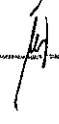


FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

7 SEP 12 P 6:12

SENATE

RECEIVED BY: 

Senate Bill No. 1578

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

It is the avowed policy of the government to afford to all its citizens broad access to public records consistent with their Constitutional right to obtain information on government transactions involving public interest and on matters of national concern. This Constitutional right is embodied in Article II, Section 28 of the Constitution which provides: "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." Article III, Section 7 also states: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

The above-quoted Constitutional provisions are clear affirmations of our adherence to a basic republican and democratic tenet -- the recognition of the people's primordial right to be informed of the workings of its government. Our rights and obligations enshrined under the Constitution would be meaningless if the working and operation of Government are shrouded in secrecy. This bill seeks to put an end to such deplorable practice which did not only wreak havoc on our economy but also eroded the trust that the people had reposed on the government.

Approval of the Bill is earnestly requested.


MANNY VILLAR

FOURTEENTH CONGRESS OF THE
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7 SEP 12 PM 12

SENATE

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**AN ACT IMPLEMENTING THE RIGHT OF ACCESS TO INFORMATION ON
MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN,
ARTICLE III OF THE 1987 CONSTITUTION AND FOR OTHER PURPOSES**

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

1 SECTION 1. *Title.* – This Act shall be known as the “Freedom of Access to
2 Information Act.”

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to afford to all its
4 citizens broad access to public records consistent with their constitutional right to obtain
5 information on government transactions involving public interest and matters of national
6 concern.

7 SEC. 3. *Access to Information.* – The following shall be made available for
8 public scrutiny: records, documents, papers, research materials, tapes, microfilm,
9 videotapes and the like, statements of policy and interpretations thereof, final opinions,
10 as well as orders made in the adjudication of cases, administrative staff manuals and
11 instructions affecting the public which are kept in or under the executive branch of the
12 government, including the Office of the President, government research institutions,
13 local governments, the military establishment and government-owned or -controlled
14 corporations which are hereinafter referred to as government agencies.

15 SEC. 4. *Exemptions.* – The following are deemed exempted from Section 3
16 hereof:

17 (a) Documents and papers pertaining to such official acts, transactions and
18 decisions, determined by the President as “Classified Information” in an

1 Executive Order duly published in the *Official Gazette* or in at least two (2)
2 newspapers of general circulation in the Philippines, which, when the
3 reproduction or revelation of information thereof, will create a clear and present
4 danger to the security of the State.

5 (b) Documents, records and papers compiled for law enforcement purposes,
6 which, when the reproduction or revelation of information thereof would:

7 (1) Unduly interfere with law enforcement proceedings;

8 (2) Deprive a person of the right to a fair trial or an impartial adjudication;

9 (3) Disclose the identity of a confidential source or reveal confidential
10 information furnished by the confidential source to the government agency on
11 policy or intelligence investigations;

12 (4) Constitute an unwarranted invasion of personal privacy;

13 (5) Disclose investigative procedures, operations and techniques; and

14 (6) Endanger the life or physical safety of law enforcement personnel or their
15 immediate families.

16 (c) All documents, papers, information, data and records obtained by any
17 committee of the two Houses of Congress in executive session;

18 (d) Documents, papers and similar information on medical and personnel
19 records, which, when the reproduction or revelation or unauthorized disclosure of
20 information thereof, would constitute an invasion of personal privacy;

21 (e) Inter-agency memoranda, opinions and communications concerning a
22 case under established discovery processes;

23 (f) Trade secrets, commercial or financial information obtained by a
24 government agency responsible for the supervision and regulation of financial
25 institutions, including those which are contained in or related to examination,
26 operating or condition reports prepared by or made on behalf of or for the use of
27 any government agency responsible for the supervision and regulation of
28 financial institutions; and

1 (g) Those which are exempted by law or other than the provisions of this Act:
2 *Provided, however,* That any reasonably segregable portion of the record shall
3 be provided to any person requesting such record after the exempt portions
4 *under this Act have been deleted.*

5 SEC. 5. *Procedure.* – Any person who wishes to obtain information or any
6 specific records, documents, papers and the like, shall notify the government agency
7 concerned in writing, reasonably describing the information required. The government
8 agency concerned shall comply with such request within five (5) working days from the
9 receipt thereof.

10 If the government agency decides to deny the requests, in whole or in part, it
11 shall, within five (5) working days from receipt of request, notify the person making the
12 request of such denial in writing.

13 The notification shall clearly indicate the name, rank and title or position of the
14 person making the denial and the grounds for the denial.

15 Cost of the reproduction, copying or transcription of the record or document requested
16 shall not constitute a valid ground for the denial of a request without prejudice, however,
17 *to the right of the government agency to charge reasonable reimbursement.*

18 SEC. 6. *Extensions.* – In unusual circumstances, as defined under this Act,
19 the time limits prescribed in Section 5 above may be extended. Unusual circumstances
20 arise where, in the production of the requested information, documents or records,
21 there is a need:

22 (a) To search for and collect the requested records from field facilities or
23 other establishments that are separate from the office processing the request;

24 (b) To search for, collect and appropriately examine a voluminous amount of
25 separate and distinct records which are demanded in a single request; or

26 (c) For consultation, which shall be conducted within all practicable speed,
27 with another agency having a substantial interest in the determination of the
28 request of among two or more components of the agency having substantial
29 subject matter interest therein.

1 The agency shall, in writing, notify the person making the request of the
2 extension setting forth the reasons for such extensions and the date on which a
3 determination is expected to be dispatched: *Provided, however,* That no such notice
4 shall specify a date that would result in an extension of more than fifteen (15) working
5 days.

6 **SEC. 7. *Jurisdiction of the Court.*** – The denial made by the government
7 agency is deemed to have been made with permission or clearance from the highest
8 authority having jurisdiction over the government agency concerned and may, thus, be
9 directly brought within fifteen (15) days from receipt of notice of denial to the Regional
10 Trial Court where the agency records are situated or held in official custody.

11 The Regional Trial Court shall have exclusive and original jurisdiction over the cases
12 filed under this Act.

13 **SEC. 8. *Preferential Disposition of Cases Under this Act.*** – Except for cases
14 the court considers of greater importance, proceedings before the court, as authorized
15 by this Act, take precedence on the docket over all cases.

16 The court shall commence proceedings without delay and shall be conducted
17 summarily where the complainant and the defendant may submit their verified
18 complaint and verified answer together with supporting documents and affidavits of
19 merit, within a period of fifteen (15) working days, without extension. Thereafter, the
20 case shall be deemed submitted for decision.

21 The court shall decide the case within fifteen (15) working days from submission
22 of the verified complaint and verified answer of the parties.

23 **SEC. 9. *Appeal.*** – The decision of the lower court may be appealed to the
24 Court of Appeals within fifteen (15) days from receipt by the losing party of the decision.

25 The appeal must be under oath and must set forth the legal and factual basis therefor.

26 The appellee has a period of fifteen (15) days without extension, within which to file his
27 verified reply which must set forth the factual and legal basis of the reply, after which
28 the appeal shall be deemed submitted for decision.

1 The Court of Appeals must give priority to the appeal and must render its decision
2 within thirty (30) days from the date the appeal is submitted for decision.

3 SEC. 10. *Penalties.* – Any person found guilty of unreasonably and unjustly
4 withholding any information or record, document and the like, requested under this Act
5 shall be punished with a fine of not more than Twenty thousand pesos (P20,000.00) or
6 imprisonment of at least six (6) months and one (1) day but not more than six (6) years
7 with all the accessory penalties as provided for by law, or both, at the discretion of the
8 Court.

9 SEC. 11. *Duties of Government Agency.* – Each government agency, which
10 shall be deemed to be acting under authority and with permission of the highest
11 authority having jurisdiction over the particular agency concerned, shall make the
12 following information available to the public:

13 (a) Location of head, regional, provincial or field offices or other established
14 places where the public can obtain information or submit requests therefor.

15 (b) The person or office authorized/responsible to receive and act on the
16 request; and

17 (c) Any change, amendment or revision of the foregoing.

18 Each government agency shall publish the above-stated information in the
19 *Official Gazette* and any newspaper of general circulation for the guidance of the public.

20 Each government agency shall, within six (6) months after the effectivity of this Act,
21 promulgate its procedures, rules and regulations, including fees and charges for the
22 retrieval and production of information as provided in this Act.

23 The guidelines shall be submitted to the Philippine Information Agency for review as
24 provided in Section 14 of this Act.

25 SEC. 12. *Schedule of Fees.* – Each government agency shall promulgate its
26 rules and regulations, specifying a uniform schedule of fees applicable to all constituent
27 units of such government agency: *Provided,* That such fees shall be limited to the
28 reasonable and standard charges for document search and reproduction, and provide
29 only for recovery of the direct costs of such search or reproduction: *Provided, further,*

1 That documents shall be furnished without charge or at a reduced charge where the
2 agency determines that a waiver or reduction of the fee is in the public interest.

3 SEC. 13. *Declassification of Documents.* – Any classified document or paper
4 involving national security shall be reviewed every five (5) years by the head of the
5 appropriate agency concerned for purposes of declassification. Declassified
6 information or records shall always be made available to the public: *Provided*, That any
7 classified document or paper involving national security shall be deemed declassified
8 and open to the public after a period of twenty (20) years from the date of publication in
9 the *Official Gazette* of the Executive Order declaring it to be so, unless the President of
10 the Philippines in an executive order declares its continued classified status.

11 SEC. 14. *General Guidelines.* – For the implementation of this Act, the Office
12 of the Press Secretary in coordination with the Philippine Information Agency shall
13 promulgate, within three (3) months after the effectivity of this Act, the general
14 guidelines by which the government agencies shall adhere to in the establishment of
15 their specific procedures, rules and regulations. Each agency shall submit its
16 guidelines to the Philippine Information Agency for review to ensure standardization of
17 procedures and uniformity of fees, without prejudice to the right of an agency to adopt
18 appropriate procedures for its unique functions and responsibilities.

19 SEC. 15. *Separability Clause.* – If for any reason, any section or provision of
20 this Act is held unconstitutional or invalid, no other section or provision shall be
21 affected.

22 SEC. 16. *Repealing Clause.* – All laws, decrees, executive orders, rules and
23 regulations, issuances or any parts thereof inconsistent with the provisions of this Act
24 are deemed repealed or amended accordingly.

25 SEC. 17. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
26 its publication in at least two (2) national newspapers of general circulation.

Approved,