

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 2853

HOUSE OF REPRESENTATIVES

RECEIVED

DATE: 10 AUG 2016

TIME: 6:20 PM

BY: peli

REGISTRATION UNIT

BILLS AND INDEX SERVICE

Introduced by Representative RAMON V. A. "RAV" ROCAMORA

EXPLANATORY NOTE

We salute President Rodrigo R. Duterte for immediately signing an Executive Order (EO) on Freedom of Information (FOI) that covers the Executive Branch of government. Nonetheless, we know that government is just one third Executive, the two other branches of government, the Legislature and Judiciary, as well as Local Governments are not covered by President Duterte's FOI EO.

The ball is therefore now in Congress' court so that Freedom of Information is institutionalized. This is quite vivid when Presidential Communications Office Secretary Martin Andanar said the President "leaves it to both chambers of Congress on passing an FOI bill, being an independent and co-equal branch of government."

So much has been said why FOI should be expanded.

The people's right to information held by government is expressly recognized in no less than the Constitution. Article III (Bill of Rights), Sec. 7 of the 1987 Constitution states:

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.

Complementing the Bill of Rights provision on Freedom of Information

(FOI) is the state policy of full disclosure of all state transactions involving public interest. Article II (Declaration of Principles and State Policies), Section 28 reads:

Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

While the Supreme Court has consistently held that the right to information under the Bill of Rights is self-executory, it lacks the substantive and procedural details necessary for its effective and predictable implementation.

It is therefore imperative that Congress legislates an FOI bill that covers the entire government.

I humbly file this bill to complete our people's right to information with the following specific purposes:

First, it seeks to address the lack of definite scope and limitations to the right to information. *Second*, it seeks to address the absence of a uniform and effective procedure for access to information. *Third*, it seeks to address the absence of sanctions for unlawful denial or delay of access to information. *Fourth*, it introduces mechanisms to facilitate better citizen access to information, such as providing standards for record keeping and mandating the pro-active disclosure of classes of information imbued with high public interest.

Beyond the above specific purposes, this bill will also promote the general purposes that the framers of the Constitution sought to achieve with the express recognition of the right to information and the adoption of full disclosure of transactions as a state policy. The twin constitutional provisions of the right to information and the policy of full public disclosure of government transactions are intended to promote the fundamental precepts of democracy, people's participation, public office being a public trust, government accountability, prevention of corruption, and responsive decision-making.

The enactment of this bill is therefore earnestly urged.



RAMON V.A. "RAV" ROCAMORA
Representative
Lone District, Siquijor

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

2853

House Bill No. _____

Introduced by Rep. Ramon V. A. "RAV" Rocamora

**AN ACT TO STRENGTHEN THE
PEOPLE'S RIGHT TO INFORMATION**

*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
2 Freedom of Information Act of 2016."

3 **SECTION 2. *Declaration of Policy.*** – Public office is a public trust, and
4 public officers and employees must at all times be accountable to the people.
5 Sovereignty resides in the people and all government authority emanates from
6 them. Pursuant to these, the State recognizes the right of the people to
7 information held by government, and adopts and implements a policy of full
8 public disclosure of all its transactions, subject to the procedures and
9 limitations provided by this Act. Access to information held by government is
10 indispensable to the exercise of the people's right to effective and reasonable
11 participation at all levels of social, political and economic decision-making.

12 **SECTION 3. *Coverage.*** – This Act shall cover all government agencies as
13 defined under Section 4 of this Act.

1 **SECTION 4. *Definition of Terms.*** – As used in this Act:

2 (a) “Information” shall mean any record, document, paper, report, letter,
3 contract, minutes, transcript, map, book, photograph, film, sound and video
4 recording, magnetic or other tape, electronic data, computer stored data, or any
5 other like or similar material recorded, stored or archived in whatever form or
6 format, which: (i) are made or received by, or kept under the control or custody
7 of, any government agency pursuant to law, executive order, rules and
8 regulations, ordinance, or in connection with the performance or transaction of
9 official business by any government agency or official; (ii) are part of official or
10 public records in the custody of government agencies or officials; (iii) record,
11 evidence, establish, confirm, support, justify, or explain official acts,
12 transactions or decisions of government agencies or officials; or (iv) are part of
13 research data, whether raw, collated or processed, in the custody of the
14 government and used in formulating government policies;

15 (b) “Government agency” shall include the executive, legislative and
16 judicial branches as well as the constitutional bodies of the Republic of the
17 Philippines including, but not limited to, the national government and all its
18 agencies, departments, bureaus, offices and instrumentalities, constitutional
19 commissions and constitutionally mandated bodies, local governments and all
20 their agencies, regulatory agencies, chartered institutions, government-owned
21 or –controlled corporations, including wholly-owned or controlled subsidiaries,
22 government financial institutions, state universities and colleges, the Armed
23 Forces of the Philippines, the Philippine National Police, all offices in the
24 Congress of the Philippines including the offices of Senators and
25 Representatives, the Supreme Court and all lower courts established by law.

26 (c) “Official records” refer to information produced or received by a
27 public officer or employee, or by a government agency, in an official capacity or
28 pursuant to a public function or duty. This shall not refer to the stage or status
29 of the information.

1 (d) "Public records" include information required by law, executive
2 orders, rules, or regulations to be entered, kept and made publicly available by a
3 government agency.

4 **SECTION 5. *Access to Information.*** – Every person who is a Filipino
5 citizen has a right to and shall, on request, be given access to any information
6 under the control of a government agency, regardless of the physical form or
7 format in which these are contained, subject to the exceptions enumerated
8 under section 7 of this Act.

9 **SECTION 6. *Presumption.*** – There shall be a legal presumption in favor
10 of access to information. Accordingly, government agencies shall have the
11 burden of proving, by clear and convincing evidence, that the information
12 requested is exempted from disclosure by this Act.

13 **SECTION 7. *Exceptions.*** – Access to information shall be granted unless:

14 (a) The information is specifically authorized to be kept Secret under
15 guidelines established by an Executive Order, and properly classified pursuant
16 thereto: *Provided*, that (1) The information directly relates to national security
17 or defense and its revelation will cause serious damage to the national security
18 or internal and/or external defense of the State; or (2) The information
19 requested pertains to the foreign affairs of the Republic of the Philippines, when
20 its revelation will unduly weaken the negotiating position of the government in
21 an ongoing or proposed bilateral or multilateral negotiation or seriously
22 jeopardize the diplomatic relations of the Philippines with one or more states:
23 *Provided*, that sufficient information is disclosed to afford reasonable public
24 participation in government decision-making on bilateral and multilateral
25 agreements. The Executive Order shall specify the reasonable period after
26 which the information shall be automatically declassified or be subject to
27 mandatory declassification review. Any reasonable doubt as to classification
28 and declassification shall be settled in favor of the right to information.

29 (b) The information consists of minutes or records of advice given or of

1 opinions expressed during decision-making or policy formulation, invoked by
2 the Chief Executive to be privileged by reason of the impairment of the Chief
3 Executive's presidential communications privilege that would result from the
4 disclosure thereof: *Provided*, that an Executive Order shall be issued specifying
5 the reasonable period after which information invoked to be privileged under
6 this paragraph shall be made accessible to the public.

7 (c) The information requested pertains to internal and/or external
8 defense and law enforcement, when the disclosure thereof would:

9 (i) Compromise or interfere with any legitimate military or law
10 enforcement operation;

11 (ii) Compromise or interfere with the prevention, detection or
12 suppression of criminal activity or the effective implementation
13 of immigration controls and border security;

14 (iii) Disclose the identity of a confidential source, including a
15 government, foreign agency or authority, or private institution
16 which furnished information on a confidential basis, or, in the
17 case of information compiled by a law enforcement authority in
18 the course of an investigation or by an agency conducting a
19 lawful national security intelligence investigation, disclose the
20 information furnished by a confidential source;

21 (iv) Disclose techniques and procedures for law enforcement
22 investigations or prosecutions, or guidelines for law
23 enforcement investigations or prosecutions, if such disclosure
24 could reasonably be expected to risk circumvention of the law;
25 or

26 (v) Endanger the life or physical safety of any individual.

27 (d) The information requested consists of drafts of orders, resolutions,
28 or decisions by any executive, administrative, regulatory, constitutional, judicial
29 or quasi-judicial body in the exercise of their adjudicatory function.

1 (e) The information requested is obtained by either House of Congress,
2 or any committee thereof, in executive session, whenever such information falls
3 under any of the foregoing exceptions.

4 (f) The information requested pertains to the personal information of a
5 natural person other than the requesting party, and its disclosure would clearly
6 constitute an unwarranted invasion of his or her personal privacy, unless it
7 forms part of a public record, or the person is or was an official of a government
8 agency and the information relates to his or her public function or the person
9 has consented in writing to the disclosure of the information.

10 (g) The information requested pertains to trade, industrial, financial or
11 commercial secrets of a natural or juridical person other than the requesting
12 party, obtained in confidence by, or filed with a government agency, whenever
13 the revelation thereof would seriously prejudice the interests of such natural or
14 juridical person in trade, industrial, financial or commercial competition, unless
15 such natural or juridical person has consented to the disclosure of the
16 information.

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

20 (i) The information requested is exempted by law or the Constitution, in
21 addition to those provided in this section.

22 (j) The information is of a nature that its premature disclosure would
23 result in serious damage to public interest: *Provided*, that the information shall
24 be accessible once the danger of serious damage to public interest has ceased.

25 (k) The information is requested by a person whose request for an
26 identical or substantially similar information has recently been complied with,
27 and no meritorious reason is given to justify a repeat of the request: *Provided*,
28 that this exception applies exclusively to the person making the repeated
29 request.

1 *Provided, that:*

2 (1) The exceptions set forth in this section shall be strictly construed;

3 (2) Exceptions cannot be invoked to cover-up a crime, wrongdoing, graft,
4 or corruption;

5 (3) Whenever the information covered by an exception may be
6 reasonably severed from a record, the part not covered by the
7 exception shall be disclosed to the requester;

8 (4) The President, the Supreme Court, the Senate, the House of
9 Representatives, and the Constitutional Commissions may waive an
10 exception with respect to information in the custody of offices under
11 their respective supervision or control, when they deem that there is a
12 compelling or overriding public interest in disclosure; and

13 (5) In the exercise of the judicial power to interpret the Constitution, the
14 exceptions set forth in this section may be overcome if the requester
15 is able to prove before a court of competent jurisdiction that there is a
16 compelling public interest or need that outweighs the interest in
17 keeping the information secret or confidential.

18 For letters (c) to (k) of this section, the determination whether any of
19 these grounds shall apply shall be the responsibility of the head of office of the
20 government agency in custody or control of the information, or of a responsible
21 central or field officer duly designated by him.

22 **SECTION 8. *Keeping of Records.*** – (a) Government agencies shall create
23 and/or maintain in appropriate formats, accurate and reasonably complete
24 documentation or official records of their organization, policies, transactions,
25 decisions, resolutions, enactments, actions, procedures, operations, activities,
26 communications and documents received or filed with them and data generated
27 or collected. These shall include working documents such as drafts or notes,
28 whenever these have been circulated within the agency for official purpose such
29 as for discussion, comment or approval or when these contain unique

1 information that can substantially contribute to a proper understanding of the
2 agency organization, policies, transactions, decisions, resolutions, enactments,
3 actions, procedures, operations, and activities.

4 (b) Government agencies shall identify specific and classes of
5 information in their custody or control that have continuing historical,
6 administrative, informational, legal, evidentiary, or research value for
7 preservation by such agencies, or for transfer to the National Archives of the
8 Philippines. In addition, the National Archives of the Philippines shall likewise
9 identify specific and classes of information that it shall require agencies to
10 preserve and transfer to it.

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

14 (1) Records of loans obtained or guaranteed by the government;

15 (2) Records of government contracts; and

16 (3) The declaration under oath of the assets, liabilities and net worth
17 of public officers and employees, as required by law.

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

22 (1) A records maintenance system for the creation, selection,
23 classification, indexing and filing of information that facilitates
24 the easy identification, retrieval and communication of
25 information to the public; and

26 (2) A records maintenance, archival and disposition schedule
27 providing a listing of information under current use, for
28 retention by the agency, for transfer to the National Archives, or
29 for destruction: *Provided*, that destruction of information may be

1 implemented only upon approval of the National Archives of the
2 Philippines.

3 (e) In addition to its function as repository of all rules and regulations
4 issued by agencies as provided under Book VII, Chapter II of the Administrative
5 Code of 1987, the University of the Philippines Law Center shall, in coordination
6 with the Office of the President which has exclusive editorial and printing
7 jurisdiction over the *Official Gazette*, and with other relevant agencies, maintain
8 a database, and publish the same in print in *Official Gazette* or in digital or
9 online form, the following:

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

20 **SECTION 9. Procedure of Access.** – (a) Any person who wishes to obtain
21 information shall submit, free of charge, a request to the government agency
22 concerned personally, by mail, or through electronic means. A person who is
23 unable, because of illiteracy or disability, to make a written request may make
24 an oral request, and the public official who receives the oral request shall
25 reduce it to writing and give a copy thereof to the person who made the request.
26 The request shall state the name and contact information of the requesting
27 party, a reasonable description of the information requested, and the reason for
28 the request: *Provided*, that the stated reason cannot be used as a ground to deny
29 the request or to refuse the acceptance of the request, unless such reason is

1 contrary to law. If the request is submitted personally, the requesting party
2 shall show his current identification card issued by any government agency, or
3 government or private employer or school, or other reasonable means of
4 identification. If the request is submitted by mail or through electronic means,
5 the requesting party may submit a photostatic or electronically scanned copy of
6 the identification, or other convenient means as determined by the agency.

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

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

18 (d) The request may indicate the following preferred means of
19 communication:

- 20 (1) A true copy of the information in permanent or other form;
- 21 (2) An opportunity to inspect the information, using equipment
22 normally available to the government agency when necessary;
- 23 (3) An opportunity to copy the information using personal
24 equipment;
- 25 (4) A written transcript of the information contained in an audio or
26 visual form;
- 27 (5) A transcript of the content of an information requested in print,
28 sound, or visual form where such transcript is capable of being
29 produced using equipment normally available to the government

1 agency;

2 (6) A transcript of the information from shorthand or codified form;

3 or

4 (7) Other reasonable means or format;

5 *Provided*, that the mode and means are reasonable and taking into
6 consideration equipment normally available to the concerned government
7 agency. A government agency may communicate the information requested in a
8 form other than the preferred means whenever such preferred means would
9 unreasonably interfere with the effective operation of the agency, the agency
10 has no capability in communicating the information in the preferred format or
11 be detrimental to the preservation of the record.

12 (e) The government agency shall comply with such request as soon as
13 practicable, and in any case within fifteen (15) working days from the receipt
14 thereof: *Provided*, that where the information requested is shown to be urgently
15 needed for the protection of the life or liberty of a person, the same shall be
16 provided within forty-eight (48) hours from the receipt of the request.

17 (f) The period of fifteen (15) days may be extended whenever the
18 information requested requires: a search of the government agency's field or
19 satellite offices; examination of voluminous records; the consultation, to be
20 conducted in all practicable speed, with another government agency having
21 substantial interest in the determination of the request; or, the occurrence of
22 fortuitous events or other analogous cases. The government agency shall, in
23 writing or through electronic means, notify the person making the request of
24 the extension, setting forth the reasons for such extension and the date when
25 the information shall be made available, which in no case shall result in an
26 extension by more than twenty (20) working days.

27 (g) If the information is not held by the government agency to which the
28 request was made, it shall notify the requester that it does not hold the
29 information, and indicate to the requester which agency holds the record, if

1 known. Whenever practicable, the agency receiving the request may cause the
2 transfer of the request to the appropriate agency that holds the information:
3 *Provided*, that the period to comply with the request under this section shall
4 begin to run only upon receipt by the agency to which the request is
5 transferred.

6 **SECTION 10. *Processing Fees.*** – Government agencies may charge a
7 reasonable fee to reimburse the actual cost of reproduction, copying or
8 transcription and the communication of the information requested. An agency
9 may waive the fees whenever it is satisfied that the requester is an indigent, or
10 that the cost of reproduction is negligible, or that it is pursuant to a program for
11 proactive disclosure.

12 **SECTION 11. *Notice of Denial.*** – If the government agency decides to
13 deny the request, in whole or in part, it shall, as soon as practicable and in any
14 case within fifteen (15) working days from the receipt of the request, notify the
15 requester of the denial in writing or through electronic means. The notice shall
16 indicate the name, rank, title or position of the person making the denial, clearly
17 set forth the ground/s and circumstances on which the denial is based, and
18 indicate available rights of reconsideration or appeal. Failure to notify the
19 person making the request of the denial or of the extension shall be deemed a
20 denial of the request.

21 **SECTION 12. *Remedies in Cases of Denial.*** –

22 (a) In all government agencies other than the judicial branch–

23 (1) A person whose request for information has been denied may
24 ask for a reconsideration from the same official who originally
25 denied the request, or file an administrative appeal following the
26 procedure mentioned in Section 15 (8) of this Act: *Provided*, That
27 the administrative appeal must be filed within fifteen (15)
28 calendar days from the receipt of the notice of original denial or
29 denial on reconsideration. Every notice of denial shall include

1 check-box options of whether the requester will ask for a
2 reconsideration or file an administrative appeal. The requester
3 may submit further arguments to strengthen his request. Failure
4 of the government agency to decide within the aforesated
5 period shall constitute a denial of the appeal.

6 (2) Instead of appealing, or after the denial of the administrative
7 appeal, the person denied access to information may file a
8 verified complaint with the Office of the Ombudsman, praying
9 that the government agency concerned be directed to
10 immediately afford access to the information being requested.
11 Such complaint shall be resolved by the Office of the
12 Ombudsman within sixty (60) calendar days from filing, or
13 earlier when time is of the essence based on factors such as the
14 nature of the information requested, the context of the request,
15 public interest, or the danger that the information requested will
16 become moot. The Office of the Ombudsman shall promulgate its
17 special rules of procedure for the immediate disposition of
18 complaints filed pursuant to this Section. Unless restrained or
19 enjoined, the decision of the Office of the Ombudsman shall be
20 immediately executory, without prejudice to review in
21 accordance with the Rules of Court.

22 (3) Instead of filing a Complaint with the Office of the Ombudsman,
23 whenever a request for information is denied originally or on
24 administrative appeal, the requesting party may file a verified
25 petition for mandamus in the proper court, alleging the facts
26 with certainty and praying that judgment be rendered ordering
27 the respondent, immediately or at some other time to be
28 specified by the court, to disclose the information and to pay
29 damages that may have been sustained by the requesting party

1 by reason of the denial. The procedure for such petition shall be
2 summary in nature. Unless restrained or enjoined, the decision
3 of the court shall be immediately executory, without prejudice to
4 review in accordance with the Rules of Court;

5 (4) In resolving a Complaint or Petition brought under the preceding
6 paragraphs (2) and (3), the Ombudsman or the court is
7 empowered to receive the information subject of a claim of
8 exception under Section 7 herein and examine them *in camera* to
9 determine the sufficiency of the factual and legal basis of such
10 claim, when such sufficiency cannot be reasonably determined
11 through evidence and circumstances apart from the information.

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

14 (c) The remedies under this section are without prejudice to any other
15 administrative, civil or criminal action covering the same act.

16 (d) The remedies available under this Act shall be exempt from the rules
17 on non-exhaustion of administrative remedies and the application of the
18 provisions of Republic Act No. 9285, otherwise known as the Alternative
19 Dispute Resolution Act of 2004.

20 (e) In case the requesting party has limited or no financial capacity, the
21 Public Attorney's Office shall be mandated to provide legal assistance to the
22 requester in availing of the remedies provided under this Act.

23 **SECTION 13. *Mandatory Disclosure of Information.*** – Subject to
24 Section 7 of this Act, all government agencies shall upload on their websites,
25 which shall be updated as frequently as possible but in no case shall be
26 outdated by more than a month, the following information:

27 (1) Budget information, including: Annual Budget; Itemized Monthly
28 Collections and Disbursement; Summary of Income and Expenditures; and
29 Component of the IRA Utilization.

- 1 (2) Procurement information, including: Annual Procurement Plan and
2 Procurement List; Items to Bid; Bid Results on Civil Works, Goods and Services;
3 and Abstract of Bids as Calculated.
- 4 (3) A register of the following transactions:
- 5 (i) Procurement contracts entered into by a government agency;
- 6 (ii) Construction or concession agreements or contracts entered into
7 by a government agency with any domestic or foreign person or
8 entity;
- 9 (iii) Private sector participation agreements or contracts in
10 infrastructure and development projects under Republic Act No.
11 6957, as amended by Republic Act No. 7718;
- 12 (iv) Public funding extended to any private entity;
- 13 (v) Bilateral or multilateral agreements and treaties in defense,
14 trade, economic partnership, investments, cooperation and
15 similar binding agreements;
- 16 (vi) Licenses, permits or agreements granted by any government
17 agency to any person or entity for the extraction and/or
18 utilization of natural resources, including a list of the grantees;
- 19 (vii) Guarantees given by any government agency to government-
20 owned or -controlled corporations and to private corporations,
21 persons or entities;
- 22 (viii) Loans, grants, development assistance, technical assistance,
23 and programs entered into by a government agency with
24 domestic and foreign financial institutions, official bilateral or
25 multilateral agencies, as well as with private aid agencies or
26 institutions; and
- 27 (ix) Compromise agreements entered into by a government agency
28 with any person or entity.
- 29 The register shall contain a brief description of the transaction involved,

1 including, but not limited to: the nature and object of the transaction, the
2 parties and amounts involved, the key steps undertaken towards its conclusion,
3 and the relevant dates: *Provided*, that contracts and agreements involving an
4 amount of at least fifty million pesos (P50,000,000.00) shall be uploaded in full
5 on the website of the concerned government agency or the Official Gazette
6 Online. A covered information shall be enrolled in the register not later than 30
7 working days from its perfection or issuance.

8 (4) Agency information, including:

- 9 (i) A description of its mandate, structure, powers, functions, duties
10 and decision-making processes;
11 (ii) A description of the frontline services it delivers and the
12 procedure and length of time by which they may be availed of;
13 (iii) The names of its key officials, their powers, functions and
14 responsibilities, and their profiles and curriculum vitae;
15 (iv) Work programs, development plans, investment plans, projects,
16 performance targets and accomplishments, and budgets,
17 revenue allotments and expenditures;
18 (v) Important rules and regulations, orders or decisions: *Provided*,
19 that they shall be published within fifteen (15) calendar days
20 from promulgation;
21 (vi) Current and important database and statistics that it generates;
22 and
23 (vii) Mechanisms or procedures by which the public may participate
24 in or otherwise influence the formulation of policy or the
25 exercise of its powers.

26 **SECTION 14. *Capacity Building and Popularization.*** -- (a) Should an
27 agency lack the capacity to comply with the website uploading requirement of
28 the preceding section, the agency shall initiate a capacity-building program,
29 coordinate with another appropriate agency, or use an alternative mechanism

1 to facilitate substantive compliance not later than three (3) years from the
2 effectivity of this Act. The National Computer Center shall monitor all
3 government agency websites and provide appropriate support for their
4 development and full compliance with the requirements of this Act.

5 (b) Every government agency shall ensure the provision of adequate
6 training for its officials to improve awareness of the people's ownership of
7 government information and the provisions of this Act, and to keep updated as
8 to best practices in relation to information disclosure, records maintenance and
9 archiving.

10 (c) In order to develop accessibility of language and form, government
11 agencies shall endeavor to translate select vital information into major Filipino
12 languages and present them in popular form and means.

13 **SECTION 15. *People's Freedom of Information (FOI) Manual.* –**

14 (a) For the effective implementation of this Act, all government agencies
15 shall prepare and regularly update a People's Freedom of Information (FOI)
16 Manual, setting forth the following:

- 17 (1) The location and contact information of the head, regional,
18 provincial and field offices of the agency, and other established
19 places where the public can obtain information or submit
20 requests;
- 21 (2) The types of information it generates, produces, holds and/or
22 publishes;
- 23 (3) A description of its record-keeping system;
- 24 (4) The person or office responsible for receiving requests for
25 information;
- 26 (5) The procedure for the filing of requests personally, by mail, or
27 through the identified electronic means;
- 28 (6) The standard forms for the submission of request and for the
29 proper acknowledgement of the request;

- 1 (7) The process for the disposition of the request, including the
2 routing of the request to the person or office with the duty to act
3 on the request and the decision-making process for the grant or
4 denial of the request;
- 5 (8) The procedure for the administrative appeal of any denial for
6 access to information;
- 7 (9) The schedule of fees;
- 8 (10) The process and procedure for the mandatory disclosure of
9 information under Section 13 of this Act; and
- 10 (11) Such other information, taking into consideration the unique
11 characteristics of an agency, that will help facilitate the effective
12 implementation of this Act.
- 13 (b) The People's FOI Manual shall be posted in the agency website and a
14 hard copy shall be available at the agency reception area for use by the public.
- 15 (c) In no case shall the absence of the People's FOI Manual be a reason
16 for the denial of any request for information made in accordance with this Act.
- 17 **SECTION 16. *Administrative Liability.*** – The following acts proven in an
18 administrative proceeding before the appropriate disciplining authority as
19 provided under existing laws, rules or regulations, shall be subject to the
20 administrative penalty of suspension of six (6) months and one (1) day to one
21 (1) year for the first offense, and dismissal from the service for the second
22 offense:
- 23 (1) Failure to promptly forward a request for information to the
24 public officer within the same office or agency responsible for
25 officially acting on the request, when such is the direct cause of
26 the failure to disclose the information within the periods
27 required by this Act;
- 28 (2) Failure to act on a request for information within the periods
29 required by this Act;

- 1 (3) Denial of a request for information without any valid ground;
- 2 (3) Claiming an exception under Section 7 of this Act when the claim
- 3 is manifestly devoid of factual or legal basis;
- 4 (4) Refusal to comply with the decision of his immediate supervisor,
- 5 the Ombudsman, or of any court ordering the release of
- 6 information;
- 7 (5) Approval of policies, rules and regulations manifestly contrary to
- 8 the provisions of this Act, and which policies, rules and
- 9 regulations are the direct cause of the denial of a request for
- 10 information.

11 In determining the duration of suspension for the first offense,
12 circumstances that mitigate or aggravate the offense, such as good faith or
13 malice, shall be considered.

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

- 17 (1) Falsely denying or concealing the existence of information
- 18 mandated for disclosure under this Act; and
- 19 (2) Destroying, or causing to be destroyed, information and/or
- 20 documents being requested under this Act, for the purpose of
- 21 frustrating the requesting party's access thereto.

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

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

28 **SECTION 18. Publication in the Official Gazette.**

29 (a) For purposes of mandatory disclosure as provided in section 13 of

1 this Act, online publication in the Official Gazette website shall be considered
2 official publication provided there shall be a timestamp in the said document.

3 (b) For purposes of compliance with Article 2 of the Civil Code of the
4 Philippines, publication of the following in the online version of the Official
5 Gazette, with the corresponding timestamps on the document, shall be
6 considered as official publication:

7 (1) All important legislative acts and resolutions of a public nature of
8 the Congress of the Philippines;

9 (2) All executive and administrative orders and proclamations of
10 general application;

11 (3) Decisions or abstracts of decisions of the Supreme Court and the
12 Court of Appeals or other courts of similar rank, as may be
13 deemed by said courts of sufficient importance to be so
14 published;

15 (4) Such documents or classes of documents as the President shall
16 determine from time to time to have general application or
17 which he may authorize so to be published.

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

23 **SECTION 19. *No Abuse in the Exercise of Rights and in the***
24 ***Performance of Duties Under this Act.*** - Public officials and employees, in the
25 performance of their duties under this Act, as well as citizens in the exercise of
26 their rights under this Act, shall act with justice, give everyone his or her due,
27 and observe honesty and good faith.

28 Public officials and employees as well as citizens shall endeavor to
29 handle information kept or obtained under this Act with due care, to the end

1 that inaccuracies and distortions are avoided.

2 **SECTION 20. *Act Not a Bar to Claim of Right to Information Under the***
3 ***Constitution.*** No provision of this Act shall be interpreted as a bar to any claim
4 of denial of the right to information under Article III, Section 7 of the 1987
5 Constitution.

6 **SECTION 21. *Appropriations.*** – The amount necessary to carry out the
7 provisions of this Act shall be charged against the agencies' current budget and
8 shall thereafter be included in the annual General Appropriations Act.

9 **SECTION 22. *Separability Clause.*** – If any section or part of this Act is
10 held unconstitutional or invalid, the other sections or provisions shall remain in
11 full force and effect.

12 **SECTION 23. *Repealing Clause.*** – All laws, decrees, executive orders,
13 rules and regulations, issuances or any part thereof inconsistent with the
14 provisions of this Act, including sections 18, 24 and 25 of Executive Order No.
15 292 in relation to Article 2 of Republic Act No. 386, Memorandum Circular No.
16 78 dated 14 August 1964 (Promulgating Rules Governing Security of Classified
17 Matter in Government Offices), as amended, and Section 3, Rule IV of the Rules
18 Implementing Republic Act No. 6713 (Code of Conduct and Ethical Standards
19 for Public Officials and Employees), are deemed repealed.

20 *Provided,* that Memorandum Circular No. 78 shall be deemed repealed
21 after one (1) year from the effectivity of this Act or upon issuance of the
22 Executive Order in Section 7(a), whichever comes first.

23 **SECTION 24. *Effectivity.*** – This Act shall take effect fifteen (15) days
24 after its publication in at least two (2) national newspapers of general
25 circulation.