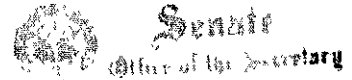


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



13 JUL -1 A9:05

SENATE

S. B. No. 18

RECORDED BY: 

Introduced by Senator FRANCIS G. ESCUDERO

EXPLANATORY NOTE

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

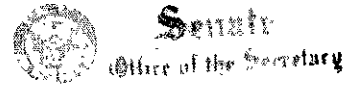
This bill seeks to enhance access to information under the principle of public accountability of any public office. Transparency in all government transactions empowers the people to correctly demand accountability from the government.

Finally, this proposed measure also includes provisions that penalize failure to disclose information within a given period of time, such penalties range from damages, suspension and imprisonment.



FRANCIS G. ESCUDERO

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



13 JUL -1 A9 05

SENATE
S. B. No. 18

RECEIVED BY: *ja*

Introduced by Senator FRANCIS G. ESCUDERO

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

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Freedom of
2 *Information Act*".

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

11
12 **SECTION 3. Coverage.** - This Act shall cover all government agencies as
13 defined under Section 4 of this Act.

14
15 **SECTION 4. Definition of Terms.** - As used in this Act:

16 (a) "Information" shall mean any knowledge, record, document,
17 paper, report, letters, contract, minutes and transcripts of official

1 meetings, maps, books, photographs, data, research, material, film,
2 sound and video recordings, magnetic and other tapes, electronic
3 data, computer stored data or any other like or similar data or
4 material recorded, stored or archived in whatever form or format,
5 which are made, received and kept in or under control and
6 custody of any government agency pursuant to law, executive
7 order, rules and regulations, ordinance or in connection with the
8 performance or transaction of official business by any government
9 agency.

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

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

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

30
31 **SECTION 5. *Presumption.*** - There shall be a legal presumption in favor of
32 access to information. Accordingly, government agencies shall have the burden of
33 proof of showing by clear and convincing evidence that the information requested is
34 exempted from disclosure by this Act.

1
2 **SECTION 6. *Access to Information.*** Government agencies shall make available
3 to the public for scrutiny, copying and reproduction in the manner provided by this
4 Act, all information pertaining to official acts, transactions or decisions, as well as
5 government research data used as basis for policy development, regardless of this
6 physical form or format in which they are contained and by whom they were made.
7

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

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

26 (b) The information requested pertains to internal and external
27 defense and law enforcement, when the revelation thereof would
28 render a legitimate military or law enforcement operation
29 ineffective, unduly compromise the prevention, detection or
30 suppression of a criminal activity, or endanger the life or physical
31 safety of confidential or protected sources or witnesses, law
32 enforcement and military personnel or their immediate families.
33 Information relating to the details of the administration, budget

1 and expenditure and management of the defense and law
2 enforcement agencies shall always be accessible to the public.

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

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

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

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

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

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

31
32 For letters (b) to (h) of this section, the determination whether any of
33 these grounds shall apply shall be the responsibility of the head of
34 office of the government agency in custody or control of the

1 information, or any responsible central or field officer/s duly
2 designated by him.

3
4 **SECTION 8. Qualifications.** - Even if the information falls under the
5 exceptions set forth in the preceding section, access to information shall not be
6 denied if:

- 7 (a) The information may be reasonably severed from the body of the
8 information which would be subject to the exceptions;
- 9 (b) The public interest in the disclosure outweighs the harm to the interest
10 sought to be protected by the exceptions; or
- 11 (c) The requesting party is either House of Congress, or any of its
12 Committees and the disclosure is to be made in executive session, unless
13 the disclosure will constitute a violation of the Constitution.

14
15 **SECTION 9. Procedure of Access.** - (a) Any person who wishes to obtain
16 information shall submit a request to the government agency concerned
17 personally, by mail, or through electronic means. The request shall state the
18 name and preferred contact information of the requesting party, and
19 reasonably describe the information required, the reason for the request of the
20 information and the preferred means by which the government agency shall
21 communicate such information to the requesting party: *Provided*, That the
22 stated reason shall not be used as a ground to deny the request or to refuse
23 the acceptance of the request, unless such reason is contrary to law. If the
24 request is submitted personally, the requesting party shall show his current
25 identification card issued by any government agency, or government or
26 private employer or school, or a community tax certificate. If the request is
27 submitted by mail or through electronic means, the requesting party may
28 submit a photostatic or electronically scanned copy of the identification, or
29 other convenient means as determined by the agency.

30 (b) 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
32 receiving public officer or employee with the corresponding signature, and a
33 copy thereof furnished to the requesting party. In case the request is

1 submitted by electronic means, the government agency shall provide for an
2 equivalent means by which the requirements of this paragraph shall be met.

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

5 (1) A true copy of the information in permanent or other form;

6 (2) An opportunity to inspect the information, using equipment
7 normally available to the government agency when necessary;

8 (3) An opportunity to copy the information using personal equipment;

9 (4) A written transcript of the information contained in a audio-visual
10 form;

11 (5) A transcript of the content of an information requested, in print,
12 sound or visual form, where such transcript is capable of being produced
13 using equipment normally available to the government agency;

14 (6) A transcript of the information from shorthand or codified form; or

15 (7) Other reasonable means or format.

16
17 (d) A government agency may communicate the information requested in a
18 form other than the preferred means whenever such preferred means
19 would unreasonably interfere with the effective operation of the agency,
20 or be detrimental to the preservation of the record.

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

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

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

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

32 (3) Consultation, which shall be conducted in all practicable
33 speed, with another government agency or among two (2)

1 or more components of the government agency having
2 substantial interest in the determination of the request; and
3 (4) To consider fortuitous events or other events due to *force*
4 *majeure or other analogous cases.*

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

11 **SECTION 10. Access Fees.** - Government agencies may charge a
12 reasonable fee to reimburse the actual cost of reproduction, copying or
13 transcription and the communication of the information requested.
14

15 **SECTION 11. Notice of Denial.** - If the government agency decides to deny
16 the request, in whole or in part, it shall, within seven (7) working days from
17 the receipt of the request, notify the person making the request of such denial
18 in writing or through electronic means. The notice shall clearly indicate the
19 name, rank, title or position of the person making the denial, and the grounds
20 for the denial. In case the denial is by reason of a claimed exception, the
21 denial shall also state clearly the legitimate aim or interest sought to be
22 protected in the confidentiality, and the facts and circumstances invoked
23 showing the substantial harm to, or frustration of, the legitimate aim or
24 interest that will result in the disclosure of the information. Failure to notify
25 the person making the request of the denial, or of the extension, shall be
26 deemed a denial of the request for access to information.
27

28 **SECTION 12. Implementation Requirements.** - (a) For the effective
29 implementation of this Act, all government agencies shall prepare a Freedom
30 of Information Manual, with the end in view of facilitating easy access to
31 information, which shall include the following:

32 (1) The location and contact information of the head, regional,
33 provincial and field offices, and other established places where the
34 public can obtain information or submit requests.

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

25
26 (b) The Judiciary shall prepare a similar manual as directed by the Supreme
27 Court;

28 (c) The foregoing information shall also be posted in its website and bulleting
29 boards, and shall be regularly updated.

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

32
33 **SEC. 13. Remedies in Cases of Denial.** – (a) In all government agencies other
34 than the judicial branch –

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

9 (2) Instead of appealing or after the denial of the appeal, the person
10 denied access to information may file a verified complaint with the
11 Office of the Ombudsman, praying that the government agency
12 concerned be directed to immediately afford access to the
13 information being requested. Such complaint shall be resolved by
14 the Office of the Ombudsman within sixty (6) calendar days from
15 filing, or earlier when time is of the essence, taking into account
16 such factors as the nature of the information requested, context of
17 the request, public interest and danger that the information
18 requested will become moot. The Office of the Ombudsman shall
19 promulgate its special rules of procedure for the immediate
20 disposition of complaints files pursuant to this Section. Unless
21 restrained or enjoined, the decisions of the Office of the
22 Ombudsman shall be immediately executory, without prejudice to
23 review in accordance with the Rules of Court.

24 (3) Instead of filing a complaint with the Office of the Ombudsman,
25 whenever a request for information is denied originally or on
26 administrative appeal, the requesting party may file a verified
27 petition for mandamus in the proper court, alleging the facts with
28 certainty and praying that judgment be rendered ordering the
29 respondent, immediately or at some other time to be specified by
30 the court, to disclose the information and to pay the damages
31 sustained by the requesting party by reason of the denial. The
32 procedure for such petition shall be summary in nature.

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

8 (b) In the Judicial Branch - The Judiciary shall be governed by such remedies
9 as promulgated by the Supreme Court.

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

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

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

19
20 **SEC. 14. *Mandatory Disclosure of Transactions Involving Public Interest.* -**

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

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

29 (2) Private sector participation agreements or contracts in
30 infrastructure and development projects under Republic
31 Act No. 6957, as amended by Republic Act No. 7718,

1 authorizing the financing, construction , operation and
2 maintenance of infrastructure projects;

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

5 (4) Construction or concession agreements or contracts
6 entered into by a given government agency with any
7 domestic or foreign person or entity;

8 (5) Loans, grants, development assistance, technical
9 assistance and programs entered into by a government
10 agency with official bilateral or multilateral agencies, as
11 well as with private aid agencies or institutions;

12 (6) Loans from domestic and foreign financial institutions;

13 (7) Guarantees given by any government agency to
14 government-owned or c-controlled corporations and to
15 private corporations, persons or entities;

16 (8) Public funding extended to any private entity;

17 (9) Bilateral or multilateral agreements and treaties in
18 defense, trade, economic, partnership, investments,
19 cooperation and similar binding commitments; or

20 (10) Licenses, permits of agreements given by any government
21 agency to any person or entity for the extraction and/or
22 utilization of natural resources.

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

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

30 (c) Should an agency lack the capacity to comply with letter (a) of this Section,
31 the agency shall initiate a capacity-building program, or coordinate with another

1 appropriate agency, to facilitate substantive compliance not later than three (3) years
2 upon approval of this Act.

3
4 **SEC. 15. Keeping of Records.** – a) Government agencies shall create and/or
5 maintain in appropriate formats, accurate and reasonably complete documentation
6 or records of their organization, policies, transactions, decisions, resolution,
7 enactments, actions, procedures, operations, activities, communications, documents
8 received or filed with them and the data generated or collected. These shall include
9 working files such as drafts or notes, whenever these have been circulated within
10 the agency for official purpose such as for discussion, comments or approval or
11 when these contain unique information that can substantially contribute to a proper
12 understanding of the agency organization, policies, transactions, decisions,
13 resolutions, enactments, actions, procedures, operations, and activities;

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

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

23 1) Records pertaining to loans obtained or guaranteed by the
24 government;

25 2) Records of government contracts;

26 3) The declaration under oath of the assets, liabilities and net worth of
27 public officers and employees, as required by law; and

28 4) Records of official investigations on graft and corruption of public
29 officers.

30 d) Government agencies shall prepare, following standards and period
31 promulgated pursuant to Republic Act No. 9470 or the National Archives of the

1 Philippines Act of 2007, a records management programs that includes the
2 following:

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

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

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

13 e) In addition to its function as repository of all rules and regulations issued
14 by agencies as provided under Book VII, Chapter II of the Administrative Code of
15 1987, the university of the Philippines law Center, in coordination with the National
16 Printing Office as the agency with exclusive printing jurisdiction over the Official
17 Gazette, shall maintain a database, and publish the same in print in Official Gazette
18 or in digital or online form, the following: 1) All laws of the Philippines and their
19 amendments , from the period of the Philippine Commission to the present; 2) All
20 presidential issuances from November 15, 1935 to the present, including¹ but limited,
21 to executive orders, presidential proclamations, administrative orders,
22 memorandum circulars, general orders, and other similar issuances; 3) A database of
23 all appointments made by the President of the Philippines; and 4) Opinions of the
24 Secretary of Justice.

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

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

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

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

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

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

29 (a) Any public officer or employee receiving the request under Section 9 of
30 this Act who shall fail to promptly forward the request to the public
31 officer within the same office or agency responsible for officially acting on

1 the request when such is the direct cause of the failure to disclose the
2 information within the periods required by this Act;

3 (b) Any public officer or employee responsible for officially acting on the
4 request, who shall:

5 (1) Fail, to act on the request within the periods required by
6 this Act;

7 (2) Knowingly deny the existence of existing information;

8 (3) Destroy information being requested for the purpose of
9 frustrating the requester's access thereto;

10 (4) Claim an exception under Section 7 of this Act, or under
11 the Constitution, when the claim is manifested devoid of
12 factual basis; or

13 (5) Refuse to comply with the decision of his immediate
14 supervisor, the Ombudsman of the court ordering the
15 release of information that is not restrained or enjoined by
16 a court;

17 (c) The head of office of the government agency directly and principally
18 responsible for the negotiation of any of the transaction enumerated in
19 Section 14(a) of this Act shall knowingly refuse, to direct the mandatory
20 posting or uploading of such transaction despite the agency capacity to
21 implement such directive. The same penalty shall be imposed upon the
22 public officer or employee who, despite a directive from the head of office,
23 shall fail, to post or upload any of the transactions enumerated in Section
24 14(a) of this Act;

25 (d) Any public officer or employee who shall destroy, or cause to destroy,
26 records of information covered by Section 15(c) of this Act;

27 (e) Any public officer who formulates policies, rules and regulations
28 manifestly contrary to the provision of this Act, and which policies, rules
29 and regulations are the direct cause of the denial of a request for
30 information; or

31 (f) Any public or private individual who knowingly induced or cause the
32 commission of the foregoing acts under this section.

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

3
4 **SEC. 18. *Act Not a bar to Claim of Right to Information Under the Constitution.*** –
5 No provision of this Act shall be interpreted as a bar to any claim of denial of the
6 right to information under Article III, Section 7 of the 1987 Constitution.

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

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

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

19 *Approved,*

20