

<p>Republic of the Philippines HOUSE OF REPRESENTATIVES Quezon City SEVENTEENTH CONGRESS First Regular Session House Bill No. <u>1855</u></p>	REPRESENTATIVES RECEIVED DATE: <u>25 JUL 2016</u> TIME: <u>8:30 AM</u> BY: <u>JG</u> REGISTRATION UNIT BILLS AND INDEX SERVICE
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Introduced by Hon. Sol Aragones

EXPLANATORY NOTE

The Constitution, Article 3, Section 7, provides:

Section 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

More than 90 countries have a freedom of information law. This shows a trend towards granting the public greater access to government information. In the Philippines, it has been more than 20 years since the first bill on freedom of information was filed in Congress.

This bill gives flesh to the freedom of information as enshrined in our Constitution. It allows the access of government records to pave the way for a better check on the operations of government. The public is the most effective watchdog of government and it is about time that their rights are protected through legislation. Information empowers our people and makes for a more intelligent electorate. Denying access to public records will only weaken our democratic institutions as our leaders are made less accountable to the people they are duty bound to serve.

This bill is based on the consolidated bill in the Sixteenth Congress after approval by the technical working group. The early adoption of this bill is thus earnestly requested.

Maramones
SOL ARAGONES
Representative, 3rd District of Laguna

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
SEVENTEENTH CONGRESS
First Regular Session
House Bill No. 1855

Introduced by Hon. Sol Aragones

1

FREEDOM OF INFORMATION ACT

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

AN ACT TO STRENGTHEN 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:

2 **SECTION. 1. Short Title.** – This Act shall be known as the "People's Freedom of
3 Information Act of 2014."

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

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

1 of Senators and Representatives, the Supreme Court and all lower courts established by
2 law.

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

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

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

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

16 (d) **Dataset** shall refer to an organized collection of data, which is presented in a variety of
17 forms such as but not limited to tabular, geospatial, or image data files.

18 (e) **Machine-readable** shall refer to formats that are able to have its data extracted and
19 processed by computer programs easily.

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

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

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

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

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

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

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

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

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

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

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

26 (f) The information requested pertains to personal information of a natural person, whether
27 from the public or the private sector, and its disclosure would constitute an unwarranted
28 invasion of his or her personal privacy. This may include signatures, addresses,
29 telephone numbers, identification numbers, family members, race or ethnicity, religion,
30 health, education, sexual orientation, and similar information, unless such information is
31 specifically required by law to be entered into an official record and made available to the

1 public, or the person has consented in writing to the disclosure of the information. To the
2 extent required to prevent an unwarranted invasion of personal privacy, an agency may
3 redact such information from a record made available to the public. However, the
4 justification for the deletion shall be explained fully in writing, and the extent of such
5 deletion shall be indicated on the portion of the record which is made available or
6 published;

7 (g) The information requested pertains to trade secrets and commercial or financial
8 information or intellectual property obtained from a natural or juridical person other than
9 the requesting party, whenever the revelation thereof would seriously prejudice the
10 interests of such natural or juridical person in trade, industrial, financial or commercial
11 competition;

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

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

16 (j) The information is of a nature that its premature disclosure would, in the case of a
17 government agency that regulates or deals with currencies, interest rates, securities,
18 commodities, or financial institutions, likely lead to fraud, manipulation, or other unlawful
19 acts or schemes involving currencies, interest rates, securities, or the commodities
20 market or, in the case of other government agencies, likely frustrate the effective
21 implementation of a proposed official action: *Provided*, That the information shall be
22 accessible once the anticipated danger has ceased.

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

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

28 **SEC. 8. Qualifications.**

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

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

- 18 (1) the President;
- 19 (2) the Vice- President;
- 20 (3) the Members of the Cabinet;
- 21 (4) the Members of the Senate and the House of Representatives;
- 22 (5) the Justices of the Supreme Court;
- 23 (6) the Commissioners of the Constitutional Commissions and other constitutional
24 offices; and
- 25 (7) the officers of the Armed Forces with the rank of general or the equivalent flag
26 rank.

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

- 29 (1) Freedom of Information Manual in full;
- 30 (2) Rules of Procedure, descriptions of forms available or the places at which forms
31 may be obtained, and instructions as to the scope and contents of all papers, reports,
32 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 government agency; and
 - (xvi) Guarantees given by any government agency to government-owned or - controlled corporations and to private corporations, persons or entities.

29 The register shall contain a brief description of the transaction involved, including, but not
30 limited to: the nature and object of the transaction, the parties and amounts involved, the key
31 steps undertaken towards its conclusion, and the relevant dates provided that contracts and
32 agreements involving an amount of at least Fifty Million Pesos (P50,000,000.00) shall be
33 published in full on the website of the concerned government agency or the Official Gazette
34 Online subject to the succeeding section. A covered record shall be enrolled in the register

1 not later than 30 working days from its perfection or issuance.

2 (c) All government agencies shall, over time, endeavor and build the capacity and practice to

3 publish in full all other contracts, agreements, or treaties covered under this Section,

4 specially those that are of the highest public interest by reason of the amounts involved and

5 the impact of the transaction to the public. All government agencies must ensure that they

6 have a compliant website within two (2) years from the effectivity of this Act.

7 (d) Should an agency lack the capacity to comply with the website publication requirement of

8 this Section, the agency shall initiate a capacity-building program, coordinate with another

9 appropriate agency, or use an alternative mechanism, to facilitate substantive compliance

10 not later than three (3) years from the effectivity of this Act.

11 **SEC. 10. *Promotion of Openness in Government.*** – (a) Duty to Publish Information –

12 Government agencies shall regularly publish, print and disseminate at no cost to the public

13 and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act

14 of 2007, and through their website, timely, true, accurate and updated key information

15 including, but not limited to:

- 16 (1) A description of its mandate, structure, powers, functions, duties and decision-
- 17 making processes;
- 18 (2) A description of the frontline services it delivers and the procedure and length of
- 19 time by which they may be availed of;
- 20 (3) The names of its key officials, their powers, functions and responsibilities, and
- 21 their profiles and curriculum vitae;
- 22 (4) Work programs, development plans, investment plans, projects, performance
- 23 targets and accomplishments, and budgets, revenue allotments and expenditures;
- 24 (5) Important rules and regulations, orders or decisions: *Provided*, That they be
- 25 published within fifteen (15) calendar days from promulgation;
- 26 (6) Datasets generated in the implementation of agency mandates, programs,
- 27 activities, and projects such as statistics, figures, and geospatial data, among others;
- 28 (7) Current and important database and statistics that it generates;
- 29 (8) Bidding processes and requirements; and
- 30 (9) Mechanisms or procedures by which the public may participate in or otherwise
- 31 influence the formulation of policy or the exercise of its powers.

32 (b) Accessibility of Language and Form – Every government agency shall endeavor to

1 translate key information into major Filipino languages and present them in popular form and
2 means.

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

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

11 The National Computer Center shall monitor all government agency websites and provide
12 appropriate support for their development and full compliance with the requirements of this
13 Act.

14 **SEC. 12. Exemption from Compliance.** – The government agency shall be excused from
15 complying with a subsequent identical or substantially similar request from the same
16 requesting party where it has previously complied with a request for information unless a
17 reasonable interval has lapsed between compliance with the previous request and the
18 making of the current request: *Provided*, That the government agency complies with Section
19 20 of this Act.

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

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

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

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

1 **SEC. 14. *Administrative Liability.*** – The acts enumerated in this Section shall be
2 tantamount to gross neglect of duty and shall constitute grounds for administrative and
3 disciplinary sanction against any public official or employee who willfully and knowingly
4 commits the following:

- 5 (a) Refusal to promptly forward the request under Section 18 of this Act to the public
6 officer within the same office or agency responsible for officially acting on the request
7 when such is the direct cause of the failure to disclose the information within the
8 periods required by this Act;
- 9 (b) Failure to act on the request within the periods required by this Act;
- 10 (c) Claim an exception under Section 7 of this Act when the claim is manifestly
11 devoid of factual or legal basis;
- 12 (d) Refusal to comply with the decision of his immediate supervisor, the
13 Ombudsman, or of any court ordering the release of information;
- 14 (e) Approval of policies, rules and regulations manifestly contrary to the provisions of
15 this Act, and which policies, rules and regulations are the direct cause of the denial of
16 a request for information.

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

- 20 (1) Falsely denying or concealing the existence of information mandated for
21 disclosure under this Act; and
- 22 (2) Destroying, or causing to be destroyed, information and/or documents
23 being requested under this Act, for the purpose of frustrating the requesting party's
24 access thereto.
- 25 (b) Any private individual who knowingly induced or caused the commission of the
26 foregoing acts shall be liable as principal by inducement in the prosecution of public
27 officials or employees under this section.

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

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

7 SEC. 17. Freedom of Information (FOI) Manual. – (a) For the effective implementation of
8 this Act, all government agencies shall prepare a Freedom of Information (FOI) Manual,
9 setting forth the following:

- (1) The location and contact information of the head, regional, provincial and field offices of the agency, and other established places where the public can obtain information or submit requests;
 - (2) The types of information it generates, produces, holds and/or publishes;
 - (3) A description of its record-keeping system;
 - (4) The person or office responsible for receiving requests for information;
 - (5) The procedure for the filing of requests personally, by mail, or through the identified electronic means;
 - (6) The standard forms for the submission of request and for the proper acknowledgement 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 and the decision-making process for the grant or denial of the request;
 - (8) The procedure for the administrative appeal of any denial for access to information;
 - (9) The schedule of service or processing fees pertinent to a request for information;
 - (10) The process and procedure for the mandatory disclosure of information under Section 9 of this Act: *Provided*, That, should the agency lack the capacity to comply with Section 9 of this Act, 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.

32 (b) The FOI Manual shall also be posted in the agency website and a hard copy shall be
33 available at the agency reception area for use by the public;

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

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

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

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

27 (c) The request shall be duly received by the concerned government agency, which shall
28 forthwith indicate the date and time of receipt and the name, rank, title and position of the
29 receiving public officer or employee who shall likewise affix his or her signature thereon, and
30 shall furnish the requesting party a copy thereof. In case the request is submitted by
31 electronic means, the government agency shall provide for an equivalent means by which
32 the requirements of this paragraph shall be met. Each government agency shall establish a

1 system by which the status of all requests for information received by it may be verified at
2 any time.

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

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

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

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

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

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

28 **SEC. 19. Access and Processing Fees.** – Government agencies may charge a reasonable
29 fee to reimburse the actual cost of reproduction, copying or transcription and the
30 communication of the information requested. An agency may waive the fees whenever it is

1 satisfied that the requester is an indigent, or that the cost of reproduction is negligible, or that
2 it is pursuant to a program for proactive disclosure.

3 **SEC. 20. Notice of Denial.** – If the government agency decides to deny the request, in
4 whole or in part, it shall, as soon as practicable, and in any case within fifteen (15) working
5 days from the receipt of the request, notify the person making the request of such denial in
6 writing or through electronic means. The notice shall indicate the name, rank, title or position
7 of the person making the denial, clearly set forth the ground or grounds for denial and the
8 circumstances on which the denial is based, and indicate available rights of reconsideration
9 or appeal. Failure to notify the person making the request of the denial, or of the extension,
10 shall be deemed a denial of the request for access to information.

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

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

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

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

31 In resolving a complaint or petition brought under paragraphs (2) and (3) hereof, the

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

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

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

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

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

15 **SEC. 22. Keeping of Records.** – (a) Government agencies shall create and maintain in
16 appropriate formats, accurate and reasonably complete documentation or records of their
17 organization, policies, transactions, decisions, resolutions, enactments, actions, procedures,
18 operations, activities, communications and documents received or filed with them and the
19 data generated or collected. These shall include working files such as drafts or notes,
20 whenever these have been circulated within the agency for official purpose such as for
21 discussion, comment or approval or when these contain unique information that can
22 substantially contribute to a proper understanding of the agency organization, policies,
23 transactions, decisions, resolutions, enactments, actions, procedures, operations, and
24 activities;

25 (b) Government agencies, in coordination with the National Archives of the Philippines, shall
26 identify specific and classes of official records in their custody or control that have continuing
27 historical, administrative, informational, legal, evidentiary, or research value for preservation
28 by such agencies or their legitimate successors, or for transfer to the National Archives of
29 the Philippines.

30 (c) In addition to the specific and classes of official records identified for preservation under

1 letter (b) of this section, the following shall not be destroyed:

- 2 (1) Records pertaining to loans obtained or guaranteed by the government;
- 3 (2) Records of government contracts involving amounts Fifty Million or more, or
related to infrastructure, public and private partnerships, utilities, or other important
projects;
- 4 (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
- 5 (4) Records of official investigations pertaining to allegations of graft and corruption
of public officers.

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

- 9 (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;
- 10 (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
- 11 (3) Identification of the specific roles and responsibilities of agency personnel in the
implementation of such system and schedule.

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

- 18 (1) All laws of the Philippines and their amendments, from the period of the Philippine
Commission to the present;
- 19 (2) All presidential issuances from November 15, 1935 to the present, including but
not limited, to executive orders, presidential proclamations, administrative orders,

1 memorandum circulars, general orders, and other similar issuances;
2 (3) A database of all appointments and designations made by the President of the
3 Philippines; and
4 (4) Opinions of the Secretary of Justice.

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

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

- 11 (a) All important legislative acts and resolutions of a public nature of the Congress of the
12 Philippines;
- 13 (b) All executive and administrative orders and proclamations of general application;
- 14 (c) Decisions or abstracts of decisions of the Supreme Court and the Court of Appeals or
15 other courts of similar rank, as may be deemed by said courts of sufficient
16 importance to be so published;
- 17 (d) Such documents or classes of documents as the President shall determine from time
18 to time to have general application or which he may authorize to be published.

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

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

27 **SEC. 25. Publication of Government Data in the Open Data Philippines Website.** - For
28 the purpose of enhancing the public's access to government information and abiding by the
29 Philippines' international commitments to transparency and government openness, all
30 government agencies shall publish in the Open Data Philippines website datasets generated

1 in the implementation of agency mandates, programs, activities, and projects. These
2 datasets shall be updated, whenever permissible, at least once every quarter of the year.

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

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

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

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

20 **SEC 28. Integration of Freedom of Information (FOI) and Good Governance In
21 Elementary and Secondary Curriculum.** – To ensure well-informed generations of
22 citizens, the right to information, the principles of accountability and transparency,
23 democracy and leadership, and good governance shall be integrated in such subjects as
24 Heyographiya, Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary
25 level and in such subjects as Social Studies and Makabayan or its equivalent subjects in
26 high school level. The Department of Education in coordination with the Civil Service
27 Commission and other relevant offices shall prepare the necessary modules and teaching
28 programs consistent with the objectives of this Act.

29 **SEC 29. Annual Reports on Actions Taken on Requests for Access to Information.** –
30 All government agencies shall prepare, for each fiscal year, a report on the number of
31 requests for information it received, processed, granted and denied; of appeals made from

1 denials of such requests; and of pending court actions it is a party to as result of such
2 requests. These reports may be integrated in the main annual reports of government
3 agencies and may be posted and published in their respective websites.

4 **SEC. 30. *Appropriations*.** - The amount necessary to carry out the provisions of this Act
5 shall be charged against the agencies' current budget and shall thereafter be included in the
6 annual General Appropriations Act.

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

10 **SEC 32. *Repealing Clause*.** – All laws, decrees, executive orders, rules and regulations,
11 issuances or any part thereof inconsistent with the provisions of this Act, including Sections
12 18, 24 and 25, Book I, of Executive Order No. 292 or the Administrative Code of 1987 in
13 relation to Article 2 of Republic Act No. 386 or the Civil Code, Memorandum Circular No. 78
14 dated 14 August 1964 (Promulgating Rules Governing Security of Classified Matter in
15 Government Offices), as amended, and Section 3, Rule IV of the Rules Implementing
16 Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and
17 Employees), are deemed repealed: *Provided*, That Memorandum Circular No. 78 shall be
18 deemed repealed after one (1) year from the effectivity of this Act or upon issuance of the
19 Executive Order in Section 7(a), whichever comes first.

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

Approved,