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SENATE

S. No. 36

BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

Section 24 of Article II under the 1987 Philippine Constitution provides that the State recognizes the vital role of communication and information in nation-building. Section 28 of the same articulates 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.

Moreover, Section 7 of Article III under the same mandates that the right of the people to information on matters of public concern shall be recognized and that 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.

However, while the public's right to information is firmly enshrined in the Constitution and affirmed by the Supreme Court, access to public records largely remains limited.

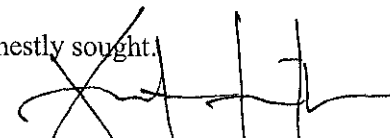
This bill¹ hopes to add on and enhance our democratic ideals and further empower our people. This measure seeks to respond to the problems involving basis for sanctions in cases of violation of the right to information. The existing remedy to compel disclosure, primarily judicial, is inaccessible to the general public, government's record-keeping system is in a very poor state, low level of bureaucratic commitment to openness; and the cost of access to certain information is excessive.

Furthermore, the bill provides for the following:

- An expansive scope in terms of government agencies as well as information covered.
- A clear, uniform and speedy procedure for access to information
- A proscription against excessive costs of access to information
- A system of accessible and speedy remedies that a citizen who has been denied access to information may resort to.
- A mandate to promote a culture of openness within government and
- Clear administrative, criminal and civil liability for violation of the right to information.

Although Senate version of this bill was passed in the 15th Congress, the House of Representatives was not able to vote on its version of this Bill on third and final reading during the 15th Congress due to lack of material time.

In view of the foregoing, immediate passage of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator


¹ This bill is based on the Freedom of Information (FOI) Bill filed by Representative Lorenzo R. Tañada III during the 15th Congress.

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

13 JUL -1 AM 01

SENATE

S. No. 36

BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

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 House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** – This Act shall be known as the “*Freedom of Information*
2 *Act of 2013.*”

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

10
11 **SEC. 3. Coverage.** – This Act shall cover all government agencies as defined under
12 Section 4 of this Act.

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

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

9 “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 limited to,
11 the national government and all its agencies, departments, bureaus, offices and instrumentalities,
12 constitutional commissions and constitutionally mandated bodies, local governments and all their
13 agencies, regulatory agencies, chartered institutions, government-owned or –controlled
14 corporations, including wholly-owned or controlled subsidiaries, government financial
15 institutions, state universities and colleges, the Armed Forces of the Philippines, the Philippine
16 National Police, all offices in the Congress of the Philippines including the offices of Senators
17 and Representatives, the Supreme Court and all lower courts established by law.

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

21 “Public records” shall include information required by law, executive orders, rules, or
22 regulations to be entered, kept and made publicly available by a government agency.

23
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
26 clear and convincing evidence that the information requested is exempted from disclosure by this
27 Act.

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

6
7 **SEC. 7. Exceptions.** – Subject to the qualifications set forth in Section 8 of this Act,
8 access to information may be denied when:

9 (a) The information is specifically authorized to be kept secret under guidelines
10 established by an executive order, and in fact properly classified pursuant thereto: Provided, That

11 1) The information directly relates to national defense and its revelation will cause grave
12 damage to the internal and external defense of the State; or

13 2) The information requested pertains to the foreign affairs of the Republic of the
14 Philippines, when its revelation unduly weaken the negotiating position of the government in an
15 ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of
16 the Philippines with one or more states with which it intends to keep friendly relations:

17 Provided, further, That the executive order shall specify the reasonable period by which
18 the information shall be automatically declassified or subject to mandatory declassification
19 review, and that any reasonable doubt as to classification and declassification shall be settled in
20 favor of the right to information;

21
22 (b) The information requested pertains to internal and external defense and law
23 enforcement, when the revelation thereof would render a legitimate military or law enforcement
24 operation ineffective, unduly compromise the prevention, detection or suppression of a criminal
25 activity, or endanger the life or physical safety of confidential or protected sources or witnesses,
26 law enforcement and military personnel or their immediate families. Information relating to the
27 details of the administration, budget and expenditure, and management of the defense and law
28 enforcement agencies shall always be accessible to the public;

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

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

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

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

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

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

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

25
26 **SEC. 8. *Qualifications.*** – Even if the information falls under the exceptions set forth in
27 the preceding section, access to information shall not be denied if:

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

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

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

8
9 **SEC. 9. Procedure of Access.** – (a) Any person who wishes to obtain information shall
10 submit a request to the government agency concerned personally, by mail, or through electronic
11 means. The request shall state the name and preferred contact information of the requesting
12 party, and reasonably describe the information required, the reason for the request of the
13 information and the preferred means by which the government agency shall communicate such
14 information to the requesting party: Provided, That the stated reason shall not be used as a
15 ground to deny the request or to refuse the acceptance of the request, unless such reason is
16 contrary to law. If the request is submitted personally, the requesting party shall show his current
17 identification card issued by any government agency, or government or private employer or
18 school, or a community tax certificate. If the request is submitted by mail or through electronic
19 means, the requesting party may submit a photostatic or electronically scanned copy of the
20 identification, or other convenient means as determined by the agency.

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

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

27 1. A true copy of the information in permanent or other form;

1 2. An opportunity to inspect the information, using equipment normally available to the
2 government agency when necessary;

3 3. An opportunity to copy the information using personal equipment;

4 4. A written transcript of the information contained in a audio or visual form;

5 5. A transcript of the content of an information requested, in print, sound or visual form,
6 where such transcript is capable of being produced using equipment normally available to the
7 government agency;

8 6. A transcript of the information from shorthand or codified form; or

9 7. Other reasonable means or format.

10
11 (d) A government agency may communicate the information requested in a form other
12 than the preferred means whenever such preferred means would unreasonably interfere with the
13 effective operation of the agency, or be detrimental to the preservation of the record.

14 (e) The government agency shall comply with such request within fifteen (15) working
15 days from the receipt thereof.

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

18 1. To search for and collect the requested information from field facilities or other
19 establishments that are separate from the office processing the request;

20 2. To search for, collect and appropriately examine a voluminous amount of separate and
21 distinct information which are demanded in a single request;

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

25 4. To consider fortuitous events or other events due to force majeure or other analogous
26 cases.

1 (g) The government agency shall, in writing or through electronic means, notify the
2 person making the request of the extension, setting forth the reasons for such extension and the
3 date when the information shall be made available: Provided, That no such notice shall specify a
4 date that would result in an extension of more than sixty (60) working days from the original
5 deadline.

6
7 **SEC. 10. Access Fees.** – Government agencies may charge a reasonable fee to reimburse
8 the actual cost of reproduction, copying or transcription and the communication of the
9 information requested.

10
11 **SEC. 11. Notice of Denial.** – If the government agency decides to deny the request, in
12 whole or in part, it shall, within fifteen (15) working days from the receipt of the request, notify
13 the person making the request of such denial in writing or through electronic means. The notice
14 shall clearly indicate the name, rank, title or position of the person making the denial, and the
15 grounds for the denial. In case the denial is by reason of a claimed exception, the denial shall
16 also state clearly the legitimate aim or interest sought to be protected in the confidentiality, and
17 the facts and circumstances invoked showing the substantial harm to, or frustration of, the
18 legitimate aim or interest that will result in the disclosure of the information. Failure to notify the
19 person making the request of the denial, or of the extension, shall be deemed a denial of the
20 request for access to information.

21
22 **SEC. 12. Implementation Requirements.** – (a) For the effective implementation of this
23 Act, all government agencies shall prepare a Freedom of Information Manual, with the end in
24 view of facilitating easy access to information, which shall include the following:

- 25 1. The location and contact information of the head, regional, provincial and field offices,
26 and other established places where the public can obtain information or submit requests;
27 2. The types of information it generates, produces, holds and/or publishes;
28 3. A description of its record-keeping system;

1 4. The person or office responsible for receiving requests for information;

2 5. The procedure for the filing of requests personally, by mail, or through the identified
3 electronic means;

4 6. The standard forms for the submission of request and for the proper acknowledgement
5 of the request;

6 7. The process for the disposition of the request, including the routing of the request to
7 the person or office with the duty to act on the request, the decision-making, and the grant or
8 denial of access and its implementation;

9 8. The procedure for the administrative appeal of any denial for access to information;

10 9. The schedule of fees;

11 10. The process and procedure for the mandatory disclosure of information under Section
12 14 of this Act;

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

16 12. Such other information, taking into consideration the unique characteristics of an
17 agency, that will help facilitate the effective implementation of this Act.

18
19 (b) The Judiciary shall prepare a similar manual as directed by the Supreme Court;

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

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

24
25 **SEC. 13. Remedies in Cases of Denial.** – (a) In all government agencies other than the
26 judicial branch–

27 (1) Every denial of any request for access to information may be appealed to the person
28 or office next higher in authority, following the procedure mentioned in Section 12(a)(8) of this

1 Act: Provided, That the appeal must be filed within fifteen (15) calendar days from the notice of
2 denial and must be decided within thirty (30) calendar days from filing. Failure of the
3 government agency to decide within the aforesated period shall constitute a denial of the appeal;
4 and

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

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

22 (4) In resolving a complaint or petition brought under the preceding paragraphs (2) and
23 (3), the Ombudsman or the court is empowered to receive the information subject of a claim of
24 exception under Section 7 herein and examine then in camera to determine the sufficiency of the
25 factual and legal basis of such claim, when such sufficiency cannot be reasonably determined
26 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 No.
7 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 Attorney's
9 Office shall be mandated to provide legal assistance to the requester in availing of the remedies
10 provided under this Act.

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

13 (a) Subject to Sections 7 and 8 of this Act, all government agencies shall upload on their
14 websites, which shall be regularly updated every three (3) months, all the steps, negotiations and
15 key government positions pertaining to definite propositions of the government, as well as the
16 contents of the contract, agreement or treaty in the following transactions involving public
17 interest:

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

20 (2) Private sector participation agreements or contracts in infrastructure and development
21 projects under Republic Act No. 6957, as amended by Republic Act No. 7718, authorizing the
22 financing, construction, operation and 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 government
25 agency with any domestic or foreign person or entity;

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

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

2 (7) Guarantees given by any government agency to government-owned or -controlled
3 corporations and to private corporations, persons or entities;

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

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

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

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

11
12 (b) The information uploaded in the website under letter (a) of this Section may be
13 withdrawn after a period of three (3) years from the time of uploading: Provided, That an
14 abstract of the information withdrawn shall remain uploaded in the website, containing a brief
15 description of the transaction and an enumeration of the information withdrawn, and indicating
16 the dates of posting and withdrawal.

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

20
21 **SEC. 15. Keeping of Records.** – a) Government agencies shall create and/or maintain in
22 appropriate formats, accurate and reasonably complete documentation or records of their
23 organization, policies, transactions, decisions, resolution, enactments, actions, procedures,
24 operations, activities, communications, documents received or filed with them and the data
25 generated or collected. These shall include working files such as drafts or notes, whenever these
26 have been circulated within the agency for official purpose such as for discussion, comment or
27 approval or when these contain unique information that can substantially contribute to a proper

1 understanding of the agency organization, policies, transactions, decisions, resolutions,
2 enactments, actions, procedures, operations, and activities;

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

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

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

12 2) Records of government contracts;

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

15 4) Records of official investigations on graft and corruption practices of public officers.

16

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

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

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

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

1 e) In addition to its function as repository of all rules and regulations issued by agencies
2 as provided under Book VII, Chapter II of the Administrative Code of 1987, the University of
3 the Philippines Law Center, in coordination with the National Printing Office as the agency with
4 exclusive printing jurisdiction over the Official Gazette, shall maintain a database, and publish
5 the same in print in Official Gazette or in digital or online form, the following:

6 1) All laws of the Philippines and their amendments, from the period of the Philippine
7 Commission to the present;

8 2) All presidential issuances from November 15, 1935 to the present, including but
9 limited, to executive orders, presidential proclamations, administrative orders, memorandum
10 circulars, general orders, and other similar issuances;

11 3) A database of all appointments made by the President of the Philippines; and

12 4) Opinions of the Secretary of Justice.

13
14 **SEC. 16. *Promotion of Openness in Government.*** – (a) Duty to Publish Information –
15 Government agencies shall regularly publish, print and disseminate at no cost to the public and in
16 an accessible form, in conjunction with R.A. 9485, or the Anti-Red Tape Act of 2007, and
17 through their website, timely, true, accurate and updated key information including, but not
18 limited to:

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

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

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

25 (4) Work programs, development plans, investment plans, projects, performance targets
26 and accomplishments, and budgets, revenue allotments and expenditures;

27 (5) Important rules and regulations, orders or decisions: Provided, That they be published
28 within fifteen (15) calendar days from promulgation;

1 (6) Current and important database and statistics that it generates;

2 (7) Bidding processes and requirements; and

3 (8) Mechanisms or procedures by which the public may participate in or otherwise
4 influence the formulation of policy or the exercise of its powers.

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

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

13
14 **SEC. 17. *Criminal Liability and Administrative Liability.*** -- The penalty of
15 imprisonment of not less than one (1) month but not more than six (6) months shall be imposed
16 upon:

17 (a) Any public officer or employee receiving the request under Section 9 of this Act who
18 shall fail to promptly forward the request to the public officer within the same office or agency
19 responsible for officially acting on the request when such is the direct cause of the failure to
20 disclose the information within the periods required by this Act;

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

23 1. Fail to act on the request within the periods required by this Act;

24 2. Knowingly deny the existence of existing information;

25 3. Destroy information being requested for the purpose of frustrating the requester's
26 access thereto;

27 4. Claim an exception under Section 7 of this Act, or under the Constitution, when the
28 claim is manifestly devoid of factual basis; or

1 5. Refuse to comply with the decision of his immediate supervisor, the Ombudsman or
2 the court ordering the release of information that is not restrained or enjoined by a court;

3
4 (c) The head of office of the government agency directly and principally responsible for
5 the negotiation and perfection of any of the transactions enumerated in Section 14 (a) of this Act,
6 who shall knowingly refuse, to direct the mandatory posting or uploading of such transaction
7 despite the agency capacity to implement such directive. The same penalty shall be imposed
8 upon the public officer or employee who, despite a directive from the head of office, shall fail, to
9 post or upload any of the transactions enumerated in Section 14 (a) of this Act;

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

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

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

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

19
20 **SEC. 18. *Act Not a Bar to Claim of Right to Information Under the Constitution.*** – No
21 provision of this Act shall be interpreted as a bar to any claim of denial of the right to
22 information under Article III, Section 7 of the 1987 Constitution.

23
24 **SEC. 19. *Separability Clause.*** – If, for any reason, any section or provision of this Act is
25 held unconstitutional or invalid, no other section or provision shall be affected.

26
27 **SEC. 20. *Repealing Clause.*** – All laws, decrees, executive orders, rules and regulations,
28 issuances or any part thereof inconsistent with the provisions of this Act, including

1 Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing Security of
2 Classified Matter in Government Offices), as amended, and Section 3, Rule IV of the Rules
3 Implementing Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public
4 Officials and Employees), are deemed repealed.

5

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

Approved,