



SENATE  
S. No. 121

'19 JUL -2 A8:55

Introduced by Senator Grace Poe

RECEIVED

**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*

At the very onset of no less than the 1987 Constitution of the Philippines ("Constitution"), it has been enshrined in one of the "State Policies" that "the State recognizes the vital role of communication and **information** in nation-building."<sup>1</sup> As a matter of fact, the last of the "State Policies" in the Constitution provides that "subject to reasonable conditions prescribed by law, the State adopts and implements a **policy of full public disclosure of all its transactions involving public interest**."<sup>2</sup>

To further emphasize and guarantee the people's right to information, Section 7 of Article III (the "Bill of Rights") of the Constitution 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 to government research data used as basis for policy development, shall be afforded the citizen, **subject to such limitations as may be provided by law.**"

The above-cited constitutional right to information fosters public participation in nation-building, and arms the citizenry to detect and battle a very wide array of probable misdeeds and/or wrongdoings in the government, in the name of public accountability, which is the core of democratic governance.

Transparency is essential to accountability. Without transparency, citizens cannot access the information needed to collectively discern the fitness of public officials, elected otherwise, to hold public office. "Open dialogue can be effective

<sup>1</sup> Article II, Section 24 of the 1987 Constitution.

<sup>2</sup> Article II, Section 28 of the 1987 Constitution.

only to the extent that the citizenry is informed and thus able to formulate its will intelligently. Only when the participants in the discussion are aware of the issues and have access to information relating thereto can such bear fruit.”<sup>3</sup>

While the Supreme Court has consistently held that the right to information under the Bill of Rights is self-executory, it lacks the substantive and procedural details necessary for its effective and predictable implementation. The lack of implementing legislation bars the effective utilization of the right to information, thus stifling democratic politics and public accountability. This is in contrast to the seeming global trend favoring the implementation of the right to information as evidenced by the fact that 109 countries already have FOI laws as of 2018. The afore-mentioned number of countries with Freedom of Information (“FOI”) laws does not even include countries with FOI-related administrative issuances.

Fortunately, on 23 July 2016, President Rodrigo Roa Duterte (the “President”) signed and issued *Executive Order (“E.O.”) No. 2 entitled, “Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor”*.

The implementation of E.O. No. 2 in the executive branch had yielded to the following results as of 15 May 2018:

1. Uploading of FOI Manuals in websites: 100% compliance, or 190 out of 190, for National Government Agencies; 82% compliance, or 98 out of 120, for Government Owned and Controlled Corporations; 89% compliance, or 101 out of 113, for State Universities and Colleges; and 33% compliance, or 172 out of 508, for Local Water Districts;
2. Processing of 4,440 FOI requests to 271 government via the e-FOI portal [www.foi.gov.ph](http://www.foi.gov.ph); and
3. FOI information, education and communication campaign: 30 orientation sessions, 78 technical on-boarding workshops, 19 collaborative meetings, and 5 other successful events, among others.

Furthermore, in lieu of the issuance and/or implementation of E.O. No. 2, the Philippine Government had participated in international events furthering FOI such as in the Open Government Partnership (OGP) Summit in 2016, the International Conference of Information Commissioners (ICIC) in October 2017, the event on Making All Voices Count (MAVC) in November 2017, and the United Nations’ Workshop on Open Government SDG in 2017, among others.

---

<sup>3</sup> Valmonte vs. Belmonte, G.R. No. 74930, 13 February 1989.



Despite the on-going success of the implementation of E.O. No. 2 in the executive branch, its implementors continue to push the Legislative Branch of the Government, or the Congress, to fast-track the enactment of an FOI Law to cover all branches of the Philippine Government, to provide for much-needed budget and personnel, to provide for an all-encompassing and uniform standard of procedure and FOI manuals applicable to the entirety of government agencies and instrumentalities, and criminal penalties and fines for FOI violations, among others – matters that can only be provided by a law enacted by the Congress.

In view of the foregoing, there should be no more questions or arguments against the enactment of an FOI law in the Philippines. This bill, which the Senate of the 16<sup>th</sup> Congress had approved on third reading after much deliberations and/or interpellation, has already considered and incorporated inputs and ideas of various stakeholders from the previous two (2) Congresses. Thus, swift passage of this Bill is hereby earnestly sought.

  
**GRACE POE**



SENATE  
S. No. 121

\*19 JUL -2 A8 :55

Introduced by Senator Grace Poe

RECEIVED

*SP*

**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 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  
2 Information Act of 2019."

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  
5 public disclosure of all its transactions involving public interest, subject to the  
6 procedures and limitations provided by this Act. It is likewise a declared policy of the  
7 state to promote the meaningful and increased participation of the people in  
8 government decision-making and public accountability.

9 Public officials and employees, in the performance of their duties under this  
10 Act, as well as citizens in the exercise of their rights under this Act, shall handle  
11 information kept or obtained under this Act fairly, lawfully and with due regard to  
12 the full protection of the right to privacy of individuals.

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

14 (a) *Information* – shall mean any public and/or official record, document,  
15 paper, report, letters, contract, minutes and transcripts of official  
16 meetings, maps, books, photographs, data, research material, film,  
17 audio and video recordings, magnetic or other tapes, electronic data,



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

7 (b) *Official record/records* – shall refer to information, in final form  
8 produced or received by a public officer or employee, or by a  
9 government agency in an official capacity or pursuant to a public  
10 function or duty.

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

14 (d) *Public service contractor* – shall be defined as a private entity that  
15 has a dealing, contract or transaction of whatever form or kind with  
16 the government or a government agency/office that utilizes public  
17 funds.

18 (e) *Personal information* – shall refer to any information whether recorded  
19 in a material form or not from which the identity of an individual is  
20 apparent or can be reasonably and directly ascertained by the entity  
21 holding the information or when put together with other information  
22 would directly and certainly identify an individual.

23 (f) *Sensitive personal information* – shall refer to personal information:

24 (1) about an individual's race, ethnic origin, marital status, age,  
25 color and religious, philosophical or political affiliations;

26 (2) about an individual's health, education, genetic or sexual life of  
27 a person or to any proceeding for any offense committed or  
28 alleged to have been committed by such person, the disposal of  
29 such proceedings, or the sentence of any court in such  
30 proceedings;

31 (3) issued by government agencies peculiar to an individual which  
32 includes, but not limited to, social security numbers previous or

1 current health records, licenses or its denials, suspension or  
2 revocation and tax returns; and

3 (4) specifically established by an executive order or an act of  
4 Congress to be kept classified.

5 (g) *Personal Data* – refers to all types of personal information.

6 (h) *Privileged Information* – refers to any and all forms of data, which,  
7 under the Rules of Court and other pertinent laws, constitute privileged  
8 communication.

9 Sec. 4. *Coverage.* – This Act shall cover all government agencies. Government  
10 agency or agencies shall include the executive, legislative and judicial branches as  
11 well as constitutional bodies of the Republic of the Philippines including, but not  
12 limited to, the national government and all its agencies, departments, bureaus,  
13 offices and instrumentalities, constitutional commissions and constitutionally  
14 mandated bodies, local governments and all their agencies, regulatory agencies,  
15 chartered institutions, government-owned or -controlled corporations (GOCCs),  
16 including wholly-owned or controlled subsidiaries, government financial institutions  
17 (GFIs) government instrumentalities with corporate powers (GICP), government  
18 corporate entities (GCE), and non-chartered GOCCs, and state universities and  
19 colleges.

20 Sec. 5. *Access to Information.* – Every Filipino citizen has a right to and shall,  
21 on request, be given access to any information of public concern under the control  
22 of a government agency regardless of the physical form or format in which they are  
23 contained subject only to the exceptions enumerated in Section 7 of this Act.

24 Sec. 6. *Presumption.* – There shall be a legal presumption in favor of access  
25 to information. No request for information shall be denied unless it clearly falls under  
26 the exceptions provided under this Act. Accordingly, government agency shall have  
27 the burden of proof of showing by clear and convincing evidence that the  
28 information requested is exempted from the disclosure by this Act.

29 Sec. 7. *Exceptions.* – Access to information shall be granted unless:

30 (a) The information is specifically authorized to be kept confidential under  
31 guidelines established by an Executive Order, and in fact properly classified  
32 pursuant thereto: *Provided, That:*



1 (1) The information directly relates to national security or defense and its  
2 revelation may cause damage to the national security or internal and  
3 external defense of the State; or

4 (2) The information requested pertains to the foreign affairs of the Republic of  
5 the Philippines, when its revelation shall unduly weaken the  
6 negotiating position of the government in an ongoing bilateral or  
7 multilateral negotiation or seriously jeopardize the diplomatic relations of  
8 the Philippines with any state, or prejudice the entrusting of information to  
9 the Republic of the Philippines on a basis of confidence by the government  
10 of any other country or any international organization: *Provided, That*  
11 sufficient information is disclosed to afford reasonable public participation  
12 in government decision-making on bilateral and multilateral agreements:  
13 *Provided, further, That* the head of the department or agency having  
14 custody or possession of such information, shall keep under continuing  
15 review all classified information in his custody and may direct the  
16 declassification review of such review as needed. Declassification of the  
17 information shall be subject to the approval of the President.

18 (b) The information consists of minutes or records of advice given or of  
19 opinions expressed during decision-making or policy formulation including exchanges  
20 when the chief executive was not present, if invoked by the chief executive to be  
21 part of presidential communications privilege. Whenever disclosure would  
22 significantly undermine the free and frank provision of advice or exchange of views:  
23 *Provided, That* an executive order shall be issued specifying the reasonable period  
24 after which information invoked to be privileged under this paragraph shall be made  
25 accessible to the public.

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

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

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

1 (3) Lead to the disclosure of the identity of a confidential source, including a  
2 government, or foreign agency or authority or any private institution which  
3 furnished information on a confidential basis, and, in the case of a record  
4 or information compiled by a law enforcement authority in the course of  
5 an investigation or by an agency conducting a lawful national security  
6 intelligence investigation, information furnished by a confidential source,  
7 or

8 (4) Disclose legitimate techniques and procedures for law enforcement  
9 investigations or prosecutions, or would disclose legitimate guidelines for  
10 law enforcement investigations or prosecutions if such disclosure could  
11 reasonably be expected to risk circumvention of the law, or

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

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

14 (d) The information requested pertains to matters of human security, such  
15 as, but not limited to, food, health, money and trade: *Provided*, That such  
16 disclosure or premature disclosure will imperil our well-being or degrade the quality  
17 of life of our people by causing unnecessary panic and conflict and threatening to  
18 limit the range of policy choices available to the concerned implementing and  
19 regulating agencies: *Provided, further*, That this exception shall apply only until  
20 such time that the confidentiality requirement of the action plan of said agency is no  
21 longer necessary in addressing the said security issue.

22 (e) The information requested pertains to the assistance of government to  
23 overseas Filipino workers, including but not limited to their cases and records on  
24 criminal and family cases; and information that could compromise or weaken their  
25 case or position in any legal proceeding:

26 (f) The information requested involves records of foreign diplomats on  
27 diplomatic and consular missions, their arrival and departure, and other information  
28 that could compromise their safety or that such information is considered  
29 confidential by the Vienna Convention on Diplomatic Relations and the Vienna  
30 Convention on Consular Relations;

31 (g) The information requested are exempted under a treaty or bilateral  
32 agreement to which the Philippines is a party;



1 (h) The information requested consists of drafts of orders, resolutions,  
2 decisions, memoranda or audit reports by any executive, administrative, regulatory,  
3 constitutional, judicial or quasi-judicial body in the exercise of their regulatory, audit  
4 and adjudicatory function. The revelation of which would impair the impartiality of  
5 verdicts or otherwise obstruct the administration of justice.

6 (i) The information requested is obtained by either House of Congress, or any  
7 committee thereof, in executive session.

8 (j) The information requested pertains to the personal and sensitive information  
9 of a natural person other than the requesting party, and its disclosure would  
10 constitute an unwarranted invasion of his or her personal privacy, or the person is or  
11 was an official or employee of a government agency and the information relates to  
12 his other public function or the person has consented, in writing, to the disclosure of  
13 the information.

14 (k) The information requested forms part of a public record but its  
15 disclosure would expose the people concerned to acts of discrimination, unless such  
16 information is first redacted by the concerned government agency;

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

23 (m) The information is required to be kept confidential by law or consists of  
24 privileged information unless the person entitled to the privilege has waived it;

25 (n) The information requested is exempted from disclosure by the  
26 Constitution or by law;

27 (o) The information is of a nature that its premature disclosure would:

28 (1) in the case of an agency that regulates or deals with  
29 currencies, interest rates, securities, commodities, or financial  
30 institutions, be likely to lead speculations in currencies, interest rates,  
31 securities, or commodities market; or

1 (2) in the case of other agencies, be likely to frustrate the  
2 effective implementation of a proposed official action: Provided, That  
3 the information shall be disclosed once the abovementioned dangers  
4 have ceased.

5 (p) The information has already been made accessible as provided in  
6 Sections 8(a), 9, 11 and 14 of this Act.

7 (q) The information requested pertains to information about the ongoing  
8 evaluation or review of bids or proposals undertaken by the bidding or review  
9 committee prior to an official recommendation by the government.

10 For paragraphs (c) to (q) of this section, the determination whether any of  
11 these grounds shall apply shall be the responsibility of the head of office of the  
12 government agency in custody or control of the information, or any responsible  
13 central or field officer/s duly designated by him: Provided, That:

14 (1) The exceptions are strictly construed;

15 (2) The exceptions are not used to cover-up a crime, or any unlawful activity;

16 (3) The President, the Supreme Court, the Senate, the House of  
17 Representatives, and the Constitutional Commissions with a majority vote  
18 of the body in accordance with their own rules of procedure when  
19 applicable may waive an exception with respect to information in the  
20 custody of offices under their respective supervision or control, when  
21 they deem that there is an overriding public interest in disclosure;

22 (4) The exceptions do not constitute authority to withhold information from,  
23 or limit the availability of records to congress, or any of its committees;

24 (5) The exceptions do not constitute an authority of the executive branch of a  
25 local government unit to withhold information from its legislative body.

26 (6) Whenever the information requested is part of a record, whose other  
27 parts are covered by an exception, but may be reasonably severed from a



1 record, the responding official shall communicate the information not  
2 covered by the exception to the requester; and

3 (7) The exceptions set forth in this section may be overcome if the requester  
4 is able to prove before a court of competent jurisdiction that the public  
5 interest in the disclosure of information outweighs the public interest in  
6 keeping the information secret or confidential;

7 All exempted information under this Section shall be mandatorily reviewed  
8 after every three (3) years by the head of office or agency in custody or control of  
9 the information for reclassification and possible disclosure. Provided, that such  
10 information to be disclosed by an agency under the executive branch shall be  
11 subject to the approval of the President.

12 *Sec. 8. Mandatory Disclosure of Information. –*

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

- 16 (1) President;
- 17 (2) Vice-President;
- 18 (3) Members of the Cabinet;
- 19 (4) Members of Congress;
- 20 (5) Justices of Supreme Court;
- 21 (6) Members of Constitutional Commissions and other constitutional  
22 offices,
- 23 (7) Officers of the armed forces with general or flag rank.

24  
25 (b) All agencies of all branches of government shall upload on their  
26 websites, which shall be updated monthly, a register of the following public interest  
27 transactions, documents or records, including:

- 28 (1) Annual Budget of Government Agencies;
- 29 (2) Itemized Monthly Collections and Disbursement;
- 30 (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
- 4 qualifications/ requirements in their organizations that need to be
- 5 filled-up;
- 6 (7) Items to Bid;
- 7 (8) Bid Results on Civil Works, and Goods and Services;
- 8 (9) Abstract of Bids as Calculated;
- 9 (10) Procurement contracts entered into by a government agency;
- 10 (11) Construction or concession agreements or contracts entered into by a
- 11 government agency with any domestic or foreign person or entity;
- 12 (12) Private sector participation agreements or contracts in infrastructure
- 13 and
- 14 development projects under Republic Act No. 6957, as amended by
- 15 Republic Act No. 7718, authorizing the financing, construction,
- 16 operation and maintenance of infrastructure projects;
- 17 (13) Public funding extended to any private entity;
- 18 (14) Bilateral or multilateral agreements and treaties in trade, economic
- 19 partnership, investments, cooperation and similar binding
- 20 commitments;
- 21 (15) Licenses, permits or agreements granted by any government agency
- 22 to any person or entity for the extraction and/or utilization of natural
- 23 resources and a list of the grantees;
- 24 (16) Guarantees given by any government agency to government-owned
- 25 or
- 26 controlled corporations and to private corporations, persons or entities;
- 27 (17) Loans from domestic and foreign financial institutions;
- 28 (18) Loans, grants, development assistance, technical assistance, and
- 29 programs entered into by a government agency with official bilateral or
- 30 multilateral agencies, as well as with private aid agencies or
- 31 institutions; and
- 32 (19) Compromise agreements entered into by a government agency with



1 any person or entity.

2 The register shall contain a brief description of the transaction involved  
3 including, but not limited to: the nature and object of the transaction, the parties  
4 and amounts involved, the key steps undertaken towards its conclusion, and the  
5 relevant dates provided that contracts and agreements involving an amount of at  
6 least Fifty million pesos (Php 50,000,000.00) shall be uploaded in full on the website  
7 of the concerned government agency or the *Official Gazette* online. A covered record  
8 shall be enrolled in the register not later than thirty (30) working days from its  
9 perfection or issuance.

10 Sec. 9. *Openness and Transparency in Government Agencies.* – Each  
11 government agency shall make available upon the request of any citizen at no cost  
12 and in an accessible form, consistent with the provisions of Republic Act No. 9485,  
13 or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate  
14 and updated key information including, but not limited to:

15 (1) A description of its mandate, structure, powers, functions, duties and  
16 decision-making processes;

17 (2) A description of the frontline services it delivers and the procedure and  
18 length of time by which they may be availed of;

19 (3) The names of its key officials, their powers, functions and responsibilities,  
20 and their profiles and curriculum vitae;

21 (4) Audited financial statements, and budget and expenditure records;

22 (5) Statements of assets, liabilities and net worth of all public officials with  
23 Salary Grade 27 and above or heads of office;

24 (6) Monthly income including allowances and sources of income of all public  
25 officials with Salary Grade 27 and above and heads of office;

26 (7) Work programs, development plans, investment plans, projects,  
27 performance targets and accomplishments, and budgets, revenue allotments and  
28 expenditures;

29 (8) Important rules and regulations, orders or decisions: *Provided, That* they  
30 be published within fifteen (15) calendar days from promulgation;

31 (9) Rules of procedure, descriptions of forms available or the places at which  
32 forms may be obtained, and instructions as to the scope and contents of all papers,

1 reports, or examinations;

2 (10) Substantive rules of general applicability adopted as authorized by  
3 law, and statements of general policy or interpretations of general applicability  
4 formulated and adopted by the agency, including subsequent amendments;

5 (11) Current and important database and statistics that it generates;

6 (12) Bidding processes, deadlines and requirements; and

7 (13) Mechanisms or procedures by which the public may participate in or  
8 otherwise

9 influence the formulation of policy or the exercise of its powers.

10 (14) Any disclaimer that shall announce true and correct information relative  
11 to a matter of public concern that has been the subject of untruthful or inaccurate  
12 publication in media.

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

17 Sec. 10. *Protection of Privacy.* – While providing for access to information in  
18 public records, this Act also affords full protection of the right to privacy of  
19 individuals, as follows:

20 (a) Disclosure of public records involving personal data shall be guided by the  
21 principle of transparency, legitimate purpose, and proportionality;

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

24 (c) A government agency must protect personal data in its custody or under  
25 its control in accordance with the provisions of the Data Privacy Act of 2012, its  
26 implementing rules and regulations, and issuances by the National Privacy  
27 Commission.

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

32 Sec. 11. *Freedom of Information Manual.* –



1 (a) For the effective implementation of this Act, all government agencies  
2 shall prepare a Freedom of Information Manual, within six (6) months from the  
3 effectivity of this Act indicating the following:

4 (1) The location and contact information of the head, regional, provincial  
5 and field offices, and other established places where the public can  
6 obtain government information or submit requests;

7 (2) The types of information it generates, produces, holds and/or  
8 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  
12 the 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  
16 the request to the person or office with the duty to act on the request,  
17 the 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  
23 under Section 8 of this Act: *Provided, That*, should the agency lack the  
24 capacity to fully comply therewith, a brief description of its plan to  
25 facilitate compliance within three (3) years from the approval of this  
26 Act; and

27 (11) Such other information, taking into consideration the unique  
28 characteristics of an agency, that will help facilitate the effective  
29 implementation of this Act.

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

32 (13) In no case shall the absence of the aforementioned Manual be a

1 reason for the denial of any request for information made in  
2 accordance with this Act.

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

8 Sec. 12. *Procedure of Access.* –

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

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

30 (c) The request shall be stamped by the government agency, indicating  
31 the date and time of receipt and the name, rank, title and position of the receiving  
32 public officer or employee with the corresponding signature, and a copy thereof



1 furnished to the requesting party. In case the request is submitted by electronic  
2 means, the government agency shall provide for an equivalent means by which the  
3 requirements of this paragraph shall be met. Each government agency shall  
4 establish a system to trace the status of all requests for information received by it.

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

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

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

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

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

26 If the information is not held by the government agency to which the request  
27 was made, it shall notify the requester that it does not hold the information, and  
28 indicate to the requester which agency holds the record, if known. Whenever  
29 practicable, the agency receiving the request may also cause the transfer of the  
30 request to the appropriate agency that holds the information: *Provided*, That the  
31 period to comply with the request under this section shall begin to run only upon the  
32 receipt of the agency to which the request is transferred.

1       Sec. 13. *Access and Processing Fees.* – Government agencies may charge a  
2 reasonable fee which shall in no case exceed the actual cost of reproduction,  
3 copying or transcription and the communication of the information requested. An  
4 agency may waive the fees whenever it is satisfied that the requester is an indigent,  
5 or that the cost of reproduction is negligible, or that it is pursuant to a program for  
6 proactive disclosure.

7       Sec. 14. *Exemption from Compliance.* – The government agency is excused  
8 from complying with a subsequent identical or substantially similar request from the  
9 same requesting party where it has previously complied with a request for  
10 information unless a reasonable interval has lapsed between compliance with the  
11 previous request and the making of the current request: *Provided,* That the  
12 government agency complies with Section 15 of this Act.

13       Sec. 15. *Notice of Denial.* – If the government agency decides to deny the  
14 request, in whole or in part, it shall, as soon as practicable, and in any case within  
15 fifteen (15) calendar days from the receipt of the request, notify the person making  
16 the request of such denial in writing or through electronic means. The notice shall  
17 clearly set forth the ground or grounds for denial and the circumstances on which  
18 the denial is based, and indicate available rights of reconsideration or appeal. Failure  
19 to notify the person making the request of the denial, or of the extension, shall be  
20 deemed a denial of the request for access to information.

21       Sec. 16. *Remedies in Cases of Denial of Request for Information.* –

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

23       (1) Every denial of any request for access to information may be appealed  
24 to the person or office next higher in authority of the same agency,  
25 following the procedure mentioned in Section 11 (a)(8) of this Act:  
26 *Provided,* That the written appeal must be filed by the same person  
27 making the request within fifteen (15) calendar days from the notice of  
28 denial. The appeal shall be decided by the person or office next higher  
29 in authority of the same agency within five (5) working days from filing  
30 of said written appeal. Failure of the government agency to decide  
31 within the aforesated period shall constitute denial of the appeal.



1           (2)    Upon denial of the appeal with the government agency, the requesting  
2                party may file a verified petition for *mandamus* in the proper court,  
3                alleging the facts with certainty and praying that judgment be  
4                rendered ordering the respondent, immediately or at some other time  
5                to be specified by the court, to disclose the requested information.  
6                Unless restrained or enjoined, the decision of the court shall be  
7                immediately executory without prejudice to review in accordance with  
8                the Rules of Court. Any action for administrative and/or criminal  
9                liability arising from the same act or omission, if any, shall be filed with  
10              the Office of the Ombudsman.

11           No damages shall be assessed against the respondent unless it is proven that  
12           the respondent acted with malice, bad faith or negligence. Subject to the provisions  
13           of existing laws and the issuances of the Supreme Court, all courts shall give  
14           preference to the hearing and disposition of petitions for *mandamus* filed pursuant  
15           to the provisions of this Act. The court hearing the case is empowered to receive  
16           the information subject of a claim of exception under Section 7 herein and examine  
17           them in camera to determine the sufficiency of the factual and legal basis of such  
18           claim, when such sufficiency cannot be reasonably determined through evidence and  
19           circumstances apart from the information.

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

22           (c)    The remedies provided in this section are without prejudice to any other  
23           administrative, civil or criminal action covering the same act.

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

26           The provisions of Republic Act No. 9285, otherwise known as the Alternative  
27           Dispute Resolution Act of 2004, shall not apply to cases filed pursuant to this  
28           section.

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

32           Sec. 17. *Keeping of Records.* –

1 (a) Government agencies shall create and/or maintain in appropriate  
2 formats, accurate and reasonably complete documentation or records of their  
3 organization, policies, transactions, decisions, resolutions, enactments, actions,  
4 procedures, operations, activities, communications and documents received or filed  
5 with them and the data generated or collected. These shall include working files  
6 such as drafts or notes, whenever these have been circulated within the agency for  
7 official purpose such as for discussion, comment or approval or when these contain  
8 unique information that can substantially contribute to a proper understanding of the  
9 agency organization, policies, transactions, decisions, resolutions, enactments,  
10 actions, procedures, operations, and activities. This likewise include information  
11 submitted by public service contractors to the government agency concerned such  
12 as receipts, identities of the suppliers, purchase orders, cash vouchers, related  
13 agreements with other private entities, and other documents related to the  
14 execution or the implementation of their transactions or contracts with the  
15 government agency involved;

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

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

- 25 (1) Records pertaining to loans obtained or guaranteed by the  
26 government;
- 27 (2) Records of government contracts;
- 28 (3) The declaration under oath of the assets, liabilities and net  
29 worth of public officers and employees, as required by law; and
- 30 (4) Records of official investigations pertaining to allegations of  
31 graft and corruption of public officers.

32 (d) Government agencies shall prepare, following standards and period



1 promulgated pursuant to Republic Act No. 9470 or the National Archives of the  
2 Philippines Act of 2007, a records management program that includes the following:

- 3 i. A records maintenance system for the creation, selection,  
4 classification, indexing and filing of official records that facilitate  
5 the easy identification, retrieval and communication of  
6 information to the public;
- 7 ii. A records maintenance, archival and disposition schedule  
8 providing a listing of records under current use, for retention by  
9 the agency, for transfer to the National Archives, or for  
10 destruction: *Provided*, That destruction of the official records  
11 may be implemented only upon approval of the National  
12 Archives of the Philippines; and
- 13 iii. A specification of the roles and responsibilities of agency  
14 personnel in the implementation of such system and schedule.

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

- 22 (1) All laws of the Philippines and their amendments, from the period of  
23 the Philippine Commission to the present;
- 24 (2) All presidential issuances from November 15, 1935 to the present  
25 including, but not limited, to executive orders, presidential  
26 proclamations, administrative orders, memorandum circulars, general  
27 orders, and other similar issuances;
- 28 (3) A database of all appointments and designations made by the  
29 President of the Philippines; and
- 30 (4) Opinions of the Secretary of Justice.

31 Sec. 18. *Publication in the Official Gazette.* – For purposes of mandatory  
32 disclosure as provided in Section 8 of this Act, online publication in the *Official*

1 *Gazette* website shall be considered official publication provided there shall be a  
2 timestamp in the said document.

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

- 7 (a) All legislative acts and resolutions of a public nature of the Congress of  
8 the Philippines;
- 9 (b) All executive and administrative orders and proclamations of general  
10 application;
- 11 (c) Decisions or abstracts of decisions of the Supreme Court and the Court  
12 of Appeals or other courts of similar rank, as may be deemed by said  
13 courts of sufficient importance to be so published;
- 14 (d) Such documents or classes of documents as the President shall  
15 determine from time to time to have general application or which he  
16 may authorize to be published. However, other documents or classes  
17 of documents as may be required to be published by law, such as  
18 petitions and/or legal notices in connection with land titles,  
19 naturalization or special proceedings shall continue to be published in  
20 the print version of the *Official Gazette* or in any newspaper of general  
21 circulation for purposes of compliance with the publication  
22 requirement.

23 Sec. 19. *Capacity-Building, Promotion of Best Practices and Continuous*  
24 *Updating of Appropriate Information Technology and FOI.* – All government  
25 agencies must ensure that they have a compliant website within two (2) years from  
26 the date of effectivity of this Act. The Department of Information and  
27 Communications Technology (DICT) shall monitor all government agency websites  
28 and render the appropriate support including capacity-building program and  
29 coordination with another appropriate agency, utilizing alternative mechanism and  
30 seeking the assistance of private relevant and willing volunteer groups to ensure full  
31 compliance with the requirements of this Act.

32 In the performance of its monitoring function of government websites and



1 portals, the DICT shall endeavor to continuously develop, improve and update its  
2 information technology system taking into consideration usability and practical  
3 accessibility of government documents by the public.

4 The DICT shall be responsible for setting the standards for the file formats to  
5 be used by the political subdivisions of the State. All national and local government  
6 agencies including GOCCs with or without original charter in the publication of  
7 government public information in accordance with the provisions of this Act.

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

12 Sec. 20. *Use of Plain Language.* – Every government agency shall endeavor to  
13 use plain language in their communications orders, compliance, requirements or  
14 instructions issued to implement the provisions of this Act. The government agencies  
15 shall translate key information into major Filipino languages and present them in  
16 popular form and means.

17 (1) To carry out the provision of this Act, the Civil Service Commission  
18 (CSC) is designated to issue guidelines on the use of plain language to suit the  
19 needs of the requesting party;

20 (2) The CSC shall provide the necessary training to employees of each  
21 government agency in using plain language in public documents;

22 (3) All departments, agencies and instrumentalities of the national  
23 government, including government-owned or -controlled corporations, local  
24 government units and state colleges and universities shall designate an official  
25 responsible for implementing the plain language; and

26 (4) Website contents including, but not limited to, financial data, notices  
27 and other technical and legal documents, of government agencies must also be  
28 written in plain language to ensure that these information are easy to read,  
29 understand and use.

30 Sec. 21. *Administrative Offenses and Penalties.* –

31 (a) The acts enumerated in this sub-section shall be tantamount to grave  
32 administrative offenses and shall constitute grounds for administrative and

disciplinary sanction against any public official or employee who willfully and knowingly commits the following:

- (1) Refusal to promptly forward the request under Section 12 of this Act to the public officer within the same office or agency responsible for officially acting on the request when such is the direct cause of the failure to disclose the information within the periods required by this Act;
- (2) Failure to act on the request within the periods required by this Act;
- (3) Refusal to comply with the decision of his immediate supervisor, or of any court ordering the release of information;
- (4) Approval of policies, rules and regulations clearly contrary to the provisions of this Act, and which policies, rules and regulations are the direct cause of the denial of a request for information;
- (5) Failure to upload information required to be posted on an agency's website within the period provided under Section 19: *Provided*, That the head of agency or any other officer or employee tasked to perform said uploading shall be held liable.

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

*Sec. 22. Criminal Offenses and Penalties.* – The penalty of imprisonment of not less than one (1) month but not more than six (6) months and a fine ranging from Ten Thousand Pesos (Php10,000.00) to One Hundred Thousand Pesos (Php100,000.00) shall be imposed upon:

- (a) Any public official or employee who falsely denies or conceals the existence of information that is a proper subject for disclosure under this Act.
- (b) Any public official or employee who destroys, or causes to be destroyed, information and/or documents being requested under this Act, for the purpose of frustrating the requesting party's access thereto.
- (c) Any public officer or employee responsible for officially acting on the request, who shall claim an exception under Section 7 of this Act, or



1 under the Constitution, when such claim is manifestly devoid of factual  
2 basis.

3 (d) Any individual who divulged or released information covered under  
4 Section 7 of this Act.

5 (e) Any public officer or employee who divulged or released information  
6 that is altered, tampered or modified to the extent that the released  
7 information materially differs from the original contents of the  
8 document: *Provided*, That altering or modifying a document for the  
9 purpose of severing an exempt information from non-exempt  
10 information in a single document shall not be punishable under this  
11 subsection.

12 (f) The responsible officers of the public service contractor and the  
13 signatories to the contract or any document evidencing transaction  
14 with the government or government agency who fail to submit the  
15 necessary documents/papers

16 If the violation committed in this Act is induced and assisted by a private individual or  
17 a corporation, partnership or any kind of judicial entity, the penalty provided herein shall  
18 be imposed on its executive officer and/or other officials responsible therefor: *Provided*,  
19 That they shall suffer, in addition to the penalties provided herein, the automatic revocation  
20 of their license to operate.

21 Any public official or employee who willfully destroys, or causes to be  
22 destroyed, or sells, information and/or documents being requested under this Act,  
23 for the purpose of frustrating the requesting party's access thereto shall suffer a fine  
24 of not less than five hundred thousand pesos (Php 500,000.00) but not more than  
25 one million pesos (Php 1,000,000.00) or a penalty of five (5) years but not more  
26 than fifteen (15) years, or both, as provided in Republic Act No. 9470 of the National  
27 Archives Act.

28 Sec. 23. *Denial in Good Faith Not a Ground for Liability.* – A denial in good  
29 faith of a request made pursuant to the provisions of this Act shall not constitute  
30 grounds for administrative, civil or criminal liability. In cases of denial of the

1 request, the public official, officer or employee involved must prove that he/she  
2 acted in good faith by specifying the ground relied upon for the denial.

3       Sec. 24. *Act Not a Bar to Claim of Right to Information Under the*  
4 *Constitution.* – No provision of this Act shall be interpreted as a bar to any claim of  
5 the right to information under Article III, Section 7 of the Constitution.

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

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

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

28       Sec. 28. *Appropriations.* – The amount necessary to carry out the provisions  
29 of this Act shall be charged against the agencies' current budget and shall thereafter  
30 be included in the annual General Appropriations Act.

31       Sec. 29. *Separability Clause.* – If any section or part of this Act is held  
32 unconstitutional or invalid, the other sections or provisions not otherwise affected



1 shall remain in full force and effect.

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

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

Approved,