

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

House Bill No. 973

HOUSE OF REPRESENTATIVES	
<b>RECEIVED</b>	
DATE:	04 JUL 2016
TIME:	5:17 pm
BY:	<u>Hillegas</u>
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Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

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**EXPLANATORY NOTE**

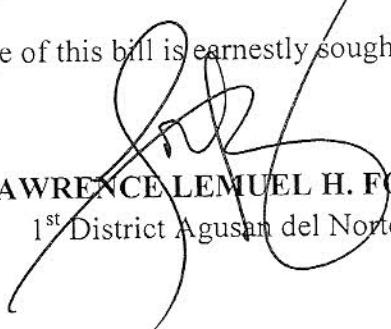
Article III Section 7 of the Constitution provides for the right of the people to information on matters of public concerns and access to official records and documents subject to limitations provided by law. Furthermore, the Code of Ethics of government officials mandates them to make financial disclosure statements and make it accessible to the public. This Freedom of Information Bill will make possible the institutionalization of the inherent right of the Filipino people to access public information.

The bill generally allows access to all information pertaining to official acts, transactions, or decisions, and government research data as a basis for policy development. The bill, however, sets limitations on access to documents concerning national defense, public safety, international relations, information in executive sessions, drafts in the exercise of adjudicatory and/or audit functions, personal information, trade secrets, privileged information in accordance with the Rules of Court and those information exempted by law or the Constitution. It likewise provides for the process of requesting for the information, how to access the information and the framework on what information should be made readily available to the people.

This Bill has been filed in previous congresses but regrettably, the same has not reached the third reading. This measure, if passed, will ensure transparency, accountability and efficiency in governance. It will empower our people to access information of public importance, monitor the performance of public officials and compel them to consistently pursue 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 earnestly sought.

LAWRENCE LEMUEL H. FORTUN  
1<sup>st</sup> 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  
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 transactions involving public interest, subject to the procedures and  
6 limitations provided by this Act. This right is indispensable to the exercise of the right of the  
7 people and their organizations to effective and reasonable participation at all levels of social,  
8 political and economic decision-making.

9       **SEC. 3. Coverage-** This Act shall cover government agencies. Government agencies  
10 refers to 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  
15 or 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.

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

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

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

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

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

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

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

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

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

(b) The information consists of records of minutes and advice given and opinions expressed during decision-making or policy formulation, invoked by the Chief Executive to be privileged by reason of the impairment of the Chief Executive's deliberative process that would result from the disclosure thereof. Once policy has been formulated and decisions made, minutes

73 and research data may be made available for disclosure unless they were made in executive  
74 session;

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

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

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

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

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

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

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

94 (d) The information requested consists of drafts of orders, resolutions, decisions,  
95 memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial  
96 or quasi-judicial body in the exercise of their regulatory, audit and adjudicatory 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 unwarranted  
101 invasion of personal privacy. This may include signatures, addresses, telephone numbers,  
102 identification numbers, names of family members, race or ethnicity, religion, health, education,  
103 sexual orientation, and similar information, unless such information is specifically required by  
104 law to be entered into an official record and made available to the public, or the person has  
105 consented in writing to the disclosure of the information. To the extent required to prevent an  
106 unwarranted invasion of personal privacy, an agency may redact such information from a record  
107 made available to the public. However, the justification for the deletion shall be explained fully  
108 in writing, and the extent of such deletion shall be indicated on the portion of the record which is  
109 made available or published;

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

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

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

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

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

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

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

#### 142 SEC. 8. Qualification to the Exceptions.

- 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.

159 **SEC. 9. Mandatory Disclosure of Information-** (a) In fulfillment of Article XI, Section  
160 17 of 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:

- 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;

(6) the Commissioners of the Constitutional Commissions and other 5 constitutional offices; and

(7) the officers of the Armed Forces with the rank of general or the equivalent flag rank.

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

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

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

219                   (c) All government agencies shall, over time, endeavor to build their capacity and  
220 practice to publish in full all other contracts, agreements, or treaties covered under this Section,  
221 specially those that are of the highest public interest by reason of the amounts involved and the  
222 impact of the transaction to the public. All government agencies must ensure that they have a  
223 compliant 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  
226 requirement of this Section, the agency shall initiate a capacity-building program, coordinate  
227 with another appropriate agency, or use an alternative mechanism, to facilitate substantive  
228 compliance not 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 34 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  
253 translate key information into major Filipino languages and present them in popular form and  
254 means.

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

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

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

270

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

277

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

281

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

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

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

291

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

295

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

300             (b) failure to act on the request within the periods required by this Act;

301             (c) claim an exception under Section 7 of this Act when the claim is manifestly  
302 devoid of factual or legal basis;

303             (d) refusal to comply with the decision of immediate supervisor, the Ombudsman,  
304 or of any court ordering the release of information;

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

308

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

312

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

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

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

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

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

330  
331                  **SEC. 17. Freedom of Information (FOI) Manual.**- (a) For the effective implementation  
332                  of this 13 Act, all government agencies shall prepare a Freedom of Information Manual, setting  
333                  forth the following:

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

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

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

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

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

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

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

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

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

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

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

419  
420                         (h) Once a decision is made to grant the request, the person making the request shall be  
421 notified of such and pay the required access and processing fees.

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

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

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

444  
445                         **SEC. 19. Remedies in Cases of Denial.**- (a) In all government agencies other than the  
446 judicial branch-

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

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

462  
463                         (3) A party whose request for information has been denied, whether or not such  
464 decision has been appealed to the head of the agency, may file a verified petition for

465 mandamus in the proper court, alleging the facts with certainty and praying that  
466 judgment be rendered, ordering the respondent, immediately or at some other time to  
467 be specified by the court, to disclose the information and to pay the damages  
468 sustained by the requesting party by reason of the denial. The procedure for such  
469 petition shall be summary in nature.

470  
471 In resolving a complaint or petition brought under paragraphs (2) and (3) hereof, the  
472 Ombudsman or the court is empowered to receive the information subject of a claim  
473 of exception under Section 7 herein, and examine them *in camera* to determine the  
474 sufficiency of the factual and legal basis of such claim, when such sufficiency cannot  
475 be reasonably determined through evidence and circumstances apart from the  
476 information.

477  
478 (b) In the Judicial Branch - The Judiciary shall be governed by such remedies as  
479 promulgated by the Supreme Court.

480  
481 The remedies under this section shall be sought or granted without prejudice to any  
482 other administrative, civil or criminal action covering the same act.

483  
484 The remedies available under this Act shall be exempt from the rules on non-  
485 exhaustion of administrative remedies and the application of the provisions of  
486 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act  
487 of 2004.

488  
489 In case the requesting party has limited or no financial capacity, the Public Attorney's  
490 Office is mandated to provide legal assistance to the requesting party in availing of  
491 the remedies provided under this Act.

492  
493 **SEC. 22. Keeping of Records.** - (a) Government agencies shall create and maintain in  
494 appropriate formats, accurate and reasonably complete documentation or records of their  
495 organization, policies, transactions, decisions, resolutions, enactments, actions, procedures,  
496 operations, activities, communications and documents received or filed with them and the data  
497 generated or collected. These shall include working files such as drafts or notes, whenever these  
498 have been circulated within the agency for official purpose such as for discussion, comment or  
499 approval or when these contain unique information that can substantially contribute to a proper  
500 understanding of the agency organization, policies, transactions, decisions, resolutions,  
501 enactments, actions, procedures, operations, and activities;

502  
503 (b) Government agencies, in coordination with the National Archives of the Philippines,  
504 shall identify specific and classes of official records in their custody or control that have  
505 continuing historical, administrative, informational, legal, evidentiary, or research value for  
506 preservation by such agencies or their legitimate successors, or for proper documentation if and  
507 when the records are transferred to the National Archives of the Philippines.

508  
509 (c) In addition to the specific and classes of official records identified for preservation  
510 under letter (b) of this section, the following shall not be destroyed:

511  
512 (1) records pertaining to loans obtained or guaranteed by the government;

- (2) records of government contracts involving amounts Fifty Million Pesos ( Php 50,000,000.00) or more, or related to infrastructure, public and private partnerships, utilities, or other important projects
- (3) the original Declaration under oath of the assets, liabilities and net worth of public officers and employees submitted to the Office of the Ombudsman, as required by law, and
- (4) records of official investigations pertaining to allegations of graft and corruption of public officers.

522 (d) Government agencies shall prepare, according to the standards set in and within the  
523 period mandated by Republic Act No. 9470 or the National Archives of the Philippines Act of  
524 2007, a records management program that includes the following:

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

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

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

**SEC 23. Publication in the Official Gazette.** For purposes of mandatory disclosure as provided in Section 9 of this Act, 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:

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

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

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

575       **SEC 24. Act Not a Bar to Claim of Right to Information Under the Constitution.** -  
576 No provision of this Act shall be interpreted as a bar to any claim of denial of the right to  
577 information under Article III, Section 7 of the 1987 Constitution.  
578

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

586       The Open Data website shall be maintained and administered by an Open Data Task  
587 Force under the Office of the President, or any such similar body designated by the President for  
588 this purpose.  
589

590       For the purpose of making government data more accessible to the public, all datasets  
591 published on the Open Data Philippines website and on LGU websites as mandated in Section 9  
592 of this Act shall be, whenever practicable, of a machine-readable and open format.  
593

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

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

608       **SEC. 28. Integration of Freedom of Information (FOI) and Good Governance in  
609 Elementary and Secondary Curriculum.** - To ensure a well-informed generations of citizens,  
610 the right to information, the principles of accountability and transparency, democracy and  
611 leadership, and good governance shall be integrated in such subjects as Heyograpiya,  
612 Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary level and in such

613 subjects as Social Studies and Makabayan or its equivalent subjects in high school level. The  
614 Department of Education in coordination with the Civil Service Commission and other relevant  
615 offices shall prepare the necessary modules and teaching programs consistent with the objectives  
616 of this Act.

617

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

624

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

628

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

632

633       **SEC 32. Repealing Clause.** - All laws, decrees, executive orders, rules and regulations,  
634 issuances or any part thereof inconsistent with the provisions of this Act, including sections 18,  
635 24 and 25 of Executive Order No. 292 or the Administrative Code of 1987 in relation to Article 2  
636 of Republic Act No. 386 or the Civil Code, Memorandum Circular No. 78 dated 14 August 1964  
637 (Promulgating Rules Governing Security of Classified Matter in Government Offices), as  
638 amended, and Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of  
639 Conduct and Ethical Standards for Public Officials and Employees), are deemed repealed.

640

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

643

644              Approved,