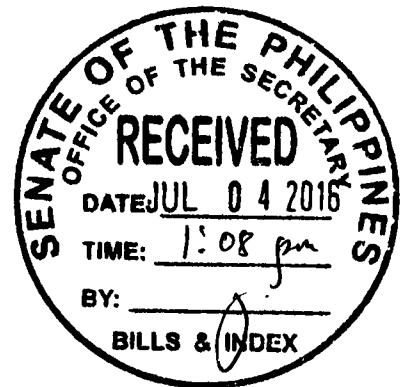


SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



SENATE
S.B. No. 315

Introduced by Senator **SONNY ANGARA**

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

EXPLANATORY NOTE

A citizen's right to official information is essential for a democracy to work. Individuals with ready access to public documents are able to discern better, and therefore exercise their sovereignty over the government they elected. No less than the 1987 Philippine Constitution affirms this, as embodied in Article II, Sec. 28 which provides, "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 government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

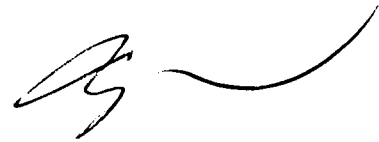
The Constitution also underscores that government must operate with utmost transparency and accountability as Article III, Sec. 7 of the 1987 Constitution declares, "Subject to reasonable conditions prescribed by the law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

The foregoing measure confirms these constitutional imperatives by establishing the broad guidelines and procedures that operationalize them. Left without an operational framework for public documents, the rights and obligations enshrined under the Constitution would be rendered meaningless, allowing government to operate under a shroud of secrecy and away from public scrutiny.

Hence, this bill intends to narrow the opportunity for abuse and help restore trust and confidence in government. Anti-corruption statutes cannot be fully enforced if there are no disclosure and information statutes. This would significantly help our government better serve the needs of the people. The passage of the FOI bill will signal the beginning of the realization

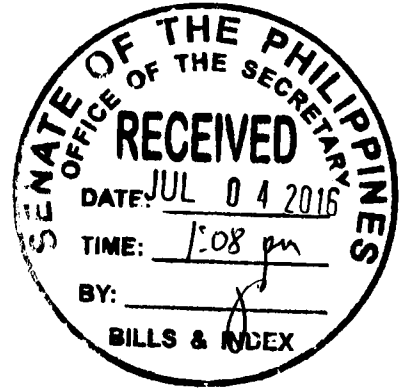
of our quest for good governance, transparency and accountability. Filipinos look forward to the day when an open and accountable government serves them, their interests and common aspirations.

Approval of this measure is therefore earnestly requested.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal flourish that curves upwards at the end.

SONNY ANGARA

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE

S.B. No. 315

Introduced by Senator SONNY ANGARA

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

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

1 **SECTION 1. Short Title.** This Act shall be known as the "**People's Freedom of Information**
2 **Act of 2016.**"

3

4 **SEC. 2. Declaration of Policy.** The State recognizes the right of the people to information on
5 matters of public concern and adopts and implements a policy of full public disclosure of all its
6 transactions involving public interest, subject to the procedures and limitations provided by this
7 Act. This right is meant to enhance the significant and widening role of the citizenry in
8 governmental decision-making as well as in checking abuse in government. Public officials and
9 employees, in the performance of their duties under this Act, as well as citizens in the exercise
10 of their rights under this Act, shall act with justice, give everyone his or her due, and observe
11 honesty and good faith.

12

13 Public officials and employees as well as citizens shall endeavor to handle information
14 kept or obtained under this Act with due care, to the end that inaccuracies and distortions are
15 avoided.

16

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

18

19 (a) "**Information**" shall mean any record, document, paper, report, letters, contract,
20 minutes and transcripts of official meetings, maps, books, photographs, data, research
21 material, film, sound and video recordings, magnetic or other tapes, electronic data,

1 computer stored data, or any other like or similar data or material recorded, stored or
2 archived in whatever form or format, which are made, received or kept in or under the
3 control and custody of any government agency pursuant to law, executive order, rules
4 and regulations, ordinance or in connection with the performance or transaction of
5 official business by any government agency.

6
7 (b) "*Official record/records*" shall refer to information produced or received by a public
8 officer or employee, or by a government agency in an official capacity or pursuant to a
9 public function or duty, regardless of whether the information is in the draft, final or any
10 other stage or status.

11
12 (c) "*Public record/records*" shall include information required by law, executive orders,
13 rules, or regulations to be entered, kept and made publicly available by a government
14 agency.

15
16 **SEC. 4. Coverage.** This Act shall cover all government agencies, Government agency or
17 agencies shall include the executive, legislative and judicial branches as well as constitutional
18 bodies of the Republic of the Philippines including but not limited to the national government
19 and all its agencies, departments, bureaus, offices and instrumentalities, constitutional
20 commissions and constitutionally mandated bodies, local governments and all their agencies,
21 regulatory agencies, chartered institutions, government-owned or controlled corporations,
22 including wholly-owned or controlled subsidiaries, government financial institutions, state
23 universities and colleges, the Armed Forces of the Philippines, the Philippine National Police, all
24 offices in the Congress of the Philippines including the offices of Senators and Representatives,
25 the Supreme Court and all lower courts established by law.

26
27 Public service contractors or any other entity shall make their records available to the
28 public insofar as they are related to any contract or transactions that they have with the
29 government or government agencies, *Provided*, That such contracts or transactions are of the
30 highest public interest by reason of the amounts involved and the impact of the transaction to
31 the public.

32
33 **SEC. 5. Access to Information.** Every Filipino citizen has a right to and shall, on request, be
34 given access to any record under the control of a government agency regardless of the physical
35 form or format in which they are contained subject only to the exceptions enumerated in Section
36 7 of this Act.

37
38 **SEC. 6. Presumption.** There shall be a legal presumption in favor of access to information, No
39 request for information shall be denied unless it clearly falls under the exceptions provided
40 under this Act.

1 **SEC. 7. Exceptions.** Access to information shall be granted unless:
2

3 (a) The information is specifically authorized to be kept secret under guidelines
4 established by an Executive Order, and in fact properly classified pursuant thereto:
5 *Provided, That*

6 (1) The information directly relates to national security or defense and its
7 revelation may cause serious damage to the national security or internal and
8 external defense of the State; or
9

10 (2) The information requested pertains to the foreign affairs of the Republic of the
11 Philippines, when its revelation shall unduly weaken the negotiating position of
12 the government in an ongoing bilateral or multilateral negotiation or seriously
13 jeopardize the diplomatic relations of tile Philippines with any state, *Provided,*
14 *further,* That the Executive Order shall specify the reasonable period after which
15 the information shall be automatically declassified or subject to mandatory
16 declassification review, and that any reasonable doubt as to classification and
17 declassification shall be settled in favor of the right to information;
18

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

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

29 (1) Compromise or interfere with any legitimate military or law enforcement
30 operation, or

31 (2) Compromise or interfere with the legitimate prevention, detection or
32 suppression of criminal activity, or the legitimate implementation of
33 immigration controls and border security, or

34 (3) Lead to the disclosure of the identity of a confidential source, including a
35 government, or foreign agency or authority or any private institution which
36 furnished information on a confidential basis, and, in the case of a record or
37 information compiled by a law enforcement authority in the course of an
38 investigation or by an agency conducting a lawful national security
39 intelligence investigation, information furnished by a confidential source, or

40 (4) Disclose legitimate techniques and procedures for law enforcement
41 investigations or prosecutions, or would disclose legitimate guidelines for law

1 enforcement investigations or prosecutions if such disclosure could
2 reasonably be expected to risk circumvention of the law, or

3 (5) Endanger the life or physical safety of any individual, or

4 (6) Deprive a person of a right to a fair trial and impartial adjudication.

5
6 (d) The information requested consists of drafts of orders, resolutions, decisions,
7 memoranda or audit reports by any executive, administrative, regulatory, constitutional,
8 judicial or quasi-judicial body in the exercise of their regulatory, audit and adjudicatory
9 function.

10
11 (e) The information requested is obtained by either House of Congress, or any
12 Committee thereof, in executive session.

13
14 (f) The information requested pertains to the personal information of a natural person
15 other than the requesting party, and its disclosure would constitute an unwarranted
16 invasion of his or her personal privacy, unless it forms part of a public record, or the
17 person is or was an official of a government agency and the information relates to his
18 other public function or the person has consented, in writing, to the disclosure of the
19 information;

20
21 (g) The information requested pertains to trade secrets and commercial or financial
22 information obtained from a natural or juridical person other than the requesting party,
23 obtained in confidence or covered by privileged communication, and/or filed with a
24 government agency, whenever the revelation thereof would prejudice the interests of
25 such natural or juridical person in trade, industrial, financial or commercial competition.

26
27 (h) The information is classified as privileged communications in legal proceedings bylaw
28 or by the Rules of Court.

29
30 (i) The information requested is exempted from disclosure by law or by the Constitution,
31 in addition to those provided in this Section.

32
33 (j) The information is of a nature that its premature disclosure would: (1) in the case of
34 an agency that regulates or deals with currencies, interest rates, securities,
35 commodities, or financial institutions, be likely to lead speculations in currencies,
36 interest rates, securities, or commodities market; or (2) in the case of other agencies, be
37 likely to frustrate the effective implementation of a proposed official action: *Provided*,
38 That the information shall be disclosed once the abovementioned dangers have ceased.

39
40 (k) The information has already been made accessible as provided in Section 14 of this
41 Act.

1
2 For paragraphs (c) to (k) of this Section, the determination whether any of these grounds
3 shall apply shall be the responsibility of the head of office of the government agency in custody
4 or control of the information, or any responsible central or field officers duly designated by him.
5 *Provided, That:*

- 6 (1) The exceptions are strictly construed;
7 (2) The exceptions are not used to cover-up a crime, wrong-doing, graft, or corruption;
8 (3) The President, the Supreme Court, the Senate, the House of Representatives, and
9 the Constitutional Commissions may waive an exception with respect to information
10 in the custody of offices under their respective supervision or control, when they
11 deem that there is an overriding public interest in disclosure;
12 (4) The exceptions do not constitute authority to withhold information from Congress,
13 nor authority for the executive branch of a local government unit to withhold
14 information from the legislative body of such local government unit;
15 (5) Whenever the information requested is part of a record, whose other parts are
16 covered by an exception, but may be reasonably severed from a record, the
17 responding official shall communicate the information not covered by the exception
18 to the requester; and;
19 (6) The exceptions set forth in this section may be overcome if the requester is able to
20 prove before the Ombudsman or a court of competent jurisdiction that the public
21 interest in the disclosure of information outweighs the public interest in keeping the
22 information secret or confidential.
23

24 **SEC. 8. Mandatory Disclosure of Information.**

25
26 (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national
27 officials shall disclose to the public their Statement of Assets, Liabilities, and Net Worth
28 (SALN) on an annual basis in their official website:

- 29 (1) President;
30 (2) Vice-President;
31 (3) Members of the Cabinet;
32 (4) Members of Congress;
33 (5) Justices of Supreme Court;
34 (6) Members of Constitutional Commissions and other constitutional offices,
35 (7) Officers of the armed forces with general or flag rank.

36 (b) All agencies of all branches of government shall upload on their websites, which shall
37 be updated monthly, a register of the following public interest transactions, documents or
38 records, including:

- 39 (1) Annual Budget of Government Agencies;
40 (2) Itemized Monthly Collections and Disbursement;
41 (3) Summary of Income and Expenditures;

- 1 (4) Component of the IRA Utilization;
- 2 (5) Annual Procurement Plan and Procurement List;
- 3 (6) An updated plantilla of positions and vacant positions with qualifications/
4 requirements in their organizations that need to be filled-up;
- 5 (7) Items to Bid;
- 6 (8) Bid Results on Civil Works, and Goods and Services;
- 7 (9) Abstract of Bids as Calculated;
- 8 (10) Procurement contracts entered into by a government agency;
- 9 (11) Construction or concession agreements or contracts entered into by a
10 government agency with any domestic or foreign person or entity;
- 11 (12) Private sector participation agreements or contracts in infrastructure and
12 development projects under Republic Act No. 6957, as amended by Republic
13 Act No. 7718, authorizing the financing, construction, operation and
14 maintenance of infrastructure projects;
- 15 (13) Public funding extended to any private entity;
- 16 (14) Bilateral or multilateral agreements and treaties in trade, economic
17 partnership, investments, cooperation and similar binding commitments;
- 18 (15) Licenses, permits or agreements granted by any government agency to any
19 person or entity for the extraction and/or utilization of natural resources and a
20 list of the grantees;
- 21 (16) Guarantees given by any government agency to government-owned or -
22 controlled corporations and to private corporations, persons or entities;
- 23 (17) Loans from domestic and foreign financial institutions;
- 24 (18) Loans, grants, development assistance, technical assistance, and programs
25 entered into by a government agency with official bilateral or multilateral
26 agencies, as well as with private aid agencies or institutions; and
- 27 (19) Compromise agreements entered into by a government agency with any
28 person or entity.
- 29

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

37
38 **SEC. 9. Openness and Transparency in Government Agencies.** Each government agency
39 shall regularly publish, print and disseminate at no cost to the public and in an accessible form,
40 consistent with the provisions of Republic Act No. 9485, or the Anti-Red Tape Act of 2007, and

1 through their website, timely, time, accurate and updated key information including, but not
2 limited to:

- 3 (1) A description of its mandate, structure, powers, functions, duties and decision-
4 making processes;
- 5 (2) A description of the frontline services it delivers and the procedure and length of
6 time by which they may be availed of;
- 7 (3) The names of its key officials, their powers, functions and responsibilities, and
8 their profiles and curriculum vitae; ,
- 9 (4) Work programs, development plans, investment plans, projects, performance
10 targets and accomplishments, and budgets, revenue allotments and expenditures;
- 11 (5) Important rules and regulations, orders or decisions: *Provided*, That they be
12 published within fifteen (15) calendar days from promulgation;
- 13 (6) Rules of procedure, descriptions of forms available or the places at which forms
14 may be obtained, and instructions as to the scope and contents of all papers,
15 reports, or examinations;
- 16 (7) Substantive rules of general applicability adopted as authorized by law, and
17 statements of general policy or interpretations of general applicability formulated
18 and adopted by the agency, including subsequent amendments;
- 19 (8) Current and important database and statistics that it generates;
- 20 (9) Bidding processes and requirements; and
- 21 (10) Mechanisms or procedures by which the public may participate in or otherwise
22 influence the formulation of policy or the exercise of its powers

23
24 All government agencies shall over time endeavor and build the capacity and practice to
25 upload in full all other contracts, agreements, or treaties covered under this section, in particular
26 those that are of the highest public interest by reason of the amounts involved and the impact of
27 the transaction to the public.

28
29 **SEC. 10. Protection of Privacy.** While providing for access to information in public records, this
30 Act also affords full protection of the right to privacy of individuals, as follows:

- 31
32 (a) A government agency must ensure that personal information in its custody or under its
33 control is disclosed only as permitted under this Act;
- 34
35 (b) A government agency must protect personal information in its custody or under its
36 control by making reasonable security arrangements against such risks as unauthorized
37 access, collection, use, disclosure, or disposal;
- 38
39 (c) An employee, officer or director of a government agency, who has access, whether
40 authorized or unauthorized, to personal information in the custody of the agency, must
41 not disclose that information except as authorized Under this Act.

1 **SEC. 11. Freedom of Information Manual.**

2
3 (a) For the effective implementation of this Act, all government agencies shall prepare a
4 Freedom of Information Manual, indicating the following:

- 5 1) The location and contact information of the head, regional, provincial and field
6 offices, and other established places where the public can obtain government
7 information or submit requests;
- 8 2) The types of information it generates, produces, holds and/or publishes;
- 9 3) A description of its record-keeping system;
- 10 4) The person or office responsible for receiving requests for information;
- 11 5) The procedure for the filing of requests personally, by mail, or through the
12 identified electronic means;
- 13 6) The standard forms for the submission of request and for the proper
14 acknowledgment of the request;
- 15 7) The process for the disposition of the request, including the routing of the
16 request to the person or office with the duty to act on the request, the
17 decision making process, and the grant or denial of access and its
18 implementation;
- 19 8) The procedure for the administrative appeal of any denial for access to
20 information;
- 21 9) The schedule of fees;
- 22 10) The process and procedure for the mandatory disclosure of information under
23 Section 8 of this Act: *Provided*, That, should the agency lack the capacity to
24 fully comply therewith, a brief description of its plan to facilitate compliance
25 within three (3) years from the approval of this Act; and
- 26 11) Such other information, taking into consideration the unique characteristics of
27 an agency, that will help facilitate the effective implementation of this Act.

28
29 (b) The foregoing information shall also be posted in its website and bulletin boards, and
30 shall be regularly updated;

31
32 (c) In no case shall the absence of the aforementioned Manual be a reason for the denial of
33 any request for information made in accordance with this Act.

34
35 (d) The heads of each of the departments and agencies may designate liaison units or
36 Committees who shall coordinate with the other units of the agency in implementing this
37 Act. The composition, functions and duties of these liaison units or Committees shall be
38 included in the FOI Manual.

1 **SEC. 12. Procedure of Access.**
2

- 3 (a) Any person who wishes to obtain information shall submit, free of charge, a request to
4 the government agency concerned personally, by mail, or through electronic means. A
5 person who is unable, because of illiteracy or due to being a person with disability, to
6 make a written request for information may make an oral request, and the public official
7 who receives the oral request shall reduce it to writing, and include his name and
8 position within the government agency, and give a copy thereof to the person who made
9 the request. The request shall state the name and preferred contact information of the
10 requesting party, and reasonably describe the information required, the reason for the
11 request of the information and the preferred means by which the government agency
12 shall communicate such information to the requesting party: *Provided*, That the stated
13 reason shall not be used as a ground to deny the request or to refuse the acceptance of
14 the request, unless such reason is contrary to law. If the request is submitted personally,
15 the requesting party shall show his current identification card issued by any government
16 agency, or government or private employer or school, or a community tax certificate. If
17 the request is submitted by mail or through electronic means, the requesting party may
18 submit a photo static or electronically scanned copy of the identification, or other
19 convenient means as determined by the agency.
20
- 21 (b) The public official receiving the request shall provide reasonable assistance, free of
22 charge, to enable all requesters and particularly those with special needs, to comply with
23 the request requirements under this section.
24
- 25 (c) The request shall be stamped by the government agency, indicating the date and time of
26 receipt and the name, rank, title and position of the receiving public officer or employee
27 with the corresponding signature, and a copy thereof furnished to the requesting party.
28 In case the request is submitted by electronic means, the government agency shall
29 provide for an equivalent means by which the requirements of this paragraph shall be
30 met. Each government agency shall establish a system to trace the status of all requests
31 for information received by it.
32
- 33 (d) The request may indicate the requesting party's preferred mode and means of receiving
34 the information requested: *Provided*, That the mode and means are reasonable, taking
35 into consideration equipment normally available to the concerned government agency.
36
- 37 (e) A government agency may communicate the information requested in a form other than
38 the preferred means whenever the agency has no capability in communicating the
39 information in the preferred format, or such preferred means would unreasonably
40 interfere with the effective operation of the agency or be detrimental to the preservation
41 of the record.

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

6
7 (g) The government agency shall, in writing or through electronic means, notify the person
8 making the request of the extension, setting forth the reasons for such extension and the
9 date when the information shall be made available, which in no case shall result in an
10 extension of more than twenty. (20) Working days.

11
12 (h) Once a decision is made to grant the request, the person making the request shall be
13 notified of such and shall pay the required access and processing fees. If the information
14 is not held by the government agency to which the request was made, it shall notify the
15 requester that it does not hold the information, and indicate to the requester which
16 agency holds the record, if known. Whenever practicable, the agency receiving the
17 request may also cause the transfer of the request to the appropriate agency that holds
18 the information: *Provided*, That the period to comply with the request under this section
19 shall begin to run only upon the receipt of the agency to which the request is transferred.
20

21 **SEC. 13. Access and Processing Fees.** Government agencies may charge a reasonable fee
22 to reimburse the actual cost of reproduction, copying or transcription and the communication of
23 the information requested. An agency may waive the fees whenever it is satisfied that the
24 requester is an indigent, or that the cost of reproduction is negligible, or that it is pursuant to a
25 program for proactive disclosure.

26
27 **SEC. 14. Exemption from Compliance.** The government agency is excused from complying
28 with a subsequent identical or substantially similar request from the same requesting party
29 where it has previously complied with a request for information unless a reasonable interval has
30 lapsed between compliance with the previous request and the making of the current request:
31 *Provided*, That the government agency complies with Section 15 of this Act.
32

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

1 **SEC. 16. Remedies in Cases of Denial of Request for Information.**

2
3 (a) In all government agencies other than the judicial branch:

4 (1) Every denial of any request for access to information may be appealed to the
5 person or office next higher in authority of the same agency, following the
6 procedure mentioned in Section 11 (a) (8) of this Act. *Provided*, That the written
7 appeal must be filed by the same person making the request within fifteen (15)
8 calendar days from the notice of denial. The appeal shall be decided by the
9 person or office next higher in authority of the same agency within five (5)
10 working days from filing of said written appeal. Failure of the government agency
11 to decide within the aforestated period shall constitute denial of the appeal.

12 (2) Upon denial of the appeal with the government agency, the requesting party may
13 file a verified petition for mandamus in the proper court, alleging the facts with
14 certainty and praying that judgment be rendered ordering the respondent,
15 immediately or at some other time to be specified by the court, to disclose the
16 requested information. Any action for administrative and/or criminal liability
17 arising from the same act or omission, if any, shall be filed with the Office of the
18 Ombudsman. No damages shall be assessed against the respondent unless it is
19 proven that the respondent acted with malice, bad faith or negligence. The
20 procedure for such petition shall be summary in nature. The court hearing the
21 case is empowered to receive the information subject of a claim of exception
22 under Section 7 herein and examine then in camera to determine the sufficiency
23 of the factual and legal basis of such claim, when such sufficiency cannot be
24 reasonably determined through evidence and circumstances apart from the
25 information.

26
27 (b) In the Judicial Branch, the judiciary shall be governed by such remedies as promulgated
28 by the Supreme Court.

29
30 (c) The remedies provided in this Section are without prejudice to any other administrative,
31 civil or criminal action covering the same act.

32
33 (d) The remedies available under this Act shall be cumulative and subject to the rule of
34 exhaustion of administrative remedies.

35
36 (e) The provisions of Republic Act No. 9285, otherwise known as the Alternative Dispute
37 Resolution Act of 2004, shall not apply to cases filed pursuant to this section.

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

1 **SEC. 17. Keeping of Records.**

- 2
- 3 (a) Government agencies shall create and/or maintain in appropriate formats, accurate and
- 4 reasonably complete documentation or records of their organization, policies,
- 5 transactions, decisions, resolutions, enactments, actions, procedures, operations,
- 6 activities, communications and documents received or filed with them and the data
- 7 generated or collected. These shall include working files such as drafts or notes,
- 8 whenever these have been circulated within the agency for official purpose such as for
- 9 discussion, comment or approval or when these contain unique information that can
- 10 substantially contribute to a proper understanding of the agency organization, policies,
- 11 transactions, decisions, resolutions, enactments, actions, procedures, operations, and
- 12 activities;
- 13
- 14 (b) Government agencies shall identify specific and classes of official records in their
- 15 custody or control that have continuing historical, administrative, informational, legal,
- 16 evidentiary, or research value for preservation by such agencies or their legitimate
- 17 successors, or for transfer to the National Archives of the Philippines. In addition, the
- 18 National Archives of the Philippines shall likewise identify specific and classes of official
- 19 records that it shall require agencies to preserve and transfer to it.
- 20
- 21 (c) In addition to the specific and classes of official records identified for preservation under
- 22 letter (b) of this Section, the following shall not be destroyed:
- 23 (1) Records pertaining to loans obtained or guaranteed by the government;
- 24 (2) Records of government contracts;
- 25 (3) The declaration under oath of the assets, liabilities and net worth of public
- 26 officers and employees, as required by law; and
- 27 (4) Records of official investigations pertaining to allegations of graft and corruption
- 28 of public officers.
- 29
- 30 (d) Government agencies shall prepare, following standards and period promulgated
- 31 pursuant to Republic Act No. 9470 or the National Archives of the Philippines Act of
- 32 2007, records management program that includes the following:
- 33 (1) A records maintenance system for the creation, selection, classification, indexing
- 34 and filing of official records that facilitate the easy identification, retrieval and
- 35 communication of information to the public;
- 36 (2) A records maintenance, archival and disposition schedule providing a listing of
- 37 records under current use, for retention by the agency, for transfer to the National
- 38 Archives, as for destruction: *Provided*, That destruction of the official records may
- 39 be implemented only upon approval of the National Archives of the Philippines;
- 40 and

1 (3) A specification of the roles and responsibilities of agency personnel in the
2 implementation of such system and schedule.
3

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

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

19 **SEC. 18. Publication in the Official Gazette.** For purposes of mandatory disclosure as
20 provided in Section 8 of this Act, online publication in the Official Gazette website shall be
21 considered official publication provided there shall be a timestamp in the said document.
22

23 For purposes of compliance with Article 2 of the Civil Code of the Philippines, publication
24 of the following in the online version of the Official Gazette, with the corresponding timestamps
25 on the document, shall be considered as official publication:
26

- 27 (a) All important legislative acts and resolutions of a public nature of the Congress of the
28 Philippines;
29 (b) All executive and administrative orders and proclamations of general application;
30 (c) Decisions or abstracts of decisions of the Supreme Court and the Court of Appeals
31 or other courts of similar rank, as may be deemed by said courts of sufficient
32 importance to be so published;
33 (d) Such documents or classes of documents as the President shall determine from time
34 to time to have general application or which he may authorize to be published.
35 However, other documents or classes of documents as may be required to be
36 published by law, such as petitions and/or legal notices in connection with land titles,
37 naturalization or special proceedings shall continue to be published in the print
38 version of the Official Gazette or in any newspaper of general circulation for
39 purposes of compliance with the publication requirement.
40

1 **SEC. 19. Capacity-Building, Promotion of Best Practices and Continuous Updating of**
2 **Appropriate Information Technology and FOI.** All government agencies must ensure that
3 they have a compliant website within two (2) years from the date of effectivity of this Act. The
4 National Computer Center shall monitor all government agency websites and render the
5 appropriate support including capacity-building program and coordination with another
6 appropriate agency, utilizing alternative mechanism and seeking the assistance of private
7 relevant and willing volunteer groups to ensure full compliance with the requirements of this Act.
8

9 In the performance of its monitoring function of government websites and portals, the
10 National Computer Center shall endeavor to continuously develop, improve and update its
11 information technology system taking into consideration usability and practical accessibility of
12 government documents by the public.
13

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

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

- 24 (1) To carry out the provision of this Act, the Civil Service Commission (CSC) is
25 designated to issue guidelines on the use of plain language to suit the needs of
26 the requesting party;
- 27 (2) The CSC shall provide the necessary training to employees of each government
28 agency in using plain language in public documents;
- 29 (3) All departments, agencies and instrumentalities of the national government,
30 including government-owned or controlled corporations, local government units
31 and state colleges and universities shall designate an official responsible for
32 implementing the plain language; and
- 33 (4) Website contents, including, but not limited to financial data, notices and other
34 technical and legal documents, of government agencies must also be written in
35 plain language to ensure that these information are easy to read, understand and
36 use.
37

38 **SEC 21. Administrative Offenses and Penalties. -**

- 39 (a) The acts enumerated in this sub-section shall be tantamount to grave administrative
40 offenses and shall constitute grounds for administrative and disciplinary sanction

1 against any public official or employee who willfully and knowingly commits the
2 following:

- 3 (1) Refusal to promptly forward the request under Section 12 of this Act to the public
4 officer within the same office or agency responsible for officially acting on the
5 request when such is the direct cause of the failure to disclose the information
6 within the periods required by this Act;
- 7 (2) Failure to act on the request within the periods required by this Act;
- 8 (3) Refusal to comply with the decision of his immediate supervisor, the
9 Ombudsman, or of any court ordering the release of information;
- 10 (4) Approval of policies, rules and regulations clearly contrary to the provisions of
11 this Act, and which policies, rules and regulations are the direct cause of the
12 denial of a request for information.

- 13
14 (b) The preceding subsection does not bar filing of appropriate administrative cases other
15 than those grave offenses enumerated above.

16
17 **SEC 22. Criminal Offenses and Penalties.** The penalty of imprisonment of not less than one
18 (1) month but not more than six (6) months and a fine ranging from Ten Thousand Pesos (Php
19 10,000.00) to One Hundred Thousand 'Pesos (Php 100,000.00) shall be imposed upon:

- 20 (a) Any public official or employee who falsely denies or conceals the existence of
21 information that is a proper subject for disclosure under this Act.
- 22 (b) Any public official or employee who destroys, or causes to be destroyed, information
23 and/or documents being requested under this Act, for the purpose of frustrating the
24 requesting party's access thereto.
- 25 (c) Any individual who knowingly directed, 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.
- 28 (d) Any public officer or employee responsible for officially acting on the request, who
29 shall claim an exception under Section 7 of this Act, or under the Constitution, when
30 such claim is manifestly devoid of factual basis.
- 31 (e) Any public officer or employee who divulged or released information covered under
32 Section 7 of this Act.
- 33 (f) Any public officer or employee who divulged or released information that is altered,
34 tampered or modified to the extent that the released information materially differs
35 from the original contents of the document; *Provided*, That altering or modifying a
36 document for the purpose of severing an exempt information from non-exempt
37 information in a single document shall not be punishable under this subsection.

38
39 If the violation committed in this Act is induced and assisted by a private individual or a
40 corporation, partnership or any kind of judicial entity, the penalty provided herein shall be
41 imposed on its executive officer and/or other officials responsible therefor. *Provided*, That they

1 shall suffer, in addition to the penalties provided herein, the automatic revocation of their license
2 to operate.

3
4 **SEC. 23. Mere Denial in Good Faith Not a Ground for Liability.** A mere denial in good faith of
5 a request made pursuant to the provisions of this Act shall not constitute grounds for
6 administrative, civil or criminal liability.

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

11 **SEC. 25. Integration of Freedom of Information (FOI) and Good Governance in**
12 **Elementary and Secondary Curriculum.** To ensure well-informed generations of citizens, the
13 right to information, the principles of accountability and transparency, democracy and
14 leadership, and good governance shall be integrated in such subjects as *Heyograpiya*,
15 *Kasaysayan at Sibika (HEKASI)* and *Araling Panlipunan* in the elementary level and in such
16 subjects as *Social Studies* and *Makabayan* or its equivalent subjects in high school level. The
17 Department of Education in coordination with the Civil Service Commission and other relevant
18 Offices shall prepare the necessary modules and teaching programs consistent with the
19 objectives of this Act.

20
21 **SEC. 26. Reports on FOI.** All government agencies shall be required to submit annual reports
22 on the number of requests for information received and processed, of appeals made from the
23 denial thereof, and such other information as provided in this Act. The said report may be
24 integrated in the agencies' main Annual Report and its posting and publication in their
25 respective websites shall be considered as sufficient compliance.

26
27 **SEC. 27. System of Incentives and Rewards.** A system of special incentives and rewards is
28 hereby established to be given to appropriate government agency or agencies that initiated and
29 displayed compliance and full participation in the meaningful implementation of this Act. The
30 incentives and rewards may include but not limited to social projects, grants-in- aid, national
31 recognition, and similar entitlements.

32
33 **SEC. 28. Appropriations.** The amount necessary to carry out the provisions of this Act shall be
34 charged against the agencies' current budget and shall thereafter be included in the annual
35 General Appropriations Act.

36
37 **SEC. 29. Separability Clause.** If any section or part of this Act is held unconstitutional or
38 invalid, the other sections or provisions not otherwise affected shall remain in full force and
39 effect.

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

10

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

13

14 *Approved,*