

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

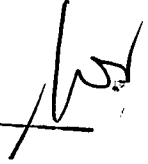


Senate
Office of the Secretary

16 SEP 28 P1:36

SENATE

S. B. No. 1172

SECRETARY: 

INTRODUCED BY SENATOR ANA THERESIA "RISA" HONTIVEROS
BARAQUEL

**AN ACT STRENGTHENING THE RIGHT OF CITIZENS TO
INFORMATION HELD BY THE GOVERNMENT,
INSTITUTIONALIZING OPEN DATA GOVERNANCE AND FOR
OTHER PURPOSES**

EXPLANATORY NOTE

The principles of transparency and accountability are cornerstones of good governance. Without these core principles, a democracy will not work. That 'public office is a public trust' will be a lame constitutional maxim that will not resonate with citizens demanding access to governmental papers and processes; it will alienate the public already suffering from decades of rampant graft and corruption and the ostensible impunity of public officers from effective forms of redress. The failure to establish an open government will be a betrayal of the people as the sovereign power, from whom all political powers supposedly should emanate from.

Consistent with this democratic principle is Article II Section 28 of the 1987 Philippine Constitution which provides that the State is adopting and implementing *a policy of full public disclosure* of all its transactions involving public interest. On the side of the citizens is a statement by Article III Section 7 which guarantees the right of the people to information on matters of public concern. This right is furthered bolstered by Article 19 of the Universal Declaration of Human Rights (UDHR) affirming the right to freedom of opinion and expression, which includes the freedom to receive and impart information. This is a confirmation that access to information is a prerequisite for achieving transparency and accountability in government. In fact, almost all democracies have enacted various forms of freedom of information laws. It is time we should enforce our own policy of full public disclosure and our commitment to good governance in this part of the world.

This proposed legislation guarantees the right to information by providing access points, procedures for access, and penalties for denial and neglect thereof. It will also provide clearly defined exceptions and strict legal presumption against government agencies claiming exemption and denying disclosure. This Freedom of Information Act also mandates the establishment of Open Data Governance compelling government agencies to provide an online platform for all government data of public interest.

This measure when enacted into law will be a significant contribution to institutionalizing transparency and accountability in our government. It will empower our citizens and make our government agencies responsive and effective. It will nourish and fortify public participation in policy formulation and implementation. It will help our fight against corruption. The passage of this bill is earnestly sought.


ANA THERESIA "RISA" HONTIVEROS BARAQUEL

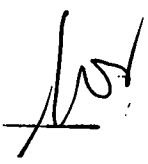
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**AN ACT STRENGTHENING THE RIGHT OF CITIZENS TO
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OTHER PURPOSES**

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

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

9 **SEC. 3. *Coverage.*** – This Act shall cover all government agencies, to refer to the executive,
10 legislative, and judicial branches as well as the constitutional bodies of the Republic of the
11 Philippines, including the national government and all its agencies, departments, bureaus,
12 offices and instrumentalities, constitutional commissions and constitutionally mandated
13 bodies, local governments and all their agencies, regulatory agencies, chartered institutions,
14 government-owned or –controlled corporations, including wholly-owned or controlled
15 subsidiaries, government financial institutions, state universities and colleges, the Armed
16 Forces of the Philippines, the Philippine National Police, all offices in the Congress of the
17 Philippines including the offices of Senators and Representatives, the Supreme Court and all
18 lower courts established by law.

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

20 a. *Dataset* refers to an organized collection of data in a variety of forms, including
21 tabular, geospatial, or image data files.

22 b. *Information* refers to data that have been processed into a record, document, paper,

1 report, letter, contract, minutes and transcripts of official meetings, maps, books,
2 photographs, data, research materials, in whatever form, or films, audio and video
3 recordings, magnetic or other tapes, electronic data, in whatever format, which are
4 made, received or kept in or under the control and custody of any government
5 agency pursuant to law, executive order, rules and regulations, ordinance, or in
6 connection with the performance or transaction of official business by any
7 government agency.

- 8 c. *Machine-readable* refers to formats that allow data to be extracted and processed by
9 computer programs.
- 10
11 d. *Official record* refers to information produced or received by a public officer or
12 employee, or by a government agency in an official capacity or pursuant to a
13 public function or duty. This shall not refer to the stage or status of the
14 information.
- 15 e. *Open format* refers to one that is platform independent, machine readable, and
16 made available to the public without restrictions that would impede the re-use of
17 that information.
- 18 f. *Public record* refers to information required by law, executive orders, rules, or
19 regulations to be entered, kept, and made publicly available by a government
20 agency.

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

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

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

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

- 1 b. the information consists of records of minutes and advice given and opinions
2 expressed during decision-making or policy formulation, invoked by the Chief
3 Executive to be privileged by reason of the impairment of the Chief Executive's
4 deliberative process that would result from the disclosure thereof. Once policy
5 has been formulated and decisions made, minutes and research data may be made
6 available for disclosure unless they were made in executive session;
- 7 c. the information requested consists of drafts of the following: orders, resolutions,
8 decisions, memoranda or audit reports by any executive, administrative,
9 regulatory, constitutional, judicial or quasi-judicial body in the exercise of their
10 adjudicatory and/or audit function;
- 11 d. the information requested is obtained by any committee of either House of
12 Congress in executive session;
- 13 e. the information requested pertains to trade secrets and commercial or financial
14 information or intellectual property obtained from a natural or juridical person
15 other than the requesting party, whenever the revelation thereof would seriously
16 prejudice the interests of such natural or juridical person in trade, industrial,
17 financial or commercial competition;
- 18 f. the information is classified as privileged communications in legal proceedings by
19 law or by the Rules of Court, unless the person entitled to the privilege has
20 waived it;
- 21 g. the information requested is exempted by law or the Constitution, in addition to
22 those provided in this section;
- 23 h. when prematurely disclosed, the information, would, in the case of a government
24 agency that regulates or deals with the commodities markets, currencies, interest
25 rates, securities, or financial institutions, likely lead to fraud, manipulation, or
26 other unlawful acts or schemes involving currencies, interest rates, securities, or,
27 in the case of other government agencies, likely frustrate the effective
28 implementation of a proposed official action: *Provided*, That the information shall
29 be accessible once the anticipated danger has ceased.
- 30 i. the information has already been made accessible as provided for in Section 12.

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

35 **SEC. 8. *Qualifications to the Exceptions.* –**
36

- 37 a. The exceptions in the preceding section shall be strictly construed;
38 b. The exceptions cannot be invoked to cover-up a crime, wrongdoing, graft, or
39 corruption;
40 c. Whenever the information covered by an exception may be reasonably severed
41 from a record, the record shall be released with the exempt information redacted,
42 or the information not covered by the exception shall otherwise be
43 communicated to the requesting party;

- 1 d. The President, the Supreme Court, the Senate, the House of Representatives, and
2 the Constitutional Commissions may waive an exception with respect to
3 information in the custody of offices under their respective supervision or
4 control, when they deem that there is an overriding public interest in disclosure;
5 and
6 e. The exceptions do not constitute authority to withhold information from
7 Congress, nor authority for the executive branch of a local government unit to
8 withhold information from the legislative body of such local government unit.

9 **SEC. 9. *Mandatory Disclosure of Information.*** –

- 10
11 a. In fulfillment of Article XI, Section 17 of the Constitution and subject to Section 5
12 and Section 7 (f) of this Act, the websites of their respective offices shall provide to
13 the public, the Statement of Assets, Liabilities, and Net worth (SALN) on an annual
14 basis of the following national officials:

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

- 24 b. All agencies of all branches of government shall publish in their websites and update
25 on a monthly basis, a register containing the following information:

- 26 1. Freedom of Information Manual in full;
27 2. Rules of Procedure, descriptions of forms available or the places at which forms
28 may be obtained, and instructions as to the scope and contents of all papers,
29 reports, or examinations;
30 3. Substantive rules of general applicability adopted as authorized by law, and
31 statements of general policy or interpretations of general applicability
32 formulated and adopted by the agency, including subsequent amendments;
33 4. Public interest documents or records, including:

- 34 i. Annual Budget of Government Agencies
35 ii. Itemized Monthly Collections and Disbursement
36 iii. Summary of Income and Expenditures
37 iv. Component of the Internal Revenue Allotment (IRA) Utilization
38 v. Annual Procurement Plan and Procurement List
39 vi. Items for Bidding
40 vii. Bid Results on Civil Works, and Goods and Services
41 viii. Abstract of Bids, as Calculated
42 ix. Procurement contracts entered into by a government agency
43 x. Construction or concession agreements or contracts entered into by a
44 government agency with any domestic or foreign person or entity;
45 xi. Private sector participation agreements or contracts in infrastructure
46 and development projects under Republic Act No. 6957, otherwise
47 known as the Philippine BOT Law, as amended by Republic Act No.
48 7718;
49 xii. Public funding extended to any private entity;

- 1 xiii. Bilateral or multilateral agreements and treaties in trade, economic
2 partnership, investments, cooperation and similar binding
3 commitments;
- 4 xiv. List of persons or entities who were granted licenses, permits or
5 agreements for the extraction and/or utilization of natural resources
6 given by any government agency;
- 7 xv. Statement of Assets and Liabilities of the public officers of the
8 government agency; and
- 9 xvi. Guarantees given by any government agency to government-owned or
10 -controlled corporations and to private corporations, persons or
11 entities.

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

- 20 c. All government agencies shall, over time, endeavor to build their capacity and
21 practice to publish in full all other contracts, agreements, or treaties covered under
22 this Section, specially those that are of the highest public interest by reason of the
23 amounts involved and the impact of the transaction to the public. All government
24 agencies must ensure that they have a compliant website within two (2) years from
25 the effectivity of this Act.
- 26 d. Should an agency lack the capacity to comply with the website publication
27 requirement of this Section, the agency shall initiate a capacity-building program,
28 coordinate with another appropriate agency, or use an alternative mechanism, to
29 facilitate substantive compliance not later than three (3) years from the effectivity of
30 this Act.

31 **SEC. 10. Promotion of Openness in Government. –**
32

- 33 a. Duty to Publish Information – In conjunction with Republic Act 9485, or the Anti-
34 Red Tape Act of 2007, government agencies shall regularly publish, print and
35 disseminate at no cost to the public, in an accessible form, and through their website,
36 timely, true, accurate and updated key information, including:
 - 37 1. a description of its mandate, structure, powers, functions, duties and decision-
38 making processes;
 - 39 2. a description of the frontline services it delivers and the procedure and length of
40 time by which they may be availed of;
 - 41 3. the names of its key officials, their powers, functions and responsibilities, and
42 their profiles and curriculum vitae;
 - 43 4. work programs, development plans, investment plans, projects, performance
44 targets and accomplishments, and budgets, revenue allotments and expenditures;
 - 45 5. important rules and regulations, orders or decisions: *Provided*, That they be
46 published within fifteen (15) calendar days from promulgation;
 - 47 6. datasets generated in the implementation of agency mandates, programs,
48 activities, and projects such as statistics, figures, and geospatial data;
 - 49 7. current and important database and statistics that it generates;

- 1 8. bidding processes and requirements; and
- 2 9. mechanisms or procedures by which the public may participate in or otherwise
- 3 influence the formulation of policy or the exercise of its powers.

- 4 b. Accessibility of Language and Form – Every government agency shall endeavor to
- 5 translate key information into major Filipino languages and present them in popular
- 6 form and means.

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

11 Every government agency shall ensure the provision of adequate training for its officials and
12 employees to improve awareness of the people’s right to information on matters of public
13 concern and the provisions of this Act. Similarly, all government agencies shall endeavor to
14 study and adopt best practices in relation to information disclosure, records maintenance,
15 and archiving.

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

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

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

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

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

- 39 a. refusal to promptly forward the request under Section 18 of this Act to the public
- 40 officer within the same office or agency responsible for officially acting on the
- 41 request when such is the direct cause of the failure to disclose the information within
- 42 the periods required by this Act;
- 43 b. failure to act on the request within the periods required by this Act;

- 1 c. claim an exception under Section 7 of this Act when the claim is manifestly devoid of
2 factual or legal basis;
- 3 d. refusal to comply with the decision of immediate supervisor, the Ombudsman, or of
4 any court ordering the release of information;
- 5 e. approval of policies, rules and regulations manifestly contrary to the provisions of
6 this Act, and which policies, rules and regulations are the direct cause of the denial of
7 a request for information.

8 **SEC. 15. *Criminal Liability.* –**
9

- 10 a. The following acts shall be subject to the penalty of imprisonment of not less than
11 one (1) month but not more than six (6) months, with the accessory penalty of
12 dismissal from service:
 - 13 1. falsely denying or concealing the existence of information mandated for
14 disclosure under this Act; and
 - 15 2. destroying, or causing to be destroyed, information and/or documents being
16 requested under this Act, for the purpose of frustrating the requesting party's
17 access thereto.
- 18 b. Any private individual who knowingly induces or causes the commission of the
19 foregoing acts shall be liable as principal by inducement in the prosecution of public
20 officials or employees under this section.
- 21 c. The acts under paragraph (a) of this Section, if proven in an administrative
22 proceeding, shall be subject to the penalty of dismissal, even if no criminal
23 prosecution is instituted against the person found liable.

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

27 **SEC. 17. *Freedom of Information (FOI) Manual.* –**
28

- 29 a. For the effective implementation of this Act, all government agencies shall prepare a
30 Freedom of Information (FOI) Manual, setting forth the following:
 - 31 1. the location and contact information of the head, regional, provincial and field
32 offices of the agency, and other established places where the public can obtain
33 information or submit requests;
 - 34 2. the types of information it generates, produces, holds and/or publishes;
 - 35 3. a description of its record-keeping system;
 - 36 4. the person or office responsible for receiving requests for information;
 - 37 5. the procedure for the filing of requests personally, by mail, or through the
38 identified electronic means;
 - 39 6. the standard forms for the submission of request and for the proper
40 acknowledgement of the request;
 - 41 7. the process for the disposition of the request, including the routing of the
42 request to the person or office with the duty to act on the request and the

- 1 decision-making process for the grant or denial of the request;
2 8. the procedure for the administrative appeal of any denial for access to
3 information;
4 9. the schedule of service or processing fees pertinent to a request for information;
5 10. the process and procedure for the mandatory disclosure of information under
6 Section 9 of this Act: *Provided*, That, should the agency lack the capacity to
7 comply with Section 9 of this Act, a brief description of its plan to facilitate
8 compliance within three (3) years from the approval of this Act; and
9 11. such other information, taking into consideration the unique characteristics of
10 the agency, that will help facilitate the effective implementation of this Act.
- 11 b. The FOI Manual shall also be posted in the agency website and a hard copy shall be
12 available at the agency reception area for use by the public;
- 13 c. In no case shall the absence of the aforementioned FOI Manual be a reason for the
14 denial of any request for information made in accordance with this Act.
- 15 d. The heads of each of the departments and agencies may designate liaison units or
16 committees which shall coordinate with the other units of the agency in
17 implementing this Act. The composition, functions, and duties of these liaison units
18 or committees shall be included in the FOI Manual.

19 **SEC. 18. Procedure of Access. –**
20

- 21 a. Any person who wishes to obtain information shall submit, free of charge, a request
22 to the government agency concerned personally, by mail, or through electronic
23 means. A person who is unable, because of illiteracy or disability, to make a written
24 request for information may make an oral request instead. The public officer who
25 receives the oral request shall reduce it to writing, indicating therein one's name and
26 position within the government agency, and give a copy thereof to the person who
27 made the request. The request shall state the name and preferred contact information
28 of the requesting party, and reasonably describe the information required, the reason
29 for the request of the information and the preferred means by which the government
30 agency shall communicate such information to the requesting party: *Provided*, That the
31 stated reason shall not be used as a ground to deny the request or to refuse the
32 acceptance of the request, unless the request is contrary to law. If the request is
33 submitted personally, the requesting party shall show a current identification
34 document issued by any government agency, or government or private employer or
35 school, or a community tax certificate. If the request is submitted by mail or through
36 electronic means, the requesting party may submit a photostatic or electronically
37 scanned copy of the identification, or other convenient means as determined by the
38 agency.
- 39 b. The public official receiving the request shall provide reasonable assistance, free of
40 charge, to enable all requesting parties and particularly those with special needs, to
41 comply with the requirements under this Section.
- 42 c. The request shall be duly received by the concerned government agency, which shall
43 forthwith indicate the date and time of receipt and the name, rank, title and position
44 of the receiving public officer or employee who shall likewise affix one's signature
45 thereon, and shall furnish the requesting party a copy thereof. 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. Each
48 government agency shall establish a system by which the status of all requests for

1 information received by it may be verified at any time.

- 2 d. The request may indicate the requesting party's preferred mode and means of
3 receiving the information requested, provided that the mode and means are
4 reasonable, taking into consideration equipment normally available to the concerned
5 government agency.
- 6 e. A government agency may communicate the information requested in a form other
7 than the preferred means whenever such preferred means would unreasonably
8 interfere with the effective operation of the agency, or if the agency has no capability
9 in communicating the information in the preferred format, or when the preferred
10 format may be detrimental to the preservation of the record.
- 11 f. The government agency shall comply with the request as soon as practicable and, in
12 any case, within fifteen (15) working days from the receipt thereof. The period may
13 be extended whenever the information requested requires a search of the government
14 agency's field or satellite offices, examination of voluminous records, the occurrence
15 of fortuitous events or other analogous cases.
- 16 g. The government agency shall, in writing or through electronic means, notify the
17 person making the request of the extension, setting forth the reasons for such
18 extension and the date when the information shall be made available, which in no
19 case shall result in an extension of more than twenty (20) working days.
- 20 h. Once a decision is made to grant the request, the person making the request shall be
21 notified of such and shall pay the required access and processing fees.
- 22 i. If the information is not held by the government agency from which the request was
23 made, it shall notify the requesting party that it does not hold the information and
24 indicate which agency holds the record, if known. Whenever practicable, the agency
25 receiving the request may also cause the transfer of the request to the appropriate
26 agency that holds the information: *Provided*, That the period to comply with the
27 request under this Section shall begin to run only upon the receipt of the agency to
28 which the request is transferred.

29 **SEC. 19. Access and Processing Fees.** – Government agencies may charge a reasonable fee
30 to reimburse the actual cost of reproduction, copying or transcription, and the
31 communication of the information requested. An agency may waive the fees whenever it is
32 satisfied that the requester is an indigent, or that the cost of reproduction is negligible, or
33 that it is pursuant to a program for proactive disclosure.

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

42 **SEC. 21. Remedies in Cases of Denial.** –

- 43
44 a. In all government agencies other than the judicial branch –

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

7 2. A person denied access to information may file a verified complaint with the
8 Office of the Ombudsman, praying that the government agency concerned be
9 directed to immediately afford access to the information being requested. The
10 Office of the Ombudsman shall promulgate its special rules of procedure for
11 the immediate disposition of complaints filed pursuant to this Section. Unless
12 restrained or enjoined, the decision of the Office of the Ombudsman shall be
13 immediately executory, without prejudice to review in accordance with the Rules
14 of Court.

15 3. A party whose request for information has been denied, whether or not such
16 decision has been appealed to the head of an agency, may file a verified petition
17 for mandamus in the proper court, alleging the facts with certainty and praying
18 that judgment be rendered, ordering the respondent immediately or at some
19 other time to be specified by the court, to disclose the information and to pay
20 the damages sustained by the requesting party by reason of the denial. The
21 procedure for such petition shall be summary in nature.

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

28 b. In the Judicial Branch – The Judiciary shall be governed by remedies as promulgated
29 by the Supreme Court.

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

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

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

38 **SEC. 22. Keeping of Records. –**
39

40 a. Government agencies shall create and maintain in appropriate formats, accurate and
41 reasonably complete documentation or records of their organization, policies,
42 transactions, decisions, resolutions, enactments, actions, procedures, operations,
43 activities, communications and documents received or filed with them and the data
44 generated or collected. These shall include working files such as drafts or notes,
45 whenever these have been circulated within the agency for official purpose such as

- 1 for discussion, comment or approval or when these contain unique information that
2 can substantially contribute to a proper understanding of the agency organization,
3 policies, transactions, decisions, resolutions, enactments, actions, procedures,
4 operations, and activities;
- 5 b. Government agencies, in coordination with the National Archives of the Philippines,
6 shall identify specific and classes of official records in their custody or control that
7 have continuing historical, administrative, informational, legal, evidentiary, or
8 research value, for preservation by such agencies or their legitimate successors, or for
9 proper documentation if and when the records are transferred to the National
10 Archives of the Philippines.
- 11 c. In addition to the specific and classes of official records identified for preservation
12 under letter (b) of this section, the following shall not be destroyed:
- 13 1. records pertaining to loans obtained or guaranteed by the government;
14 2. records of government contracts involving amounts Fifty Million Pesos (Php
15 50,000.00) or more, or related to infrastructure, public and private partnerships,
16 utilities, or other important projects;
17 3. the original Declarations under oath of the assets, liabilities and net worth of
18 public officers and employees submitted to the Office of the Ombudsman, as
19 required by law, and
20 4. records of official investigations pertaining to allegations of graft and corruption
21 of public officers.
- 22 d. Government agencies shall prepare, according to the standards set in and within the
23 period mandated by Republic Act No. 9470 or the National Archives of the
24 Philippines Act of 2007, a records management program that includes the following:
- 25 1. a records maintenance system for the creation, selection, classification,
26 indexing and filing of official records that facilitate the easy identification,
27 retrieval and communication of information to the public;
28 2. a records maintenance, archival and disposition schedule providing a listing of
29 records under current use for retention by the agency, for transfer to the
30 National Archives, or for destruction: *Provided*, That destruction of the official
31 records may be implemented only upon approval of the National Archives of
32 the Philippines; and
33 3. identification of the specific roles and responsibilities of agency personnel in
34 the implementation of such system and schedule.
- 35 e. In addition to its function as repository of all rules and regulations issued by agencies
36 as provided under Book VII, Chapter II of the Administrative Code of 1987, the
37 University of the Philippines Law Center shall, in coordination with the Office of the
38 President which has exclusive editorial and printing jurisdiction over the Official
39 Gazette, and with other relevant agencies, maintain a database, and publish in the
40 Official Gazette or in digital or online form, the following:
- 41 1. all laws of the Philippines and their amendments, from the period of the
42 Philippine Commission to the present;
43 2. all presidential issuances from November 15, 1935 to the present, including
44 but not limited, to executive orders, presidential proclamations, administrative
orders, memorandum circulars, general orders, and other similar issuances;
3. a database of all appointments and designations made by the President of the
Philippines; and

1 4. opinions rendered by the Secretary of Justice.

2 **SEC 23. *Publication in the Official Gazette.*** – For purposes of mandatory disclosure as
3 provided in Section 9 of this Act, the publication in the Official Gazette website shall be
4 considered official publication provided there shall be a timestamp in the said document.

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

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

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

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

24 **SEC. 25. *Publication of Government Data in the Open Data Philippines Website.*** –
25 For purposes of enhancing the public's access to government information and abiding by the
26 Philippines' international commitments to transparency and government openness, all
27 government agencies shall publish in the Open Data Philippines website, datasets generated
28 in the implementation of agency mandates, programs, activities, and projects. These datasets
29 shall be updated, whenever permissible, at least once in every quarter of every year.

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

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

36 **SEC. 26. *Tracking Requests for Information.*** – Websites of government agencies shall
37 contain a matrix of requests made, their status, and the decision regarding the request. The
38 matrix shall also contain links to uploaded information from approved requests. In such
39 cases where requests are denied, the matrix shall contain the reasons for denial and the status
40 of the appeal if such is done.

41 **SEC. 27. *Release to One, Release to All.*** – For purposes of streamlining requests for
42 information, once an information has been made available to an individual through a request
43 for information, the said dataset shall also be published in an appropriate website such as,

1 but not limited to, the Open Data Philippines website, Official Gazette website,
2 Departmental website, or Local Government website thus allowing the public access to all
3 information that has been requested.

4 **SEC 28. *Integration of Freedom of Information (FOI) and Good Governance In***
5 ***Elementary and Secondary Curriculum.*** – To ensure well-informed generations of
6 citizens, the right to information, the principles of accountability and transparency,
7 democracy and leadership, and good governance shall be integrated in such subjects as
8 *Heyograpiya, Kasaysayan at Sibika (HEKASI) and AralingPanlipunan* in the elementary level
9 and in such subjects as Social Studies and Makabayan or its equivalent subjects in high
10 school level. The Department of Education, in coordination with the Civil Service
11 Commission and other relevant offices, shall prepare the necessary modules and teaching
12 programs consistent with the objectives of this Act.

13 **SEC 29. *Annual Reports on Actions Taken on Requests for Access to Information.*** –
14 All government agencies shall prepare, for each fiscal year, a report on the number of
15 requests for information they received, processed, granted and denied; of appeals made from
16 denials of such requests; and of pending court actions they are a party to as result of such
17 requests. These reports may be integrated in the main annual reports of government agencies
18 and may be posted and published in their respective websites.

19 **SEC. 30. *Appropriations.*** – The amount necessary to carry out the provisions of this Act
20 shall be charged against those authorized in the current and subsequent General
21 Appropriations Acts.

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

25 **SEC 32. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations,
26 issuances or any part thereof inconsistent with the provisions of this Act, including Sections
27 18 on Operation and Effect of Laws, 24 and 25 on the Contents, Editing and Publications of
28 the Official Gazette, Book I, of Executive Order No. 292 or the Administrative Code of
29 1987 in relation to Article 2 on Effect and Application of Laws of Republic Act No. 386 or
30 the Civil Code, Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules
31 Governing Security of Classified Matter in Government Offices), as amended, and Section 3,
32 Rule IV of the Rules Implementing Republic Act No. 6713 (Code of Conduct and Ethical
33 Standards for Public Officials and Employees), are deemed repealed: *Provided*, That
34 Memorandum Circular No. 78 shall be deemed repealed after one (1) year from the
35 effectivity of this Act or upon issuance of the Executive Order in Section 7(a).

36 **SEC 33. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
37 Official Gazette or in a newspaper of general circulation.

38 *Approved,*