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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 4673

Introduced by Hon. John Marvin "Yul Servo" C. Nieto

Explanatory Note

As a manifestation of support to this timely piece of legislation, this representation respectfully refiles this bill, which has constantly been receiving support from the past (Rep. Raul Del Mar's HB00032, Rep. Karlo Nograles and Rep. Jericho Nograles' HB00063, and Rep. Alfred Vargas' HB00075, among others) and present congress.

The right to information is enshrined in the Bill of Rights:

"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."
(Article III Section 7 of the 1987 Constitution).

Despite the Constitutional recognition and laws implementing the right to information, there is still a need for further legislation in order to set the parameters and mechanisms for information access.

The proposed legislation aims to further promote a culture of democracy, transparency, accountability, and good governance in the government by ensuring that there is an adequate system in place to recognize and affirm the people's right to information on matters of public concern. An adequate system is achieved through the introduction of new parameters and mechanisms concerning information access (e.g. the creation of the Freedom of Information Manual), as well as strengthening existing practices (e.g. improving the different facets of adhering to the Anti-Red Tape Act of 2007, SALN disclosure, and maintaining government websites). The proposed legislation also introduces administrative sanctions and/ or criminal liability against any public office or employee who shall violate the provisions of the act.

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


JOHN MARVIN "YUL SERVO" NIETO

54 Republic of the Philippines
55 **HOUSE OF REPRESENTATIVES**
56 **Quezon City**

57
58 **EIGHTEENTH CONGRESS**
59 First Regular Session

60 **HOUSE BILL NO. 4673**
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64 **Introduced by Hon. John Marvin "Yul Servo" C. Nieto**
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66
67 **AN ACT**
68 **STRENGTHENING THE RIGHT OF CITIZENS TO INFORMATION HELD BY**
69 **THE GOVERNMENT**
70

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

73
74 **SECTION. 1. Short Title.** – This Act shall be known as the "People's
75 Freedom of Information Act."

76
77 **SEC. 2. Declaration of Policy.** – The State recognizes the right of the
78 people to information on matters of public concern, and adopts and implements a
79 policy of full public disclosure of all its transactions involving public interest,
80 subject to the procedures and limitations provided by this Act. This right is
81 indispensable to the exercise of the right of the people and their organizations to
82 effective and reasonable participation at all levels of social, political and economic
83 decision-making.

84
85 **SEC. 3. Coverage.**– This Act shall cover all government agencies, to refer
86 to the executive, legislative and judicial branches as well as the constitutional
87 bodies of the Republic of the Philippines, including, but not limited to, the national
88 government and all its agencies, departments, bureaus, offices and
89 instrumentalities, constitutional Commissions and constitutionally mandated
90 bodies, local governments and all their agencies, regulatory agencies, chartered
91 institutions, government-owned or -controlled corporations, including wholly-
92 owned or controlled subsidiaries, government financial institutions, state
93 universities and colleges, the Armed Forces of the Philippines, the Philippine
94 National Police, all offices in the Congress of the Philippines including the offices of
95 Senators and Representatives, the Supreme Court and all lower courts established
96 by law.

97
98 **SEC. 4. Definition of Terms.** – As used in this Act:

- 99
100 (a) **Information** refers to data that have been processed into a
101 record, document, paper, report, letter, contract, minutes and
102 transcripts of official meetings, maps, books, photographs, data,
103 research materials, in whatever form, or films, sound and video
104 recordings, magnetic or other tapes, electronic data, in whatever
105 format, which are made, received or kept in or under the control
106 and custody of any government agency pursuant to law, executive
107 order, rules and regulations, ordinance or in connection with the

performance or transaction of official business by any government agency.

- (b) **Official record** refers to information produced 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. This shall not refer to the stage or status of the information.
- (c) **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.
- (d) **Dataset** refers to an organized collection of data in a variety of forms, including tabular, geospatial, or image data files.
- (e) **Machine-readable** refers to formats that allow the data to be extracted and processed by computer programs.
- (f) **Open format** refers to one that is platform independent, machine readable, and made available to the public without restrictions that would impede the re-use of that information.

SEC. 5. Access to Information. – Every person who is a Filipino citizen has a right to and shall, on request, be given access to any record under the control of a government agency. Government agencies and public officials shall 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 is enumerated under Section 7 of this Act, regardless of their physical form or format in which they are contained and by whom they were made.

Nothing herein contained shall allow private acts, transactions or records of public officials and private individuals to be the subject of mandatory disclosure under this Act: *Provided, however,* that income tax returns, and statement of assets, liabilities and net worth (SALN) of public officials shall be released subject to existing laws, rules and regulations: *Provided, further,* That the limitations and prohibitions to make available to the public the SALN shall not apply when upon order of the Sandiganbayan, it has been established that there is probable cause related to the commission of an offense.

SEC. 6. Presumption. – 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 this Act. Accordingly, government agencies shall have the burden of proving that the information requested is exempted from disclosure.

SEC. 7. 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

162 to national security or defense and its revelation may cause grave damage to the
163 national security or internal and external defense of the State; or 2) The
164 information requested pertains to the foreign affairs of the Republic of the
165 Philippines, when its revelation shall unduly weaken the negotiating position of the
166 government in an ongoing bilateral or multilateral negotiation or seriously
167 jeopardize the diplomatic relations of the Philippines with one or more states:
168 *Provided further*, That the executive order shall specify the reasonable period after
169 which the information shall be automatically declassified or be subject to
170 mandatory declassification review, and that any reasonable doubt as to
171 classification and declassification shall be settled in favor of the right to
172 information;

173
174 (b) The information consists of records of minutes and advice given
175 and opinions expressed during decision-making or policy
176 formulation, invoked by the Chief Executive to be privileged by
177 reason of the impairment of the Chief Executive's deliberative
178 process that would result from the disclosure thereof. Once policy
179 has been formulated and decisions made, minutes and research
180 data may be made available for disclosure unless they were made
181 in executive session;

182
183 (c) The information requested pertains to internal and/or external
184 defense, law enforcement, and border control, when the disclosure
185 thereof would:

186
187 (i) unduly compromise or interfere with any legitimate military or
188 law enforcement operation; or

189
190 (ii) unduly compromise or interfere with the prevention, detection
191 or suppression of criminal activity, the effective
192 implementation of immigration controls and border security;
193 or

194
195 (iii) deprive a person of a right to a fair trial or an impartial
196 adjudication; or

197
198 (iv) lead to the disclosure of the identity of a confidential source,
199 including a government, or foreign agency or authority or any
200 private institution which furnished information on a
201 confidential basis, and, in the case of a record or information
202 compiled by a law enforcement authority in the course of an
203 investigation or by an agency conducting a lawful national
204 security intelligence investigation, information furnished by a
205 confidential source; or

206
207 (v) disclose techniques and procedures for law enforcement
208 investigations or prosecutions, or would disclose guidelines
209 for law enforcement investigations or prosecutions if such
210 disclosure could reasonably be expected to risk circumvention
211 of the law; or
212

- (vi) endanger the life or physical safety of any individual;
- (d) The information requested consists of drafts of the following: orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their adjudicatory and/or audit function;
- (e) The information requested is obtained by any committee of either House of Congress in executive session;
- (f) The information requested pertains to personal information of a natural person, whether from the public or the private sector, and its disclosure would constitute an unwarranted invasion of personal privacy. This may include signatures, addresses, telephone numbers, identification numbers, names of family members, race or ethnicity, religion, health, education, sexual orientation, and similar information, 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. However, the justification for the deletion shall be explained fully in writing, and the extent of such deletion shall be indicated on the portion of the record which is made available or published;
- (g) The information requested pertains to trade secrets and commercial or financial information or intellectual property obtained from a natural or juridical person other than the requesting party, whenever the revelation thereof would seriously prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition;
- (h) 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;
- (i) The information requested is exempted by law or the Constitution, in addition to those provided in this section;
- (j) The information is of a nature that its premature disclosure would, in the case of a government agency that regulates or deals with currencies, interest rates, securities, commodities, or financial institutions, likely lead to fraud, manipulation, or other unlawful acts or schemes involving currencies, interest rates, securities, or the commodities market or, in the case of other government agencies, likely frustrate the effective implementation of a proposed official action: *Provided*, That the information shall be accessible once the anticipated danger has ceased.
- (k) The information has already been made accessible as provided for in Section 12.

267 For paragraphs (c) to (k) of this section, the determination whether any of
268 these grounds shall apply shall be the responsibility of the head of office of the
269 government agency in custody or control of the information, or any responsible
270 central or field officer/s duly designated by him.
271

272 **SEC. 8. *Qualifications to the Exceptions.***
273

- 274 (a) The exceptions in the preceding section shall be strictly
275 construed;
276
277 (b) The exceptions cannot be invoked to cover-up a crime,
278 wrongdoing, graft, or corruption;
279
280 (c) Whenever the information covered by an exception may be
281 reasonably severed from a record, the record shall be released with
282 the exempt information redacted, or the information not covered by
283 the exception shall otherwise be communicated to the requesting
284 party;
285
286 (d) The President, the Supreme Court, the Senate, the House of
287 Representatives, and the Constitutional Commissions may waive an
288 exception with respect to information in the custody of offices under
289 their respective supervision or control, when they deem that there
290 is an overriding public interest in disclosure; and
291
292 (e) The exceptions do not constitute authority to withhold
293 information from Congress, nor authority for the executive branch
294 of a local government unit to withhold information from the
295 legislative body of such local government unit.
296

297 **SEC. 9. *Mandatory Disclosure of Information.***
298

- 299 (a) In fulfillment of Article XI, Section 17 of the Constitution the
300 following national officials shall provide to the public, through the
301 websites of their respective offices, their Statement of Assets,
302 Liabilities, and Net worth (SALN) on an annual basis, subject to
303 Section 5 and Section 7(f) of this Act:
304
305 (i) the President;
306
307 (ii) the Vice-President;
308
309 (iii) the Members of the Cabinet;
310
311 (iv) the Members of the Senate and the House of
312 Representatives;
313
314 (v) the Justices of the Supreme Court;
315
316 (vi) the Commissioners of the Constitutional Commissions and
317 other constitutional offices; and
318
319 (vii) officers of the Armed Forces with the rank of general or the
320 equivalent flag rank.

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

(i) Freedom of Information Manual in full;

(ii) Rules of Procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(iii) 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;

(iv) Public interest documents or records, including:

1. Annual Budget of Government Agencies
2. Itemized Monthly Collections and Disbursement
3. Summary of Income and Expenditures
4. Component of the Internal Revenue Allotment (IRA) Utilization
5. Annual Procurement Plan and Procurement List
6. Items for Bidding
7. Bid Results on Civil Works, and Goods and Services
8. Abstract of Bids as Calculated
9. Procurement contracts entered into by a government agency
10. Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;
11. 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;
12. Public funding extended to any private entity;
13. Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;

- 375 14. List of persons or entities who were granted licenses,
376 permits or agreements for the extraction and/or
377 utilization of natural resources given by any
378 government agency;
379
380 15. Statement of Assets and Liabilities of the public
381 officers of the government agency; and
382
383 16. Guarantees given by any government agency to
384 government owned or -controlled corporations and to
385 private corporations, persons or entities.
386

387 The register shall contain a brief description of the transaction involved,
388 including the nature and object of the transaction, the parties and amounts
389 involved, the key steps undertaken towards its conclusion, and the relevant dates:
390 Provided, That contracts and agreements involving an amount of at least Fifty
391 Million Pesos (P50, 000,000.00) shall be published in full on the website of the
392 concerned government agency or the Official Gazette Online subject to the
393 succeeding section. A covered record shall be enrolled in the register not later than
394 30 working days from its perfection or issuance.
395

396 (c) All government agencies shall, over time, endeavor and build their
397 capacity and practice to publish in full all other contracts, agreements,
398 or treaties covered under this Section, especially those that are of the
399 highest public interest by reason of the amounts involved and the
400 impact of the transaction to the public. All government agencies must
401 ensure that they have a compliant website within two (2) years from
402 the effectivity of this Act.
403

404 (d) Should an agency lack the capacity to comply with the website
405 publication requirement of this section, the agency shall initiate a
406 capacity-building program, coordinate with another appropriate
407 agency, or use an alternative mechanism, to facilitate substantive
408 compliance not later than three (3) years from the effectivity of this
409 Act.
410

411 **SEC. 10. *Promotion of Openness in Government.***

412

413 (a) Duty to Publish Information -Government agencies shall regularly
414 publish, print and disseminate at no cost to the public and in an
415 accessible form, in conjunction with Republic Act 9485, or the Anti-
416 Red Tape Act of 2007, and through their website, timely, true,
417 accurate and updated key information, including:
418

- 419 (i) A description of its mandate, structure, powers, functions,
420 duties and decision-making processes;
421
422 (ii) A description of the frontline services it delivers and the
423 procedure and length of time by which they may be availed
424 of;
425
426 (iii) The names of its key officials, their powers, functions and
427 responsibilities, and their profiles and curriculum vitae;
428

- 429 (iv) Work programs, development plans, investment plans,
430 projects, performance targets and accomplishments, and
431 budgets, revenue allotments and expenditures;
432
433 (v) Important rules and regulations, orders or decisions:
434 Provided, that they be published within fifteen (15) calendar
435 days from promulgation;
436
437 (vi) Datasets generated in the implementation of agency
438 mandates, programs, activities, and projects such as
439 statistics, figures, and geospatial data, among others;
440
441 (vii) Current and important database and statistics that it
442 generates;
443
444 (viii) Bidding processes and requirements; and
445
446 (ix) Mechanisms or procedures by which the public may
447 participate in or otherwise influence the formulation of policy
448 or the exercise of its powers.
449

450 (b) Accessibility of Language and Form – Every government agency
451 shall endeavor to translate key information into major Filipino
452 languages and present them in popular form and means.
453

454 **SEC. 11. Capacity-Building, Promotion of Best Practices, and**
455 **Continuous Updating of Appropriate Use of Information Technology.** – All
456 government agencies shall establish, operate, and maintain a website with
457 features that are compliant with all the provisions of this Act, within two (2) years
458 from the effectivity of this Act.
459

460 Every government agency shall likewise ensure the provision of adequate
461 training for its officials and employees to improve awareness of the people's right
462 to information on matters of public concern and the provisions of this Act, and to
463 keep updated as to best practices in relation to information disclosure, records
464 maintenance, and archiving.
465

466 The National Computer Center shall monitor all government agency websites
467 and provide appropriate support for their development and full compliance with
468 the requirements of this Act.
469

470 **SEC. 12. Exemption from Compliance.** – The government agency shall be
471 excused from complying with a subsequent identical or substantially similar
472 request from the same requesting party where it has previously complied with a
473 request for information unless a reasonable interval has lapsed between
474 compliance with the previous request and the making of the current request:
475 *Provided, That the government agency complies with Section 20 of this Act.*
476

477 **SEC. 13. Additional Protection of Privacy.** – While providing for access to
478 information in public records, this Act also affords full protection of the right to
479 privacy of individuals, as follows:
480

- 481 (a) A government agency must ensure that personal information in
482 its custody or under its control is disclosed only as permitted under
483 this Act;
484
485 (b) A government agency must protect personal information in its
486 custody or under its control by making reasonable security
487 arrangements against such risks as unauthorized access, collection,
488 use, disclosure, or disposal;
489
490 (c) An employee, officer, or director of a government agency who has
491 access, whether authorized or unauthorized, to personal
492 information in the custody of the agency, must not disclose that
493 information except as authorized under this Act.
494

495 **SEC. 14. Administrative Liability.** – The acts enumerated in this section
496 shall be tantamount to gross neglect of duty and shall constitute grounds for
497 administrative and disciplinary sanction against any public official or employee who
498 willfully and knowingly commits the following:
499

- 500 (a) Refusal to promptly forward the request under Section 18 of this
501 Act to the public officer within the same office or agency responsible
502 for officially acting on the request when such is the direct cause of
503 the failure to disclose the information within the periods required by
504 this Act;
505
506 (b) Failure to act on the request within the periods required by this
507 Act;
508
509 (c) Claim an exception under Section 7 of this Act when the claim is
510 manifestly devoid of factual or legal basis;
511
512 (d) Refusal to comply with the decision of Immediate supervisor, the
513 Ombudsman, or of any court ordering the release of information;
514
515 (e) Approval of policies, rules and regulations manifestly contrary to
516 the provisions of this Act, and which policies, rules and regulations
517 are the direct cause of the denial of a request for information.
518

519 **SEC. 15. Criminal Liability.**
520

- 521 (a) The following acts shall be subject to the penalty of
522 imprisonment of not less than one (1) month but not more than six
523 (6) months, with the accessory penalty of dismissal from service:
524
525 i. Falsely denying or concealing the existence of information
526 mandated for disclosure under this Act; and
527
528 ii. Destroying, or causing to be destroyed, information and/or
529 documents being requested under this Act, for the purpose of
530 frustrating the requesting party's access thereto.
531
532 (b) Any private individual who knowingly induced or caused the
533 commission of the foregoing acts shall be liable as principal by

534 inducement in the prosecution of public officials or employees under
535 this section.
536

- 537 (c)The acts under paragraph (a) of this section, if proven in an
538 administrative proceeding, shall be subject to the penalty of
539 dismissal, even if no criminal prosecution is instituted against him.
540

541 **SEC 16. Denial in Good Faith Not a Ground for Liability.** – A denial in
542 good faith of a request for access to information made pursuant to the provisions
543 of this Act shall not constitute grounds for administrative or criminal liability.
544

545 **SEC. 17. Freedom of Information (FOI) Manual.**
546

- 547 (a) For the effective implementation of this Act, all government
548 agencies shall prepare a Freedom of Information (FOI) Manual,
549 setting forth the following:
550

- 551 i. The location and contact information of the head, regional,
552 provincial and field offices of the agency, and other
553 established places where the public can obtain information or
554 submit requests;
555
- 556 ii. The types of information it generates, produces, holds and/or
557 publishes;
558
- 559 iii. A description of its record-keeping system;
560
- 561
- 562 iv. The person or office responsible for receiving requests for
563 information;
564
- 565 v. The procedure for the filing of requests personally, by mail, or
566 through the identified electronic means;
567
- 568 vi. The standard forms for the submission of request and for the
569 proper acknowledgement of the request;
570
- 571 vii. The process for the disposition of the request, including the
572 routing of the request to the person or office with the duty to
573 act on the request and the decision-making process for the
574 grant or denial of the request;
575
- 576 viii. The procedure for the administrative appeal of any denial for
577 access to information;
578
- 579 ix. The schedule of service or processing fees pertinent to a
580 request for information;
581
- 582 x. The process and procedure for the mandatory disclosure of
583 information under Section 9 of this Act: *Provided, That,*
584 should the agency lack the capacity to comply with Section 9
585 of this Act, a brief description of its plan to facilitate
586 compliance within three (3) years from the approval of this
587 Act; and

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

(b) 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;

(c) In no case 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.

(d) 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.

SEC. 18. Procedure of Access.

(a) Any person who wishes to obtain information shall submit, free of charge, a request to the government agency concerned personally, by mail, or through electronic means. A person who is unable, because of illiteracy or disability, to make a written request for information may make an oral request instead. The public officer who receives the oral request shall reduce it to writing, indicating therein one's name and position within the government agency, and give a copy thereof to the person who made the request. The request shall state the name and preferred contact information of the requesting party, and reasonably describe the information required, the reason for the request of the information and the preferred means by which the government agency shall communicate such information to the requesting party: Provided, that the stated reason shall not be used as a ground to deny the request or to refuse the acceptance of the request, unless the request is contrary to law. If the request is submitted personally, the requesting party shall show a current identification document issued by any government agency, or government or private employer or school, or a community tax certificate. If the request is submitted by mail or through electronic means, the requesting party may submit a photo static or electronically scanned copy of the identification, or other convenient means as determined by the agency.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the requirements under this section.

(c) The request shall be duly received by the concerned government agency, which shall forthwith indicate the date and time of receipt and the name, rank, title and position of the receiving public officer or employee who shall likewise affix one's signature thereon, and

shall furnish the requesting party a copy thereof. In case the request is submitted by electronic means, the government agency shall provide for an equivalent means by which the requirements of this paragraph shall be met. Each government agency shall establish a system by which the status of all requests for information received by it may be verified at any time.

- (d) The request may indicate the requesting party's preferred mode and means of receiving the information requested, provided that the mode and means are reasonable, taking into consideration equipment normally available to the concerned government agency.
- (e) A government agency may communicate the information requested in a form other than the preferred means whenever such preferred means would unreasonably interfere with the effective operation of the agency, or if the agency has no capability in communicating the information in the preferred format, or when the preferred format may be detrimental to the preservation of the record.
- (f) The government agency shall comply with the request as soon as practicable, and in any case within fifteen (15) working days from the receipt thereof. The period may be extended whenever the information requested requires a search of the government agency's field or satellite offices, examination of voluminous records, the occurrence of fortuitous events or other analogous cases.
- (g) The government agency shall, in writing or through electronic means, notify the person making the request of 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 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 of 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 communication of the information requested. An agency may waive the fees whenever it is 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, clearly set forth the ground or grounds for denial and the circumstances on 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:

(i) 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 days from the receipt of the notice of denial and must be decided within fifteen (15) calendar days from filing. Failure to resolve the appeal within the aforementioned period shall constitute a denial of the appeal.

(ii) A person denied access to information may file a verified complaint with the Office of the Ombudsman, praying that the government agency concerned be directed to immediately afford access to the information being requested. The Office of the Ombudsman shall promulgate its special rules of procedure for the immediate disposition of complaints filed pursuant to this section. Unless restrained or enjoined, the decisions of the Office of the Ombudsman shall be immediately executory, without prejudice to review in accordance with the Rules of Court.

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

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

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

750
751 The remedies under this section shall be sought or granted without prejudice
752 to any other administrative, civil or criminal action covering the same act.
753

754 The remedies available under this Act shall be exempt from the rules on
755 non-exhaustion of administrative remedies and the application of the provisions of
756 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act
757 of 2004.
758

759 In case the requesting party has limited or no financial capacity, the Public
760 Attorney's Office shall be mandated to provide legal assistance to the requesting
761 party in availing of the remedies provided under this Act.
762

763 **SEC. 22. Keeping of Records.**

764

- 765 (a) Government agencies shall create and maintain in appropriate
766 formats, accurate and reasonably complete documentation or
767 records of their organization, policies, transactions, decisions,
768 resolutions, enactments, actions, procedures, operations, activities,
769 communications and documents received or filed with them and the
770 data generated or collected. These shall include working files such
771 as drafts or notes, whenever these have been circulated within the
772 agency for official purpose such as for discussion, comment or
773 approval or when these contain unique information that can
774 substantially contribute to a proper understanding of the agency
775 organization, policies, transactions, decisions, resolutions,
776 enactments, actions, procedures, operations, and activities;
777
- 778 (b) Government agencies, in coordination with the National Archives
779 of the Philippines, shall identify specific and classes of official
780 records in their custody or control that have continuing historical,
781 administrative, informational, legal, evidentiary, or for preservation
782 by such agencies or their legitimate successors, or for transfer to
783 the National Archives of the Philippines.
784
- 785 (c) In addition to the specific and classes of official records identified
786 for preservation under letter (b) of this section, the following shall
787 not be destroyed:
788
- 789 (i) Records pertaining to loans obtained or guaranteed by the
790 government;
791
 - 792 (ii) Records of government contracts involving amounts Fifty
793 Million or more, or related to infrastructure, public and private
794 partnerships, utilities, or other important projects;
795
 - 796 (iii) The original declaration under oath of the assets, liabilities
797 and net worth of public officers and employees submitted to
798 the Office of the Ombudsman, as required by law, and
799
 - 800 (iv) Records of official investigations pertaining to allegations of
801 graft and corruption of public officers.
802

(d) Government agencies shall prepare, following standards and period promulgated pursuant to Republic Act No. 9470 or the National Archives of the Philippines Act of 2007, a records management program that includes the following:

(i) A records maintenance system for the creation, selection, classification, indexing and filing of official records that facilitate the easy identification, retrieval and communication of information to the public;

(ii) A records maintenance, archival and disposition schedule providing a listing of records under current use for retention by the agency, for transfer to the 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

(iii) 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:

(i) All laws of the Philippines and their amendments, from the period of the Philippine Commission to the present;

(ii) 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;

(iii) A database of all appointments and designations made by the President of the Philippines; and

(iv) Opinions of the Secretary of Justice.

SEC 23. Publication in the official Gazette.– For purposes of mandatory disclosure as provided in Section 9 of this Act, online 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, following in the online version of the Official Gazette, with the corresponding timestamps on the document, shall be considered as official publication:

- 856 (a) All important legislative acts and resolutions of a public nature of
857 the Congress of the Philippines;
858
859 (b) All executive and administrative orders and proclamations of
860 general application;
861
862 (c) Decisions or abstracts of decisions of the Supreme Court and the
863 Court of Appeals or other courts of similar rank, as may be deemed
864 by said courts of sufficient importance to be so published;
865
866 (d) Such documents or classes of documents as the President shall
867 determine from time to time to have general application or which
868 he may authorize to be published.
869

870 *However, other documents or classes of documents as may be required to*
871 *be published by law, such as petitions and/or legal notices in connection with land*
872 *titles, naturalization or special proceedings shall continue to be published in the*
873 *print version of the Official Gazette or in any newspaper of general circulation for*
874 *purposes of compliance with the publication requirement.*
875

876 **SEC 24. Act Not a Bar to claim of Right to Information Under the**
877 **Constitution.** – No provision of this Act shall be interpreted as a bar to any claim
878 of denial of the right to information under Article III, Section 7 of the 1987
879 Constitution.
880

881 **SEC.25. Publication of Government Data in the Open Data Philippines**
882 **Website.**– For the purpose of enhancing the public's access to government
883 information and abiding by the Philippines' international commitments to
884 transparency and government openness, all government agencies shall publish in
885 the Open Data Philippines website datasets generated in the implementation of
886 agency mandates, programs, activities, and projects. These datasets shall be
887 updated, whenever permissible, at least once every quarter of the year.
888

889 The Open Data website shall be maintained and administered by an Open
890 Data Task Force under the Office of the President, or any such similar body
891 designated by the President for this purpose.
892

893 For the purpose of making government data more accessible to the public,
894 all datasets published on the Open Data Philippines website and on LGU websites
895 as mandated in Section 9 of this Act shall be, whenever practicable, of a machine-
896 readable and open format.
897

898 **SEC. 26. Tracking Requests for Information.**– Websites of government
899 agencies matrix of requests made, their status, and the decision regarding the
900 request. The matrix shall also contain links to uploaded information from approved
901 requests. In such cases where requests are denied, the matrix shall contain the
902 reasons for denial and the status of the appeal if such is done.
903

904 **SEC. 27. Release to One, Release to All.**– For purposes of streamlining
905 requests for information, once an information has been made available to an
906 individual through a request for information, the said dataset shall also be
907 published in an appropriate website such as, but not limited to, the Open Data
908 Philippines website, Official Gazette website, Departmental website, or Local

909 Government website thus allowing the public access to all information that has
910 been requested.

911
912 **SEC 28. Integration of Freedom of Information (FOI) and Good**
913 **Governance In Elementary and Secondary Curriculum.** –To ensure well-
914 informed generations of citizens, the right to information, the principles of
915 accountability and transparency, democracy and leadership, and good governance
916 shall be integrated in such subjects as Heyograpiya, Kasaysayan at Sibika
917 (HEKASI) and Araling Panlipunan in the elementary level and in such subjects as
918 Social Studies and Makabayan or its equivalent subjects in high school level. The
919 Department of Education in coordination with the Civil Service Commission and
920 other relevant offices shall prepare the necessary modules and teaching programs
921 consistent with the objectives of this Act.

922
923 **SEC 29. Annual Reports on Actions Taken on Requests for Access to**
924 **Information.**– All government agencies shall prepare, for each fiscal year, a
925 report on the number of requests for information they received, processed,
926 granted and denied; of appeals made from denials of such requests; and of
927 pending court actions they are a party to as result of such requests. These reports
928 may be integrated in the main annual reports of government agencies and may be
929 posted and published in their respective websites.

930
931 **SEC. 30. Appropriations.** – The amount necessary to carry out the
932 provisions of this Act shall be charged against those authorized in the current and
933 subsequent General Appropriations Acts.

934
935 **SEC 31. Separability Clause.**– If any provision of this Act is declared
936 unconstitutional, the remainder of this Act or any provisions not affected thereby
937 shall remain in full force and effect.

938
939 **SEC 32. Repealing Clause.**– All laws, decrees, executive orders, rules and
940 regulations, issuances or any part thereof inconsistent with the provisions of this
941 Act, including Sections 18 on Operation and Effect of Laws, 24 and 25 on the
942 Contents, Editing and Publications of the Official Gazette, Book I, of Executive
943 Order No. 292 or the Administrative Code of 1987 in relation to Article 2 on Effect
944 and Application of Laws of Republic Act No. 386 or the Civil Code, Memorandum
945 Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing Security of
946 Classified Matter in Government Offices), as amended, and Section 3, Rule IV of
947 the Rules Implementing Republic Act No. 6713 (Code of Conduct and Ethical
948 Standards for Public Officials and Employees), are deemed repealed: Provided,
949 That Memorandum Circular No. 78 shall be deemed repealed after one (1) year
950 from the effectivity of this Act or upon issuance of the Executive Order in Section
951 7(a).

952
953 **SEC 33. Effectivity Clause.** – This Act shall take effect fifteen (15) days
954 after its publication in the Official Gazette in at least two (2) national newspapers
955 of general circulation.

956
957 *Approved,*
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