



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

**EIGHTEENTH CONGRESS**  
First Regular Session

HOUSE BILL NO. 3597



**Introduced by Representative Sharon S. Garin**

#### **EXPLANATORY NOTE**

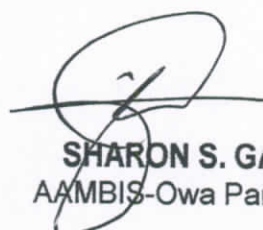
The average Filipino family spends a total 41.9% of their annual family expenditures on food. For families in the bottom 30% income group, the percentage is much higher at 59.7%. For some, even earning enough money to spend on the standard three (3) meals a day is a constant daily struggle.

Access to affordable food should be among the top priorities of the government. There are several factors that may contribute to higher-than-ideal prices even for basic commodities. This includes supply shortages and inflated prices brought about by collusion and cartel, to name a few.

In order to reinforce the right of the people to affordable food and adequate food supply, the State should adopt and implement a policy of full public disclosure of all government transactions involving food and basic commodities. This is consistent with Art II, Section 28 of the Constitution which guarantees the right of people to information of transactions involving public interest.

Any person could request any government body regarding information on government dealings related to food. This information would include all documents, papers, letters, minutes and transcripts of official meetings, and all other records, received or kept in or under the control of custody of any government body, including but not limited to the Department of Agriculture (DA), the Department of Trade and Industry (DTI) and other agencies involved in handling the country's food supply. Of particular note are importation permits for basic commodities like rice, corn, and sugar, granted by said agencies. To strengthen the mandate of this act, government agencies refusing to disclose such information shall be met with strict penalties.

A more transparent system when it comes to food transactions should lead to more honest dealings by the government, and all other parties involved. In view of the forgoing, passage of this bill is earnestly sought.

  
**SHARON S. GARIN**  
AAMBIS-Owa Partylist



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**AN ACT**

**MANDATING THE GOVERNMENT TO PROVIDE ACCESS TO INFORMATION ON FOOD AND OTHER BASIC COMMODITIES TO GUARANTEE THE RIGHT OF THE PEOPLE TO AFFORDABLE FOOD AND ADEQUATE FOOD SUPPLY PRESCRIBING GUIDELINES THEREFOR, AND FOR OTHER PURPOSES**

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

**SECTION 1. Short Title.** – This Act shall be known as the "**Affordable Food Transparency Act.**"

**SEC. 2. Declaration of Policy.** – The State recognizes as a matter of policy the fundamental right of the people to affordable food and adequate food supply. The State therefore acknowledges its obligation in ensuring the steady supply of food and other basic commodities, as well as maintaining transparency in all its transactions relative thereto, and in preventing any and all forms of collusion and cartel that would restrict the people's access to affordable food and adequate food supply. In order to reinforce the right of the people to affordable food and adequate food supply, the State shall adopt and implement a policy of full public disclosure of all government transactions involving food and basic commodities, consistent with the Constitutional right of the people to information on all matters of public concern.



To guarantee the people's fundamental human right to affordable food and food supply, the State shall afford to citizens, non-government organizations (NGO), civil society groups, and other private entities 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, except for such information affecting national security or foreign diplomatic relations.

**SEC. 3. Definition of Terms. -**

(a) "Basic commodities" for purposes of this Act includes: rice, corn; bread; fresh, dried and canned fish and other marine products, fresh pork, beef and poultry meal; fresh eggs; fresh and processed milk; fresh vegetables; root crops; coffee; sugar; instant noodles; salt;

(b) "Government body" shall mean any Executive, specifically, but not limited to, the Department of Agriculture (DA) and Department of Trade and Industry (DTI), Legislative, Judicial or Constitutional body of the Government of the Republic of the Philippines, including local government units, the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP), government financial institutions and government-owned and controlled corporations, whether created by its own charter or by registration with the Securities and Exchange Commission (SEC), and all such other entities where the government has substantial interest in;

(c) "Information" shall mean all documents, papers, letters, minutes and transcripts of official meetings, maps, books, photographs, films, sound and video recordings, magnetic or other tapes, electronic data processing records, computer stored data, electronic mail messages, or any other like or similar data or material, recorded, stored or archived in whatever form or format,

1 which are made, received or kept in or under the control and custody of any  
2 government body pursuant to law, executive order, rules and regulation,  
3 ordinance or in connection with the performance or transaction of official  
4 business by any government body.

5 (d) "Requesting person" shall mean a natural person, whether on his own or as a  
6 representative of another natural person or a juridical person, who makes a  
7 request to obtain, have a copy of or have access to information from any  
8 government body as defined in this section.

9 (e) "Trade secret" shall mean any information, including a formula, pattern,  
10 compilation, program, device, product, method, technique or process, that is  
11 used, or may be used, in business or for any commercial advantage; derives  
12 independent economic value, actual or potential, from not being generally  
13 known to the public or to persons who can obtain economic value from its  
14 disclosure or use, is the subject of reasonable efforts to prevent it from  
15 becoming generally known, and the disclosure of which would result in harm  
16 or improper benefit.

17 **SEC. 4. Publication of Importation Permits.** – In the spirit of transparency  
18 and accountability, the Department of Agriculture shall cause the publication of the  
19 following information on importation permits that it has granted for basic  
20 commodities, such as rice, corn, and sugar.

21 (a) Name and address of importer, whether a natural or juridical entity,

22 (b) Name and address of supplier from whom importation is sourced;

23 (c) Country of origin of the import per shipment;

24 (d) Date of contract of import;

25 (e) Date of arrival of import per shipment;



- 1 (f) Schedule, cargo or vessel, and maximum tonnage per shipment;
- 2 (g) Contracted and actual volume of import per shipment;
- 3 (h) Specification of import per shipment;
- 4 (i) Contracted price of import per shipment;
- 5 (j) Value or cost of import per volume and for each source;
- 6 (k) Mode of purchase of import per shipment;
- 7 (l) Drop-off points or ports per shipment; and
- 8 (m) Such other information that may be necessary to ensure a complete and
- 9 proper inventory of basic commodities.

10 The Department of Agriculture shall also prepare, keep and maintain records  
11 and a database containing the above-enumerated information which shall be made  
12 readily available to the public.

13 **SEC. 5. Coverage and Limitations.** – All information, as herein defined,  
14 which are in the custody or under the control of a government body shall be made  
15 accessible and available for public scrutiny, copying and reproduction, except when:

- 16 (a) The information pertains to personal information on a third party natural  
17 person, but only when its revelation would constitute a violation of an  
18 individual's right against self-incrimination, including, but not limited to,  
19 records or information covered by attorney-client or doctor-patient  
20 relationship;
- 21 (b) The information has been specifically authorized to be kept secret or  
22 considered classified in the interest of national security by the President  
23 through an Executive Order duly published in the Official Gazette and in at  
24 least two (2) newspapers of general circulation, subject to the following  
25 provisions.

- i. The Supreme Court may, upon complaint by any citizen, inquire into the sufficiency of the factual basis for the President's determination;
- ii. Such information shall be reviewed every five (5) years by the head of the appropriate agency concerned for purposes of declassification and making available to the public, and
- iii. Such information shall finally be deemed declassified and open to the public after a period of fifteen (15) years from the date of publication of the said Executive Order in the Official Gazette or in a newspaper of general circulation, whichever was first.

(c) The information is maintained by law enforcement agencies for criminal law enforcement, or, relates to the detection and investigation of crime, including those maintained on any individual or compiled in the Course of a criminal investigation by any law enforcement agency. *Provided that* the disclosure of such public record or information:

- i. Could reasonably be expected to interfere with the prevention, detection, suppression, or investigation of any criminal activity or with law enforcement operations;
- ii. Would deprive a person of a right to a fair trial or an impartial adjudication;
- iii. Could reasonably be expected to constitute an unwarranted invasion of personal privacy;
- iv. Could reasonably be expected to disclose the identity of a confidential source, including a foreign agency or authority, or any private institution which furnished information on a confidential basis, or the information furnished by a confidential source;

v. Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions;

vi. Could reasonably be expected to endanger the life or physical safety of any individual, harm the security of any property or system; or

vii. Could harm the security of any property or system, including, but not limited to, a building, vehicle, computer or communications system:

*Provided, however,* that records or information relating to the administration, management and direction of a law enforcement agency shall be public.

(d) The information is maintained by the Department of Foreign Affairs and other relevant government bodies on another sovereign state, and the disclosure of such records or information could reasonably be expected to jeopardize the diplomatic relations of the Government of the Republic of the Philippines with the said sovereign state: *Provided, that* treaties, trade agreements, contracts between agencies and/or government-owned and controlled corporations, and implementing agreements, annexes, side letters and other such documents and records pertaining to or related to the same, and any other documents pertaining to dealings entered into by, the Government of the Republic of the Philippines with another sovereign State and binds the Government to uphold such transactions under international and local law, shall not be covered by this exception;

(e) The information pertains to trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature, or



1 (f) The information is exempted from disclosure by another law or by the Rules of  
2 Court, including, but not limited to, information considered as privileged  
3 communication or gathered by any government body in closed or executive  
4 session.

5 In cases where access is requested to a portion of a record or information that  
6 is exempt from disclosure pursuant to this Act, the public shall have the right of  
7 access to the remainder of the record: Provided, that the exempt portion of the  
8 record can be reasonably separated, severed, deleted or concealed from the record.

9 Nothing in this Act shall, however:

10 (a) authorize the withholding of information from, or limit the availability of records  
11 to Congress or any of its committees;

12 (b) affect the power of any court, tribunal, investigative body, or any government  
13 body exercising quasi-judicial functions to compel a witness to testify or to  
14 compel the production of documents;

15 (c) limit the information otherwise available by law to a party to litigation including  
16 a civil, criminal or administrative proceeding;

17 (d) prohibit the transfer, storage or destruction of any record pursuant to law,  
18 decree, order, ordinance or rules and regulations;

19 (e) prevent access to records maintained in a public office for the purpose of  
20 providing the public access to information; or

21 (f) restrict disclosure of information for the purpose of an investigation or  
22 prosecution of a criminal case or a case of graft and corruption.

23 **SEC. 6. Procedure for Access.** – Any person who seeks to obtain, have a  
24 copy of or have access to any information shall file a request in writing, as much as  
25 practicable, to the government body concerned, reasonably describing the



1 information being sought, and stating details on how he could be contacted by the  
2 said government body.

3 The government body shall comply with the said request within two (2)  
4 working days after the receipt of the request, or within a reasonable period of time  
5 mutually agreed upon by the requesting person and the government body's  
6 employee concerned, but not to exceed five (5) working days.

7 The time for compliance may, with due notice to the requesting person, be  
8 extended by the head of the government body to a period not exceeding fifteen (15)  
9 days if:

10 (a) The requesting person failed to give enough details about the information or  
11 record sought to be obtained.

12 (b) A large number of records is sought to be obtained in a single request, or  
13 when it has received voluminous requests, that compliance within the  
14 prescribed period under this Act would unreasonably interfere with its  
15 operations;

16 (c) The request requires search and collation of records from its field offices,

17 (d) Additional time is needed to consult with another government body having  
18 material or substantial interest in the determination of the request; and

19 (e) There are fortuitous events or other events from force majeure, or other  
20 analogous cases.

21 **SEC. 7. Payment of Reasonable Fees.** – Copies or reproductions of  
22 information, whether in print or electronic media, may be obtained by the requesting  
23 person whose request has been approved upon payment of a reasonable fee which  
24 shall not exceed the actual cost of reproduction plus a reasonable margin not  
25 exceeding ten percent (10%). *Provided, that proceeds from the reproduction fees*

1 charged shall be used exclusively for the purchase and maintenance of equipment  
2 and supplies required to produce copies or reproductions of the said records.

3 Upon request, the government body shall provide a detailed itemization of the  
4 costs charged for the reproduction. No government body may, however, require the  
5 advanced payment of any reproduction fee.

6 **SEC. 8. *Transfer of Request*** – If the government body to which the request  
7 was filed determines that the information being sought is not in its custody or control,  
8 it shall, within two (2) days, notify the requesting person of the same, through writing  
9 or other contact channels that the requesting person has provided, and shall then  
10 either: 1) transmit the said request to the government body which has the  
11 possession or custody of the information being sought, or 2) provide the requesting  
12 person with a referral letter, signed by its head and addressed to the head of the  
13 government body which has the possession or custody of the information being  
14 sought.

15 The government body receiving of such transmittal or referral letter shall then  
16 act on such request in the manner set forth in Section 5 hereof.

17 **SEC. 9. *Denial of Request*** – If the government body decides to deny the  
18 request, in whole or in part, it shall within two (2) working days from the receipt of the  
19 request notify the requesting person of such denial in writing, signed by the head of  
20 the government body, and the specific grounds for the denial and the corresponding  
21 legal basis, as allowed in Section 5 hereof.

22 **SEC. 10. *Remedies to Compel Disclosure***. – Every denial of any request for  
23 access to information may be appealed before the Office of the Ombudsman by  
24 filing, within fifteen (15) days from receipt of a letter of denial, a prayer for the  
25 disclosure of the information being sought.



1 If the Office of the Ombudsman upholds such denial or fails to act on such  
2 prayer within sixty (60) days, the requesting person may then file a verified petition  
3 for mandamus before the Regional Trial Court with jurisdiction over the government  
4 body's office receiving the request for information. A decision of the court granting  
5 the request for information shall be subject to the proper judicial remedies available  
6 to the affected government body, following the procedure provided under the Rules  
7 of Court.

8 Nothing in this Section shall prejudice any other available administrative, civil  
9 or criminal remedy.

10 **SEC. 11. *Mandatory Disclosure of Food Information.*** – Each government  
11 body that possesses any significant information that affects food supply and prices  
12 shall readily disseminate the same to the public and regularly update said  
13 information. The means of disclosure and dissemination of such information shall  
14 include, but not be limited to: (a) manuals, pamphlets, brochures, bulletins, posters,  
15 announcements, or any other printed collaterals, for distribution or for posting by the  
16 government body concerned in conspicuous places in its central and field offices,  
17 and (b) electronically uploading of such information on its website.

18 **SEC. 12. *Mandatory Disclosure for Public Interest.*** – Any government  
19 body which is in possession or has knowledge of any information, not otherwise  
20 declared classified or exempt pursuant to this Act, about the existence of a factor or  
21 risk significant to food supply and prices, or which clearly affects public's right to  
22 affordable food and adequate food supply, shall without delay disclose such  
23 information to the public.

24 **SEC. 13. *Penal Provisions.*** – Any official or employee of the government  
25 body which has possession of any significant information on food supply and prices

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1 found guilty by final judgment of the proper court of denying access to information, or  
2 parts thereof, without a valid legal ground as provided for in this Act, or who shall  
3 knowingly release false and/or misleading information, shall be punished with a fine  
4 of not less than Twenty Thousand Pesos (P20,000.00) but not more than Forty  
5 Thousand Pesos (P40,000.00), and/or imprisonment of not less than one (1) year  
6 but not more than three (3) years, including all the accessory penalties provided by  
7 law, upon the discretion of the Court.

8 Any official or employee who shall fail to respond to a request due to  
9 negligence, or fail to meet the time limits for response set forth in this Act, without  
10 reasonable reasons for such, shall be punished with a fine of not less than Ten  
11 Thousand Pesos (P10,000.00) but not more than Twenty Thousand Pesos  
12 (P20,000.00), and/or imprisonment of not less than six (6) months but not more than  
13 one (1) year, including all the accessory penalties provided by law, upon the  
14 discretion of the court.

15 Any official or employee who shall deliberately and knowingly refuse, or  
16 because of negligence fail, to update any information his or her office is required to  
17 disclose under Section 10 of this Act shall be penalized administratively with  
18 suspension from service, without pay, of at least six (6) months but not more than  
19 one (1) year. A subsequent offense shall cause his dismissal from service.

20 **SEC. 14. Implementing Guidelines.** – Each government body shall, within  
21 sixty (60) days from the effectivity of this Act, promulgate guidelines specifying the  
22 office, and employees from whom, and the methods and process whereby, the public  
23 may request access to or obtain information which are kept in or held under its  
24 custody or Control.



**SEC.15. Reports.** – On or before March 1 of each calendar year, each government body shall submit a report covering the preceding year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of Congress. The report shall include:

- (a) A copy of the implementing guidelines and rules crafted by such government body in the implementation of this Act;
- (b) A copy of the reproduction fee schedule under Section 6 of this act, the total proceeds collected from such fees and the use of such proceeds by the government body;
- (c) The number of determinations made by such government body to refuse the requests for information made to such government body under Section 9, the reasons for such determination;
- (d) The names and titles or positions of officials responsible for the refusal of requests under this Act, and the number of instances of participation of each;
- (e) The number of refused requests wherein the requesting person sought remedies before the Office of the Ombudsman or before the regular courts, and the names and titles or positions of officials Concerned in these cases;
- (f) A copy of the information disclosed by the government body pursuant to Section 11 of this act, including a description of the collaterals, whether print or electronic, used in the dissemination of the said disclosed information;
- (g) A summary of other initiatives made by the government body, whether or not mandated by this Act or any other law, that sought to enhance and assist the implementation of this Act; and
- (h) Such other information which the government body deems as necessary to disclose in relation to the implementation of this Act.

1 The Office of the Ombudsman shall submit an annual report on or before  
2 March 1 of each calendar year, listing the number of cases filed before it under  
3 Section 10 of this Act and the disposition of each case. The Solicitor General shall  
4 likewise submit an annual report on or before March 1 of each calendar year, listing  
5 the number of cases filed before the regular Courts under Section 10 of this Act, the  
6 disposition of each case, the names and positions or titles of the officials penalized  
7 and the penalties assessed.

8 **SEC. 16. Oversight Committee.** – For the effective implementation of this  
9 Act, there shall be a Congressional Oversight Committee consisting of five (5)  
10 members each from the Senate and House Representatives, which shall be  
11 composed of the Chairpersons and members of the Committees on Agriculture,  
12 Trade and Commerce, and Justice and Human Rights of both the Senate and House  
13 of Representatives, which shall meet bi-annually to oversee its implementation. The  
14 Congressional Oversight Committee shall be jointly chaired by the Chairpersons of  
15 the Committees on Agriculture and Trade and Commerce of the Senate and House  
16 and Representatives and shall be jointly vice-chaired by the Chairpersons of the  
17 Committees on Justice and Human Rights of the Senate and House and  
18 Representatives.

19 **SEC. 17. Separability Clause.** – If for any reason, any part, section or  
20 provision of this Act shall be held unconstitutional or invalid, no other part, section or  
21 provision shall be affected thereby,

22 **SEC. 18. Repealing Clause.** – All laws, decrees, executive orders, rules and  
23 regulations, issuances or any parts thereof inconsistent with the provisions of this Act  
24 are deemed repealed or amended accordingly.



1       **SEC. 19. *Effectivity Clause.*** – This Act shall take effect immediately after its

2       publication in at least two (2) national newspapers of general circulation.

3       *Approved,*