

REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 1121

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by **MAGDALO Party-List Representative**  
**HON. GARY C. ALEJANO**

**Explanatory Note**

Right to information fosters transparency and accountability which are essential values for a democracy to flourish. Ready access to public documents allows for the citizens to exercise their sovereignty over the government that they elected. Moreover, right to information encourages citizens' participation.

The 1987 Constitution, in the following provisions, affirms the importance of right to information:

Article II, Section 24, "The State recognizes the vital role of communication and information in nation-building."

Article II, Section 28, "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

Article III, Section 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."

This measure intends to reassert the abovementioned constitutional imperatives by establishing guidelines and procedures for operationalization. Absence of an operational framework would render the rights and obligations under the Constitution meaningless, allowing the government to work in secret and away from public scrutiny. Therefore, this measure seeks to establish a system of accessing government information which would encourage an informed, vigorous and enlightened public opinion on various state affairs.

In view of the foregoing, immediate approval of this measure is earnestly sought.

  
HON. GARY C. ALEJANO

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AN ACT  
STRENGTHENING THE RIGHT OF CITIZENS TO INFORMATION  
HELD BY THE GOVERNMENT

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

1       **SECTION 1. *Short Title.*** - This Act shall be known as the "People's  
2       Freedom of Information Act."

3  
4       **Sec. 2. *Declaration of Policy.*** - The State recognizes the right of the people to  
5       information on matters of public concern, and adopts and implements a policy of full  
6       public disclosure of all its transactions involving public interest, subject to the  
7       procedures and limitations provided by this Act. This right is indispensable to the  
8       exercise of the right of the people and their organizations to effective and reasonable  
9       participation at all levels of social, political and economic decision-making.

10  
11       **Sec. 3 *Coverage.***- This Act shall cover all government agencies, to refer to  
12       the executive, legislative, and judicial branches as well as the constitutional bodies of  
13       the Republic of the Philippines, including the national government and all its  
14       agencies, departments, bureaus offices and instrumentalities, constitutional  
15       commissions and constitutionally mandated bodies, local governments and all their  
16       agencies, regulatory agencies, chartered institutions, government-owned or -  
17       controlled corporations, including wholly-owned or controlled subsidiaries,  
18       government financial institutions, state universities and colleges, the Armed forces of  
19       the Philippines, the Philippine National Police, all offices in the Congress of the  
20       Philippines including the offices of Senators and Representatives, the Supreme Court  
21       and all lower courts established by law.

22  
23       **Sec.4. *Definition of Terms.*** As used in this Act:  
24

1 (a) Dataset refers to an organized collection of data in a variety of forms,  
2 including tabular, geospatial, or image data files.

3  
4 (b) Information refers to data that have been processed into a record,  
5 document, paper, report, letter, contract, minutes and transcripts of official meetings,  
6 maps, books, photographs, data, research, materials, in whatever form, or films, audio  
7 and video recordings, magnetic or other tapes, electronic data, in whatever format,  
8 which are made, received or kept in or under the control and custody of any  
9 government agency pursuant to law, executive order rules and regulations, ordinance,  
10 or in connection with the performance or transaction of official business by any  
11 government agency.

12  
13 (c) Machine-readable refers to formats that allow data to be extracted and  
14 processed by computer programs.

15  
16 (d) Official record refers to information produced or received by a public  
17 officer or employee, or by a government agency in an official capacity or pursuant to  
18 a public function or duty. This shall not refer to the stage or status of the information.

19  
20 (e) Open format refers to one that is platform independent, machine readable,  
21 and made available to the public without restrictions that would impede the re-use of  
22 that information.

23  
24 (f) Public record refers to information required by law, executive orders, rules,  
25 or regulations to be entered, kept, and made publicly available by a government  
26 agency.

27  
28 **Sec. 5. Access to Information.** Every person who is a Filipino citizen has a  
29 right to and shall; on request, be given access to any record under the control of a  
30 government agency. Government agencies and public officials shall have the duty to  
31 disclose and make available for scrutiny, copying, and reproduction in the manner  
32 provided by this Act, all information pertaining to official acts, transactions, or  
33 decisions as well as government research data used as a basis for policy development,  
34 subject to the exceptions enumerated under Section 7 of this Act, regardless of their  
35 physical form or format in which they are contained and by whom they were made.

36  
37 Nothing herein contained shall allow private acts, transactions or records of  
38 public officials and private individuals to be the subject of mandatory disclosure

1 under this Act: *Provided*, however, That Income tax returns, and statement of assets,  
2 liabilities and networth (SALN) of public officials shall be released subject to existing  
3 Saws, rules and regulations; *Provided, further*, That the limitations and prohibitions  
4 to make available to the public the SALN shall not apply when, upon order of the  
5 Sandiganbayan, it has been established that there is probable cause related to t h e  
6 commission of an offense.

7  
8 **Sec. 6. Presumption** - There shall be a legal presumption in favor of access  
9 to information. The request for information may be denied only if it clearly falls  
10 under the exceptions provided under this Act. Accordingly, government agencies  
11 shaft have the burden of proving that the Information requested Is exempted from  
12 disclosure.

13  
14 **Sec. 7. Exceptions.** - Access to information shall be granted unless;  
15

16 (a) The Information is specifically authorized to be kept secret under  
17 guidelines established by an executive order, and property classified pursuant thereto:  
18 *Provided*, That 1) The information directly relates to national security or defense and  
19 its revelation may cause grave damage to the national security or internet and external  
20 defense of the State; or 2) The information requested pertains to the foreign affairs of  
21 the Republic of the Philippines, when its revelation shall unduly weaken the  
22 negotiating position of the government in an ongoing bilateral or multilateral  
23 negotiation or seriously jeopardize the diplomatic relations of the Philippines with  
24 one or more States: *Provided further*, That the executive order shall specify the  
25 reasonable period after which the information shaft be automatically declassified or  
26 be subject to mandatory declassification review, and that any reasonable doubt as to  
27 classification and declassification shall be settled in favor of the right to information.

28  
29 (b) the information consists of records of minutes and advice given and  
30 opinions expressed during decision-making or policy formulation, invoked by the  
31 Chief Executive to be privileged by reason of the impairment of the Chief Executive's  
32 deliberative process that would result from the disclosure thereof. Once policy has  
33 been formulated and decisions made, minutes and research data may be made  
34 available for disclosure unless they were made in executive session;

35  
36 (c) the information requested pertains to internal and/or external defense, law  
37 enforcement, and border control, when the disclosure thereof would:  
38

- 1 (i) Unduly compromise or interfere with any legitimate military or law  
2 enforcement operation: or  
3 (ii) Unduly compromise or interfere with the prevention, detection or  
4 suppression of criminal activity, the effective implementation of immigration  
5 controls and border security; or  
6 (iii) Deprive a person of a right to a fair trial or an impartial adjudication; or  
7 (iv) Lead to government, or foreign agency or authority or any private  
8 institution which furnished information on a confidential basis, and, in the  
9 case of a record or information compiled by a law enforcement authority, in  
10 the course of an investigation or by an agency conducting a lawful national  
11 security intelligence investigation, information furnished by a confidential  
12 source; or  
13 (v) Disclose techniques and procedures for law enforcement investigations or  
14 prosecutions, or would disclose guidelines for law enforcement investigations  
15 or prosecutions if such disclosure could reasonably be expected to risk  
16 circumvention of the law; or  
17 (vi) Endanger the life or physical safety of any individual;

18  
19 (d) the information requested consists of drafts of the following: orders,  
20 resolutions, decisions, memoranda or audit reports by any executive, administrative,  
21 regulatory, constitutional, judicial or quasi-judicial body in the exercise of their  
22 adjudicatory and/or audit function;

23  
24 e) the information requested is obtained by any committee of either house of  
25 Congress in executive session;

26 f) the information requested pertains to personal information of a natural  
27 person, whether from the public or the private sector, and its disclosure would  
28 constitute an unwarranted invasion of personal privacy. This may include signatures,  
29 addresses, telephone numbers, identification numbers, names of family members,  
30 race or ethnicity, religion, health, education, sexual orientation, and similar  
31 information, unless such information is specifically required by law to be entered into  
32 an official record and made available to the public, or the person has consented in  
33 writing to the disclosure of the information, to the extent required to prevent an  
34 unwarranted invasion of personal privacy, an agency may redact such information  
35 from a record made available to the public. However, the justification for the deletion  
36 shall be explained fully in writing, and the extent of such deletion shall be indicated  
37 on the portion of the record which is made available or published;

38



1 (g) the information requested pertains to trade secrets and commercial or  
2 financial information or intellectual property obtained from a natural or juridical  
3 person other than requesting party whenever the revelation thereof would seriously  
4 prejudice the interests of such natural or juridical person in trade, industrial, financial  
5 or commercial competition;

6  
7 h) the information is classified as privileged communications in legal  
8 proceedings by law or by the Rules of Court, unless the person entitled to the  
9 privilege has waived it;

10  
11 (i) the information requested is exempted by law or the Constitution, in  
12 addition to those provided in this section;

13  
14 (j) when prematurely disclose, the information, would, in the case of a  
15 government agency that regulates or deals with the commodities markets, currencies,  
16 interest rates, securities, or financial institutions, likely lead to fraud, manipulation, or  
17 other unlawful acts or schemes involving currencies, interest rates, securities, or, in  
18 the case of other government agencies, likely frustrate the effective implementation of  
19 a proposed official action: *Provided*, That the information shall be accessible once the  
20 anticipated danger has ceased.

21  
22 (k) The information has already been made accessible as provided for in  
23 Section 12.

24 For paragraphs (c) to (k) of this section, the determination whether any of  
25 these grounds shall apply shall be the responsibility of the head of office of the  
26 government agency in custody or control of the information, or any responsible  
27 central or field officer/s duly designated by him.

28  
29 **Sec. 8. *Qualifications to the Exception.-***

30 1. The exceptions in the preceding section shall be strictly construed;

31 2. The exceptions cannot be invoked to cover-up a crime, wrongdoing, graft,  
32 or corruption;

33 3. Whenever the information covered by an exception may be reasonably  
34 severed from a record, the record shall be released with the exempt information  
35 redacted, or the information not covered by the exception shall otherwise be  
36 communicated to the requesting party;

37 4. The President, the Supreme Court, the Senate, the House of  
38 Representatives, and the Constitutional Commissions may waive an exception with

1 respect to information in the custody of offices under their respective supervision or  
2 control, when they deem that there is an overriding public interest and disclosure; and

3 5. The exceptions do not constitute authority to withhold information from  
4 Congress, nor authority for the executive branch of a local government unit to  
5 withhold information from the legislative body of such local government unit.  
6

7 **Sec.9. Mandatory Disclosure of Information.** - (a) in fulfillment of Article  
8 XI, Section 17 of the Constitution and subject to Section 5 and Section 7 (f) of  
9 this Act. The websites of their respective offices shall provide to the public, the  
10 Statement of Assets, Liabilities, and Net worth (SALN) on an annual basis of the  
11 following national officials:

- 12 (1) the President;
- 13 (2) the Vice- President;
- 14 (3) the Members of the Cabinet;
- 15 (4) the Members of the Senate and the House of Representatives;
- 16 (5) the Justices of the Supreme Court;
- 17 (6) the Commissioners of the Constitutional Commissions and other  
18 constitutional offices; and
- 19 7) the officers of the Armed Forces with the rank of general or the  
20 equivalent flag rank  
21

22 (b) All agencies of all branches of government shall publish in their websites  
23 and update on a monthly basis, a register containing the following information:

24 (1) Freedom of Information Manual in full;  
25 (2) Rules of Procedure, descriptions of forms available or the places at which  
26 forms may be obtained, and instructions as to the scope and contents of all papers,  
27 reports, or examinations.

28 (3) Substantive rules of general applicability adopted as authorized by law,  
29 and statements of general policy or interpretations of general applicability formulated  
30 and adopted by the agency, including subsequent amendments;  
31

- 32 (4) Public Interest documents or records, including:
  - 33 (i) Annual Budget of Government Agencies
  - 34 (iii) Itemized Monthly Collections and Disbursement
  - 35 (iii) Summary of Income and Expenditures
  - 36 (iv) Component of the internal Revenue Allotment (IRA) Utilization
  - 37 (v) Annual Procurement Plan and Procurement List
  - 38 (vi) Items for Bidding

- (vii) Bid Results on Civil Works, and Goods and Services
- (viii) Abstract of Bids, as Calculated
- (ix) Procurement contracts entered into by a government agency
- (x) Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;
- (xi) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No 6957, otherwise Known as the Philippine BOT Law, as amended by Republic Act No, 7718;
- (xii) Public funding extended to any private entity;
- (xiii) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
- (xiv) List of persons or entities who were granted licenses, permits or agreements for the extraction and/or utilization of natural resources given by any government agency;
- (xv) Statement of Assets and liabilities of public officers of the government agency; and
- (xvi) Guarantees given by any government agency to government-owned or -controlled corporations and to private corporations, persons or entities.

The register shall contain a brief description of the transaction involved, including the nature and object of the transaction, the parties and amounts involved, the key steps undertaken towards its conclusion. 2nd the relevant dates; *Provided*, That contracts and agreements involving an amount an of at least Fifty Million Pesos (P50, 000,000.00) shall be published in full in the website of the concerned government agency or the Official Gazette Online, subject to the succeeding section A covered record shall be published in the website not later than thirty (30) working days from its perfection or issuance.

(c) All government agencies shall, over time, endeavor to build their capacity and practice to publish in full ail other contracts, agreements, or treaties covered under this Section, specially those that are of the highest public interest by reason of the amounts involved and the impact of the Transaction to the public. AH government agencies must ensure that they have a compliant website within two (2) years from the effectivity of this Act.



1 (d) Should an agency lack the capacity to comply with the website publication  
2 requirement of this Section, the agency shall initiate a capacity-building program,  
3 coordinate with another appropriate agency, or use an alternative mechanism, to  
4 facilitate substantive compliance not later than three (3) years from the effectivity of  
5 this Act.

6  
7 **Sec.10. *Promotion of Openness in Government.*** - (a) Duty to Publish  
8 Information - In conjunction with Republic Act 9485, or the Anti-Red Tape Act of  
9 2007, government agencies shall regularly publish, print and disseminate at no cost to  
10 the public, in an accessible form, and through their website, timely, true, accurate and  
11 updated key information, including;

12 (1) a description of its mandate, structure, powers, functions, duties and  
13 decision making processes;

14 (2) a description of the frontline services it delivers and the procedure and  
15 length of time by which they may be availed of;

16 (3) the names of its key officials, their powers, functions and responsibilities,  
17 and their profiles and curriculum vitae;

18 (4) Work programs, development plans, investment plans, project,  
19 performance targets and accomplishments, and budgets, revenue allotments  
20 and expenditures;

21 (5) Important rules and regulations, orders or decisions: *Provided*, That they  
22 be published within fifteen (15) calendar days from promulgation;

23 (6) Datasets generated in the implementation of agency mandates, programs,  
24 activities, and projects such as statistics, figures, and geospatial data;

25 (7) Current and important database and statistics that it generates;

26 (8) Bidding processes and requirements; and

27 (9) Mechanisms or procedures by which the public may participate in or  
28 otherwise influence the formulation of policy or the exercise of its powers.

29  
30 (b) Accessibility of Language and Form - Every government agency shall  
31 endeavor to translate key information into major Filipino languages and present them  
32 in popular form and means.

33  
34 **Sec. 11. *Capacity-Building, Promotion of Best Practices, and Continuous***  
35 ***Updating of Appropriate Use of information Technology.*** - All government agencies  
36 shall establish, operate, and maintain a website with features that are compliant with  
37 all the provisions of this Act, within two (2) years from the effectivity of this Act  
38

1 Every government agency shall ensure the provision of adequate training for  
2 its officials and employees to improve awareness of the people's right to information  
3 on matters of public concern and the provisions of this Act. Similarly, all government  
4 agencies shall endeavor to study and adopt best practices in relation to information  
5 disclosure, records maintenance, and archiving.

6 The National Computer Center shall monitor all government agency websites  
7 and provide appropriate support for their development and ensure full compliance  
8 with the requirements of this Act.

9  
10 **Sec. 12. *Exemption from Compliance.*** - The government agency shall be  
11 excused from complying with a subsequent identical or substantially similar request  
12 from the same requesting party where it has previously complied with a request for  
13 information unless a reasonable interval has lapsed between compliance with the  
14 previous request and the making of the current request: *Provided*, That the  
15 government agency, In denying the request complies with Section 20 of this Act.

16  
17 **Sec. 13. *Additional Protection of Privacy.*** - While providing for access to  
18 information in public records, this Act also affords full protection of the right to  
19 privacy of individuals, as follows:

20 (a) a government agency must ensure that personal information in its custody  
21 or under its control is disclosed only as permitted under this Act;

22 (b) a government agency must protect personal information in its custody or  
23 under its control by making reasonable security arrangements against such  
24 risks as unauthorized access, collection, use, disclosure, or disposal;

25 (c) an employee, officer or director of a government agency who has access,  
26 whether authorized or unauthorized, to personal information in the custody of  
27 the agency, must not disclose that information except as authorized under this  
28 Act.

29  
30 **Sec.14. *Administrative Liability.*** - It shall be tantamount to gross neglect of  
31 duty and shall as a ground for administrative and disciplinary sanction against any  
32 public official or employee who willfully and knowingly commits the following sets:

33  
34 (a) refusal to promptly forward the request under Section 18 of this Act to the  
35 public officer within the same office or agency responsible for officially  
36 acting on the request when such is the direct cause of the failure to disclose  
37 the information within the periods required by this Act;

38 (b) Failure to act on the request within the periods required by this Act;

- 1 (c) Claim an exception under Section 7 of this Act when the claim is  
2 manifestly devoid of factual or legal basis;
- 3 (d) Refusal to comply with the decision of immediate supervisor, the  
4 Ombudsman, or of any court ordering the release of information;
- 5 (e) Approval of policies, rules and regulations manifestly contrary to the  
6 provisions of this Act, and which policies, rules and regulations are the direct  
7 cause of the denial of a request for information.

8

9 **Sec. 15. Criminal Liability.** - (a) The following acts shall be subject to the  
10 penalty of imprisonment of not less than one (1) month but not more than six (6)  
11 months, with the accessory penalty of dismissal from service;

- 12 (i) Falsely denying or concealing the existence of information  
13 mandated for disclosure under this Act; and
- 14 (2) Destroying, or causing to be destroyed, information and/or  
15 documents being requested under this Act, for the purpose of  
16 frustrating the requesting party's access thereto.

17

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

21 (c) The acts under paragraph (a) of this Section, if proven in an administrative  
22 proceeding shall be subject to the penalty of dismissal, even if no criminal  
23 prosecution, is instituted against the person found liable.

24

25 **Sec 16. Denial in Good Faith Not a Ground for Liability.** - A denial in good  
26 faith of a request for access to information made pursuant to the provisions of this Act  
27 shall not constitute grounds for administrative or criminal liability.

28

29 **Sec. 17 Freedom of Information (FOI) Manual.** -(a) For the effective  
30 implementation of this Act, all government agencies shall prepare a Freedom of  
31 Information (FOI) Manual, setting forth the following:

- 32 (1) the location and contact information of the head, regional, provincial and  
33 field offices of the agency, and other established places where the public can  
34 obtain information or submit requests,
- 35 (2) the types of information it generates, produces, holds and/or publishes;
- 36 (3) a description of its record-keeping system;
- 37 (4) the person or office responsible for receiving requests for information;

1 (5) the procedure for the filing of requests personally, by mail, or through the  
2 identified electronic means;  
3 (6) the standard form for the submission of request and for the proper  
4 acknowledgement of the request;  
5 (7) the process for the disposition of the request, including the routing of the  
6 request to the person or office with the duty to act on the request and the  
7 decision-making process for the grant or denial of the request;  
8 (8) the procedure for the administrative appeal of any denial for access to  
9 information;  
10 (9) the schedule of service or processing fees pertinent to a request for  
11 information;  
12 (10) the process and procedure for the mandatory disclosure of information  
13 under Section 9 of this Act: *Provided*, That, should the agency lack the  
14 capacity to comply with Section 9 of this Act, a brief description of its plan to  
15 facilitate compliance within three (3) years from the approval of this Act; and  
16 (11) such other information, taking into considerations the unique  
17 characteristics of the agency, that will help facilitate the effective  
18 implementation of this Act.

19  
20 (b) The FOI Manual shall also be posted in the agency website and a hard  
21 copy shall be available at the agency reception areas for use by the public;  
22

23 (c) In no case shall the absence of the aforementioned FOI Manual be a reason  
24 for the denial of any request for information made in accordance with this Act.  
25

26 (d) The heads of each of the departments and agencies may designate liaison  
27 units or committees which shall coordinate with the other units of the agency in  
28 implementing this Act. The composition, functions, and duties of these liaison units  
29 or committees shall be included in the FOI Manual.  
30

31 **Sec. 18, Procedure of Access.** - (a) Any person who wishes to obtain  
32 information shall submit, free of charge, a request to the government agency  
33 concerned personally, by mail, or through electronic means. A person who is unable,  
34 because of illiteracy or disability, to make a written request for information may make  
35 an oral request instead. The public officer who receives the oral request shall reduce it  
36 to writing, indicating therein one's name and position within the government agency,  
37 and give a copy thereof to the person who made the request. This request shall state  
38 the name and preferred contact information of the requesting party, and reasonably

1 describe the information required, the reason for the request of the information and  
2 the preferred means by which the government agency shall communicate such  
3 information to the requesting party: *Provided*, That the stated reason shall not be used  
4 as a ground to deny the request or to refuse the acceptance of the request, unless the  
5 request is contrary to law. If the request is submitted personally, the requesting party  
6 shall show a current Identification document issued by any government agency, or  
7 government or private employer or school, or a community tax certificate, if the  
8 request is submitted by mail or through electronic means, the requesting party may  
9 submit a photo static or electronics y scanned copy of the identification, or other  
10 convenient means as determined by the agency.

11

12 b) The public official receiving the request shall provide reasonable  
13 assistance, free of charge, to enable ah requesting parties and particularly those with  
14 special needs, to comply with the requirements under this Section,

15 (c) The request shall be duly received by the concerned government agency,  
16 which shall forthwith indicate the date and time of receipt and the name, rank, title  
17 and position of the receiving public officer or employee who shall likewise affix  
18 one's signature thereon, and shall furnish the requesting party a copy thereof, In case  
19 the request is submitted by electronic means, the government agency shall provide for  
20 an equivalent means by which the requirement of this paragraph shall be met. Each  
21 government agency shall establish a system by which the status of all requests for  
22 information received by it may be verified at anytime,

23 (d) The request may indicate the requesting party's preferred mode and means  
24 of receiving the information requested, provided that the mode and means are  
25 reasonable, taking into consideration equipment normally available to the concerned  
26 government agency.

27 (e) A government agency may communicate the information requested in a  
28 form other than the preferred means whenever such preferred means would  
29 unreasonably interfere with the effective operation of the agency, or if the agency has  
30 no capability in communicating the information in the preferred format, or 'When the  
31 preferred format may be detrimental to the preservation of the record.

32 f) The government agency shall comply with the request as soon as  
33 practicable and, in any case, within fifteen (15) working days from the receipt  
34 thereof. The period may be extended whenever the information requested requires a  
35 search of the government agency's field or satellite offices, examination of  
36 voluminous records, the occurrence of fortuitous events or other analogous cases.

37

38



(g) The government agency shall, in writing or through electronic means, notify the person making the request a-' the extension, setting forth the reasons for such extension and the date when the information shall be made available, which in no case shall result in an extension of more than twenty (20) working days.

(h) Once a decision is made to grant the request, the person making the request shall be notified of such and shall pay the required access and processing fees.

(i) If the information is not held by the government agency from which the request was made, it shall notify the requesting party that it does not hold the information and indicate which agency holds the record, if known. Whenever practicable, the agency receiving the request may also cause the transfer of the request to the appropriate agency that holds the information; *Provided*, That the period to comply with the request under this Section shall begin to run only upon the receipt or the agency to which the request is transferred.

**Sec.19. Access and Processing Fees.** - Government agencies may charge a reasonable fee to reimburse the actual cost of reproduction, copying or transcription, and the satisfied that the requester is an indigent or that the cost of reproduction is negligible, or that it is pursuant to a program for proactive disclosure.

**Sec. 20. Notice of Denial** - If the government agency 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 person making the request of such denial in writing or through electronic means. The notice shall indicate the name, rank, title or position of the person making the denial, dearly set forth the ground or grounds for denial and the circumstances or which the denial is based, and indicate available rights of reconsideration or appeal. Failure to notify the person making the request of the denial, or of the extension, shall be deemed a denial of the request for access to information.

**Sec. 21. Remedies in Cases of Denial.** - (a) In all government agencies other than the judicial branch –

(1) A denial of a request for access to information may be appealed to the Head of Agency, following the procedure required under Section 17 (a) (8) of this Act: *Provided*, That the appeal must be filed within fifteen (15) calendar flays from the receipt of notice of denial and must he decided within fifteen (15) calendar

1 days from filing. Failure to resolve the appeal within the aforementioned period shall  
2 constitute a denial of the appeal,

3 (2) A person denied access to Information may file a verified complaint with  
4 the Office of the Ombudsman, praying that the government agency concerned be  
5 directed to immediately afford access to me information being requested. The Office  
6 of the Ombudsman shall promulgate its special rules of procedure for the immediate  
7 disposition of complaints filed pursuant to this Section Unless restrained or enjoined,  
8 the decision of the Office of the Ombudsman shall be immediately executory, without  
9 prejudice to review in accordance with the Rules of Court.

10 (3) A party whose request for information has been denied, whether or not  
11 such decision has been appealed to the head of an agency, may file a verified petition  
12 for mandamus in the proper court, alleging the facts with, certainty and praying that  
13 judgment be rendered, ordering the respondent immediately or at some other time to  
14 be specified by the court, to disclose the information and to pay the damages  
15 sustained by the requesting party by reason of the denial. The procedure for such  
16 petition shall be summary in nature.

17 In resolving a complaint or petition brought under paragraphs (2) and (3)  
18 hereof, the Ombudsman or the court is empowered to receive the information subject  
19 of a claim of exception under Section 7 herein, and to examine them *in camera* to  
20 determine the sufficiency of the factual and legal basis of such claim, when the  
21 sufficiency cannot be reasonably determined through evidence and circumstances  
22 apart from the information.

23 (b) In the Judicial Branch - The Judiciary shall be governed by remedies as  
24 promulgated by the Supreme Court.

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

27  
28 The remedies available under this Act shall be exempt from the rules on non-  
29 exhaustion of administrative remedies and the application of the provisions of  
30 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act  
31 of 2004.

32  
33 In case the requesting party has limited or no financial capacity, the Public  
34 Attorney's Office is mandated to provide legal assistance to the requesting party in  
35 availing of the remedies provide under this Act.

36  
37 **Sec. 22. Keeping of Records-** (a) Government agencies shall create and  
38 maintain in appropriate formats, accurate and reasonably complete documentation or

1 records of their organization, policies, transactions, decisions, resolutions,  
2 enactments, actions, procedures operations activities, communications and documents  
3 received or filed with them and the data generated or collected, These shall include  
4 working files such as drafts or notes whenever these have been circulated within the  
5 agency for official purpose such as for discussion, comment or approval or when  
6 these contain unique information that can substantially contribute to a proper  
7 understanding of the agency organization, policies, transactions, decisions,  
8 resolutions, enactments, actions, procedures, operations, and activities;

9  
10 (b) Government agencies, in coordination with the National Archives of the  
11 Philippines, shall identify specific and classes of official records in their custody or  
12 control that have continuing historical, administrative, informational, legal,  
13 evidentiary, or research value, for preservation by such agencies or their legitimate  
14 successors, or for proper documentation if and when the records are transferred to the  
15 National Archives of the Philippines.

16  
17 c) In addition to the specific and classes of official records identified for  
18 preservation under letter (b) of this section, the following shall not be destroyed:

- 19 (1) records pertaining to bans obtained or guaranteed by the government;  
20 (2) records of government contracts involving amounts Fifty Million Pesos  
21 (Php 50,000.00) or more, or related to infrastructure, public and private  
22 partnerships, utilities, or other important projects;  
23 (3) the original Declarations under oath of the assets, liabilities and net worth  
24 of public officers and employees submitted to the Office of the Ombudsman,  
25 as required by law, and  
26 (4) records Of official investigations pertaining to allegations of graft and  
27 corruption of public officers.

28  
29 (d) Government agencies shall prepare, according to the standards set in and  
30 within the period mandated by Republic Act No. 9470 or the National Archives of the  
31 Philippines Act of 2007, a records management program that includes the following:

- 32 (1) a records maintenance system for the creation, selection, classification,  
33 indexing and filing of official records that facilitate the easy identification,  
34 retrieval and communication of information to the public;  
35 2) a records maintenance, archival and disposition schedule providing a listing  
36 of records under current use for retention by the agency, for transfer to the  
37 National Archives, or for destruction: *Provided*. That destruction of the

official records may be implemented only upon approval of the National Archives of the Philippines: and

(3) identification of the specific roles and responsibilities of agency personnel in the implementation of such system and schedule.

e) In addition to its function as repository of all rules and regulations issued by agencies as provided under Book VII, Chapter II of the Administrative Code of 1987, the University of the Philippines Law Center shall, in coordination with the Office of the President which has exclusive editorial and printing jurisdiction over the Official Gazette, and with other relevant agencies, maintain a database, and publish in the Official Gazette or in digital or online form, the following:

1) all laws of the Philippines and their amendments, from period of Philippine Commission to the present;

(2) all presidential issuances from November 15, 1935 to the present, including but not limited, to executive orders, presidential proclamations, administrative orders memorandum circulars, general orders, and other similar issuances;

(3) a database of all appointments and designations made by the President of the Philippines; and

(4) opinions rendered by the Secretary of Justice.

**Sec 23. Publication in the Official Gazette.** - For purposes of mandatory disclosure as provided in Section 9 of this Act, the publication in the Official Gazette website shall be considered official publication provided there shall be a timestamp in the said document.

For purposes of compliance with Article 2 of the Civil Code of the Philippines, publication of the following in the online version of the Official Gazette, with the corresponding timestamps on the document, shall be considered as official publication;

(a) All important legislative acts and resolutions of a public nature of Congress of the Philippines;

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

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

(d) Such documents or classes of documents as the President shall determine from time to time to have general application or which he may authorize to be published.

*However*, other documents or classes of documents as may be required to be published by law, such as petitions and/or legal notices in connection with land titles, naturalization or special proceedings shall continue to be published in the print version of the Official Gazette or in any newspaper of general circulation for purposes of compliance with the publication requirement.

**Sec. 24. Act Not a Bar to Claim of Right to Information Under the Constitution** - No provision of this Act shall be interpreted as a bar to any claim of denial of the right to information under Article 111, Section 7 of the 1987 Constitution.

**Sec. 25. 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 Philippines' international commitments 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,

The Open Data 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 for this purpose.

For the purpose of making government data more accessible to the public, all datasets published on the Open Data Philippines website and on LGU websites as mandated in Section 9 of this Act shall be, whenever practicable, of a machine-readable and open format.

**Sec. 26. Tracking Requests for Information.** - Websites of government agencies shall contain a matrix of request made, their status the decision- regarding the request. The matrix shall also contain Jinks to uploaded information fro in 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 done.

**Sec. 27. Release to One, Release to All.** - For purposes of streamlining requests for information once an information has been made available to an individual



1 through a request for information, the said dataset shall also be published in an  
2 appropriate website such as, but not limited in, the Open Data Philippines website.  
3 Official Gazette website, Departmental website, or Local Government website thus  
4 allowing the public access to all information that has been requested.  
5

6 **Sec 28. *Integration of Freedom of Information (FOI) and Good Governance***  
7 ***In Elementary and Secondary Curriculum.*** - To ensure well-informed generations  
8 of citizens, the right to information, the principles of accountability and transparency,  
9 democracy and leadership and good governance shall be integrated in such subjects as  
10 Heyograpiya, Kasaysayan at Sibika (HEKASI) and Araling Paniipunan in the  
11 elementary level and in such- subjects as Social Studies and Makabayan or its  
12 equivalent subjects in Commission end other relevant offices, shall prepare the  
13 necessary modules and teaching programs consistent with the objectives of this Act.  
14

15 **Sec 29. *Annual Reports on Actions Taken on Requests for Access to***  
16 ***Information.*** - All government agencies shall prepare, for each fiscal year, a report  
17 on the number of requests for information they: received, processed, granted and  
18 denied; of appeals made from denials of such requests', and of pending Court actions  
19 they are a party to as result of such requests. These reports may he integrated in the  
20 main annual reports of government agencies and may he posted and published in their  
21 respective websites.  
22

23 **Sec. 30. *Appropriations.*** - The amount necessary to carry out the provisions  
24 of this Act shall be charged against these authorized in the current and subsequent  
25 General Appropriations Acts.  
26

27 **Sec. 31. *Separability Clause*** - if any provision of this Act is declared  
28 unconstitutional, the remainder of this Act or any provisions net affected thereby shall  
29 remain in full force and effect.  
30

31 **Sec 32. *Repealing Clause.*** - All laws, decrees, executive orders, rules and  
32 regulations, issuances or any part thereof inconsistent with the provisions of this Act,  
33 including Sections 18 on Operation and Effect of Laws, 24 and 25 on the Contents,  
34 Editing and Publications of the Official Gazette. Book I, of Executive Order No, 292  
35 or the Administrative Code of 197 in relation to Article 2 on Effect and  
36 Application of Laws of Republic Act No 386 or the Civil Code, Memorandum  
37 Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing Security of  
38 Classified Matter in Government Offices), as amended, and Section 3, Rule IV of the

1 Rules implementing Republic Act No. 6713 (Code of Conduct and Ethical Standards  
2 for Public Officials and Employees), are deemed repealed: *Provided, That*  
3 Memorandum Circular No. 78 shall be deemed repealed after one (1) year from the  
4 effectivity of this Act or upon issuance of the Executive Order in Section 7(a).

5

6 **Sec 33. Effectivity.** - This Act shall take effect fifteen (15) days after its  
7 publication in the Official Gazette or in a newspaper of general circulation.

Approved,