

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

SEVENTEENTH CONGRESS

First Regular Session

330
HOUSE BILL NO. _____

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INTRODUCED BY REPRESENTATIVE XAVIER JESUS D. ROMUALDO

EXPLANATORY NOTE

The 1987 Constitution guarantees the right to information on matters of public concern and the right of access to official records and documents.¹ These are self-executing constitutional rights, which citizens may assert without the need of an enabling or implementing law.² As a complement to these rights, the Constitution likewise declares a State policy of full public disclosure of all State transactions involving public interest, subject only to reasonable conditions prescribed by law.³ For every right of the people recognized as fundamental, there lies a corresponding duty on the part of those who govern to respect and protect that right.⁴ It is high time for Congress to enact legislation to strengthen these rights and properly implement this policy.

Hence, the support of the Members of Congress for the passage of this proposed measure is earnestly requested.



XAVIER JESUS D. ROMUALDO

¹ The 1987 Constitution of the Republic of the Philippines, art. 3, § 7 ("The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.")

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AN ACT

STRENGTHENING THE RIGHT TO INFORMATION ON MATTERS OF PUBLIC CONCERN AND THE RIGHT OF ACCESS TO OFFICIAL RECORDS AND DOCUMENTS AND IMPLEMENTING THE CONSTITUTIONAL POLICY OF FULL PUBLIC DISCLOSURE OF ALL OF THE STATE'S TRANSACTIONS INVOLVING PUBLIC INTEREST AND FOR OTHER PURPOSES

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

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

3

4 SEC. 2. Declaration of Policy. – The State recognizes the right of Filipino citizens to
5 information on matters of public concern and of access to official records and to documents and
6 papers pertaining to official acts, transactions, and decisions, as well as to government research
7 data used as basis for policy development, and adopts a policy of full public disclosure of all its
8 transactions involving public interest, subject to the procedures and limitations provided by this
9 Act.

10

11 Public officials and employees, in the performance of their duties under this Act, and citizens, in
12 the exercise of their rights under this Act, shall act in good faith and observe honesty and
13 sincerity. Public officials and employees and citizens alike shall endeavor to handle information
14 kept or obtained under this Act with due care, to the end that inaccuracies and distortions are
15 avoided.

1 SEC. 3. Definition of Terms. – As used in this Act, the following terms are hereby defined as
2 follows:

3 (a) *Government agency or agencies* shall refer to the Executive, Legislative, and
4 Judicial Departments, as well as the Constitutional Commissions, the Office of the
5 Ombudsman, and the Local Government Units (LGUs) of the Philippines,
6 particularly including but not limited to the Office of the President, the National
7 Government and all its agencies, departments, bureaus, offices and instrumentalities,
8 Constitutional Commissions and constitutionally-mandated bodies, LGUs and local
9 colleges and universities, regulatory agencies, chartered institutions, government-
10 owned or controlled corporations with or without original charters, including owned
11 or controlled subsidiaries, government financial institutions, state universities and
12 colleges, the Armed Forces of the Philippines, the Philippine National Police, the
13 Senate, the House of Representatives, the Supreme Court, and all courts established
14 by law.

15

16 (b) *Information* shall mean any record, document, paper, report, letter, contract, minutes
17 and transcripts of official meetings, maps, books, photographs, data, research
18 material, film, sound and video recordings, magnetic or other tapes, electronic data,
19 computer-stored data, or any other like or similar data or material recorded, stored or
20 archived in whatever form or format, which are made, received or kept in or under
21 the control and custody of any government agency pursuant to law, executive order
22 or executive issuance, rules and regulations, or ordinance or in connection with the
23 performance or transaction of official business by any government agency.

24

25 (c) *Official record/s* shall refer to information produced or received by a public officer
26 or employee or by a government agency in an official capacity or pursuant to a
27 public function or duty, regardless of whether the information is in a draft, final or
28 any other stage or status.

1 (d) *Public record/s* shall include any information required by law, executive order or
2 other executive issuance, rules or regulations, or ordinance to be entered, kept and
3 made publicly available by a government agency.

4

5 SEC. 4. Coverage. – This Act shall cover and apply to all government agencies.

6

7 SEC. 5. Access to Information. – Every Filipino citizen has a right to and shall, on
8 request, be given access to any official or public record under the control of a government
9 agency, regardless of the physical form or format in which they are contained, subject to the
10 exceptions provided for in Section 7 of this Act.

11

12 SEC. 6. Presumption in Favor of Access and Disclosure. – There shall be a legal
13 presumption in favor of access to information. No request for information shall be denied unless
14 it clearly falls under the exceptions provided for in Section 7 of this Act.

15

16 SEC. 7. Exceptions to the Right of Access to Information. – Access may not be granted
17 where the information contained in the official or public record sought:

18

19 (a) Directly relates to national security or defense and its revelation may cause serious
20 damage to the national security or defense of the Philippines.

21

22 (b) Pertains to the foreign affairs of the Republic of the Philippines and its revelation may
23 unduly weaken the negotiating position of the government in ongoing bilateral or
24 multilateral negotiations or seriously jeopardize the diplomatic relations of the
25 Philippines with any state or international organization.

26

27 (c) Consists of records of conversations, correspondence, or other communications with or
28 by the President, where such information pertains to a quintessential and non-delegable
29 presidential power and where the same is authored or solicited and received by a close
30 advisor of the President or the President himself or herself, with the advisor being in

1 operational proximity with the President; Provided, that this exception shall not apply
2 where the requesting party is able to show an adequate need for the same.

3

4 (d) Consist of records of minutes, notes, memoranda, letters, advice, opinions,
5 recommendations, or other communications during pre-decisional and deliberative
6 processes of government agencies in decision-making or the formulation of policy;
7 Provided, that this exception shall not apply where the requesting party is able to show an
8 adequate need for the same.

9

10 (e) Consists of drafts of orders, resolutions, decisions, memoranda or audit reports by any
11 executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the
12 exercise of their regulatory, audit, or adjudicatory function.

13

14 (f) Pertains to territorial or external defense, internal security, law enforcement, criminal
15 prosecution, immigration, or border security, where the disclosure thereof may:

16

17 1. Compromise or interfere with any legitimate military or law enforcement
18 operation.

19

20 2. Compromise or interfere with the legitimate prevention, detection, or
21 suppression of criminal activity, or the legitimate implementation of
22 immigration controls and border security.

23

24 3. Lead to the disclosure of the identity of a confidential source, including a
25 government or foreign agency or authority or any private institution which
26 furnished information on a confidential basis, and, in the case of a record or
27 information compiled by a law enforcement agency in the course of an
28 investigation or by an agency conducting a lawful national security intelligence
29 investigation, information furnished by a confidential source.

1 4. Reveal lawful and legitimate techniques and procedures for law enforcement
2 investigations or criminal prosecutions, or would disclose legitimate guidelines
3 for law enforcement investigations or criminal prosecutions, if such disclosure
4 could reasonably be expected to result in circumvention of the law.

5
6 5. Endanger the life or physical safety of any individual.

7
8 6. Deprive a person of a right to a fair trial and impartial adjudication.

9
10 (g) Pertains to matters obtained by the Senate or the House of Representatives, or any
11 committee thereof, in executive session.

12
13 (h) Pertains to the personal information of a natural person, other than the requesting party,
14 and its disclosure would constitute an unwarranted invasion of such person's personal
15 privacy, unless such person has consented in writing to the disclosure of the information.

16
17 (i) Pertains to trade secrets, intellectual property, or commercial or financial information of a
18 natural or juridical person, other than the requesting party, possessed or obtained in
19 confidence by or filed with a government agency, where the revelation thereof would
20 prejudice the trade, industrial, financial, or commercial interests of such natural or juridical
21 person.

22
23 (j) Pertains to matters that are part of the internal deliberations and actions of courts in the
24 exercise of their adjudicatory functions and duties.

25
26 (k) Is classified as privileged or confidential under the Rules of Court or other issuances
27 promulgated by the Supreme Court or is determined to be such in judicial proceedings.

28
29 (l) Is exempted from disclosure or declared privileged or confidential by jurisprudence or
30 under other laws, in addition to those provided in this Section.

1 (m) Is of a nature that its disclosure would, in the case of a government agency that regulates
2 or deals with currencies, interest rates, securities, commodities, or financial institutions,
3 likely lead to fraud, manipulation, or other unlawful acts or schemes involving currencies,
4 interest rates, securities, or the commodities market or, in the case of other government
5 agencies, likely frustrate the effective implementation of a proposed official action.

6

7 (n) Has already been made accessible as provided in Section 14 of this Act.

8

9 The determination of whether any of the above exceptions shall apply shall be the responsibility
10 of the head of office of the government agency in custody or control of the information or any
11 responsible central or field officer/s duly designated by him or her; Provided, that, with regard to
12 collegial bodies, boards, commissions, or courts, the chairperson or presiding officer or member
13 is deemed the head of office for purposes of this provision; Provided further, that:

14

15 1. The exceptions shall be strictly construed;

16

17 2. The exceptions cannot be used to cover up the commission of crimes, misconduct, or any
18 violation of law;

19

20 3. The President, the Supreme Court, the Senate, the House of Representatives, the
21 Constitutional Commissions, the Ombudsman, and the chief executives of LGUs may
22 waive an exception with respect to information in the custody of offices under their
23 respective control, when they deem that there is an overriding public interest in
24 disclosure;

25

26 4. The exceptions do not constitute authority to withhold information from Congress, nor
27 authority for a local chief executive to withhold information from the local legislative
28 body; and

29

1 5. Whenever the information requested is part of a record, whose other parts are covered by
2 an exception, but may be reasonably severed from a record, the responsible official shall
3 allow access to the the information not covered by the exception.

4

5 SEC. 8. Mandatory Disclosure of Information. – All government agencies shall establish,
6 operate, and maintain websites, which shall be constantly updated and where a register of the
7 following information, transactions, documents, or records shall be uploaded and displayed:

8

9 (a) Budget for the current fiscal year and those of previous years.

10 (b) Itemized monthly cash collections and disbursements.

11 (c) Summary of yearly income and expenditures.

12 (d) Yearly internal revenue allotment utilization, in case of local government units.

13 (e) Plantilla of personnel positions and list vacant positions with their respective qualification
14 requirements.

15 (f) Annual procurement plan and list of infrastructure projects, goods, and services to be
16 procured through competitive bidding or alternative methods of procurement.

17 (g) Abstracts of bids as calculated.

18 (h) Results of competitive bidding for the procurement of infrastructure projects, goods, and
19 services.

20 (i) Procurement contracts entered into.

21 (j) Construction or concession agreements or contracts entered into with any domestic or
22 foreign person or entity.

23 (k) Private sector participation agreements or contracts in infrastructure and development
24 projects entered into under Republic Act No. 6957, as amended by Republic Act No.
25 7718.

26 (l) Public funding extended to any private entity.

27 (m) Bilateral or multilateral agreements and treaties in trade, economic partnership,
28 investments, cooperation, and similar binding commitments entered into.

29 (n) Licenses or permits granted to or agreements entered into with any person or entity for the
30 extraction or utilization of natural resources.

- 1 (o) Guarantees given to private corporations, persons or entities.
- 2 (p) Loans obtained from domestic and foreign financial institutions.
- 3 (q) Loans, grants, development assistance, or technical assistance granted by and programs or
- 4 projects entered into with local or international agencies or organizations or those of
- 5 foreign governments, as well as with private aid agencies or institutions.
- 6 (r) Compromise agreements entered into with any person or entity.

7

8 The above information, transactions, documents, or records shall be enrolled in the register

9 not later than thirty (30) working days from its creation, perfection, or issuance. The register

10 shall contain a brief description of the transaction involved, including, but not limited to: the

11 nature and object of the transaction, the parties and amounts involved, the key steps undertaken

12 towards its conclusion, and the relevant dates; Provided that contracts and agreements involving

13 an amount of at least fifty million pesos (P50,000,000.00) shall be uploaded in full in the website

14 of the concerned government agency.

15

16 SEC. 9. Openness and Transparency in Government Agencies. – Each government agency

17 shall likewise publish in their websites the following information and matters:

- 18
- 19 (a) A description of its mandate, organizational structure, powers, functions, and decision-
- 20 making processes.
- 21
- 22 (b) A description of the frontline services it delivers and the procedure for availing of such
- 23 services and length of time such services shall be delivered.
- 24
- 25 (c) The names of its officials, their duties and responsibilities, and their office contact
- 26 information.
- 27
- 28 (d) Work programs, development plans, investment plans, projects, performance targets and
- 29 accomplishments, budgets, revenues and expenditures.

30

1 (e) Rules and regulations, orders, or decisions promulgated, which shall be published within
2 fifteen (15) days from promulgation.

3

4 (f) Rules of procedure, descriptions of forms available or the places at which forms may be
5 obtained, and instructions as to the scope and contents of all papers, reports, or
6 examinations.

7

8 (g) Substantive rules of general applicability promulgated by authority of law and statements
9 of general policy or interpretations of statutes formulated and adopted by the agency,
10 including subsequent amendments thereto.

11

12 (h) Current and important database and statistics generated by the agency.

13

14 (i) Procurement processes and requirements.

15

16 (j) Mechanisms or procedures by which the public may participate in or otherwise influence
17 the formulation of policy or the exercise of its powers.

18

19 SEC. 10. Protection of Privacy. – In providing access to information in official or public
20 records, government agencies shall afford full protection to the right to privacy of persons, as
21 follows:

22

23 (a) Government agencies shall ensure that personal information in its custody or under its
24 control is disclosed only as permitted under this Act.

25

26 (b) Government agencies shall protect personal information in its custody or under its control
27 by making reasonable security arrangements against such risks as unauthorized access,
28 collection, use, disclosure, or disposal.

1 (c) Government officials or employees who have access, whether authorized or unauthorized,
2 to personal information in the custody or under the control of government agencies, shall
3 not disclose such information, except as authorized under this Act.

4

5 SEC. 11. Freedom of Information Manual. – For the effective implementation of this Act,
6 every government agency shall prepare a Freedom of Information (FOI) Manual, indicating the
7 following:

8

9 (a) The location and contact information of head, regional, provincial, and field offices, and
10 other established places where citizens may obtain or request access to information under
11 its custody or control.

12

13 (b) The types of information it generates, produces, holds, or publishes.

14

15 (c) A description of its record-keeping system.

16

17 (d) The officials or office responsible for receiving requests for information.

18

19 (e) The procedure for the filing of requests personally, by mail, or through specified
20 electronic means.

21

22 (f) The sample standard forms for the submission of requests for information and the proper
23 acknowledgment of such requests.

24

25 (g) The process for the proper disposition of requests for information, including the routing of
26 such requests to the officials or office with the duty to act on the request and the decision-
27 making process in granting or denying access to information.

28

29 (h) The procedure for the administrative appeal of any denial of access to information.

30

(i) The schedule of access and processing fees.

(j) Such other information, taking into consideration the unique characteristics of the agency, which will facilitate the effective implementation of this Act.

The foregoing information shall likewise be published in the websites of government agencies and in billboards posted at the main entrance their respective office buildings or at the most conspicuous place therein.

In no case shall the absence of an FOI Manual be a reason for the denial of any request for information made in accordance with this Act.

The head of office of a government agency may designate a liaison unit or committee that shall coordinate with the other units of the agency in implementing this Act. The composition, functions, and duties of the liaison unit or committees shall be included in the FOI Manual.

SEC. 12. Procedure for Access to Information. – (a) A person who wishes to obtain information shall submit, free of charge, a written request to the government agency concerned personally, by mail, or through electronic means. The request shall state the name and preferred contact information of the requesting party, reasonably describe the 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.

If the request is submitted personally, the requesting party shall show his current identification card or document issued by any government agency, or government or private employer or school. If the request is submitted by mail or through electronic means, the requesting party shall submit a photostatic or electronically scanned copy of the identification card or document.

30

1 (b) The public officer or employee who receives the request shall provide reasonable
2 assistance, free of charge, to enable all requesting parties to comply with the request
3 requirements under this section.

4

5 (c) The request shall be stamped by the government agency, indicating the date and time of
6 receipt and the name and position of the receiving public officer or employee with his or her
7 corresponding signature, and a copy thereof shall be furnished to the requesting party. In case the
8 request is submitted by electronic means, the government agency concerned shall provide for an
9 equivalent means by which the requirements of this paragraph shall be met. Each government
10 agency shall establish a system to trace the status of all requests for information received by it.

11

12 (d) The indicated preferred means by which the government agency shall communicate the
13 information requested to the requesting party must be reasonable, taking into consideration
14 equipment normally available to the concerned government agency.

15

16 (e) The government agency may communicate the information requested in a form other than
17 the preferred means indicated by the requesting party where the agency has no capability to
18 communicate the requested information in the preferred format or where such preferred means
19 would unreasonably interfere with the effective operation of the agency or be detrimental to the
20 preservation of the record.

21

22 (f) The government agency shall comply with such request as soon as practicable and, in any
23 case, within fifteen (15) working days from receipt thereof; Provided that such period shall be
24 extended where the information requested requires a search of the government agency's field or
25 satellite offices or an examination of voluminous records, or where the occurrence of fortuitous
26 events prevents compliance with the request within such period, or other analogous cases.

27

28 (g) The government agency shall notify the person making the request of the extension made,
29 setting forth the reason for such extension and the date when the information shall be made
30 available, which in no case shall be more than thirty (30) working days.

1 (h) Once a decision is made to grant the request, the requesting party shall be notified of such
2 decision and shall be required to pay the necessary access and processing fees.

3

4 (i) If the information is not held by the government agency to which the request was made, it
5 shall notify the requesting party that it does not hold the information and indicate which
6 government agency holds the record, if the same is known.

7

8 SEC. 13. Access and Processing Fees. – Government agencies may charge a reasonable fee to
9 reimburse the actual cost of searching, reproduction, copying or transcription, and the
10 communication of the information requested; Provided, that such fees may be waived where the
11 government agency is satisfied that the requester is an indigent, or that the cost of reproduction is
12 negligible, or that it is pursuant to a program for proactive disclosure.

13

14 SEC. 14. Exemption from Compliance with Request for Information. – A government agency
15 is excused from complying with a subsequent identical or substantially similar request from the
16 same requesting party where it has previously complied with a request for information; Provided,
17 that the government agency complies with Section 15 of this Act.

18

19 SEC. 15. Notice of Denial. – If the government agency decides to deny the request, in whole
20 or in part, it shall, as soon as practicable, and, in any case, within fifteen (15) working days from
21 the receipt of the request, notify the requesting of such denial in writing. The notice shall clearly
22 set forth the ground/s for denial, the circumstances on which the denial is based, and available
23 rights of reconsideration or appeal. Failure to notify the requesting party of the denial or of an
24 extension of the period to comply shall be deemed a denial of the request for access to
25 information.

26

27 SEC. 16. Remedies in Cases of Denial of Request for Information. – (a) In all government
28 agencies other than the Judiciary:

29

1 (1) Every denial of a request for access to information may be appealed in writing to the
2 officer or office next higher in authority of the same government agency, following the
3 procedure laid down in the FOI Manual of such government agency; Provided, that the
4 appeal shall be filed by the same requesting party within fifteen (15) days from receipt
5 of the notice of denial. The appeal shall be decided by the officer or office next higher
6 in authority of the same government agency within five (5) working days from receipt
7 of the appeal. Failure to decide and dispose of the appeal within such period shall
8 constitute denial of the appeal.

9
10 (2) In case of denial of the appeal or the lapse of the period for the officer or office next
11 higher in authority to decide the appeal, the requesting party may, within thirty (30)
12 days from receipt of the notice of denial of the appeal or the lapse of period to decide
13 the appeal, file a petition for *mandamus*, alleging the facts with certainty and praying
14 that judgment be rendered ordering the respondent government agency to disclose the
15 requested information upon finality of the judgment or at some other time to be
16 specified by the court. The petition for *mandamus* shall be verified and shall be filed
17 with the Regional Trial Court having jurisdiction of the place where the respondent
18 government agency keeps or stores the requested information. No damages shall be
19 awarded to the petitioner, unless it is proven that the denial of the request for access to
20 information was made with evident bad faith or gross negligence.

21
22 (3) The court hearing the petition of *mandamus* may receive the requested information
23 that is the subject of a claim of exception under Section 7 herein and examine such
24 information *in camera* to determine the sufficiency of the factual and legal basis of
25 such claim, where the same cannot be reasonably determined through evidence and
26 circumstances apart from the information. The decision of the court granting or
27 denying the petition may be the subject of an appeal, as provided for in the Rules of
28 Court.

1 (b) The remedies in cases of denials of requests for information made before the Judiciary
2 shall be governed by rules promulgated by the Supreme Court.

3

4 (c) The remedies provided in this section are without prejudice to any other
5 administrative, civil, or criminal action covering the same act or omission. Any action for the
6 imposition of administrative and/or criminal liability arising from the same act or omission, if
7 any, shall be filed with the Office of the Ombudsman.

8

9 (d) The remedies available under this Act shall be cumulative and subject to the rule of
10 exhaustion of administrative remedies.

11

12 (e) The provisions of Republic Act No. 9285, otherwise known as the Alternative Dispute
13 Resolution Act of 2004, shall not apply to cases filed pursuant to this section.

14

15 SEC. 17. Keeping of Records. – (a) Government agencies shall create and maintain, in
16 appropriate formats, accurate and reasonably complete documentation or records of their
17 organization, policies, transactions, decisions, resolutions, enactments, actions, procedures,
18 operations, activities, communications, and documents created, made, or received by or filed
19 with them and any research data generated or collected. These shall include working files such as
20 drafts or notes, whenever these have been circulated within the agency for official purpose such
21 as for discussion, comment, or approval or when these contain unique information that can
22 substantially contribute to a proper understanding of the agency organization, policies,
23 transactions, decisions, resolutions, enactments, actions, procedures, operations, and activities.

24

25 (b) Government agencies shall identify specific classes of official records in their custody
26 or control that have continuing historical, administrative, informational, legal, evidentiary, or
27 research value for preservation by such agencies or their legitimate successors, or for transfer to
28 the National Archives of the Philippines. In addition, the National Archives of the Philippines
29 shall likewise identify specific and classes of official records that it shall require agencies to
30 preserve and transfer to it.

1 (c) In addition to the specific and classes of official records identified for preservation under

2 Paragraph (b) of this Section, the following shall not be destroyed:

3

4 (1) Records pertaining to loans obtained or guaranteed by the government.

5

6 (2) Records of government contracts.

7

8 (3) The declaration under oath of the assets, liabilities and net worth of public

9 officers and employees, as required by law.

10

11 (4) Records of official investigations pertaining to allegations of graft and

12 corruption of public officers.

13

14 (d) Government agencies shall prepare, following the standards and periods promulgated

15 pursuant to Republic Act No. 9470, otherwise known as the National Archives of the Philippines

16 Act of 2007, a records management program that includes the following:

17

18 (1) A records maintenance system for the creation, selection, classification,

19 indexing, and filing of official records that facilitate the easy identification,

20 retrieval, and communication of information to the public;

21

22 (2) A records maintenance, archival, and disposition schedule providing a listing of

23 records under current use, for retention by the agency, for transfer to the

24 National Archives, or for destruction; Provided, that destruction of the official

25 records may be implemented only upon approval of the National Archives of the

26 Philippines; and

27

28 (3) A specification of the roles and responsibilities of agency personnel in the

29 implementation of such system and schedule.

30

1 (e) In addition to its function as repository of all rules and regulations issued by government
2 agencies as provided under Book VII, Chapter II of Executive Order No. 292, otherwise known
3 as the Administrative Code of 1987, the University of the Philippines Law Center shall, in
4 coordination with the Office of the President, which has exclusive editorial and printing
5 jurisdiction over the Official Gazette, and with other relevant agencies, maintain a database and
6 publish the same in the Official Gazette and in online form, the following:

- 7
- 8 (1) All laws of the Philippines and their amendments;
- 9
- 10 (2) All presidential issuances to the present, including but not limited, to executive
11 orders, presidential proclamations, administrative orders, memorandum circulars,
12 general orders, and other similar issuances;
- 13
- 14 (3) A database of all appointments and designations made by the President of the
15 Philippines; and
- 16
- 17 (4) All opinions of the Secretary of Justice.
- 18

19 SEC. 18. Capacity-Building, Promotion of Best Practices, and Continuous Updating of
20 Appropriate Use of Information Technology. – All government agencies shall establish, operate,
21 and maintain a website with features that are compliant with all the provisions of this Act within
22 two (2) years from the effectivity of this Act. Every government agency shall likewise ensure the
23 provision of adequate training for its officials and employees to improve awareness of the
24 people's right to information on matters of public concern and the provisions of this Act, and to
25 keep updated as to best practices in relation to information disclosure, records maintenance, and
26 archiving.

27

28 The Department of Information and Communications Technology (DICT) shall monitor
29 all government agency websites and render the appropriate support, including capacity-building
30 programs and coordination with another appropriate agency, to ensure full compliance with the

1 requirements of this Act. In the performance of its monitoring function of government websites
2 and portals, the DICT shall endeavor to continuously develop, improve, and update its
3 information technology system taking into consideration usability and practical accessibility of
4 government documents by the public.

5

6 The National Government, through the Department of the Interior and Local
7 Government, shall provide funding support to all local government units requiring support in the
8 establishment, operation, updating, and maintenance of their respective websites.

9

10 SEC. 19. Use of Plain Language. – Every government agency shall endeavor to use plain
11 language in their communications, orders, compliance, requirements, or instructions issued to
12 implement the provisions of this Act designate an official responsible for implementing the use
13 of plain language designate and designate an official responsible for implementing the use of
14 plain language. Government agencies shall translate key information into major Filipino
15 languages and present them in popular form and means.

16

17 To help carry out this Section, the Civil Service Commission shall issue guidelines on the
18 use of plain language to suit the needs of the public. The CSC shall likewise provide training to
19 employees of each government agency in using plain language in public documents.

20

21 SEC 20. Administrative Offenses and Penalties. – The acts enumerated herein shall constitute
22 grave administrative offenses and grounds for administrative disciplinary sanction against any
23 public official or employee who willfully and knowingly commits the following:

24

25 (a) Unjustified refusal to promptly forward a request for access to information to the
26 officer within the same office or agency responsible for officially acting on the
27 request, when such is the direct cause of the failure to disclose the information
28 within the periods required by this Act.

29

30 (b) Unjustified failure to act on the request within the periods required by this Act.

1
2 (c) Refusal to comply with the order of the proper officer or court to release information that
3 is the subject of a request for access.

4
5 (d) Approval of policies, rules, and regulations manifestly contrary to the provisions of this
6 Act, which are the direct cause of the denial of a request for access to information.

7
8 This Section does not bar filing of appropriate administrative cases for acts other than those
9 enumerated herein.

10
11 SEC 21. Criminal Offenses and Penalties. - The penalty of imprisonment of not less than one
12 (1) month but not more than six (6) months and a fine ranging from ten thousand pesos
13 (P10,000.00) to one hundred thousand pesos (P100,000.00) shall be imposed upon:

14
15 (a) Any public official or employee who falsely denies or conceals the existence of
16 information that is a proper subject for disclosure under this Act.

17
18 (b) Any public official or employee who destroys, or causes to be destroyed, information or
19 documents subject of request for access to information under this Act, for the purpose of
20 frustrating the requesting party's access thereto.

21
22 (c) Any public officer or employee who, without proper authority, divulges or releases
23 information covered under Section 7 of this Act.

24
25 (d) Any public officer or employee who releases information that is altered or modified,
26 without proper authority, to the extent that the released information materially differs
27 from the original contents of the document/s; Provided, that altering or modifying a
28 document for the purpose of severing exempt information from non-exempt information
29 in a single document shall not be punishable.

1 Any individual who knowingly directed, induced, or caused the commission of the foregoing
2 acts shall be liable as a principal in the prosecution of the public official/s or employee/s who
3 committed such acts.

4

5 SEC. 22. Denial of a Request for Access to Information in Good Faith Not a Ground for
6 Liability. – A denial in good faith of a request for access to information made pursuant to the
7 provisions of this Act shall not constitute grounds for any liability, whether administrative, civil,
8 or criminal, upon the public official responsible therefor.

9

10 SEC. 23. Annual Reports on Actions Taken on Requests for Access to Information. – All
11 government agencies shall prepare, for each fiscal year, a report on the number of requests for
12 information it received, processed, granted, and denied, of appeals made from denials of such
13 requests, and of pending court actions it is a party to as result of such requests. These reports
14 may be integrated in the primary annual reports of government agencies and may be posted and
15 published in their respective websites.

16

17 SEC. 24. Appropriations. – The amounts necessary to carry out the provisions of this Act
18 shall be charged against any appropriate and available item/s in the budgets of government
19 agencies for the current fiscal year and shall thereafter be included in the annual General
20 Appropriations Act for national government agencies and annual appropriations ordinances for
21 local government units.

22

23 SEC. 25. Separability Clause. – If any provision of this Act is declared invalid or
24 unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

25

26 SEC. 26. Repealing Clause. – All laws, decrees, executive orders and issuances,
27 proclamations, rules and regulations, and other issuances or parts thereof that are inconsistent
28 with the provisions of this Act are hereby repealed or modified accordingly.

29

1 SEC. 27. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the
2 Official Gazette or a newspaper of general circulation.

3

4 Approved,

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