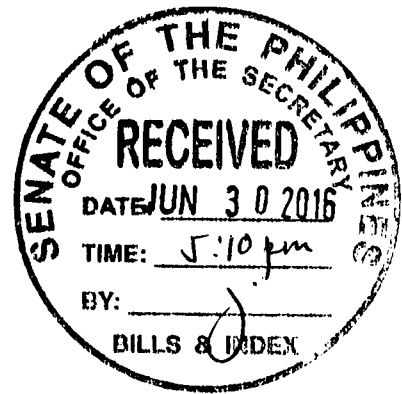


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)



SENATE

SENATE BILL NO. 149

INTRODUCED BY **SENATOR JOSEPH VICTOR G. EJERCITO**

**AN ACT TO STRENGTHEN THE RIGHT OF CITIZENS TO
INFORMATION HELD BY THE GOVERNMENT**

EXPLANATORY NOTE

Enshrined in the 1987 Philippine Constitution are State policies of full transparency and accountability in the conduct of all public officials and employees, and of full public disclosure of information vested with public interest. It was no less than the Philippine Constitution, which upheld the people's right to know and be informed about all policies, projects, and programs of government that involve use of taxpayer's money.

As guaranteed by the Supreme Law of the land, our people are the most exuberant in their exercise of the freedoms of speech, of the press, and of peaceable assembly for redress of just grievances. But one other inalienable freedom that the Constitution also guarantees – Freedom of Information – remains just a bill perpetually struck in the legislative mill, hobbled by concerns of the Executive, and mocked by restrictive administrative fiats of the Judiciary, of the House of Representatives, and even the Office of the Ombudsman.

The Freedom of Information Act long promised by the Constitution remains to this day, just a promise. And from the 12th to the 16th Congress, despite the numerous bills filed and refilled, it seems like we always return to square one, from zero, marching but only in one place, on the Freedom of Information Act.

Citizens need to and must know how public officials exercise their powers and authorities, how they spend public funds, what

contracts and agreements they sign and seal on our behalf, what policy issues bother them that must also bother us so we may participate in making decisions.

The right to information is our protection against government abuse, at the same time that it is our power to make government accountable. But our right to information requires a complementing legislation to ensure its clear cut, full and predictable operation.

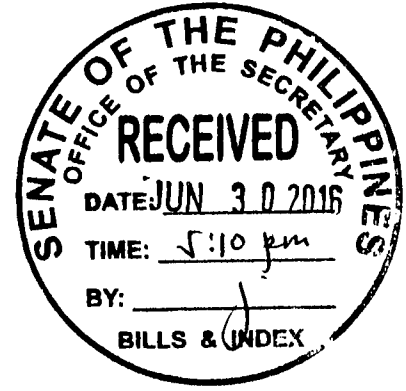
To carefully ensure that the Freedom of Information may not be prone to abuse, we must undertake necessary adjustments to carefully balance the people's right to information on the one hand, and the interest for reasonable confidentiality and sound administrative practice, on the other.

Thus, with time fast running out, and the long wait of our people be over, the passage of this Bill is earnestly sought.

A handwritten signature in black ink, consisting of a horizontal line followed by a stylized 'J' and 'G' with a double dot to the right.

JOSEPH VICTOR G. EJERCITO

SEVENTEENTH CONGRESS OF THE)
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**AN ACT TO STRENGTHEN THE RIGHT OF CITIZENS TO
INFORMATION HELD BY THE GOVERNMENT**

*Be 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 “Freedom of
2 Information Act of 2016.”
3

4 **SECTION 2. Declaration of Policy.** – The State recognizes the right of the
5 people to information on matters of public concern, and adopts and
6 implements a policy of full public disclosure of all its transactions involving
7 public interest, subject to procedures and limitations provided by this Act.
8 This right is indispensable to the exercise of the right of the people and their
9 organizations to effective and reasonable participation at all levels of social,
10 political and economic decision-making.
11

12 **SECTION 3. Definition of Terms.** – As used in this Act:
13

14 (a) “Information” shall mean any record, document, paper, report, letters,
15 contract, minutes and transcripts of official meetings, maps, books,
16 photographs, data, research material, film, sound and video
17 recordings, magnetic or other tapes, electronic data, computer stored
18 data, or any other like or similar data or material recorded, stored or
19 archived in whatever form or format, which are made, received or kept
20 in or under the control and custody of any government agency
21 pursuant to law, executive order, rules and regulations, ordinance or
22 in connection with the performance or transaction of official business
23 by any government agency.
24

25 (b) “Government agency” shall include the executive, legislative and
26 judicial branches as well as the constitutional bodies of the Republic
27 of the Philippines including, but not limited to, the National

1 Government and all its agencies, departments, bureaus, offices and
2 instrumentalities, constitutional commissions and constitutionally
3 mandated bodies, local governments and all their agencies, regulatory
4 agencies, chartered institutions, government-owned or controlled
5 corporations, including wholly-owned or controlled subsidiaries,
6 government financial institutions, State Universities and Colleges, the
7 Armed Forces of the Philippines including the offices of Senators and
8 Representatives, the Supreme Court and all lower courts established
9 by law.

10
11 (c) "Official Records" shall refer to information produced or received by a
12 public officer or employee, or by a government agency in an official
13 capacity or pursuant to a public function or duty. This shall not refer
14 to the stage or status of the information.

15
16 (d) "Public Records" shall include information required by law, executive
17 orders, rules, or regulations to be entered, kept and made publicly
18 available by a government agency.

19
20 **SECTION 4. Access to Information.** – Every person who is a Filipino has a
21 right to and shall, on request, be given access to any record under the
22 control of a government agency. Government agencies shall make available
23 to the public for scrutiny, copying and reproduction in the manner provided
24 by this Act, all information pertaining to official acts, transactions or
25 decisions, as well as government research data used as a basis for policy
26 development, subject to the exceptions enumerated under the Section 6 of
27 this Act, regardless of their physical form or format in which they are
28 contained and by whom they were made.

29
30 **SECTION 5. Presumptions.** There shall be a legal presumption in favor of
31 access to information. The request for information may be denied only if it
32 clearly falls under the exceptions provided under this Act.

33
34 **SECTION 6. Exceptions.** – Access to information shall be granted unless:

35
36 (a) The information is specifically authorized to be kept secret under
37 guidelines established by an executive order, and in fact properly
38 classified pursuant thereto: *Provided*, That 1) The information directly
39 relates to national security or defense and its revelation may cause
40 grave damage to the national security or internal and external defense
41 of the State; or 2) The information requested pertains to the foreign
42 affairs of the Republic of the Philippines, when its revelation
43 shall/may unduly weaken the negotiation or seriously jeopardize the
44 diplomatic relations of the Philippines with one or more states.
45 *Provided further*, That the executive order shall specify the reasonable
46 period after which the information shall be automatically declassified
47 or subject or subject to mandatory declassification review, and that
48 any reasonable doubt as to classification and declassification shall be
49 settled in favor of the right information;

1
2 (b) The records of minutes and advice given and opinions expressed
3 during decision-making or policy formulation, invoked by the Chief
4 Executive to be privileged by reason of the sensitivity of the subject
5 matter or of the impairment of the Chief Executive's deliberate process
6 that would result from the disclosure thereof. Once policy has been
7 formulated and decisions made, minutes and research data may be
8 made available for disclosure unless they were made in executive
9 session;

10
11 (c) The information requested pertains to internal and/or external
12 defense, law enforcement, and border control, when disclosure thereof
13 would:

14
15 (i) unduly compromise or interfere with any legitimate military or
16 law enforcement operation, or

17
18 (ii) unduly compromise or interfere with the prevention, detection
19 or suppression of criminal activity, the effective implementation
20 of immigration controls and border security, or

21
22 (iii) deprive a person of a right to a fair trial or an impartial
23 adjudication, or

24
25 (iv) lead to the disclosure of the identify of a confidential source,
26 including a government, or foreign agency or authority or any
27 private institution which furnished information on a confidential
28 basis, and in the case of a record or information compiled by a
29 law enforcement authority in the course of an investigation or
30 by an agency conducting a lawful national security intelligence
31 investigation, information furnished by a confidential source, or

32
33 (v) disclose techniques and procedures for law enforcement
34 investigations or prosecutions, or would disclose guidelines for
35 law enforcement investigations or prosecutions if such
36 disclosure could reasonably be expected to risk circumvention
37 of the law, or

38
39 (vi) endanger the life or physical safety of any individual.

40
41 (d) The information requested consists of drafts of orders, resolutions,
42 decisions, memoranda or audit reports by any executive,
43 administrative, regulatory, constitutional, judicial or quasi-judicial
44 body in the exercise of their regulatory, audit and adjudicatory
45 function;

46
47 (e) The information requested is obtained by any Committee of either
48 House of Congress in executive session;
49

- 1 (f) The information requested pertains to the personal information of a
2 natural person other than the requesting party, and its disclosure
3 would clearly constitute an unwarranted invasion of his or her
4 personal privacy, unless it forms part of a public record, or the person
5 is or was an official of a government agency and the information
6 relates to his or her public function or the person has consented in
7 writing to the disclosure of the information;
8
- 9 (g) The information requested pertains to trade secrets and commercial or
10 financial information obtained from a natural or juridical person other
11 than the requesting party, obtained in confidence or covered by
12 privileged communication, and/or filed with a government agency,
13 whenever the revelation thereof would seriously prejudice the interests
14 of such natural or juridical person in trade, industrial, financial or
15 commercial competition;
16
- 17 (h) The information is classified as privileged communication in legal
18 proceedings by law or by the Rules of Court;
19
- 20 (i) The information requested is exempted by law or the Constitution, in
21 addition to those provided in this section;
22
- 23 (j) The information has already been made accessible as provided for in
24 Section 10.
25

26 For letters (c) to (j) of this Section, the determination whether any of
27 these grounds shall apply shall be the responsibility of the head of office
28 of the government agency in custody or control of the information, or any
29 responsible central or field officer/s duly designated by him.
30

31 *Provided, that:*
32

- 33 1. The exceptions are strictly construed;
34 2. The exceptions are not used to cover-up a crime, wrongdoing, graft, or
35 corruption;
36 3. The President, the Supreme Court, the Senate, the House of
37 Representatives, and the Constitutional Commissions may waive an
38 exception with respect to information in the custody of offices under
39 their respective supervision or control, when they deem that there is
40 an overriding public interest in disclosure; and
41 4. The exceptions do not constitute authority to withhold information
42 from Congress, nor authority for the executive branch of a local
43 government unit to withhold information from the legislative body of
44 such government unit.
45

46 **SECTION 7. Mandatory Disclosure of Information.** – (a) In fulfillment of
47 Article 11, Section 17 of the Constitution, the following national officials
48 shall provide to the public their Statement of Assets, Liabilities and Net
49 Worth (SALN) on an annual basis on their official website:

- 1
- 2 (1) The President,
- 3
- 4 (2) The Vice-President,
- 5
- 6 (3) The Members of the Cabinet,
- 7
- 8 (4) The Congress,
- 9
- 10 (5) The Supreme Court,
- 11
- 12 (6) The Constitutional Commissions and other Constitutional offices,
- 13
- 14 (7) And officers of the Armed Forces with general or flag rank.
- 15

16 (b) All agencies of all branches of government shall upload on their websites,
17 which shall be updated monthly, a register of the following:

- 18
- 19 (i) Freedom of Information Manual in full;
- 20
- 21 (ii) Rules of Procedure, description of forms available or the places at
22 which forms may be obtained, and instructions as to the scope and
23 contents of all papers, reports, or examinations;
- 24
- 25 (iii) Substantive rules of general applicability adopted as authorized by
26 law, and statements of general policy or interpretations of general
27 applicability formulated and adopted by the agency, including
28 subsequent amendments;
- 29
- 30 (iv) Public interest documents or records, including:
 - 31
 - 32 (1) Annual Budget of Government Agencies;
 - 33
 - 34 (2) Itemized Monthly Collections and Disbursement;
 - 35
 - 36 (3) Summary of Income and Expenditures;
 - 37
 - 38 (4) Component of IRA Utilization;
 - 39
 - 40 (5) Annual Procurement Plan and Procurement List;
 - 41
 - 42 (6) Items to Bid;
 - 43
 - 44 (7) Bid Results on Civil Works, and Goods and Services;
 - 45
 - 46 (8) Abstract of Bids as Calculated;
 - 47
 - 48 (9) Procurement Contracts entered into by a government agency;
 - 49

- 1 (10) Construction or concession agreements or contracts
2 entered into by a government agency with any domestic or
3 foreign person or entity;
4
- 5 (11) Private sector participation agreements or contracts in
6 infrastructure and development projects under Republic Act No.
7 6957, as amended by Republic Act No. 7718, authorizing the
8 financing, construction, operation and maintenance of
9 infrastructure projects;
10
- 11 (12) Public funding extended to any private entity;
12
- 13 (13) Bilateral or multilateral agreements and treaties in trade,
14 economic partnership, investments, cooperation and similar
15 binding commitments;
16
- 17 (14) List of persons or entities who were granted licenses,
18 permits or agreements for the extraction and/or utilization of
19 natural resources given by any government agency;
20
- 21 (15) Statement of Assets and Liabilities and Net worth of
22 public officers of any government agency;
23
- 24 (16) Guarantees given by any government agency to
25 government-owned or controlled corporations and to private
26 corporations, persons or entities;
27

28 The register shall contain a brief description of the transaction
29 involved, including, but not limited to; the nature and object of transaction,
30 the parties and amount involved, the key steps undertaken towards its
31 conclusion, and the relevant dates provided that contracts and agreements
32 involving an amount of at least Fifty Million Pesos (P 50,000,000.00) shall be
33 uploaded in full on the website of the concerned government agency or the
34 Official Gazette Online subject to the succeeding section. A covered record
35 shall be enrolled in the register not later than 30 working days from its
36 perfection or issuance.
37

38 (c) All government agencies shall over time endeavor and build the capacity
39 and practice to upload in full all other contracts, agreements or treaties
40 covered under this section, especially those that are of the highest public
41 interest by reason of the amounts involved and the impact of the transaction
42 to the public. All the government agencies must ensure that they have a
43 complaint website within (2) years from the effectivity of this Act.
44

45 (d) Should an agency lack the capacity to comply with the website
46 uploading requirement of this Section, the agency shall initiate a capacity-
47 building program, coordinate with another appropriate agency, or use an
48 alternative mechanism, to facilitate substantive compliance not later than
49 three (3) years from the effectivity of this Act.

1
2 **SECTION 8. Promotion of Openness in Government.** – (a) *Duty to Publish*
3 *Information* – Government agencies shall regularly publish, print and
4 disseminate at no cost to the public and in an accessible form, in
5 conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and
6 through their website, timely, true, accurate and updated key information
7 including, but not limited to:

- 8
9 (1) A description of its mandate, structure, powers, functions, duties and
10 decision-making processes;
11
12 (2) A description of the frontline services it delivers and the procedure
13 and length of time by which they may be availed of;
14
15 (3) The names of its key officials, their powers, functions and
16 responsibilities, and their profiles and curriculum vitae;
17
18 (4) Work programs, development plans, investment plans, projects,
19 performance targets and accomplishments, and budgets, revenue
20 allotments and expenditures;
21
22 (5) Important rules and regulations, orders or decisions; *Provided*, that
23 they be published within fifteen (15) calendar days from promulgation;
24
25 (6) Current and important database and statistics that it generates;
26
27 (7) Bidding processes and requirements; and
28
29 (8) Mechanisms or procedures by which the public may participate in or
30 otherwise influence the formulation of policy or the exercise of its
31 powers.
32

33 (b) *Accessibility of Language and Form* – Every government agency shall
34 endeavor to translate key information into major Filipino languages and
35 present them in popular form and means.
36

37 (c) *Improving Capability* – Every government agency shall ensure the
38 provision of adequate training for its officials to improve awareness of the
39 right to information and the provisions of this Act, and to keep updated as
40 to best practices in relation to information disclosure, records maintenance
41 and archiving.
42

43 **SECTION 9. Coverage** – This Act shall cover all government agencies as
44 defined under Section 3 of this Act.
45

46 **SECTION 10. Exemption from Compliance.** The government agency is
47 excused from complying with a subsequent identical or substantially similar
48 request from the same requesting party where it has previously complied
49 with a request for information unless a reasonable interval has lapsed

1 between compliance with the previous request and the making of the
2 current request, *Provided that*; the government agency complies with Section
3 18 of this Act.
4

5 **SECTION 11. *Additional Protection of Privacy*** – While providing for
6 access to information in public records, this Act also affords full protection
7 of the right to privacy of individuals, as follows:
8

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

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

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

23 **SECTION 12. *Administrative Liability***. – The acts enumerated in this
24 Section shall be tantamount to gross neglect of duty and shall constitute
25 grounds for administrative and disciplinary sanction against any public
26 official or employee who willfully and knowingly commits the following:
27

28 (a) Refusal to promptly forward the request under Section 16 of this Act
29 to the public officer within the same office or agency responsible for
30 officially acting on the request when such is the direct cause of the
31 failure to disclose the information within the periods required by this
32 Act;
33

34 (b) Failure to act on the requests within periods required by this Act;
35

36 (c) Refusal to comply with the decision of his immediate supervisor, the
37 Ombudsman, or of any court ordering the release;
38

39 (d) Approval of policies, rules and regulations manifestly contrary to the
40 provisions of this Act, and which policies, rules and regulations are
41 the direct cause of the denial of a request for information.
42

43 **SECTION 13. *Criminal Liability***. – (a) Any public official or employee who
44 falsely denies or conceals the existence of information mandated for
45 disclosure under this Act shall be liable for the crime of removal,
46 concealment or destruction of documents as defined under Article 226 of the
47 Revised Penal Code;
48

1 (b) Any public official or employee who destroys, or causes to be destroyed,
2 information and/or documents being requested under this Act, for the
3 purpose of frustrating the requesting party's access thereto, shall be liable
4 for the crime of removal, concealment or destruction of documents as
5 defined under Article 226 of the Revised Penal Code;

6
7 (c) Any private individual who knowingly induced or caused the commission
8 of the foregoing acts shall be liable as principal by inducement in the
9 prosecution of public officials or employees under this Section.

10
11 **SECTION 14. *Mere Denial Not a Ground for Liability.*** – A mere denial in
12 good faith of a request made pursuant to the provisions of this Act shall not
13 constitute grounds for administrative sanction or criminal liability.

14
15 **SECTION 15. *Implementation Requirements.*** – (a) For the effective
16 implementation of this Act, all government agencies shall prepare a Freedom
17 of Information Manual, setting forth the following:

- 18
19 (1) The location and contact information of the head, regional, provincial
20 and field offices, and other established places where the public can
21 obtain informations or submit requests;
22
23 (2) The types of information it generates, produces, holds and/or
24 publishes;
25
26 (3) A description of its record-keeping system;
27
28 (4) The person or office responsible for receiving request for information;
29
30 (5) The procedure for the filing of requests personally, by mail, or through
31 the identified electronic means;
32
33 (6) The standard forms for the submission of request and for the proper
34 acknowledgement of the request;
35
36 (7) The process for the disposition of the request, including the routing of
37 the request to the person or office with the duty to act on the request,
38 the decision-making process, and the grant or denial of access and its
39 implementation;
40
41 (8) The procedure for the administrative appeal of any denial for access to
42 information;
43
44 (9) The schedule of fees;
45
46 (10) The process and procedure for the mandatory disclosure of
47 information under Section 7 of this Act; Provided that, should the
48 agency lack the capacity to comply with Section 7 of this Act, a brief

1 description of its plan to facilitate compliance within three (3) years
2 from the approval of this Act; and
3

4 (11) Such other information, taking into consideration the unique
5 characteristics of an agency, that will help facilitate the effective
6 implementation of this Act.
7

8 (b) The foregoing information shall also be posted in its website and bulletin
9 boards, and shall be regularly updated;
10

11 (c) In no case shall the absence of the aforementioned Manual be a reason
12 for the denial of any request for information made in accordance with this
13 Act.
14

15 (d) The heads of each of the departments and agencies may designate liaison
16 units or Committees who shall coordinate with the other units of the agency
17 in implementing this Act. The composition, functions and duties of these
18 liaison units or Committees shall be set out in the Implementing Rules of
19 this Act and shall be included in the Freedom of information Manual.
20

21 **SECTION 16. Procedure of Access.** - (a) Any person who wishes to obtain
22 information shall submit a request to the government agency concerned
23 personally, by mail, or through electronic means. A person who is unable,
24 because of illiteracy or due to being a person with disability, to make a
25 written request for information may make an oral request, and the public
26 official who receives the oral request shall reduce it to writing, and include
27 his name and position within the government agency, and give a copy
28 thereof to the person who made the request. The request shall state the
29 name and preferred contact information of the requesting party, and
30 reasonably describe the information required, the reason for the request of
31 the information and the preferred means by which the government agency
32 shall communicate such information to the requesting party: *Provided*, That
33 the stated reason shall not be used as ground to deny the request or to
34 refuse the acceptance of the request, unless such reason is contrary to law.
35 If the request is submitted personally, the requesting party shall show his
36 current identification card issued by any government agency, or government
37 or private employer or school, or a community tax certificate. If the request
38 is submitted by mail or through electronic means, the requesting party may
39 submit a photostatic or electronically scanned copy of the identification, or
40 other convenient means as determined by the agency.
41

42 (b) The request shall be stamped by the government agency, indicating the
43 date and time of receipt and the name, rank, title and position of the
44 receiving public officer or employee with the corresponding signature, and a
45 copy thereof furnished to the requesting party. In case the request is
46 submitted by electronic means, the government agency shall provide for an
47 equivalent means by which the requirements of this paragraph shall be met.
48 Each government agency shall establish a system to trace the status of all
49 requests for information received by it.

1
2 (c) The request may indicate the requesting party's preferred mode and
3 means of receiving the information requested, provided that the mode and
4 means are reasonable, taking into consideration equipment normally
5 available to the concerned government agency.
6

7 (d) As 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
11 or be detrimental to the preservation of the record.
12

13 (e) The government agency shall comply with such request as soon as
14 practicable, and in any case within fifteen (15) working days from the receipt
15 thereof. The period may be extended whenever the information requested
16 requires a search of the government agency's field or satellite offices,
17 examination of voluminous records, the occurrence of fortuitous events or
18 other analogous cases.
19

20 (f) The government agency shall, in writing or through electronic means,
21 notify the person making the request of the extension, setting forth the
22 reasons for such extension and the date when the information shall be made
23 available, which in no case shall result in an extension of more than twenty
24 (20) working days.
25

26 (g) Once a decision is made to grant the request, the person making the
27 request shall be notified of such and pay the required access and processing
28 fees.
29

30 **SECTION 17. Access and Processing Fees.** – Government agencies may
31 charge a reasonable fee to reimburse the actual cost of reproduction,
32 copying or transcription and the communication of the information
33 requested.
34

35 **SECTION 18. Notice of Denial.** – If the government agency decides to deny
36 the request, in whole or in part, it shall, as soon as practicable, and in any
37 case within fifteen (15) working days from the receipt of the request, notify
38 the person making the request of such denial in writing or through
39 electronic means. The notice shall clearly set forth the ground or grounds for
40 denial and the circumstances on which the denial is based. Failure to notify
41 the person making the request of the denial, or of the extension, shall be
42 deemed a denial of the request for access to information.
43

44 **SECTION 19. Remedies in Cases of Denial.** – (a) In all government
45 agencies other than the judicial branch –
46

- 47 (1) Every denial of a request for access to information may be appealed to
48 the Head of Agency, following the procedure mentioned in Section 15
49 (a) (8) of this Act: *Provided*, That the appeal must be filed within fifteen

1 (15) calendar days from the receipt of the notice of denial and must be
2 decided within fifteen (15) calendar days from filing. Failure to resolve
3 the appeal within the aforementioned period shall constitute a denial
4 of the appeal;
5

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

21 (3) Instead of filing complaint with the Office of the Ombudsman,
22 whenever a request for information is denied originally or on
23 administrative appeal, the requesting party may file a verified petitions
24 for mandamus in the proper court, alleging the facts with certainty
25 and praying that judgment be rendered ordering the respondent,
26 immediately or at some other time to be specified by the court, to
27 disclose the information and to pay the damages sustained by the
28 requesting party by reason of denial. The procedure for such petition
29 shall be summary in nature.
30

31 (4) In resolving a complaint or petition brought under the preceding
32 paragraphs (2) and (3), the Ombudsman or the court is empowered to
33 receive the information subject of a claim of exception under Section 6
34 herein and examine then in camera to determine the sufficiency of the
35 factual and legal basis of such claim, when such sufficiency cannot be
36 reasonably determined through evidence and circumstances apart
37 from the information.
38

39 (b) In the Judicial Branch – The Judiciary shall be governed by such
40 remedies as promulgated by the Supreme Court.
41

42 (c) The remedies under this Section are without prejudice to any other
43 administrative, civil or criminal action covering the same act.
44

45 (d) The remedies available under this Act shall be exempt from the rules
46 on non-exhaustion of administrative remedies and the application of the
47 provisions of Republic Act No. 9285, otherwise known as the Alternative
48 Dispute Resolution Act of 2004.
49

1 (e) In case the requesting party has limited or no financial capacity, the
2 Public Attorney's Office shall be mandated to provide legal assistance to the
3 requester in availing of the remedies provided under this Act.
4

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

17 (b) Government agencies shall identify specific and classes of official records
18 in their custody or control that have continuing historical, administrative
19 informational, legal, evidentiary, or research value for preservation by such
20 agencies or their legitimate successors, or for transfer to the National
21 Archives of the Philippines. In addition, the National Archives of the
22 Philippines shall likewise identify specific and classes of official records that
23 it shall require agencies to preserve and transfer to it.
24

25 (c) In addition to the specific and classes of official records identified for
26 preservation under letter (b) of this Section, the following shall not be
27 destroyed:
28

29 (1) Records pertaining to loans obtained or guaranteed by the
30 Government;

31
32 (2) Records of Government contracts;

33
34 (3) The declaration under oath of the assets, liabilities and net worth
35 of public officers and employees, as required by law; and
36

37 (4) Records of official investigations pertaining to allegations of graft
38 and corruption of public officers.
39

40 (d) Government agencies shall prepare, following standards and period
41 promulgated pursuant to Republic Act No. 9470 or the National Archives of
42 the Philippines Act of 2007, a record management programs that includes
43 the following:
44

45 (1) A records maintenance system for the creation, selection,
46 classification, indexing and filing of official records that facilitates
47 the easy identification, retrieval and communication of information
48 to the public;
49

1 (2) A records maintenance, archival and disposition schedule
2 providing a listing of records under current use, for retention by
3 the agency, for transfer to the National Archives, or for destruction:
4 *Provided*, That destruction of the official records may be
5 implemented only upon approval of the National Archives of the
6 Philippines; and
7

8 (3) A specification of the roles and responsibilities of agency personnel
9 in the implementation of such system and schedule.
10

11 (e) In addition to its function as repository of all rules and regulations issued
12 by agencies as provided under Book VII, Chapter II of the Administrative
13 Code of 1987, the University of the Philippines Law Center shall, in
14 coordination with the Office of the President which has exclusive editorial
15 and printing jurisdiction over the Official Gazette, and with other relevant
16 agencies, maintain database, and publish the same in print in Official
17 Gazette or in digital or online form, the following:
18

19 (1) All laws of the Philippines and their amendments, from the period
20 of the Philippine Commission to the present;
21

22 (2) All presidential issuances from November 15, 1935 to the present,
23 including but not limited, to executive orders, Presidential
24 Proclamations, Administrative Orders, Memorandum Circulars,
25 General Orders, and other similar issuances;
26

27 (3) A database of all appointments and designations made by the
28 President of the Philippines; and
29

30 (4) Opinions of the Secretary of Justice.
31

32 **SECTION 21. *Publication in the Official Gazette.*** For purposes of
33 mandatory disclosure as provided in Section 7 of this Act, online publication
34 in the Official Gazette website shall be considered official publication
35 provided there shall be a timestamp in the said document.
36

37 For purposes of compliance with Article 2 of the Civil Code of the
38 Philippines, publication of the following in the online version of the Official
39 Gazette, with the corresponding timestamps on the document, shall be
40 considered as official publication:
41

42 (a) All important legislative acts and resolutions of a public nature of
43 the Congress of the Philippines;
44

45 (b) All executive and administrative orders and proclamations of
46 general application;
47

1 (c) Decisions or abstracts of decisions of the Supreme Court and the
2 Court of Appeals or other courts to similar rank, as may be deemed
3 by said courts of sufficient importance to be so published;
4

5 (d) Such documents or classes of documents as the President shall
6 determine from time to time to have general application or which
7 he may authorize to be published.
8

9 However, other documents or classes of documents as may be
10 required to be published by law, such as petitions and/or legal notices in
11 connection with land titles, naturalization or special proceedings shall
12 continue to be published in the print version of the Official Gazette or in any
13 newspaper of general circulation for purposes of compliance with the
14 publication requirement.
15

16 **SECTION 22. Act not a Bar to Claim of Right to Information Under the**
17 **Constitution.** No provision of this act shall be interpreted as a bar to any
18 claim of denial of the right to information under Article III, Section 7 of the
19 1987 Constitution.
20

21 **SECTION 23. Separability Clause.** - If any section or part of this Act is
22 held unconstitutional, no other section or provision shall be affected.
23

24 **SECTION 24. Repealing Clause.** All laws, decrees, executive orders, rules
25 and regulations, issuances or any part thereof inconsistent with the
26 provisions of this Act, including sections 18, 24 and 25 of Executive Order
27 No. 292 in relation to Article 2 of Republic Act No. 386, Memorandum
28 Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing
29 Security of Classified Matter in Government Offices), as amended, and
30 Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of
31 Conduct and Ethical Standards for Public Officials and Employees), are
32 deemed repealed.
33

34 **SECTION 25. Effectivity.** - This Act shall take effect (15) days after its
35 publication in at least two (2) national newspapers of general circulation.
36
37

38 Adopted,