

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session
1625
House Bill No. _____



Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

The 1987 Constitution has laid a very clear policy on giving our citizens access to information on matters of public importance. Article II Section 7 thereof clearly provides:

“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 government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

The Constitution does not only emphasize this as a policy, but recognizes the same as a constitutional right of the people. To date, however, over three decades after the Constitution became effective, Congress has yet to enact a law that ensures that this constitutional provision, which is of vital importance to our democracy, is realized. Studies have shown that the lack of policies and mechanisms for transparency in governance has been a major cause of corruption and abuse in government and the deprivation of the people of participation in critical policy decision making processes affecting them.

This bill seeks to institutionalize the recognition by the State of the right of the people to information on matters of public concern and adopts and implements a policy of full public disclosure of transactions involving public interest, subject only to such procedures and limitations provided for thereunder. Generally, the measure seeks to allow access to information pertaining to official acts, transactions, or decisions, and research data, of all government agencies, institutions, entities and bodies, including government-owned and controlled corporations.

The bill, however, recognizes that the constitutional right to information on matters of public interest is not absolute. The bill, thus, provides for certain limitations, particularly on concerns involving national defense, public safety, international relations, information in executive sessions, drafts in the exercise of adjudicatory and/or audit functions, personal information and privileged communication.

The bill, if enacted into law, will serve as a vital legislation that will ensure transparency, accountability, efficiency and public participation in governance. It shall empower our people to access information of public importance, monitor the performance of public officials and encourage them to consistently perform their mandates, and hold them accountable should they violate the same or depart therefrom.

In view of the foregoing, the immediate passage of this bill is most earnestly sought.

LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

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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 Freedom of Information
2 Act"

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

9 **SEC. 3. Coverage-** This Act shall cover government agencies. Government agencies refers to
10 the executive, legislative and judicial branches as well as the constitutional bodies of the
11 Republic of the Philippines including, but not limited to, the national government and all its
12 agencies, departments, bureaus, offices and instrumentalities, constitutional commissions and
13 constitutionally mandated bodies, local governments and all their agencies, regulatory agencies,
14 chartered institutions, government-owned or-controlled corporations, including wholly-owned or
15 controlled subsidiaries, government financial institutions, state universities and colleges, the
16 Armed Forces of the Philippines, the Philippine National Police, all offices in the Congress of
17 the Philippines including the offices of Senators and Representatives, the Supreme Court and all
18 lower courts established by law.

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

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

22 (b) **Information** refers to data that have been processed into a record, document, paper,
23 report, letter, contract, minutes and transcripts of official meetings, maps, books,
24 photographs, data, research materials, in whatever form, or films, sound and video
25 recordings, magnetic or other tapes, electronic data, in whatever format, which are made,
26 received or kept in or under the control and custody of any government agency pursuant

27 to law, executive order, rules and regulations, ordinance or in connection with the
28 performance or transaction of official business by any government agency.

29 (c) **Machine-readable** refers to formats that allow data to be extracted and processed by
30 computer programs.

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

34 (e) **Open format** refers to one that is platform independent, machine readable, and made
35 available to the public without restrictions that would impede the re-use of that
36 information.

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

39 **SEC. 5. Access to Information** - Every person who is a Filipino citizen has a right to and shall,
40 on request, be given access to any record under the control of a government agency. Government
41 agencies shall make available to the public for scrutiny, copying and reproduction in the manner
42 provided by this Act, all information pertaining to official acts, transactions or decisions, as well
43 as government research data used as a basis for policy development, subject to the exceptions
44 enumerated under Section 7 of this Act, 5 regardless of their physical form or format in which
45 they are contained and by whom they were made.

46 Nothing herein contained shall allow private acts, transactions or records of public officials and
47 private individuals to be the subject of mandatory disclosure under this Act: *Provided, however,*
48 that the income tax returns, and Statement of Assets, Liabilities and Networth (SALN) of public
49 officials shall be released subject to existing laws, rules and regulations: *Provided, further,* that
50 the limitations and prohibitions to make available to the public the SALN shall not apply when,
51 upon order of the Sandiganbayan, it has been established that there is probable cause related to
52 the commission of an offense.

53 **SEC. 6. Presumption** - There shall be a legal presumption in favor of access to information. The
54 request for information may be denied only if it clearly falls under the exceptions provided under
55 this Act. Accordingly, government agencies shall have the burden of proving that the
56 information requested is exempted from disclosure.

57 **SEC. 7. Exceptions** - Access to information shall be granted unless:

58 (a) The information is specifically authorized to be kept Secret under guidelines 12 established
59 by an executive order, and in fact properly classified pursuant thereto: Provided, That 1) The
60 information directly relates to national security or defense and its revelation may cause grave
61 damage to the national security or internal and external defense of the State; or 2) The
62 information requested pertains to the foreign affairs of the Republic of the Philippines, when its
63 revelation shall unduly weaken the negotiating position of the government in an ongoing
64 bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the
65 Philippines with one or more states: Provided further, That the executive order shall specify the
66 reasonable period after which the information shall be automatically declassified or subject to
67 mandatory declassification review, and that any reasonable doubt as to classification and
68 declassification shall be settled in favor of the right to information;

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

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

76 (i) unduly compromise or interfere with any legitimate military or law enforcement
77 operation; or

78 (ii) unduly compromise or interfere with the prevention, detection or suppression of
79 criminal activity, the effective implementation of immigration controls and border
80 security; or

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

82 (iv) lead to the disclosure of the identity of a confidential source, including a government,
83 or foreign agency or authority or any private institution which furnished information on a
84 confidential basis, and, in the case of a record or information compiled by a law
85 enforcement authority in the course of an investigation or by an agency conducting a
86 lawful national security intelligence investigation, information furnished by a confidential
87 source; or

88 (v) disclose techniques and procedures for law enforcement investigations or
89 prosecutions, or would disclose guidelines for law enforcement investigations or
90 prosecutions if such disclosure could reasonably be expected to risk circumvention of the
91 law; or

92 (vi) endanger the life or physical safety of any individual;

93 (d) The information requested consists of drafts of orders, resolutions, decisions,
94 memoranda or audit reports by any executive, administrative, regulatory, constitutional,
95 judicial or quasi-judicial body in the exercise of their regulatory, audit and adjudicatory
96 function;

97 (e) The information requested is obtained by any committee of either House of Congress
98 in executive session;

99 (f) The information requested pertains to the personal information of a natural person,
100 whether from the public or the private sector, and its disclosure would constitute an
101 unwarranted invasion of personal privacy. This may include signatures, addresses,
102 telephone numbers, identification numbers, names of family members, race or ethnicity,
103 religion, health, education, sexual orientation, and similar information, unless such
104 information is specifically required by law to be entered into an official record and made
105 available to the public, or the person has consented in writing to the disclosure of the
106 information. To the extent required to prevent an unwarranted invasion of personal
107 privacy, an agency may redact such information from a record made available to the
108 public. However, the justification for the deletion shall be explained fully in writing, and
109 the extent of such deletion shall be indicated on the portion of the record which is made
110 available or published;

111 (g) the information requested pertains to trade secrets and commercial or financial
112 information or intellectual property obtained from a natural or juridical person other than

117 the requesting party, whenever the revelation thereof would seriously prejudice the
118 interests of such natural or juridical person in trade, industrial, financial or commercial
119 competition;

120
121 (h) the information is classified as privileged communications in legal proceedings by
122 law or by the Rules of Court, unless the person entitled to the privilege has waived it;

123
124 (i) the information requested is exempted by law or the Constitution, in addition to those
125 provided in this section;

126
127 (j) when prematurely disclosed, the information would, in the case of government
128 agency that regulates or deals with the commodities markets, currencies, interest
129 rates, securities, or financial institutions, likely lead to fraud, manipulation, or other
130 unlawful acts or schemes involving currencies, interest rates, securities, or, in case of
131 other government agencies, likely frustrate the effective implementation of a
132 proposed official action: Provided, that the information shall be accessible once the
133 anticipated danger has ceased.

134
135 (k) the information has already been made accessible as provided for in Section 12.

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

139
140 **SEC. 8. Qualification to the Exceptions.**

- 141
142
143
144 1. The exceptions in the preceding section shall be strictly construed;
145 2. The exceptions cannot be invoked to cover up a crime, wrongdoing, graft, or
146 corruption;
147 3. Whenever the information covered by an exception may be reasonably severed from a
148 record, the record shall be released with the exempt information redacted, or the
149 information not covered by the exception shall otherwise be communicated to the
150 requesting party;
151 4. The President, the Supreme Court, the Senate, the House of Representatives, and the
152 Constitutional Commissions may waive an exception with respect to information in the
153 custody of offices under their respective supervision or control, when they deem that
154 there is an overriding public interest in disclosure; and
155 5. The exceptions do not constitute authority to withhold information from Congress, nor
156 authority for the executive branch of a local government unit to withhold information
157 from the legislative body of such local government unit.

158
159 **SEC. 9. Mandatory Disclosure of Information-** (a) In fulfillment of Article XI, Section 17 of
160 the Constitution and subject to Section 5 and Section 7 (f) of this Act, the websites of their
161 respective offices shall provide to the public, the Statement of Assets, Liabilities, and Net worth
162 (SALN) on an annual basis of the following national officials:

- 163
164 (1) the President;
165 (2) the Vice- President;

- 166 (3) the Members of the Cabinet;
167 (4) the Members of the Senate and the House of Representatives;
168 (5) the Justices of the Supreme Court;
169 (6) the Commissioners of the Constitutional Commissions and other 5
170 constitutional offices; and
171 (7) the officers of the Armed Forces with the rank of general or the equivalent
172 flag rank.

173
174 (b) All agencies of all branches of government shall publish on their websites and update on a
175 monthly basis, a register containing the following information:

- 176
177 (1) Freedom of Information Manual in full;
178 (2) Rules of Procedure, descriptions of forms available or the places at which
179 forms may be obtained, and instructions as to the scope and contents of all papers,
180 reports, or examinations;
181 (3) Substantive rules of general applicability adopted as authorized by law, and
182 statements of general policy or interpretations of general applicability formulated
183 and adopted by the agency, including subsequent amendments;
184 (4) Public interest documents or records, including:
185
186 (i) Annual Budget of Government Agencies
187 (ii) Itemized Monthly Collections and Disbursement
188 (iii) Summary of Income and Expenditures
189 (iv) Component of the Internal Revenue Allotment (IRA) Utilization
190 (v) Annual Procurement Plan and Procurement List
191 (vi) Items for Bidding
192 (vii) Bid Results on Civil Works, and Goods and Services
193 (viii) Abstract of Bids as Calculated
194 (ix) Procurement contracts entered into by a government agency
195 (x) Construction or concession agreements or contracts entered into by a
196 government agency with any domestic or foreign person or entity;
197 (xi) Private sector participation agreements or contracts in infrastructure and
198 development projects under Republic Act No. 6957 otherwise known as the
199 Philippine BOT Law, as amended by Republic Act No. 7718;
200 (xii) Public funding extended to any private entity;
201 (xiii) Bilateral or multilateral agreements and treaties in trade, economic
202 partnership, investments, cooperation and similar binding commitments;
203 (xiv) List of persons or entities who were granted licenses, permits or agreements
204 for the extraction and/or utilization of natural resources given by any government
205 agency;
206 (xv) Statement of Assets and Liabilities of the public officers of the 8 government
207 agency; and
208 (xvi) Guarantees given by any government agency to government-owned or -
209 controlled corporations and to private corporations, persons or entities.

210
211 The register shall contain a brief description of the transaction involved, including the nature and
212 object of the transaction, the parties and amounts involved, the key steps undertaken towards its
213 conclusion, and the relevant dates provided that contracts and agreements involving an amount
214 of at least Fifty Million Pesos (P50,000,000.00) shall be published in full in the website of the
215 concerned government agency or the Official Gazette Online, subject to the succeeding section.

216 A covered record shall be published in the website not later than thirty (30) working days from
217 its perfection or issuance.

218
219 (c) All government agencies shall, over time, endeavor to build their capacity and practice to
220 publish in full all other contracts, agreements, or treaties covered under this Section, specially
221 those that are of the highest public interest by reason of the amounts involved and the impact of
222 the transaction to the public. All government agencies must ensure that they have a compliant
223 website within two (2) years from the effectivity of this Act.

224
225 (d) Should an agency lack the capacity to comply with the website publication requirement of
226 this Section, the agency shall initiate a capacity-building program, coordinate with another
227 appropriate agency, or use an alternative mechanism, to facilitate substantive compliance not
228 later than three (3) years from the effectivity of this Act.

229
230 **SEC. 10. Promotion of Openness in Government.**- (a) Duty to Publish Information - in
231 conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, government agencies
232 shall regularly publish, print and disseminate at no cost to the public, and in an accessible form,
233 and through their website, timely, true, accurate and updated key information, including:

- 234
235 (1) a description of its mandate, structure, powers, functions, duties and decision-
236 making processes;
237 (2) a description of the frontline services it delivers and the procedure and length
238 of time by which they may be availed of;
239 (3) the names of its key officials, their powers, functions and responsibilities, and
240 their profiles and curriculum vitae;
241 (4) work programs, development plans, investment plans, projects, performance
242 targets and accomplishments, and budgets, revenue allotments and expenditures;
243 (5) important rules and regulations, orders or decisions: *Provided*, that they be
244 published within fifteen (15) calendar days from promulgation;
245 (6) datasets generated in the implementation of agency mandates, programs,
246 activities, and projects such as statistics, figures, and geospatial data;
247 (7) current and important database and statistics that it generates;
248 (8) bidding processes and requirements; and
249 (9) Mechanisms or procedures by which the public may participate in or
250 otherwise influence the formulation of policy or the exercise of its powers.

251
252 (b) Accessibility of Language and Form - Every government agency shall endeavor to translate
253 key information into major Filipino languages and present them in popular form and means.

254
255 **SEC.11. Capacity-Building, Promotion of Best Practices, and Continuous Updating of**
256 **Appropriate Use of Information Technology.**- All government agencies shall establish,
257 operate, and maintain a website with features that are compliant with all the provisions of this
258 Act, within two (2) years from effectivity of this Act.

259
260 Every government agency shall ensure the provision of adequate training for its officials and
261 employees to improve awareness of the people's right to information on matters of public
262 concern and the provisions of this Act. Similarly, all government agencies shall endeavor to
263 study and adopt best practices in relation to information disclosure, records maintenance, and
264 archiving.

265

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

269

270 **SEC. 12. Exemption From Compliance.** - The government agency shall be excused from
271 complying with a subsequent identical or substantially similar request from the same requesting
272 party where it has previously complied with a request for information unless a reasonable
273 interval has lapsed between compliance with the previous request and the making of the current
274 request: *Provided*, That the government agency, in denying the request, complies with Section 20
275 of this Act.

276

277 **SEC. 13. Additional Protection of Privacy.** - While providing for access to information in
278 public records, this Act also affords full protection of the right to privacy of individuals, as
279 follows:

- 280
- 281 (a) a government agency must ensure that personal information in its custody or
282 under its control is disclosed only as permitted under this Act;
- 283 (b) a government agency must protect personal information in its custody or
284 under its control by making reasonable security arrangements against such
285 risks as unauthorized access, collection, use, disclosure, or disposal;
- 286 (c) an employee, officer or director of a government agency who has access,
287 whether authorized or unauthorized, to personal information in the custody of
288 the agency, must not disclose that information except as authorized under this
289 Act.

290

291 **SEC. 14. Administrative Liability.** - It shall be tantamount to gross neglect of duty and shall as
292 a ground for administrative and disciplinary sanction against any public official or employee
293 who willfully and knowingly commits the following:

- 294
- 295 (a) refusal to promptly forward the request under Section 18 of this Act to the
296 public officer within the same office or agency responsible for officially
297 acting on the request when such is the direct cause of the failure to disclose
298 the information within the periods required by this Act;
- 299 (b) failure to act on the request within the periods required by this Act;
- 300 (c) claim an exception under Section 7 of this Act when the claim is manifestly
301 devoid of factual or legal basis;
- 302 (d) refusal to comply with the decision of immediate supervisor, the Ombudsman,
303 or of any court ordering the release of information;
- 304 (e) approval of policies, rules and regulations manifestly contrary to the
305 provisions of this Act, and which policies, rules and regulations are the direct
306 cause of the denial of a request for information.

307

308 **SEC. 15. Criminal Liability.** - (a) The following acts shall be subject to the penalty of
309 imprisonment of not less than one (1) month but not more than six (6) months with the accessory
310 penalty of dismissal from service:

- 311
- 312 1. falsely denying or concealing the existence of information mandated for
313 disclosure under this Act; and

314 2. destroying, or causing to be destroyed, information and/or documents being
315 requested under this Act, for the purpose of frustrating the requesting party's
316 access thereto,
317

318 (b) Any private individual who knowingly induced or caused the commission of the
319 foregoing acts shall be liable as principal by inducement in the prosecution of public
320 officials or employees under this section.

321 (c) The acts under paragraph (a) of this Section, if proven in an administrative
322 proceeding, shall be subject to the penalty of dismissal, even if no criminal prosecution is
323 instituted against the person found liable.
324

325 **SEC 16. Denial in Good Faith Not a Ground for Liability.** - A denial in good faith of a
326 request for access to information made pursuant to the provisions of this Act shall not constitute
327 grounds for administrative or criminal liability.
328

329 **SEC. 17. Freedom of Information (FOI) Manual.**- (a) For the effective implementation of this
330 Act, all government agencies shall prepare a Freedom of Information Manual, setting forth
331 the following:

- 333 (1)the location and contact information of the head, regional, provincial and
334 field offices of the agency, and other established places where the public
335 can obtain information or submit requests;
- 336 (2) the types of information it generates, produces, holds and/or publishes;
- 337 (3) a description of its record-keeping system;
- 338 (4) the person or office responsible for receiving requests for information;
- 339 (5)the procedure for the filing of requests personally, by mail, or through the
340 identified electronic means;
- 341 (6)the standard forms for the submission of request and for the proper
342 acknowledgement of the request;
- 343 (7)the process for the disposition of the request, including the routing of the
344 request to the person or office with the duty to act on the request, and the
345 decision-making process for the grant or denial of the request;
- 346 (8)the procedure for the administrative appeal of any denial for access to
347 information;
- 348 (9)the schedule of service or processing fees pertinent to a request for
349 information;
- 350 (10)the process and procedure for the mandatory disclosure of information
351 under Section 9 of this Act; *Provided*, that, should the agency lack the
352 capacity to comply with Section 9 of this Act, a brief description of its plan
353 to facilitate compliance within three (3) years from the approval of this Act;
354 and
- 355 (11) such other information, taking into consideration the unique characteristics
356 of the agency, that will help facilitate the effective implementation of this
357 Act.

358 (b) The FOI Manual shall also be posted in its agency website and a hard copy shall
359 be available at the agency reception area for use by the public.
360

361 (c) In no case shall the absence of the aforementioned FOI Manual be a reason for
362 the denial of any request for information made in accordance with this Act.
363

364
365 (d) The heads of each of the departments and agencies may designate liaison units or
366 committees which shall coordinate with the other units of the agency in implementing
367 this Act. The composition, functions and duties of these liaison units or committees
368 shall be included in the FOI Manual.

369
370 **SEC. 18. Procedure of Access.** - (a) Any person who wishes to obtain information shall submit,
371 free of charge, a request to the government agency concerned personally, by mail, or through
372 electronic means. A person who is unable, because of illiteracy or disability, to make a written
373 request for information may make an oral request instead. The public officer who receives the
374 oral request shall reduce it to writing, indicating therein one's name and position within the
375 government agency, and give a copy thereof to the person who made the request. The request
376 shall state the name and preferred contact information of the requesting party, and reasonably
377 describe the information required, the reason for the request of the information and the preferred
378 means by which the government agency shall communicate such information to the requesting
379 party: *Provided*, That the stated reason shall not be used as a ground to deny the request or to
380 refuse the acceptance of the request, unless such request is contrary to law. If the request is
381 submitted personally, the requesting party shall show a current identification document issued by
382 any government agency; or government or private employer or school, or a community tax
383 certificate. If the request is submitted by mail or through electronic means, the requesting party
384 may submit a photostatic or electronically scanned copy of the identification, or other convenient
385 means as determined by the agency.

386
387 (b) The public official receiving the request shall provide reasonable assistance, free
388 of charge, to enable all requesting parties and particularly those with special needs, to
389 comply with the requirements under this Section.

390
391 (c) The request shall be duly received by the concerned government agency, which
392 shall forthwith indicate the date and time of receipt and the name, rank, title and
393 position of the receiving public officer or employee who shall likewise affix one's
394 signature thereon, and shall furnish the requesting party a copy thereof. In case the
395 request is submitted by electronic means, the government agency shall provide for an
396 equivalent means by which the requirements of this paragraph shall be met. Each
397 government agency shall establish a system by which the status of all requests for
398 information received by it may be verified at any time.

399
400 (d) The request may indicate the requesting party's preferred mode and means of
401 receiving the information requested, provided that the mode and means are
402 reasonable, taking into consideration equipment normally available to the concerned
403 government agency.

404
405 e) A government agency may communicate the information requested in a form other
406 than the preferred means whenever such preferred means would unreasonably
407 interfere with the effective operation of the agency, or if the agency has no capability
408 in communicating the information in the preferred format, or when the preferred
409 format may be detrimental to the preservation of the record.

410
411 (f) The government agency shall comply with such request as soon as practicable, and
412 in any case within fifteen (15) working days from the receipt thereof. The period may
413 be extended whenever the information requested requires a search of the government

414 and the date when the information shall be made available, which in no case shall result
415 in an extension of more than twenty (20) working days.

416
417 (h) Once a decision is made to grant the request, the person making the request shall be
418 notified of such and pay the required access and processing fees.

419
420 (i) If the information is not held by the government agency from which the request was
421 made, it shall notify the requesting party that it does not hold the information and
422 indicate which agency holds the record, if known. Whenever practicable, the agency
423 receiving the request may also cause the transfer of the request to the appropriate
424 agency that holds the information: *Provided*, That the period to comply with the request
425 under this Section shall begin to run only upon the receipt of the agency to which the
426 request is transferred.

427
428 **SEC. 19. Access and Processing Fees.** - Government agencies may charge a reasonable fee to
429 reimburse the actual cost of reproduction, copying or transcription and the communication of the
430 information requested. An agency may waive the fees whenever it is satisfied that the requester is
431 an indigent, or that the cost of reproduction is negligible, or that it is pursuant to a program for
432 proactive disclosure.

433
434 **SEC. 20. Notice of Denial.** - If the government agency decides to deny the request, in whole or in
435 part, it shall, as soon as practicable, and in any case within fifteen (15) working days from the
436 receipt of the request, notify the person making the request of such denial in writing or through
437 electronic means. The notice shall indicate the name, rank, title or position of the person making
438 the denial, clearly set forth the ground or grounds for denial and the circumstances on which the
439 denial is based, and indicate available rights of reconsideration or appeal. Failure to notify the
440 person making the request of the denial, or of the extension, shall be deemed a denial of the request
441 for access to information.

442
443 **SEC. 21. Remedies in Cases of Denial.**- (a) In all government agencies other than the judicial
444 branch-

445
446 (1) A denial of a request for access to information may be appealed to the Head of
447 Agency, following the procedure required under Section 17 (a) (8) of this Act:
448 *Provided*, That the appeal must be filed within fifteen (15) calendar days from the
449 receipt of the notice of denial and must be decided within fifteen (15) calendar days
450 from filing. Failure to resolve the appeal within the aforementioned period shall
451 constitute a denial of the appeal.

452
453 (2) A person denied access to information may file a verified complaint with the Office
454 of the Ombudsman, praying that the government agency concerned be directed to
455 immediately afford access to the information being requested. The Office of the
456 Ombudsman shall promulgate its special rules of procedure for the immediate
457 disposition of complaints filed pursuant to this Section. Unless restrained or enjoined,
458 the decisions of the Office of the Ombudsman shall be immediately executory, without
459 prejudice to review in accordance with the Rules of Court.

460
461 (3) A party whose request for information has been denied, whether or not such
462 decision has been appealed to the head of the agency, may file a verified petition for
463 mandamus in the proper court, alleging the facts with certainty and praying that

463 the decisions of the Office of the Ombudsman shall be immediately executory,
464 without prejudice to review in accordance with the Rules of Court.
465

466 (3) A party whose request for information has been denied, whether or not such
467 decision has been appealed to the head of the agency, may file a verified petition for
468 mandamus in the proper court, alleging the facts with certainty and praying that
469 judgment be rendered, ordering the respondent, immediately or at some other time to
470 be specified by the court, to disclose the information and to pay the damages
471 sustained by the requesting party by reason of the denial. The procedure for such
472 petition shall be summary in nature.
473

474 In resolving a complaint or petition brought under paragraphs (2) and (3) hereof, the
475 Ombudsman or the court is empowered to receive the information subject of a claim
476 of exception under Section 7 herein, and examine them *in camera* to determine the
477 sufficiency of the factual and legal basis of such claim, when such sufficiency cannot
478 be reasonably determined through evidence and circumstances apart from the
479 information.
480

481 (b) In the Judicial Branch - The Judiciary shall be governed by such remedies as
482 promulgated by the Supreme Court.
483

484 The remedies under this section shall be sought or granted without prejudice to any
485 other administrative, civil or criminal action covering the same act.
486

487 The remedies available under this Act shall be exempt from the rules on non-
488 exhaustion of administrative remedies and the application of the provisions of
489 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act
490 of 2004.
491

492 In case the requesting party has limited or no financial capacity, the Public Attorney's
493 Office is mandated to provide legal assistance to the requesting party in availing of
494 the remedies provided under this Act.
495

496 **SEC. 22. Keeping of Records.** - (a) Government agencies shall create and maintain in
497 appropriate formats, accurate and reasonably complete documentation or records of their
498 organization, policies, transactions, decisions, resolutions, enactments, actions, procedures,
499 operations, activities, communications and documents received or filed with them and the data
500 generated or collected. These shall include working files such as drafts or notes, whenever these
501 have been circulated within the agency for official purpose such as for discussion, comment or
502 approval or when these contain unique information that can substantially contribute to a proper
503 understanding of the agency organization, policies, transactions, decisions, resolutions,
504 enactments, actions, procedures, operations, and activities;
505

506 (b) Government agencies, in coordination with the National Archives of the
507 Philippines, shall identify specific and classes of official records in their custody or
508 control that have continuing historical, administrative, informational, legal,
509 evidentiary, or research value for preservation by such agencies or their legitimate
510 successors, or for proper documentation if and when the records are transferred to the
511 National Archives of the Philippines.
512

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

- 515
- 516 (1) records pertaining to loans obtained or guaranteed by the government;
517 (2) records of government contracts involving amounts Fifty Million Pesos (Php
518 50,000,000.00) or more, or related to infrastructure, public and private
519 partnerships, utilities, or other important projects
520 (3) the original Declaration under oath of the assets, liabilities and net worth of
521 public officers and employees submitted to the Office of the Ombudsman, as
522 required by law, and
523 (4) records of official investigations pertaining to allegations of graft and
524 corruption of public officers.

525

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

- 529
- 530 (1) a records maintenance system for the creation, selection, classification,
531 indexing and filing of official records that facilitate the easy identification,
532 retrieval and communication of information to the public;
- 533 (2) a records maintenance, archival and disposition schedule providing a listing
534 of records under current use for retention by the agency, for transfer to the
535 National Archives, or for destruction: *Provided*, That destruction of the official
536 records may be implemented only upon approval of the National Archives of the
537 Philippines; and
538 (3) Identification of the specific roles and responsibilities of agency personnel in
539 the implementation of such system and schedule.

540

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

- 547
- 548 (1) all laws of the Philippines and their amendments, from the period of the
549 Philippine Commission to the present;
550 (2) all presidential issuances from November 15, 1935 to the present, including
551 but not limited, to executive orders, presidential proclamations, administrative
552 orders, memorandum circulars, general orders, and other similar issuances;
553 (3) a database of all appointments and designations made by the President of
554 the Philippines; and
555 (4) opinions rendered by the Secretary of Justice.

556

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

560

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

- 564
- 565 (a) All important legislative acts and resolutions of a public nature of the Congress of
566 the Philippines;
567 (b) All executive and administrative orders and proclamations of general
568 application;(c) Decisions or abstracts of decisions of the Supreme Court and the Court
569 of Appeals or other courts of similar rank, as may be deemed by said courts of
570 sufficient importance to be so published;
571 (d) Such documents or classes of documents as the President shall determine from
572 time to time to have general application or which he may authorize to be published.

573

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

579

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

583

584 **SEC. 25. Publication of Government Data in the Open Data Philippines Website.** - For
585 purposes of enhancing the public's access to government information and abiding by the
586 Philippines' international commitments to transparency and government openness, all
587 government agencies shall publish in the Open Data Philippines website, datasets generated in
588 the implementation of agency mandates, programs, activities, and projects. These datasets shall
589 be updated, whenever permissible, at least once in every quarter of every year.

590

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

593

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

597

598 **SEC. 26. Tracking Requests for Information.** - Websites of government agencies shall contain
599 a matrix of requests made, their status, and the decision regarding the request. The matrix shall
600 also contain links to uploaded information from approved requests. In such cases where requests
601 are denied, the matrix shall contain the reasons for denial and the status of the appeal if such is
602 done.

603

604 **SEC. 27. Release to One, Release to All.-** For purposes of streamlining requests for
605 information, once an information has been made available to an individual through a request for
606 information, the said dataset shall also be published in an appropriate website such as, but not
607 limited to the Open Data Philippines website, Official Gazette website, Departmental website, or
608 Local Government website thus allowing the public access to all information that has been
609 requested.

610

611 **SEC. 28. Integration of Freedom of Information (FOI) and Good Governance in**
612 **Elementary and Secondary Curriculum.** - To ensure a well-informed generations of citizens,
613 the right to information, the principles of accountability and transparency, democracy and
614 leadership, and good governance shall be integrated in such subjects as Heyograpiya,
615 Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary level and in such
616 subjects as Social Studies and Makabayan or its equivalent subjects in high school level. The
617 Department of Education in coordination with the Civil Service Commission and other relevant
618 offices shall prepare the necessary modules and teaching programs consistent with the objectives
619 of this Act.

620

621

622 **SEC. 29. Annual Reports on Actions Taken on Requests for Access to Information.** - All
623 government agencies shall prepare, for each fiscal year, a report on the number of requests for
624 information they receives, processed, granted and denied; of appeals made from denials of such
625 requests; and of pending court actions they are a party to as result of such requests. These reports
626 may be integrated in the main annual reports of government agencies and may be posted and
627 published in their respective website.

628

629 **SEC. 30. Appropriations.** - The amount necessary to carry out the provisions of this Act shall
630 be charged against those authorized in the current and subsequent General Appropriations Acts.

631

632 **SEC 31. Separability Clause.** - If any provision or part hereof is held invalid or
633 unconstitutional, the remainder of the law or the provision not otherwise affected shall 42 remain
634 valid and subsisting.

635

636 **SEC 32. Repealing Clause.** - All laws, decrees, executive orders, rules and regulations,
637 issuances or any part thereof inconsistent with the provisions of this Act, including sections 18,
638 24 and 25 of Executive Order No. 292 or the Administrative Code of 1987 in relation to Article 2
639 of Republic Act No. 386 or the Civil Code, Memorandum Circular No. 78 dated 14 August 1964
640 (Promulgating Rules Governing Security of Classified Matter in Government Offices), as
641 amended, and Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of
642 Conduct and Ethical Standards for Public Officials and Employees), are deemed repealed.

643

644 **SEC 33. Effectivity.** - This Act shall take effect fifteen (15) days after its publication at least two
645 (2) national newspapers of general circulation.

646

647 Approved,