

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 51

Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

Section 24 of Article II under the 1987 Philippine Constitution provides that the State recognizes the vital role of communication and information in nation-building. Section 28 of the same articulates that subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

Moreover, Section 7 of Article III under the same mandates that the right of the people to information on matters of public concern shall be recognized and that 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. However, while the public's right to information is firmly enshrined in the Constitution and affirmed by the Supreme Court, access to public records largely remain limited.

This bill hopes to add on and enhance our democratic ideals and further empower our people. This measure seeks to respond to the problems involving basis for sanctions in cases of violation of the right to information. The existing remedy to compel disclosure, primarily judicial, is inaccessible to the general public; government's record-keeping system is in a very poor state, the level of bureaucratic commitment to openness is low; and the cost of access to certain information is excessive.

Furthermore, the bill provides for the following:

- An expansive scope in terms of government agencies as well as information covered;
- A clear, uniform and speedy procedure for access to information;
- A proscription against excessive costs of access to information;
- A system of accessible and speedy remedies that a citizen who has been denied access to information may resort to;
- A mandate to promote a culture of openness within government; and



- Lear administrative, criminal and civil liability for violation of the right to information

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



MANUEL DG. CABOCHAN III

Representative

Magdalo Para sa Pilipino Party-List

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AN ACT
IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION AND THE
CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY IN
THE PUBLIC SERVICE AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** –This Act shall be known as the “People’s Freedom of
2 Information Act.”

3 **SEC. 2. Declaration of Policy.** – the State recognizes the right of the people to
4 information on matters of public concern and adopts and implements a policy of full public
5 disclosure of all its transaction involving public interest, subject to the procedures and limitations
6 provided by this Act. It is likewise a declared policy of the State to promote the meaningful and
7 increased participation of the people in government decision-making and public accountability.

8 Public officials and employees, in the performance of their duties under this Act, as well
9 as citizens in the exercise of their rights under this Act, shall handle information kept or obtained
10 under this Act fairly, lawfully and with due regard to the full protection of the right to privacy of
11 individuals.

12 **SEC. 3. Definition of Terms.** – As used in this Act:

- 13 (a) “Information” shall mean any public and/or official record, document, paper,
14 report, letters, contract, minutes and transcripts of official meetings, maps, books,
15 photographs, data, research material, film, audio and video recordings, magnetic
16 or other tapes, electronic data, computer stored data, or other like or similar data
17 or material of public concern recorded, stored or archived in whatever form or
18 format, which are made, received or kept in or under the control and custody of
19 any government agency pursuant to law, executive order, rules and regulations,
20 ordinance or in connection with the performance or transaction of official
21 business by any government agency.
22

- 1 (b) "Official record/records" shall refer to information, in final form, produced or
2 received by a public officer, employee, or a government in an official capacity or
3 pursuant to a public function or duty.
- 4 (c) "Public record/records" shall include information required by law, executive
5 order, rules and regulations to be entered, kept and made publicly available by a
6 government agency.
- 7
- 8 (d) "Public service contractor" shall be defined as a private entity that has a dealing,
9 contract or transaction of whatever form or kind with the government or a
10 government agency/officethat utilizes public funds.
- 11
- 12 (e) "Personal information" shall refer to any information, whether recorded in a
13 material form or not, from which the identity of an individual is apparent or can
14 be reasonably and directly ascertained by the entity holding the information, or
15 when put together with other information, would directly and certainly identify an
16 individual.
- 17
- 18 (f) "Sensitive personal information" shall refer to personal information:
- 19
- 20 (1) About an individual's race, ethnic origin, marital status, age, color, and
21 religious, philosophical or political affiliations;
- 22
- 23 (2) About an individual's health, education, genetic or sexual life of a person,
24 or to any proceeding for any offense committed or alleged to have been
25 committed by such person, the disposal of such proceedings or the
26 sentence of any court in such proceedings;
- 27
- 28 (3) Issued by government agencies peculiar to an individual which includes,
29 but not limited to, social security numbers, previous or current health
30 records, licenses or its denials, suspension or revocation, and tax returns;
31 and
- 32
- 33 (4) Specifically established by an executive order or an act of Congress to be
34 kept classified.

35 **SEC. 4. Coverage.** – This Act shall cover all government agencies. Government agency
36 or agencies shall include the executive, legislative and judicial branches as well as constitutional
37 bodies of the Republic of the Philippines including, but not limited to, the national government
38 and all its agencies, departments, bureaus, offices and instrumentalities, constitutional
39 commissions and constitutionally mandated bodies, local governments and all their agencies,
40 regulatory agencies, chartered institutions, government-owned or –controlled corporations,
41 including wholly-owned or controlled subsidiaries, government financial institutions, and state
42 universities and colleges.

43 **SEC. 5. Access to Information.** –Every Filipino citizen has the right to and shall, on
44 request, be given access to any information of public concern under the control of a government

1 agency regardless of the physical form or format in which they are contained, subject only to the
2 exceptions enumerated in Section 7 of this Act.

3 **SEC. 6. *Presumption.*** –There shall be a legal presumption in favor of access to
4 information. No request for information shall be denied unless it clearly falls under the
5 exceptions provided under this Act. Accordingly, government agencies shall have the burden of
6 proof of showing by clear and convincing evidence that the information requested is exempted
7 from the disclosure by this Act.

8 **SEC. 7. *Exceptions.*** –Access to information shall be granted unless:

9 (a) The information is specifically authorized to be kept confidential under guidelines
10 established by an Executive Order, and in fact properly classified pursuant thereto: *Provided,*
11 That:

- 12
- 13 1) The information directly relates to national security or defense and its revelation may
14 cause damage to national security or international and external defense of the State; or
15
 - 16 2) The information requested pertains to the foreign affairs of the Republic of the
17 Philippines, when its revelation shall unduly weaken the negotiating position of the
18 government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the
19 diplomatic relations of the Philippines with any state, or prejudice the entrusting of
20 information to the Republic of the Philippines on a basis of confidence by the
21 government of any other country or any international organization: *Provided, further,*
22 That sufficient information is disclosed to afford reasonable public participation in
23 government decision-making on bilateral and multilateral agreements: *Provided, even*
24 *further,* That the head of the department or agency having custody or possession of such
25 information, shall keep under continuing review all classified information in his custody
26 and may direct the declassification review of such review as needed. Declassification of
27 the information shall be subject to the approval of the President.
28

29 (b) The information consists of minutes or records of advice given, or of opinions expressed
30 during decision-making or policy formulation, including exchanges when the chief executive
31 to be part of presidential communications privilege. Whenever disclosure would significantly
32 undermine the free and frank provision of advice or exchange of views: *Provided,* That an
33 executive order shall be issued specifying the reasonable period after which information
34 invoked to be privileged under this paragraph shall be made accessible to the public.
35

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

- 38
- 39 (1) Compromise or interfere with any legitimate military or law enforcement
40 operation;
41
 - 42 (2) Compromise or interfere with the legitimate prevention, detection or
43 suppression of criminal activity, or the legitimate implementation of
44 immigration controls and border security;

- 1
2 (3) Lead to the disclosure of the identity of a confidential source, including a
3 government, foreign agency or authority, or any private institution which
4 furnished information on a confidential basis, and, in the case of a record or
5 information compiled by a law enforcement authority in the course of an
6 investigation or by an agency conducting a lawful national security intelligence
7 investigation, information furnished by a confidential source;
8
9 (4) Disclose legitimate techniques and procedures for law enforcement
10 investigations or prosecutions, or would disclose legitimate guidelines for law
11 enforcement investigations and prosecutions, if such disclosure could
12 reasonably be expected to risk circumvention of the law;
13
14 (5) Endanger the life or physical safety of any individual; or
15
16 (6) Deprive a person of a right to a fair trial and impartial adjudication.
17
18 (d) The information requested pertains to matters of human security, such as, but not limited to,
19 food, health, money and trade: *Provided*, That such disclosure or premature disclosure will
20 imperil our well-being or degrade the quality of life of our people by causing unnecessary
21 panic and conflict and threatening to limit the range of policy choices available to the
22 concerned implementing and regulating agencies: *Provided, further*, That this exception shall
23 apply only until such time that the confidentiality requirement of the action plan of said
24 agency is no longer necessary in addressing the said security issue.
25
26 (e) The information requested consist of drafts of orders, resolution, decisions, memoranda or
27 audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-
28 judicial body in the exercise of their regulatory, audit and adjudicatory function, the
29 revelation of which would impair the impartiality of verdicts or otherwise obstruct the
30 administration of justice.
31
32 (f) The information requested is obtained by either House of Congress, or any committee
33 thereof, in executive session.
34
35 (g) The information requested pertains to the personal and sensitive information of a natural
36 person other than the requesting party, and its disclosure would constitute an unwarranted
37 invasion of his or her personal privacy, or the person is or was an official or employee of a
38 government agency and the information relates to his other public function or the person has
39 consented, in writing, to the disclosure of the information.
40
41 (h) The information requested pertains to trade secrets and commercial or financial information
42 obtained from a natural or juridical person other than the requesting party, obtained in
43 confidence or covered by privileged communication, and/or filed with a government agency,
44 whenever the revelation thereof would prejudice the interests of such natural or juridical
45 person in trade, industrial, financial, or commercial competition.

- 1 (i) The information is classified as privileged communications in legal proceedings by law or by
2 the Rules of Court, unless the person entitled to the privilege has waived it.
3
4 (j) The information requested is exempted from disclosure by the Constitution or by law,
5 including information protected under the Anti-money Laundering Law, as amended, and the
6 bank secrecy laws.
7
8 (k) The information is of nature that is premature disclosure would:
9
10 (1) In the case of an agency that regulates or deals with currencies, interest rates,
11 securities, commodities, or financial institutions, be likely to lead speculations
12 in currencies, interest rates, securities, or commodities market; or
13
14 (2) In the case of other agencies, be likely to frustrate the effective
15 implementation of a proposed official action: *Provided*, That the information
16 shall be disclosed once the abovementioned dangers have ceased.
17
18 (l) The information has already been made accessible as provided in Sections 8(a), 9, 11 and 14
19 of this Act.
20

21 For paragraphs (c) to (m) of this section, the determination whether any of these grounds
22 shall apply shall be the responsibility of the head of office of the government agency in
23 custody or control of the information, or any central or field officer/s duly designated by him:
24 *Provided*, That:
25

- 26 (1) The exceptions are strictly construed;
27
28 (2) The exceptions are not used to cover-up a crime or any unlawful activity;
29
30 (3) The President, the Supreme Court, the Senate, the House of Representatives,
31 and the Constitutional Commissions, with a majority vote of the body in
32 accordance with their own rules of procedure, when applicable, may waive an
33 exception with respect to information in the custody of offices under their
34 respective supervision or control when they deem that there is an overriding
35 public interest in disclosure;
36
37 (4) The exceptions do not constitute authority to withhold information from or
38 limit the availability of records to Congress or any of its committees;
39
40 (5) The exceptions do not constitute an authority of the executive branch of a
41 local government unit to withhold information from its legislative body;
42
43 (6) Whenever the information requested is part of a record, whose other parts are
44 covered by an exception, but may be reasonably severed from a record, the
45 responding official shall communicate the information not covered by the
46 exception to the requester; and

1
2 (7) The exceptions set forth in this section may be overcome if the requester is
3 able to prove before a court of competent jurisdiction that the public interest
4 in the disclosure of information outweighs the public interest in keeping the
5 information secret or confidential;
6

7 (m) The information requested pertains to information about the ongoing evaluation or review of
8 bids or proposals undertaken by the bidding or review committee prior to an official
9 recommendation by the government.

10 **SEC. 8. Access to information shall be granted unless. –**

11 (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national officials
12 shall disclose to the public their Statement of Assets, Liabilities, and Net Worth (SALN) on an
13 annual basis in their official website:
14

15 (1) President;

16 (2) Vice-President;

17 (3) Members of the Cabinet;

18 (4) Members of Congress;

19 (5) Justices of Supreme Court;

20 (6) Members of Constitutional Commissions and other constitutional offices; and

21 (7) Officers of the armed forces with general or flag rank.
22

23 b) All agencies of all branches of government shall upload on their websites, which shall be
24 updated monthly, a register of the following public interest transactions, documents of
25 records including
26

27 (1) Annual Budget of Government Agencies;

28 (2) Itemized Monthly Collections and Disbursement;

29 (3) Summary of Income and Expenditures;

30 (4) Component of IRA Utilization;

31 (5) Annual Procurement Plan and Procurement List;

32 (6) An updated plantilla of positions and vacant positions with qualifications/
33 requirements in their organizations that need to be filled-up;
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- (7) Item to Bid;
- (8) Bid Results on Civil Works and Goods and Services;
- (9) Abstract of Bids as Calculated;
- (10) Procurement contracts entered into by a government agency;
- (11) Construction or concession agreements or contracts entered into by government agency with any domestic or foreign person or entity;
- (12) Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957, as amended by Republic Act No. 7718, authorizing the financing, construction, operation and maintenance of infrastructure project;
- (13) Public funding extended to any private entity;
- (14) Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
- (15) Licenses, permits or agreements granted by any government agency to any person or entity for the extraction and/or utilization of natural resources and a list of the grantees;
- (16) Guarantees given by any government agency to government-owned or – controlled corporations and to private corporations, persons or entities;
- (17) Loans from domestic and foreign financial institutions;
- (18) Loans, grants, development assistance, technical assistance, and programs entered into by a government agency with official bilateral or multilateral agencies, as well as with private aid agencies or institutions; and
- (19) Compromise agreements entered into by a government agency with any person or entity.

The register shall contain a brief description of the transcription of the transaction involved, including, but not limited to: the nature and object of the transaction, the parties and amounts involved, the key steps undertaken towards its conclusion, and the relevant dates, provided that contracts and agreements involving an amount of at least Fifty million pesos (Php 50,000,000.00) shall be uploaded in full on the website of the concerned government agency or the *Official Gazette* online. A covered record shall be enrolled in the register not later than thirty (30) working days from its perfection or issuance.

1 **SEC. 9. *Openness and Transparency in Government Agencies.*** – Each government
2 agency shall make available upon the request of any citizen at no cost and in an accessible
3 form, consistent with the provisions of Republic Act No. 9485 or the Anti-Red Tape Act of
4 2007, and through their website, timely, true, accurate and updated key information
5 including, but not limited to:
6

7 (1) A description of its mandate, structure, powers, functions, duties and decision-
8 making processes;
9

10 (2) A description of the frontline services it delivers and the procedure and length
11 of time by which they may be availed of;
12

13 (3) The names of its key officials, their powers, functions and responsibilities, and
14 their profiles and curriculum vitae;
15

16 (4) Audited financial statements, and budget and expenditure records;
17

18 (5) Statements of assets, liabilities and net worth of all public officials with
19 Salary Grade 27 and above or heads of office;
20

21 (6) Monthly income including allowances and sources of income of all public
22 officials with Salary Grade 27 and above and heads of office;
23

24 (7) Work programs, development plans, investment plans, projects, performance
25 targets and accomplishments, and budgets, revenue allotments and expenditure.
26

27 (8) Important rules and regulations, orders or decisions: *Provided*, That they be
28 published within fifteen (15) calendar days from promulgation;
29

30 (9) Rules of procedure, descriptions of forms available or the places at which
31 forms may be obtained, and instructions as to the scope and contents of all papers,
32 reports, or examinations;
33

34 (10) Substantive rules of general applicability adopted as authorized by law, and
35 statements if general policy or interpretations of general applicability formulated
36 and adopted by the agency, including subsequent amendments;
37

38 (11) Current and important database and statistics that it generates;
39

40 (12) Bidding processes, deadlines and requirements;
41

42 (13) Mechanisms or procedures by which the public may participate in or
43 otherwise influence the formulation of policy or the exercise of its powers; and
44

1 (14) Any disclaimer that shall announce true and correct information relative to a
2 matter of public concern that has been the subject of untruthful or inaccurate
3 publication in media.

4 All government agencies shall over time endeavor and build the capacity and
5 practice to upload in full all other contracts, agreements, or treaties covered under
6 this section, in particular those that are of the highest public interest by reason of
7 the amounts involved and the impact of the transaction to the public.

8
9 **SEC. 10 *Protection of Privacy.*** – While providing for access to information in public
10 records, this Act also affords full protection of the right to privacy of individuals, as follows:

11
12 (a) A government agency must ensure that personal and sensitive information in
13 its custody or under its control is disclosed only as permitted under this Act;

14
15 (b) A government agency must protect personal and sensitive information in its
16 custody or under its control by making reasonable security arrangements against
17 such risks as unauthorized access, collection, use, disclosure, or disposal;

18
19 (c) An employee, officer or director of a government agency who has access,
20 whether authorized or unauthorized, to personal and sensitive information in the
21 custody of the agency, must not disclose that information except as authorized
22 under this Act.
23
24
25

26 **SEC. 11. *Freedom of Information Manual.*** –

27 (a) For the effective implementation of this Act, all government agencies shall prepare a
28 Freedom of Information Manual within six (6) months from the effectivity of this act
29 indicating the following:

- 30
31 1) The location and contact information of the head, regional, provincial and field
32 offices, and other established places where the public can obtain government
33 information or submit requests;
34
35 2) The types of information it generates, produces, holds and/or publishes;
36
37 3) A description of its record-keeping system;
38
39 4) The person or office responsible for receiving requests for information;
40
41 5) The procedure for the filing of requests personally, by mail, or through the
42 identified electronic means;

- 6) The standard forms for the submission of request and for the proper acknowledgment of the request;
- 7) The process for the disposition of the request, including the routing of the request to the person or office with the duty to act on the request, the decision making process, and the grant or denial of access and its implementation;
- 8) The procedure for the administrative appeal of any denial for access to information;
- 9) The schedule of fees;
- 10) The process and procedure for the mandatory disclosure of information under Section 8 of this Act: *Provided*, That, should the agency lack the capacity to fully comply therewith, a brief description of its plan to facilitate compliance within three (3) years from the approval of this Act; and
- 11) Such other information, taking into consideration the unique characteristics of an agency, that will help facilitate the effective implementation of this Act.
 - (a) The foregoing information shall also be posted in its website and bulletin boards, and shall be regularly updated;
 - (b) 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; and
 - (c) The heads of each of the departments and agencies may designate liaison units or Committees who 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. 12. 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 due to being a person with disability, to make a written request for information may make an oral request, and the public official who receives the oral request shall reduce it to writing, include his 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

1 party: *Provided*, That the stated reason shall not be used as a ground to deny
2 the request or to refuse the acceptance of the request unless such reason is
3 contrary to law. If the request is submitted personally, the requesting party
4 shall show his current identification card issued by any government agency, or
5 government or private employer or school, or a community tax certificate. If
6 the request is submitted by mail or through electronic means, the requesting
7 party may submit a photo static or electronically scanned copy of verifiable
8 identification, or other convenient means as determined by the agency.
9

10 (b) The public official receiving the request shall provide reasonable assistance,
11 free of charge, to enable all requesters and particularly those with special
12 needs, to comply with the request requirements under this section.
13

14 (c) The request shall be stamped by the government agency, indicating the date
15 and time of receipt and the name, rank, title and position of the receiving
16 public officer or employee with the corresponding signature, and a copy
17 thereof furnished to the requesting party. In case the request is submitted by
18 electronic means, the government agency shall provide for an equivalent
19 means by which the requirements of this paragraph shall be met. Each
20 government agency shall establish a system to trace the status of all requests
21 for information received by it.
22

23 (d) The request may indicate the requesting party's preferred mode and means of
24 receiving the information requested, provided that the mode and means are
25 reasonable, taking into consideration equipment normally available to the
26 concerned government agency.
27

28 (e) A government agency may communicate the information requested in a form
29 other than the preferred means whenever the agency has no capability in
30 communicating the information in the preferred format, or such preferred
31 means would unreasonably interfere with the effective operation of the agency
32 or be detrimental to the preservation of the record.
33

34 (f) The government agency shall comply with such request as soon as practicable,
35 and in any case within fifteen (15) working days from the receipt thereof. The
36 period may be extended whenever the information requested requires a search
37 of the government agency's filed or satellite offices, examination of
38 voluminous records, the occurrence of fortuitous events or other analogous
39 cases.
40

41 (g) The government agency shall, in writing or through electronic means, notify
42 the person making the request of the extension, setting forth the reasons for
43 such extension and the date when the information shall be made available,
44 which in no case shall result in an extension of more than twenty (20) working
45 days.
46

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

3 If the information is not held by the government agency to which the request was
4 made, it shall notify the requester that it does not hold the information, and indicate to the
5 requester which agency holds the record, if known. Whenever practicable, the agency
6 receiving the request may also cause the transfer of the request to the appropriate agency
7 that holds the information: *Provided*, That the period to comply with the request under
8 this section shall begin to run only upon the receipt of the agency to which the request is
9 transferred.

10 **SEC. 13. Access and Processing Fees.** -Government agencies may charge a
11 reasonable fee which shall in no case exceed the actual cost of reproduction, copying or
12 transcription and the communication of the information requested. Any agency may
13 waive the fees whenever it is satisfied that the requester is an indigent. Or that the cost of
14 reproduction s negligible or that it is pursuant to a program for disclosure.

15
16 **SEC. 14. Exemption from Compliance.** -The government agency is excused
17 from complying with a subsequent identical or substantially similar request from the
18 same requesting party where it has previously complied with a request for information,
19 unless a reasonable interval has lapsed between compliance with the previous request and
20 the making of the current request: *Provided*, That the government agency complies with
21 the Section 15 of this Act.

22
23 **SEC. 15. Notice of Denial.** -If the government agency decides to deny the request,
24 in whole or in part, it shall, as soon as practicable, and in any case within fifteen (15)
25 calendar days from the receipt of the request, notify the person making the request such
26 denial in writing or through electronic means. The native shall clearly set forth the
27 grounds for denial of the request for access to information.

28
29 **SEC. 16. Remedies in Case of Denial of Request for Information-**

30 (a) In all government agencies other than the judicial branch:

- 31
32 (1) Every denial of any request for access to information may be appealed to the
33 person of office next higher in authority of the same agency, following the
34 procedure mentioned in Section 11 (a)(8) of this Act: *Provided*, That the
35 written appeal must be filed by the same person making the request within
36 fifteen (15) calendar days from, the notice of denial. The appeal shall be
37 decided by the person or office next higher in authority if the same agency
38 within five (5) working days from filing of said written appeal. Failure of the
39 government agency to decide within the aforestated period shall constitute
40 denial of the appeal.

1
2 (2) Upon denial of appeal with the government agency, the requesting party may
3 file a verified petition for mandamus in the proper court, alleging the facts
4 with certainty and praying that judgment may be rendered ordering the
5 respondent, immediately or at some other time to be specified by the court, to
6 disclose the requested information. Unless restrained or enjoined, the decision
7 of the court shall be immediately executory, without prejudice to review in
8 accordance with the Rules of Court. Any action for administrative and/or
9 criminal liability arising from the same act or omission, if any, shall be filed
10 with the Office of Ombudsman.

11 No damages shall be assessed against the respondent acted with malice,
12 bad faith or negligence. Subject to the provisions of existing laws and the
13 issuances of the Supreme Court, all courts shall give preference to the hearing
14 and disposition of petitions for *mandamus* filed pursuant to the provisions of
15 this Act. The court hearing the case is empowered to receive the information
16 subject of the claim of exception under Section 7 herein and examine them in
17 camera to determine the sufficiency of the factual and legal basis of such
18 claim, when such sufficiency cannot be reasonably determined through
19 evidence and circumstances apart from the information.

- 20
21 (b) In the Judicial Branch, the judiciary shall be governed by such remedies promulgated
22 by the Supreme Court.
23
24 (c) The remedies provided in this section are without prejudice to any other
25 administrative, civil or criminal action covering the same act.
26
27 (d) The remedies available under this Act shall be cumulative and subject to the rule of
28 exhaustion of administrative remedies.
29
30 (e) The provisions of Republic Act No. 9285, otherwise known as the Alternative
31 Dispute Resolution Act of 2004, shall not apply to cases filed pursuant to this section.
32
33 (f) In case the requested party has limited or no financial capacity, the Public Attorney's
34 Office shall be mandated to provide legal assistance to the requester in availing the
35 remedies provided under this Act.
36

37 **SEC. 17. *Keeping of Records.***

- 38 (a) Government agencies shall create and/or maintain in appropriate formats, accurate
39 and reasonably complete documentation or records of their organization, policies,
40 transactions, decisions, resolutions, enactments, actions, procedures, operations,
41 activities, communications and documents received or filed with them and the
42 data generated or collected. These shall include working files such as drafts or
43 notes, whenever this has been circulated within the agency for official purpose

1 such as for discussion, comment or approval or when these contain unique
2 information that can substantially contribute to a proper understanding of the
3 agency organization, policies, transactions, decisions, resolutions, enactments,
4 actions, procedures, operations, activities. This likewise include information
5 submitted by public service contactors to the government agency concerned such
6 as receipts, identities of the suppliers, purchase orders, cash vouchers, related
7 agreements with other private entities, and other documents related to the
8 execution or the implementation of their transaction or contracts with the
9 government agency involved;

10
11 (b) Government agencies shall identify specific and classes of official records in their
12 custody or control that have continuing historical, administrative, informational,
13 legal, evidentiary, or research value for preservation by such agencies or their
14 legitimate successors, or for transfer to the National Archives of the Philippines
15 shall likewise identify specific and classes of official records that it shall require
16 agencies to preserve and transfer to it;

17
18 (c) In addition to the specific and classes of official records identified for
19 preservation under letter (b) of this section, the following shall not be destroyed:
20

21 (1) Records pertaining to loans obtained or guaranteed by the government;

22
23 (2) Records of government contracts;

24
25 (3) The declaration under oath of the assets, liabilities and net worth of public
26 officers and employees, as required by law; and

27
28 (4) Records of official investigations pertaining to allegations of graft and
29 corruption of public officers.
30

31 (d) Government agencies shall prepare, following standards and period promulgated
32 pursuant to Republic Act No. 9470 or the National Archives of the Philippines
33 Act of 2007, a records management program that includes the following: A
34 records maintenance system for the creation, selection, classification, indexing
35 and filing of official records that facilitate the easy identification, retrieval and
36 communication of information to the public; A records maintenance, archival and
37 disposition schedule providing a listing of records under current use, for retention
38 by the agency, for transfer to the National Archives, or for destruction: *Provided,*
39 That destruction of the official records may be implemented only upon approval
40 of the National Archives of the Philippines; and A specification of the roles and
41 responsibilities of agency personnel in the implementation of such system and
42 schedule; and
43

44 (e) In addition to its functions as repository of all rules and regulations issued by
45 agencies as provided under Book VII, Chapter II of the Administrative Code of
46 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 the same in print in the *Official Gazette* or in digital or online form, the following:

- (1) All laws of the Philippines and their amendments, from the period of the Philippine Commission to the present;
- (2) All presidential issuances from November 15, 1935 to the present including, but not limited, to executive orders, presidential proclamations, administrative orders, memorandum circulars, general orders, and other similar issuances;
- (3) A database of all appointments and designations made by the President of the Philippines; and
- (4) Opinions of the Secretary of Justice.

SEC. 18. *Publication in the Official Gazette.*-For purposes of mandatory disclosure as provided in Section 8 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, publication of the following in the online version of the *Official Gazette*, with the corresponding timestamps on the document, shall be considered as official publication:

- (a) All legislative acts and resolutions of a public nature of the Congress of the Philippines;
- (b) All executive and administrative orders and proclamations of general application;
- (c) Decisions or abstract of decisions of the Supreme Court and the Court of Appeals or other courts of similar rank, as may be deemed by said courts of sufficient importance to be so publishes;
- (d) Such documents or classes of documents as the President shall determine from time to time to have general application or which he may authorize to be published. However, other documents or classes of documents as may be required to be published by law, such as petitions and/or legal notices in connection with land titles, naturalization or special proceedings shall continue to be published in the print version of the *Official Gazette* or in any newspaper of general circulation for purposes of compliance with the publication requirement.

SEC.19. *Capacity-Building, Promotion of Best Practices and Continuous Updating of Appropriate Information Technology and FOI.* -All government agencies must ensure that they

1 have a complaint website within two (2) years from the date of effectivity of this Act. The
2 National Computer Center shall monitor all government agency websites and render the
3 appropriate support including capacity-building program and coordination with another
4 appropriate agency, utilizing alternative mechanism and seeking the assistance of private
5 relevant and willing volunteer groups to ensure full compliance with the requirements of this
6 Act.

7 In the performance of its monitoring function of government websites and portals, the
8 National Computer Center shall endeavor to continuously develop, improve and update its
9 information technology system taking into consideration usability and practical accessibility of
10 government documents by the public.

11 The Department of Science and Technology shall be responsible for setting the standards
12 for the file formats to be used by the political subdivisions of the State. All national and local
13 government agencies including GOCCs with or without original charter in the publication of
14 government public information in accordance with the provisions of this Act.

15 Every government agency shall ensure the provision of adequate training for its officials
16 to improve awareness of the people's right to information and provisions of this Act, and to keep
17 updated as to best practices in relation to information disclosure, records maintenance and
18 archiving.

19
20 **SEC. 20. Use of Plain Language.**-Every government agency shall endeavor to use plain
21 language in their communications orders, compliance, requirements or instructions issued to
22 implement provisions of this Act. The government agencies shall translate key information into
23 major Filipino languages and present them in popular form and means.

24 (1) To carry out the provision of this Act, the Civil Service Commission (CSC) is
25 designated to issue guidelines on the use of plain language to suit the needs of the
26 requesting party;

27
28 (2) The CSC shall provide the necessary training to employees of each government
29 agency in using plain language in public documents;

30
31 (3) All departments, agencies and instrumentalities of the national government,
32 including government-owned or- controlled corporations, local government units
33 and state colleges and universities shall designate an official responsible for
34 implementing the plain language; and

35
36 (4) Website contents including, but not limited to, financial data, notices and other
37 technical and legal documents, of government agencies must also be written in
38 plain language to ensure that these information are easy to read, understand and
39 use.

40
41 **SEC. 21. Administrative Offenses and Penalties.-**

1 (a) The acts enumerated in this sub-section shall be tantamount to grave administrative
2 offenses and shall constitute grounds for administrative and disciplinary sanction
3 against any public official or employee who willfully and knowingly commits the
4 following:
5

6 (1) Refusal to promptly forward the request under Section 12 of this Act to the
7 public officer within the same office or agency responsible for officially
8 acting on the request when such is the direct because of the failure to disclose
9 the information within the periods required by this Act;

10
11 (2) Failure to Act on the request within the periods required by this Act;

12
13 (3) Refusal to comply with the decision of his immediate supervisor, or of any
14 court ordering the release of information;

15
16 (4) Approval of policies, rules and regulations clearly contrary to the provisions
17 of this Act, and which policies, rules and regulations are the direct cause of
18 denial of a request for information; and

19
20 (5) Failure to upload information required to be posted on agency's website
21 within the period provided under Section 19: *Provided*, That the head of
22 agency or any other officer or employee tasked to perform said uploading
23 shall be held liable.
24

25 (b) The preceding subsection does not bar filing of appropriate administrative cases other
26 than those grave offenses enumerated above.

27 **SEC. 22. Criminal Offenses and Penalties.**-The penalty of imprisonment not less
28 than one (1) month but not more than six (6) months and a fine ranging from Ten
29 thousand pesos (P10,000.00) to One hundred thousand pesos (P100,000.00) shall be
30 imposed upon:

31 (a) Any public official or employee who falsely denies or conceals the existence of
32 information that is a proper subject for disclosure under this Act.
33

34 (b) Any public official or employee who destroys, or cause to be destroyed, information
35 and/or documents being requested under this Act, for the purposes of frustrating the
36 requesting party's access thereto.
37

38 (c) Any individual who knowingly directed, induced or caused the commission of the
39 foregoing acts shall be held liable as principal by inducement in the prosecution of
40 public officials or employees under this section.
41

42 (d) Any public officer or employee responsible for officially acting on the request, who
43 shall claim an exception under Section 7 of this Act, or under the Constitution, when
44 such claim is manifestly devoid of factual basis.

(e) Any individual who divulged or released information covered under Section 7 of this Act.

(f) Any public officer or employee who divulged or released information that is altered, tampered or modified to the extent that the released information materially differs from the original content of the document: *Provided*, That altering or modifying a document for the purpose of severing an exempt information in a single document shall not be punishable under this subsection.

(g) The responsible officers of the public service contractor and the signatories to the contract or any document evidencing transaction with the government or government agency who fail to submit necessary documents/papers.

If the violation committed in this Act is induced and assisted by a private individual or a corporation, partnership or any kind of judicial entity, the penalty provided herein shall be imposed on its executive officer and/or other officials responsible therefor: *Provided*, That they shall suffer, in addition to the penalties provided herein, the automatic revocation of their license to operate.

SEC. 23. Denial in Good Faith Not a Ground for Liability.-A denial in good faith of a request made pursuant to the provisions of this Act shall not constitute grounds for administrative, civil or criminal liability. In cases of denial of the request, the public official, officer or employee involved must prove that he/she acted in good faith by specifying the ground relies upon for the denial.

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

SEC. 25. Integration of Freedom of Information (FOI) and Good Governance in Elementary and Secondary Curriculum.-To ensure well-informed generation of citizens, the right to information, the principles of accountability and transparency, democracy and leadership, and good governance shall be integrated in such subjects such as *Heyograpiya*, *Kasaysayan at Sibika (HEKASI)* and *AralingPanlipunan* in the elementary level and in such subjects such as Social Studies and *Makabayan* or its equivalent subjects in high school level. The Department of Education in accordance with the Civil Service Commission and other relevant offices shall prepare necessary module and teaching programs consistent with the objectives of this Act.

SEC. 26. Reports on FOI. -All government agencies shall be required to submit annual reports on the number of requests for information received and processed, of appeals made from the denial thereof, and such other information as provided in this Act. The said report may be integrated in the agencies' main Annual Report and its posting and publication in their respective websites shall be considered as sufficient compliance.

1 **SEC. 27. *Systems of Incentives and Rewards.*** –A system of special incentives and
2 rewards is hereby established to be given to appropriate government agency or agencies that
3 initiated and displayed compliance in full participation in the meaningful implementation of this
4 Act. The incentives and rewards may include, but not limited to, social projects, grants-in-aid,
5 national recognition, and similar entitlements.

6 **SEC. 28. *Appropriations.*** –The amount necessary to carry out provisions of this Act shall
7 be charged against the Agencies' current budget and shall thereafter be included in the annual
8 General Appropriations Act.

9 **SEC. 29. *Separability Clause.*** –If any section or part of this Act is held unconstitutional
10 or invalid, the other sections or provisions not otherwise affected shall remain in full force and
11 effect.

12 **SEC. 30. *Repealing Clause.*** –All laws, decrees, executive orders, rules and regulations,
13 issuances or any part thereof inconsistent with the provisions of this Act, including Section 18,
14 24 and 25 of Executive Order No. 292 in relation to Article 2 of Republic Act No. 386,
15 Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing Security of
16 Classified Matter in Government Offices), as amended, and Section 3, Rule IV of the Rules
17 Implementing Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public
18 Officials and Employees), are deemed repealed: *Provided*, That Memorandum Circular No. 78
19 shall be deemed repealed after one (1) year from effectivity of this Act or upon issuance of the
20 Executive Order in Section 7(a) whichever comes first.

21 **SEC. 31. *Effectivity.*** –This Act shall take effect fifteen (15) days after its publication in
22 at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,