46 related agreements with other private entities, and other documents related to
47 the execution or the implementation of their transactions or contracts with the
48 government agency involved.

- 1 b) Government agencies shall identify specific and classes of official records in
2 their custody or control that have continuing historical, administrative,
3 international, legal, evidentiary or research value for preservation by such
4 agencies or their legitimate successors, or for transfer to the National Archives
5 of the Philippines. In addition, the National Archives of the Philippines shall
6 likewise identify specific and classes of official records that it shall require
7 agencies to preserve and transfer to it.
- 8 c) In addition to the specific and classes of official records identified for
9 preservation under letter (b) of this section, the following shall not be
10 destroyed:
- 11 1) Records pertaining to loans obtained or guaranteed by the government;
12 2) Records of government contracts;
13 3) The declaration under oath of the assets, liabilities and net worth of public
14 officers and employees, as required by law, and
15 4) Records of official investigations pertaining to allegations of graft and
16 corruption of public officers
- 17 d) Government agencies shall prepare, following standards and period promulgated
18 pursuant to Republic Act No. 9470 or the National Archives of the Philippines Act
19 of 2007, a records management program that includes the following:
- 20 1) A records maintenance system for the creation, selection, classification,
21 indexing and filing of official records that facilitate the easy identification,
22 retrieval and communication of information to the public;
- 23 2) A records maintenance, archival and disposition schedule providing a listing
24 of records under current use, for retention by the agency, for transfer to the
25 National Archives, or for destruction; Provided, That destruction of the official
26 records may be implemented only upon approval of the National Archives of
27 the Philippines; and
- 28 3) A specification of the roles and responsibilities of agency personnel in the
29 implementation of such system and schedule.
- 30 e) In addition to its function as repository of all rules and regulations issued by
31 agencies as provided under Book VII, Chapter II of the Administrative Code of
32 1987, the University of the Philippines Law Center shall, in coordination with the
33 Office of the President which has exclusive editorial and printing jurisdiction over
34 the Official Gazette, and with other relevant agencies, maintain a database, and
35 publish the same in print in the Official Gazette or in digital or online form, the
36 following:
- 37 1) All laws of the Philippines and their amendments, from the period of the
38 Philippine Commission to the present;
- 39 2) All presidential issuances from November 15, 1935 to the present including,
40 but not limited to, executive orders, presidential
41 proclamations, administrative orders, memorandum circulars, general orders, and
42 other similar issuances;
- 43 3) A database of all appointments and designations made by the President 20 of the
44 Philippines; and
- 45 4) Opinions of the Secretary of Justice.

1 **SEC.18. *Publication in the Official Gazette.*** - For purposes of mandatory disclosure as
2 provided in Section 8 of this Act, online publication in the Official Gazette website shall be
3 considered official publication provided there shall be a timestamp in the said document. For
4 purposes of compliance with Article 2 of the Civil Code of the Philippines, publication of the
5 following in the online version of the Official Gazette, with the corresponding timestamps on the
6 documents, shall be considered as official publication:

7 a) All legislative acts and resolutions of a public nature of the Congress of the
8 Philippines;

9 b) All executive and administrative orders and proclamations of general
10 application;

11 c) Decisions or abstracts of decisions of the Supreme Court and the Court of
12 Appeals or other courts of similar rank, as may be deemed by said courts of
13 sufficient importance to be so published;

14 d) Such documents or classes of documents as the President shall determine from
15 time to time to have general application or which he may authorize to be published.
16 However, other documents or classes of documents as may be required to be
17 published by law, such as petitions and/or legal notices in connection with land
18 titles, naturalization or special proceedings shall continue to be published in the
19 print version of the Official Gazette or in any newspaper of general circulation for
20 purposes of compliance with the publication requirement.

21 **SEC. 19. *Capacity-Building, Promotion of Best Practices and Continuous Updating of***
22 ***Appropriate Information Technology and FOI.*** — All government agencies must ensure that they
23 have a compliant website within two (2) years from the date of effectivity of this Act. The
24 Department of Information and Communications Technology (DICT} shall monitor all government
25 agency websites and render the appropriate support including capacity-building program and
26 coordination with another appropriate agency, utilizing alternative mechanisms and seeking the
27 assistance of private relevant and willing volunteer groups to ensure full compliance with the
28 requirements of this Act. In the performance of its monitoring function of government websites
29 and portals, the DICT shall endeavor to continuously develop, improve and update its information
30 technology system taking into consideration usability and practical accessibility of government
31 documents by the public. The DICT shall be responsible for setting the standards for the file formats
32 to be used by the political subdivisions of the State. All national and local government agencies
33 including GOCCs with or without an original charter in the publication of government public
34 information in accordance with the provisions of this Act. Every government agency shall ensure
35 the provision of adequate training for its officials to improve awareness of the people's right to
36 information and the provisions of this Act, and to keep updated as to best practices in relation to
37 information disclosure, records maintenance and archiving.

38 **SEC.20. *Use of Plain Language.*** — Every government agency shall endeavor to use plain
39 language in their communications orders, compliance requirements or instructions issued to
40 implement the provisions of this Act. The government agencies shall translate key information into
41 major Filipino languages and present them in popular form and means:

42 1) To carry out the provision of this Act, the Civil Service Commission (CSC) is
43 designated to issue guidelines on the use of plain language to suit the needs of the
44 requesting party;

45 2) The CSC shall provide the necessary training to employees of each government
46 agency in using plain language in public documents.

47 3) All departments, agencies and instrumentalities of the national government,
48 including government-owned or-controlled corporations, local government units

1 and state colleges and universities shall designate an official responsible for
2 implementing the plain language; and

3 4) Website contents including, but not limited to, financial data, notices and other
4 technical and legal
5 documents, of government agencies must also be written in plain language to ensure that
6 these information are easy to read, understand and use.

7 **SEC. 21. *Administrative Offenses and Penalties.* -**

8 a) The acts enumerated in this sub-section shall be tantamount to grave
9 administrative offenses and shall constitute grounds for administrative and
10 disciplinary sanction against any public official or employee who willfully and
11 knowingly commits the following:

12 1) Refusal to promptly forward the request under Section 12 of this Act to the
13 public officer within the same office or agency responsible for official
14 action on the request when such is the direct cause of the failure to disclose
15 the information within the periods required by this Act.

16 2) Failure to act on the request within the periods required by this Act;

17 3) Refusal to comply with the decision of his immediate supervisor, or of any
18 court ordering the release of information;

19 4) Approval of the policies, rules and regulations clearly contrary to the
20 provisions of this Act, and which policies, rules and regulations are the
21 direct cause of the denial of the request for information;

22 5) Failure to upload information required to be posted in the agency's website
23 within the period provided under Section 19: Provided; That the head of
24 the agency or any other officer or employee tasked to perform said
25 uploading shall be held liable.

26 b) The preceding subsection does not bar filing of appropriate administrative
27 cases other than those grave offenses enumerated above.

28 **SEC. 22. *Criminal Offenses and Penalties.* —** The penalty of imprisonment of not less
29 than one (1) month but not more than six (6) months and a fine ranging from ten thousand pesos
30 (Php 10,000.00) to one hundred thousand pesos (Php 100,000.00) shall be imposed upon:

31 a) Any public official or employee who falsely denies or conceals the existence of
32 information that is a proper subject for disclosure under this Act.

33 b) Any individual who knowingly directed, induced or caused the commission of
34 the foregoing acts shall be liable as principal by inducement in the prosecution of
35 public officials or employees under this section.

36 c) Any public officer or employee responsible for officially acting on the request,
37 who shall claim an exception under section 7 of this Act, or under the Constitution,
38 when such claim is manifestly devoid of factual basis.

39 d) Any individual who divulged or released information covered under Section 7
40 of this Act.

41 e) Any public officer or employee who divulged or released information that is
42 altered, tampered or modified to the extent that the released information materially
43 differs from the original contents of the document: Provided, That altering or
44 modifying a document for the purpose of severing an exempt information from non-
45 exempt information in a single document shall not be punishable under this

subsection.

f) The responsible officers of the public service contractor and the signatories to the contract or any document evidencing transaction with the government or government agency who fail to submit the necessary documents/papers. If the violation committed in this Act is induced and assisted by a private individual or a corporation, partnership or any kind of judicial entity, the penalty provided herein shall be imposed on its executive officer and/or other officials responsible therefor: Provided, That they shall t4 suffer, in addition to the penalties provided herein, the automatic revocation of their license to operate. Any public official or employee who willfully destroys, or causes to be destroyed, or sells, information and/or documents being requested under this Act, for the purpose of frustrating the requesting party's access thereto shall suffer a fine of not less than five hundred thousand pesos (P500,000.00) but not more than one million pesos (Php1,000,000.00) or a penalty of five (5) years but not more than fifteen (15) years or both, as provided in Republic Act No. 9470 or the National Archives Act.

SEC. 23. Denial in Good Faith Not a Ground for Liability. — A denial in good faith of a request made pursuant to the provisions of this Act shall not constitute grounds for administrative, civil or criminal liability. In cases of denial of the request, the public official, officer, or employee involved must prove that he/she acted in good faith by specifying the ground relied upon for the denial.

SEC.24. Act Not a Bar to Claim of Right to Information Under the Constitution. - No provision of this Act shall be interpreted as a bar to any claim of the right to information under Article 111, Section 7 of the Constitution.

SEC.25. Integration of Freedom of Information (FOI) and Good Governance in Elementary and Secondary Curriculum. - To ensure a well-informed generation of citizens, the right to information, the principles of accountability and transparency, democracy and leadership, and good governance shall be integrated in such subjects as Heyographia, Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary level and in such subjects as Social Studies and Makabayan or its equivalent studies in high school level. The Department of Education in coordination with the Civil Service Commission and other relevant offices shall prepare the necessary modules and teaching programs consistent with the objectives of this Act.

SEC. 26. Reports on FOR. — All government agencies shall be registered to submit annual reports on the number of requests for information received and processed, of appeals made from the denial thereof, and such other information as provided in this Act. The said report may be integrated in the agencies' main Annual Reports. Their posting and publication in the agencies' respective websites shall be considered sufficient compliance.

SEC.27. System of Incentives and Rewards. — A system of special incentives and rewards is hereby established to be given to appropriate government agency or agencies that initiated and displayed compliance and full participation in the meaningful implementation of this Act. The incentives and rewards may include, but t8 shall not be limited to, social projects, grants-in-aid, national recognition and similar entitlements.

SEC. 28. Appropriations. — The amount necessary to carry out the provisions of this Act shall be charged against the agencies' current budget and shall thereafter be included 10 in the annual General Appropriations Act.

SEC.29. Separability Clause. — If any section or part of this Act is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

1 **SEC.30. Repealing Clause.** — All laws, decrees, executive orders, rules and regulations,
2 issuances or any part thereof inconsistent with the provisions of this Act, including Sections 18,
3 24, and 25 of Executive Order No. 292 in relation to Article 2 of Republic Act No. 386,
4 Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing Security of
5 Classified Matter in Government Offices), as amended, and Section 3, Rule IV of the Rules
6 Implementing Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials
7 and Employees), are deemed repealed: Provided: That Memorandum Circular No. 78 shall be
8 deemed repealed after one (1) year from the effectivity of this Act or upon issuance of the Executive
9 Order in Section 7(a) whichever comes first.

10 **SEC.31.Effectivity.** - This Act shall take effect fifteen (15) days after its publication in the
11 *Official Gazette* or in at least two (2) newspapers of general circulation.

12 *Approved,*