

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

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SENATE
S. No. **2283**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The public's right to information on matters of public concern and access to official records pertaining to official acts and transactions are recognized to be principles of utmost importance in a free society.

The Constitution, Article 14, Section 28 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.

and corollary thereto, Article 2, Section 7 states:

The right of the people to information on matters of public concerns shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Pursuant to these constitutional dictates, this bill seeks the passage of legislation that will ensure that the State shall remain fully accountable to the people by:

- a) providing for disclosure of all government information in order to facilitate informed public participation in policy formulation and promote transparency and fairness in government decision-making; and
- b) giving the people the right of access to information on matters involving public interest and/ or of public concern.

This bill was originally filed by Sen. Rodolfo G. Biazon in the Fourteenth Congress.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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OFFICE OF THE CLERK

6 AUG 1984

SENATE
S. No. **2283**

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON MATTERS
3 OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN, ARTICLE THREE
4 OF THE 1987 CONSTITUTION AND THE STATE POLICY OF FULL PUBLIC
5 DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST
6 UNDER SECTION TWENTY-EIGHT, ARTICLE TWO OF THE 1987 CONSTITUTION

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

7 SECTION 1. *Short Title.* – This Act shall be known as the “Freedom of Information
8 Act”.

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

15 SEC. 3. *Coverage.* – This Act shall cover all government agencies as defined under
16 Section 4 of this Act.

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

1 (a) "Information" shall mean any knowledge, record, document, paper, report, letters,
2 contract, minutes and transcripts of official meetings, maps, books, photographs, data,
3 research material, film, sound and video recordings, magnetic or other tapes,
4 electronic data, computer stored data, or any other like or similar data or material
5 recorded, stored or archived in whatever form or format, which are made, received or
6 kept in or under the control and custody of any government agency pursuant to law,
7 executive order, rules and regulations, ordinance or in connection with the
8 performance or transaction of official business by any government agency.

9 (b) "Government agency" shall include the executive, legislative and judicial branches as
10 well as the constitutional bodies of the Republic of the Philippines including, but not
11 limited to, the national government and all its agencies, departments, bureaus, offices
12 and instrumentalities, constitutional commissions and constitutionally mandated
13 bodies, local governments and all their agencies, regulatory agencies, chartered
14 institutions, government-owned or -controlled corporations, including wholly-owned
15 or controlled subsidiaries, government financial institutions, state universities and
16 colleges, the Armed Forces of the Philippines, the Philippine National Police, all
17 offices in the Congress of the Philippines including the offices of Senators and
18 Representatives, the Supreme Court and all lower courts established by law.

19 (c) "Official records" shall refer to information produced or received by a public officer
20 or employee, or by a government agency in an official capacity or pursuant to a public
21 function or duty, and is not meant to be a stage or status of the information.

22 (d) "Public records" shall include information required by law, executive orders, rules, or
23 regulations to be entered, kept and made publicly available by a government agency.

24 SEC. 5. *Presumption.* – There shall be a legal presumption in favor of access to
25 information. Accordingly, government agencies shall have the burden of proof of showing by

1 clear and convincing evidence that the information requested is exempted from disclosure by
2 this Act.

3 SEC. 6. *Access to Information.* – Government agencies shall make available to the
4 public for scrutiny, copying and reproduction in the manner provided by this Act, all
5 information pertaining to official acts, transactions or decisions, as well as government
6 research data used as basis for policy development, regardless of their physical form or
7 format in which they are contained and by whom they were made.

8 SEC. 7. *Exceptions.* – Subject to the qualifications set forth in Section 8 of this Act,
9 access to information may be denied when:

- 10 (a) The information is specifically authorized to be kept secret under guidelines
11 established by an executive order, and in fact properly classified pursuant thereto:
12 *Provided,* That 1) The information directly relates to national defense and its
13 revelation will cause grave damage to the internal and external defense of the State; or
14 2) The information requested pertains to the foreign affairs of the Republic of the
15 Philippines, when its revelation unduly weaken the negotiating position of the
16 government in an ongoing bilateral or multilateral negotiation or seriously jeopardize
17 the diplomatic relations of the Philippines with one or more states with which it
18 intends to keep friendly relations: *Provided, further,* That the executive order shall
19 specify the reasonable period by which the information shall be automatically
20 declassified or subject to mandatory declassification review, and that any reasonable
21 doubt as to classification and declassification shall be settled in favor of the right to
22 information;
- 23 (b) The information requested pertains to internal and external defense and law
24 enforcement, when the revelation thereof would render a legitimate military or law

1 enforcement operation ineffective, unduly compromise the prevention, detection or
2 suppression of a criminal activity, or endanger the life or physical safety of
3 confidential or protected sources or witnesses, law enforcement and military
4 personnel or their immediate families. Information relating to the details of the
5 administration, budget and expenditure, and management of the defense and law
6 enforcement agencies shall always be accessible to the public;

7 (c) The information requested pertains to the personal information of a natural person
8 other than the requesting party, and its disclosure would constitute a clearly
9 unwarranted invasion of his or her personal privacy, unless it forms part of a public
10 record, or the person is or was an official of a government agency and the information
11 relates to his or her public function, or the person has consented to the disclosure of
12 the information;

13 (d) The information requested pertains to trade, industrial, financial or commercial secrets
14 of a natural or juridical person other than the requesting party, obtained in confidence
15 by, and/or filed with a government agency, whenever the revelation thereof would
16 seriously prejudice the interests of such natural or juridical person in trade, industrial,
17 financial or commercial competition, unless such natural or juridical person has
18 consented to the disclosure of the information;

19 (e) The information is privileged from production in legal proceedings by law or by the
20 Rules of Court, unless the person entitled to the privilege has waived it;

21 (f) The information requested is exempted by law or the Constitution, in addition to those
22 provided in this section;

23 (g) The information requested is obtained by any committee of either House of Congress
24 in executive session, whenever such information falls under any of the foregoing
25 exceptions; and

1 (h) The information requested consists of drafts of decisions by any executive,
2 administrative, judicial or quasi-judicial body in the exercise of their adjudicatory
3 functions whenever the revelation thereof would reasonably tend to impair the
4 impartiality of verdicts, or otherwise obstruct the administration of justice.

5 For letters (b) to (h) of this section, the determination whether any of these grounds
6 shall apply shall be the responsibility of the head of office of the government agency
7 in custody or control of the information, or any responsible central or field officer/s
8 duly designated by him.

9 SEC. 8. *Qualifications.* – Even if the information falls under the exceptions set forth in
10 the preceding section, access to information shall not be denied if:

11 (a) The information may be reasonably severed from the body of the information which
12 would be subject to the exceptions;

13 (b) The public interest in the disclosure outweighs the harm to the interest sought to be
14 protected by the exceptions; or

15 (c) The requesting party is either House of Congress, or any of its Committees and the
16 disclosure is to be made in executive session, unless the disclosure will constitute a
17 violation of the Constitution.

18 SEC. 9. *Procedure of Access.* – (a) Any person who wishes to obtain information shall
19 submit a request to the government agency concerned personally, by mail, or through
20 electronic means. The request shall state the name and preferred contact information of the
21 requesting party, and reasonably describe the information required, the reason for the request
22 of the information and the preferred means by which the government agency shall
23 communicate such information to the requesting party: *Provided,* That the stated reason shall
24 not be used as a ground to deny the request or to refuse the acceptance of the request, unless

1 such reason is contrary to law. If the request is submitted personally, the requesting party
2 shall show his current identification card issued by any government agency, or government or
3 private employer or school, or a community tax certificate. If the request is submitted by mail
4 or through electronic means, the requesting party may submit a photostatic or electronically
5 scanned copy of the identification, or other convenient means as determined by the agency.

6 (b) The request shall be stamped by the government agency, indicating the date and
7 time of receipt and the name, rank, title and position of the receiving public officer or
8 employee with the corresponding signature, and a copy thereof furnished to the requesting
9 party. In case the request is submitted by electronic means, the government agency shall
10 provide for an equivalent means by which the requirements of this paragraph shall be met.

11 (c) The request may indicate the following preferred means of communication:

- 12 (1) A true copy of the information in permanent or other form;
13 (2) An opportunity to inspect the information, using equipment normally available
14 to the government agency when necessary;
15 (3) An opportunity to copy the information using personal equipment;
16 (4) A written transcript of the information contained in a audio or visual form;
17 (5) A transcript of the content of an information requested, in print, sound or
18 visual form, where such transcript is capable of being produced using
19 equipment normally available to the government agency;
20 (6) A transcript of the information from shorthand or codified form; or
21 (7) Other reasonable means or format.

22 (d) A government agency may communicate the information requested in a form other
23 than the preferred means whenever such preferred means would unreasonably interfere with
24 the effective operation of the agency, or be detrimental to the preservation of the record.

1 (e) The government agency shall comply with such request within seven (7) working
2 days from the receipt thereof.

3 (f) The time limits prescribed in this Section for the production of the requested
4 information may be extended whenever there is a need for any of the following:

5 (1) To search for and collect the requested information from field facilities or
6 other establishments that are separate from the office processing the request;

7 (2) To search for, collect and appropriately examine a voluminous amount of
8 separate and distinct information which are demanded in a single request;

9 (3) Consultation, which shall be conducted in all practicable speed, with another
10 government agency or among two (2) or more components of the government
11 agency having substantial interest in the determination of the request; and

12 (4) To consider fortuitous events or other events due to *force majeure* or other
13 analogous cases.

14 (g) The government agency shall, in writing or through electronic means, notify the
15 person making the request of the extension, setting forth the reasons for such extension and
16 the date when the information shall be made available: *Provided*, That no such notice shall
17 specify a date that would result in an extension of more than fifteen (15) working days from
18 the original deadline.

19 SEC. 10. *Access Fees.* – Government agencies may charge a reasonable fee to
20 reimburse the actual cost of reproduction, copying or transcription and the communication of
21 the information requested.

22 SEC. 11. *Notice of Denial.* – If the government agency decides to deny the request, in
23 whole or in part, it shall, within seven (7) working days from the receipt of the request, notify
24 the person making the request of such denial in writing or through electronic means. The

1 notice shall clearly indicate the name, rank, title or position of the person making the denial,
2 and the grounds for the denial. In case the denial is by reason of a claimed exception, the
3 denial shall also state clearly the legitimate aim or interest sought to be protected in the
4 confidentiality, and the facts and circumstances invoked showing the substantial harm to, or
5 frustration of, the legitimate aim or interest that will result in the disclosure of the information.
6 Failure to notify the person making the request of the denial, or of the extension, shall be
7 deemed a denial of the request for access to information.

8 SEC. 12. *Implementation Requirements.* – (a) For the effective implementation of this
9 Act, all government agencies shall prepare a Freedom of Information Manual, with the end in
10 view of facilitating easy access to information, which shall include the following:

- 11 (1) The location and contact information of the head, regional, provincial and
12 field offices, and other established places where the public can obtain
13 information or submit requests;
- 14 (2) The types of information it generates, produces, holds and/or publishes;
- 15 (3) A description of its record-keeping system;
- 16 (4) The person or office responsible for receiving requests for information;
- 17 (5) The procedure for the filing of requests personally, by mail, or through the
18 identified electronic means;
- 19 (6) The standard forms for the submission of request and for the proper
20 acknowledgement of the request;
- 21 (7) The process for the disposition of the request, including the routing of the
22 request to the person or office with the duty to act on the request, the decision-
23 making, and the grant or denial of access and its implementation;
- 24 (8) The procedure for the administrative appeal of any denial for access to
25 information;

1 (9) The schedule of fees;

2 (10) The process and procedure for the mandatory disclosure of information
3 under Section 14 of this Act;

4 (11) Should the agency lack the capacity to comply with Section 14(a) of this
5 Act, a brief description of its plan to facilitate compliance within three (3)
6 years from the approval of this Act; and

7 (12) Such other information, taking into consideration the unique characteristics
8 of an agency, that will help facilitate the effective implementation of this
9 Act.

10 (b) The Judiciary shall prepare a similar manual as directed by the Supreme Court;

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

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

15 SEC. 13. *Remedies in Cases of Denial.* – (a) In all government agencies other than the
16 judicial branch–

17 (1) Every denial of any request for access to information may be appealed to the
18 person or office next higher in authority, following the procedure mentioned
19 in Section 12(a) (8) of this Act: *Provided,* That the appeal must be filed
20 within fifteen (15) calendar days from the notice of denial and must be
21 decided within fifteen (15) calendar days from filing. Failure of the
22 government agency to decide within the aforesated period shall constitute a
23 denial of the appeal; and

24 (2) Instead of appealing or after the denial of the appeal, the person denied access
25 to information may file a verified complaint with the Office of the

1 Ombudsman, praying that the government agency concerned be directed to
2 immediately afford access to the information being requested. Such complaint
3 shall be resolved by the Office of the Ombudsman within sixty (60) calendar
4 days from filing, or earlier when time is of the essence, taking into account
5 such factors as the nature of the information requested, context of the request,
6 public interest and danger that the information requested will become moot.
7 The Office of the Ombudsman shall promulgate its special rules of procedure
8 for the immediate disposition of complaints filed pursuant to this Section.
9 Unless restrained or enjoined, the decisions of the Office of the Ombudsman
10 shall be immediately executory, without prejudice to review in accordance
11 with the Rules of Court.

12 (3) Instead of filing a complaint with the Office of the Ombudsman, whenever a
13 request for information is denied originally or on administrative appeal, the
14 requesting party may file a verified petition for mandamus in the proper court,
15 alleging the facts with certainty and praying that judgment be rendered
16 ordering the respondent, immediately or at some other time to be specified by
17 the court, to disclose the information and to pay the damages sustained by the
18 requesting party by reason of the denial. The procedure for such petition shall
19 be summary in nature.

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

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

3 (c) The remedies under this section are without prejudice to any other administrative,
4 civil or criminal action covering the same act.

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

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

11 SEC. 14. *Mandatory Disclosure of Transactions Involving Public Interest.* –

12 (a) Subject to Sections 7 and 8 of this Act, all government agencies shall upload on
13 their websites, which shall be regularly updated every fifteen (15) days, all the steps,
14 negotiations and key government positions pertaining to definite propositions of the
15 government, as well as the contents of the contract, agreement or treaty in the following
16 transactions involving public interest:

17 (1) Compromise agreements entered into by a government agency with any
18 person or entity involving any waiver of its rights or claims;

19 (2) Private sector participation agreements or contracts in infrastructure and
20 development projects under Republic Act No. 6957, as amended by Republic
21 Act No. 7718, authorizing the financing, construction, operation and
22 maintenance of infrastructure projects;

23 (3) Procurement contracts entered into by a government agency;

24 (4) Construction or concession agreements or contracts entered into by a
25 government agency with any domestic or foreign person or entity;

- 1 (5) Loans, grants, development assistance, technical assistance and programs
2 entered into by a government agency with official bilateral or multilateral
3 agencies, as well as with private aid agencies or institutions;
- 4 (6) Loans from domestic and foreign financial institutions;
- 5 (7) Guarantees given by any government agency to government-owned or -
6 controlled corporations and to private corporations, persons or entities;
- 7 (8) Public funding extended to any private entity;
- 8 (9) Bilateral or multilateral agreements and treaties in defense, trade, economic
9 partnership, investments, cooperation and similar binding commitments; or
- 10 (10) Licenses, permits or agreements given by any government agency to
11 any person or entity for the extraction and/or utilization of natural resources.

12 A summary list of the foregoing information uploaded in the website shall be posted
13 in the bulletin boards of the concerned government agency.

14 (b) The information uploaded in the website under letter (a) of this Section may be
15 withdrawn after a period of three (3) years from the time of uploading: *Provided*, That an
16 abstract of the information withdrawn shall remain uploaded in the website, containing a brief
17 description of the transaction and an enumeration of the information withdrawn, and
18 indicating the dates of posting and withdrawal.

19 (c) Should an agency lack the capacity to comply with letter (a) of this Section, the
20 agency shall initiate a capacity-building program, or coordinate with another appropriate
21 agency, to facilitate substantive compliance not later than three (3) years upon approval of
22 this Act.

23 SEC. 15. *Keeping of Records.* – a) Government agencies shall create and/or maintain
24 in appropriate formats, accurate and reasonably complete documentation or records of their
25 organization, policies, transactions, decisions, resolution, enactments, actions, procedures,

1 operations, activities, communications, documents received or filed with them and the data
2 generated or collected. These shall include working files such as drafts or notes, whenever
3 these have been circulated within the agency for official purpose such as for discussion,
4 comment or approval or when these contain unique information that can substantially
5 contribute to a proper understanding of the agency organization, policies, transactions,
6 decisions, resolutions, enactments, actions, procedures, operations, and activities;

7 b) Government agencies shall identify specific and classes of official records in their
8 custody or control that have continuing historical, administrative, informational, legal,
9 evidentiary, or research value for preservation by such agencies or their legitimate successors,
10 or for transfer to the National Archives of the Philippines. In addition, the National Archives
11 of the Philippines shall likewise identify specific and classes of official records that it shall
12 require agencies to preserve and transfer to it.

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

- 15 1) Records pertaining to loans obtained or guaranteed by the government;
- 16 2) Records of government contracts;
- 17 3) The declaration under oath of the assets, liabilities and net worth of public
18 officers and employees, as required by law; and
- 19 4) Records of official investigations on graft and corruption practices of public
20 officers.

21 d) Government agencies shall prepare, following standards and period promulgated
22 pursuant to Republic Act No. 9470 or the National Archives of the Philippines Act of 2007, a
23 records management programs that includes the following:

1 1) A records maintenance system for the creation, selection, classification,
2 indexing and filing of official records, that facilitates easy identification, retrieval and
3 communication of information to the public;

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

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

10 e) In addition to its function as repository of all rules and regulations issued by
11 agencies as provided under Book VII, Chapter II of the Administrative Code of 1987, the
12 University of the Philippines Law Center, in coordination with the National Printing Office as
13 the agency with exclusive printing jurisdiction over the *Official Gazette*, shall maintain a
14 database, and publish the same in print in *Official Gazette* or in digital or online form, the
15 following: 1) All laws of the Philippines and their amendments, from the period of the
16 Philippine Commission to the present; 2) All presidential issuances from November 15, 1935
17 to the present, including but limited, to executive orders, presidential proclamations,
18 administrative orders, memorandum circulars, general orders, and other similar issuances; 3)
19 A database of all appointments made by the President of the Philippines; and 4) Opinions of
20 the Secretary of Justice.

21 SEC. 16. *Promotion of Openness in Government.* – (a) Duty to Publish Information –
22 Government agencies shall regularly publish, print and disseminate at no cost to the public
23 and in an accessible form, in conjunction with R.A. 9485, or the Anti-Red Tape Act of 2007,
24 and through their website, timely, true, accurate and updated key information including, but
25 not limited to:

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

16 (b) Accessibility of Language and Form – Every government agency shall endeavor to
17 translate key information into major Filipino languages and present them in popular form and
18 means.

19 (c) Improving Capability – Every government agency shall ensure the provision of
20 adequate training for its officials to improve awareness of the right to information and the
21 provisions of this Act, and to keep updated of best practices in relation to information
22 disclosure, records maintenance and archiving.

23 SEC. 17. *Criminal Liability and Administrative Liability.* – The penalty of
24 imprisonment of not less than one (1) month but not more than six (6) months shall be
25 imposed upon:

- 1 (a) Any public officer or employee receiving the request under Section 9 of this Act
2 who shall fail to promptly forward the request to the public officer within the
3 same office or agency responsible for officially acting on the request when such is
4 the direct cause of the failure to disclose the information within the periods
5 required by this Act;
- 6 (b) Any public officer or employee responsible for officially acting on the request,
7 who shall:
- 8 (1) Fail, to act on the request within the periods required by this Act;
 - 9 (2) Knowingly deny the existence of existing information;
 - 10 (3) Destroy information being requested for the purpose of frustrating the
11 requester's access thereto;
 - 12 (4) Claim an exception under Section 7 of this Act, or under the
13 Constitution, when the claim is manifestly devoid of factual basis; or
 - 14 (5) Refuse to comply with the decision of his immediate supervisor, the
15 Ombudsman or the court ordering the release of information that is
16 not restrained or enjoined by a court;
- 17 (c) The head of office of the government agency directly and principally responsible
18 for the negotiation and perfection of any of the transactions enumerated in Section
19 14(a) of this Act, who shall knowingly refuse, to direct the mandatory posting or
20 uploading of such transaction despite the agency capacity to implement such
21 directive. The same penalty shall be imposed upon the public officer or employee
22 who, despite a directive from the head of office, shall fail, to post or upload any of
23 the transactions enumerated in Section 14(a) of this Act;
- 24 (d) Any public officer or employee who shall destroy, or cause to destroy, records of
25 information covered by Section 15(c) of this Act;

1 (e) Any public officer who formulates policies, rules and regulations manifestly
2 contrary to the provisions of this Act, and which policies, rules and regulations are
3 the direct cause of the denial of a request for information; or

4 (f) Any public or private individual who knowingly induced or caused the
5 commission of the foregoing acts under this section.

6 The foregoing shall be without prejudice to any administrative liability of the offender
7 under existing laws and regulations.

8 SEC. 18. *Act Not a Bar to Claim of Right to Information Under the Constitution.* – No
9 provision of this Act shall be interpreted as a bar to any claim of denial of the right to
10 information under Article III, Section 7 of the 1987 Constitution.

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

13 SEC. 20. *Repealing Clause.* – All laws, decrees, executive orders, rules and
14 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
15 including Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules
16 Governing Security of Classified Matter in Government Offices), as amended, and Section 3,
17 Rule IV of the Rules Implementing Republic Act No. 6713 (Code of Conduct and Ethical
18 Standards for Public Officials and Employees), are deemed repealed.

19 SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication
20 in at least two (2) national newspapers of general circulation.

Approved,