

HOUSE OF REPRESENTATIVES
Batasan Hills, Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL No. 0226

Introduced by
ACT Teachers Party-List Rep. FRANCE L. CASTRO,
BAYAN MUNA Party-List Rep. CARLOS ISAGANI T. ZARATE,
Rep. FERDINAND GAITE and Rep. EUFEMIA C. CULLAMAT,
GABRIELA Women's Party Rep. ARLENE D. BROSAS,
and KABATAAN Party-List Rep. SARAH JANE I. ELAGO

AN ACT
STRENGTHENING THE PEOPLE'S RIGHT TO INFORMATION

EXPLANATORY NOTE

Laws, rules, and policies that further entrench people in poverty are made behind curtains, far from the public eye. Graft and corruption, and misfeasance and malfeasance of public officials thrive in the shadows, where the people's money is wasted or spent not for the people but for private gain and interests, and those responsible can run away from accountability by hiding in the darkness. Oppression and human rights violations heighten in a milieu where agents are allowed to operate in secret. No true democracy exists in a country where public debate and people's participation and empowerment are impossible due to cloaks of secrecy thrown over matters of public concern.

Indeed, the people's right to information—official records, documents, and any other information of public concern—is an indispensable element of a functioning and genuine democracy. The ideal of a government by the people presupposes that the people have access to information on matters of public concern in order for them to effectively exercise their sovereignty. Freedom of information is also a right that facilitates the fulfilment of other rights

While the people's right to know and the corresponding government duty to promote and protect it are constitutional and international human rights law imperatives, the Philippines still lacks a comprehensive freedom of information legislation that will prevent agencies from coming up with their own policies and

procedures that effectively block access to information rather than enabling it. This bill seeks to finally cure this vacuum.

This proposed FOI Act embodies the twin elements of the people's right to know: the duty of disclosure on the part of government bodies and officials and the right to access to information on the part of the people.

Mandatory disclosure shall enable the release of enumerated records, documents, and other information, such as the Statements of Assets and Liabilities of specified officials such as top officers of the executive, legislative, and judicial branches, the Constitutional commissions, and the military. Agencies shall also be tasked to upload in their websites public records, documents, and other information, including procurement contracts, audited financial statements, annual budgets, revenue allotments and expenditures, and domestic and foreign loans.

This FOI bill shall also mandate the promotion by government agencies of openness in government, that is, the regular publication, printing, and dissemination, in accessible language and form (including through agency websites) and at no cost to the public, of true, accurate, and updated key information such as description of frontline services and the procedure and length of time by which they may be availed of; the names of key officials, their powers, functions, and responsibilities, their profiles and curriculum vitae; and mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of the agency's powers.

Access to information shall be enshrined, enabling the people to be given access to any record under the control of a government agency. Agencies and public officials have the duty to disclose and make available for scrutiny, copying, and reproduction all information pertaining to official acts, transactions, or decisions as well as government research data used as a basis for policy development

Exceptions are provided, each one crafted within their respective parameters. Furthermore, the bill provides that exceptions to FOI are to be strictly construed against the government, complementing a presumption in favor of access to information, also expressed in the bill. Protection of the right to privacy of individuals shall also be assured.


Finally, the FOI Act shall provide the liabilities and penalties for its violation, including claim of exceptions without factual or legal basis.

This bill was approved by the House of Representatives Committee on Public Information upon study and consolidation of the various proposals for a Freedom of Information Act during the 17th Congress, during the chairmanship of ACT Teachers Party-List Antonio Tinio.


Approval of this bill is earnestly sought.




Rep. **FRANCE L. CASTRO**
ACT Teachers Party-List




Rep. **CARLOS ISAGANI T. ZARATE**
BAYAN MUNA Party-List




Rep. **FERDINAND GAITE**
BAYAN MUNA Party-List



Rep. **EUFEMIA C. CULLAMAT**
BAYAN MUNA Party-List



Rep. **ARLENE D. BROSAS**
GABRIELA Women's Party



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AN ACT

STRENGTHENING THE PEOPLE'S RIGHT TO INFORMATION

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

I. GENERAL PROVISIONS

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

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

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

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

SEC. 3. **Coverage.** – This Act covers all government agencies in the executive, legislative, and judicial branches including agencies, departments, bureaus, offices, and instrumentalities of the national government, Constitutional Commissions and constitutionally mandated bodies; local government units and all their agencies; regulatory agencies; chartered institutions; government-owned or -controlled corporations including wholly-owned or controlled subsidiaries; government financial institutions; state universities and colleges; the Armed Forces of the Philippines and the Philippine National Police; all offices in the Congress of the Philippines, including the offices of Senators and Representatives; and the Supreme Court and all lower courts established by law.

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

- a) *Dataset* refers to an organized collection of data or information in a variety of forms including tabular, geo-spatial or image data files;
- b) *Freedom of Information (FOI) request* refers to a request made in accordance with the provisions of this Act;
- c) *FOI Website* refers to the website with address www.foi.gov.ph that shall serve as the government's comprehensive FOI website for all information on the FOI. It shall be the central resource for the public to: understand the FOI, search data and records inventories of agencies, make a request for information that is not yet publicly available, track all FOI requests made by other citizens, and monitor agency performance in terms of FOI. The FOI website shall also be a platform for all government agencies to facilitate and address all FOI requests of the public;
- d) *Information* refers to data that have been processed into a record, document, paper, report, letter, contract, minutes and transcripts of official meetings, maps, books, photographs and research material in whatever form, or films, audio and video recordings, magnetic or other tapes and electronic data, in whatever format, which are made, received, and under the control and custody of any government agency pursuant to law, executive order, rules and regulations, ordinance, or are in its possession in connection with the performance of its official duty or transaction;
- e) *Machine-readable* refers to formats that allow data to be extracted and processed by computer programs;
- f) *Open format* refers to information that is platform-independent, machine-readable, and made available to the public without restrictions that impede its reuse;

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

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

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

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

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

II. DUTY TO DISCLOSE

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

- 1) President;
- 2) Vice-President;
- 3) Members of the Cabinet;
- 4) Members of Congress;
- 5) Justices of Supreme Court;
- 6) Members of Constitutional Commissions and other constitutional offices; and

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

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

1) Freedom of Information Manual;

2) Rules of procedure, description of forms available, the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

3) 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;

4) Public documents or records including:

- i) Annual budget of government agencies;
- ii) Itemized monthly collections and disbursement;
- iii) Summary of income and expenditures;
- iv) Annual procurement plan and procurement list;
- v) Items for bidding;
- vi) Bid results on civil works, and goods and services projects;
- vii) Abstract of bids as calculated;
- viii) Procurement contracts entered into by the government agency;
- ix) Construction or concession agreements or contracts entered into by the government agency with any public service contractor or domestic or foreign person or entity;
- x) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957, otherwise known as "*An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector and for Other Purposes*" as amended by Republic Act No. 7718, otherwise known as the "*Build Operate and Transfer Law*," authorizing the financing, construction, operation, and maintenance of infrastructure projects;

- xi) Public funding extended to any private entity;
- xii) Licenses, permits, or agreements granted by any government agency for the extraction or utilization of natural resources, as well as the list of persons or entities who were granted the same;
- xiii) An updated plantilla of positions including unfilled positions in the public office or agency, and the qualifications and requirements for each unfilled position;
- xiv) Compromise agreements entered into by the government agency with any person or entity;
- xv) Work programs, development plans, investment plans, projects, performance targets, and accomplishments;
- xvi) Audited financial statements, annual budgets, revenue allotments and expenditures;
- xvii) Guarantees given by any government agency to government-owned or -controlled corporations and to private corporations, persons or entities;
- xviii) Utilization of the Internal Revenue Allotment (IRA), Special Education Fund, Local Disaster Risk Reduction Management Fund, Local Development Fund, and other local government unit (LGU) funds;
- xix) Bilateral or multilateral agreements and treaties in trade, economic partnerships, investments, cooperation and similar binding commitments; and
- xx) Loans from domestic and foreign financial institutions, loans and grants for development assistance, technical assistance, utilization of all form of donations for calamity stricken areas and programs entered into by a government agency with official bilateral or multi-lateral agencies, as well as with private aid agencies or institutions.

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

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

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

- 1) description of its mandate, structure, powers, functions, duties, and decision-making processes;
- 2) description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- 3) the names of its key officials, their powers, functions, and responsibilities, their profiles and curriculum vitae;
- 4) work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments, and expenditures;
- 5) important rules and regulations, orders, or decisions: *Provided*, That the same shall be published within fifteen (15) calendar days from promulgation;
- 6) datasets generated in the implementation of agency mandates, programs, activities, and projects such as statistics, figures, and geospatial data;
- 7) current and important database and statistics that the database generates;
- 8) bidding processes and requirements; and
- 9) mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

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

SEC. 7. *Publication of Government Data in the Open Data Philippines Website.* – For purposes of enhancing the public's access to government information and abiding by the international commitments of the Philippines to transparency and government openness, all government agencies shall publish in the Open Data

Philippines website, datasets generated in the implementation of agency mandates, programs, activities, and projects. These datasets shall be updated, whenever permissible, at least once in every quarter of every year, and shall be, whenever practicable, in a machine-readable and open format.

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

III. THE RIGHT TO INFORMATION

A. Access to Information

SEC. 8. ***Access to Information.*** – Every Filipino citizen has a right to and shall, upon request, be given access to any record under the control of a government agency. Government agencies and public officials have the duty to disclose and make available for scrutiny, copying, and reproduction in the manner provided by this Act, all information pertaining to official acts, transactions, or decisions as well as government research data used as a basis for policy development, subject to the exceptions enumerated under Section 10 of this Act, regardless of the physical form or format in which they are contained and by whom they were made.

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

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

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

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

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

2) the information requested pertains to the foreign affairs of the Republic of the Philippines, and its revelation shall unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more States: *Provided*, That sufficient information is disclosed to afford reasonable public participation and government decision-making on bilateral and multilateral agreements: *Provided, further*, That the executive order shall specify the reasonable period after which the information shall be automatically declassified or be subject to mandatory declassification review after six (6) years, and that any reasonable doubt as to classification and declassification shall be settled in favor of the right to information: *Provided, finally*, That all classified information contained in all government agency records that: (1) are more than twenty-five (25) years old, and (2) have been determined to have historical value shall be automatically declassified whether or not the records have been reviewed. Subsequently, all classified information in such records shall be automatically declassified no longer than twenty-five (25) years from the date of its original classification.

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

1) reasonably be expected to interfere with enforcement proceedings;

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

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

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

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

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

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

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

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

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

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

h) when prematurely disclosed, the information would, in case of a government agency that regulates financial institutions and the financial markets that they deal in, such as commodities, interest rates, and security markets, likely lead to fraud, manipulation, or other unlawful acts or schemes involving financial instruments, or, in the case of other government agencies, likely impede the effective implementation of a proposed official action: *Provided*, That the information shall be accessible once the anticipated danger has ceased.

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

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

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

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

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

- a) A government agency shall ensure that personal information in its custody or under its control is disclosed only as permitted under this Act;
- b) A government agency shall protect personal information in its custody or under its control by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or disposal;
- c) A director, officer or employee of a government agency who has access, whether authorized or unauthorized, to personal information in the custody of the agency, shall not disclose that information except as authorized under this Act.

B. Procedure of Access

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

- a) Any person who requests access to information shall submit an FOI request to the government office concerned. The request shall state the name and

contact information of the requesting party, provide valid proof of the identification of the requesting party, reasonably describe the information requested and the reason for, or purpose of, the request for information: *Provided*, That no request shall be denied or refused acceptance unless the reason for the request is contrary to law or existing rules and regulations or the information regulated is provided under Section 10 of this Act. The public official receiving the request shall provide reasonable assistance to enable all requesting parties, particularly those with special needs, to comply with the necessary requirements under this Section;

b) The receiving government office shall indicate on the request the date and time of receipt, and the name, rank, title, and position of the receiving public officer or employee who shall correspondingly sign the request. A copy of the request shall be furnished to the requesting party. Each government office shall establish a tracking system to monitor the status of all requests for information received by it;

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

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

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

The same procedure applies when requesting through the FOI website, except that the requesting party shall file the FOI request at www.foi.gov.ph.

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

SEC. 16. **Notice of Denial.** – If the government office decides to deny the request in whole or in part, it shall as soon as practicable, and in any case within fifteen (15) working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly state the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

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

1) Denial of any request for access to information may be appealed to the person or office next higher in authority following the procedure provided in the FOI Manual as required in Section 22, paragraph (h) of this Act: *Provided*, That the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial, or from the lapse of the period to respond to the request;

2) The appeal shall be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the aforesated period shall be deemed a denial of the appeal; and

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

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

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

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

SEC. 18. **One-Stop Shop.** – Each government office is mandated to have a one-stop shop for the services made available by this Act.

SEC. 19. **Release to One, Release to All.** – For purposes of streamlining requests for information, an information that has been made available to an individual through a request for information shall also be published in an appropriate website such as the FOI website, the Open Data Philippines website, Official Gazette

Online, departmental website, or local government website, thus allowing the public access to all information that has been requested.

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

SEC. 21. ***Annual Reports on Actions Taken on Requests for Access to Information.*** – All government agencies shall prepare, for each fiscal year, a report on the number of requests for information received, processed, granted and denied; of appeals made from denials of such requests; and of pending court actions they are a party to as a result of such requests. These reports may be integrated in the main annual reports of government agencies and may be posted and published in their respective websites.

SEC. 22. ***Freedom of Information Manual.*** – For the effective implementation of this Act, all government agencies shall prepare an FOI Manual, setting forth the following:

- a) the location and contact information of the head, regional, provincial and field offices of the agency, and other established places where the public can obtain information or submit requests;
- b) the types of information it generates, holds, or publishes;
- c) a description of its record-keeping system;
- d) the person or office responsible for receiving requests for information;
- e) the procedure for the filing of requests personally, by mail or through the identified electronic means;
- f) the standard forms for the submission of requests and for the proper acknowledgement of requests;
- g) the process for the disposition of requests, including the routing of requests to the persons or offices with the duty to act on the same and the decision-making processes for the grant or denial of requests;
- h) the procedure for the administrative appeal of any denial for access to information;

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

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

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

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

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

The heads of each of the departments and agencies may designate liaison units or committees which 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.

IV. LIABILITIES AND PENALTIES

SEC. 23. ***Administrative Liability.*** – Depending on the gravity and repetition of the act, the following acts shall be tantamount to neglect of duty, refusal to perform official duty, or some other appropriate charge under existing rules of the Civil Service Commission, and shall constitute grounds for administrative and disciplinary sanction against any public official or employee:

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

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

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

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

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

SEC. 24. ***Criminal Liability.*** – a) The commission of the following acts shall be subject to the penalty of imprisonment of not less than one (1) month, but not more than six (6) months, with the accessory penalty of dismissal from the service:

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

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

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

SEC. 25. ***Denial in Good Faith Not a Ground for Liability.*** – A denial in good faith of a request for access to information made pursuant to the provisions of this Act shall not constitute a ground for administrative or criminal liability.

SEC. 26. ***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 denial of the right to information under Article III, Section 7 of the 1987 Constitution.

V. KEEPING OF RECORDS

SEC. 27. ***Records Management.*** – Subject to existing laws, rules, and regulations, government offices shall create and maintain an accurate and complete record of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

VI. MISCELLANEOUS PROVISIONS

SEC. 28. ***Capacity-Building and Role of the Department of Information and Communications Technology (DICT).*** – Every government agency shall ensure the provision of adequate training for its officials and employees to improve awareness

of the people's right to information on matters of public concern and the provisions of this Act. Similarly, every government agency shall endeavor to study and adopt best practices in relation to information disclosure, records maintenance, and archiving.

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

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

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

SEC. 29. *Integration of Freedom of Information and Good Governance in Elementary and Secondary Curricula.* – To ensure well-informed generations 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 “Heyograpiya, Kasaysayan at Sibika (HEKASI)” and “Araling Panlipunan” in the elementary level and in such subjects as Social Studies and “Makabayan” or its equivalent subjects in the 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. 30. *Congressional Oversight Committee.* – There is hereby created a Congressional Oversight Committee which shall be composed of six (6) members from the Senate and six (6) members from the House of Representatives with the Chairpersons of the Committee on Public Information and Media of the Senate and the Committee on Public Information of the House of Representatives as joint Chairpersons of this Committee. The five (5) other members from each chamber are to be designated by the Senate President and the Speaker of the House of Representatives, respectively. The minority shall be entitled to *pro rata* representation but shall have at least two (2) representatives from each chamber.

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

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

SEC. 33. **Repealing Clause.** – All laws, decrees, executive orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Act, including Sections 18, 24 and 25 of Executive Order No. 292, Series of 1987, otherwise known as the “*Revised Administrative Code of 1987*” in relation to Article 2 of Republic Act No. 386, otherwise known as the “*Civil Code of the Philippines*,” Section 3, Rule IV of the Rules Implementing Republic Act No. 6713, otherwise known as the “*Code of Conduct and Ethical Standards for Public Officials and Employees*,” are hereby repealed. Memorandum Circular No. 78, dated 14 August 1964, otherwise known as “*Promulgating Rules Governing Security of Classified Matter in Government Offices*,” shall be deemed repealed one (1) year after from the effectivity of this Act.

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

Approved,