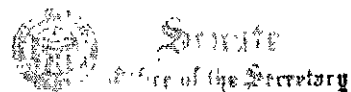


SIXTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



13 JUL -1 AM 11:18

SENATE

S.B. NO. 74

RECEIVED BY: *ji*

Introduced by **Senator TEOFISTO "TG" GUINGONA III**

EXPLANATORY NOTE

"The days of the secret laws and unpublished decrees are over. This is once again an open society, with all the acts of the government subject to public scrutiny and available always to public cognizance. This has to be so if our country is to remain democratic, with sovereignty residing in the people and all government authority emanating from them"

- Justice Isagani Cruz¹

The preceding paragraph came from a Supreme Court decision written by Justice Isagani Cruz. The trigger behind the filing of the case was the numerous Letters of Instructions and Presidential Decrees that remained unpublished during the Marcos era from which arrests and other anti-people impositions of the State were made to appear legal. These measures were literally done behind the people's backs and were being used against us. The Supreme Court asserted that the prior publication of laws before they become effective cannot be dispensed with.

These days, publication of laws before they become effective is a mere matter of course. During the dark days of Martial Law, however, such was the struggle that we had to endure just to gain, little by little, some semblance of democracy which we all cherish.

This bill seeks to add on and enhance our democratic ideals and further empower the people. It is a product of several discussions in the past Congresses, ideas distilled between and among NGOs, POs, media practitioners, the academe and legislators. The highest stage it has reached so far is the Bicameral Conference Committee Report which was ratified in the Senate but not in the House of Representatives in the final session day of the 14th Congress due to lack of quorum. Suffice it to say that this bill is long overdue.

In view of the foregoing, the immediate enactment of this measure is earnestly sought.

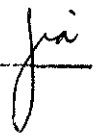

TEOFISTO "TG" GUINGONA III
Senator

¹ Tañada v. Tuvera (No. L-63915, 29 December 1986)

'13 JUL -1 AM 1:18

SENATE

S.B. NO. 174

RECEIVED BY: 

Introduced by **Senator TEOFISTO "TG" GUINGONA III**

**AN ACT TO STRENGTHEN THE
PEOPLE'S RIGHT TO INFORMATION**

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

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

3
4 **SECTION 2. Declaration of Policy.** – Public office is a public trust, and public officers and
5 employees must at all times be accountable to the people. Sovereignty resides in the people
6 and all government authority emanates from them. Pursuant to these, the State recognizes the
7 right of the people to information held by government, and adopts and implements a policy of
8 full public disclosure of all its transactions, subject to the procedures and limitations provided
9 by this Act. Access to information held by government is indispensable to the exercise of the
10 people's right to effective and reasonable participation at all levels of social, political and
11 economic decision-making. As such, the provisions of this Act shall be given interpretation
12 that best gives effect to the right to information.

13
14 **SECTION 3. Coverage.** – This Act shall cover all government agencies as defined under
15 Section 4 of this Act.

16
17 **SECTION 4. Definition of Terms.** – As used in this Act:

18
19 (a) “Information” shall mean any record, document, paper, report, letter, contract, minutes,
20 transcript, map, book, photograph, film, sound and video recording, magnetic or other tape,
21 electronic data, computer stored data, or any other like or similar material recorded, stored or
22 archived in whatever form or format, which: (i) are made or received by, or kept under the
23 control or custody of, any government agency pursuant to law, executive order, rules and
24 regulations, ordinance, or in connection with the performance or transaction of official
25 business by any government agency or official; (ii) are part of official or public records in the
26 custody of government agencies or officials; (iii) record, evidence, establish, confirm,
27 support, justify, or explain official acts, transactions or decisions of government agencies or

1 officials; or (iv) are part of research data, whether raw, collated or processed, in the custody
2 of the government and used in formulating government policies;

3
4 (b) "Government agency" shall include the executive, legislative and judicial branches as
5 well as the constitutional bodies of the Republic of the Philippines including, but not limited
6 to, the national government and all its agencies, departments, bureaus, offices and
7 instrumentalities, constitutional commissions and constitutionally mandated bodies, local
8 governments and all their agencies, regulatory agencies, chartered institutions, government-
9 owned or -controlled corporations, including wholly-owned or controlled subsidiaries,
10 government financial institutions, state universities and colleges, the Armed Forces of the
11 Philippines, the Philippine National Police, all offices in the Congress of the Philippines
12 including the offices of Senators and Representatives, the Supreme Court and all lower courts
13 established by law.

14
15 (c) "Official records" refer to information produced or received by a public officer or
16 employee, or by a government agency, in an official capacity or pursuant to a public function
17 or duty. This shall not refer to the stage or status of the information.

18
19 (d) "Public records" include information required by law, executive orders, rules, or
20 regulations to be entered, kept and made publicly available by a government agency.

21
22 **SECTION 5. Access to Information.** – Every person who is a Filipino citizen has a right to
23 and shall, on request, be given access to any information under the control of a government
24 agency, regardless of the physical form or format in which these are contained, subject only
25 to the exceptions enumerated under section 7 of this Act.

26
27 **SECTION 6. Presumption.** – There shall be a legal presumption in favor of access to
28 information. Accordingly, government agencies shall have the burden of proving that the
29 information requested is exempted from disclosure by this Act.

30
31 **SECTION 7. Exceptions.** – Access to information shall be granted unless:

32
33 (a) The information is specifically authorized to be kept Secret under guidelines established
34 by an Executive Order, and in fact properly classified pursuant thereto: *Provided*, that (1) The
35 information directly relates to national security or defense and its revelation will cause
36 serious damage to the national security or internal and/or external defense of the State; or (2)
37 The information requested pertains to the foreign affairs of the Republic of the Philippines,
38 when its revelation will unduly weaken the negotiating position of the government in an
39 ongoing or proposed bilateral or multilateral negotiation or seriously jeopardize the
40 diplomatic relations of the Philippines with one or more states: *Provided*, that sufficient
41 information is disclosed to afford reasonable public participation in government decision-
42 making on bilateral and multilateral agreements. The Executive Order shall specify the
43 reasonable period after which the information shall be automatically declassified or be
44 subject to mandatory declassification review. Any reasonable doubt as to classification and
45 declassification shall be settled in favor of the right to information.

46
47 (b) The information consists of minutes or records of advice given or of opinions expressed
48 during decision-making or policy formulation, invoked by the Chief Executive to be
49 privileged by reason of the impairment of the Chief Executive's presidential communications

1 privilege that would result from the disclosure thereof: *Provided*, that an Executive Order
2 shall be issued specifying the reasonable period after which information invoked to be
3 privileged under this paragraph shall be made accessible to the public.
4

5 (c) The information requested pertains to internal and/or external defense and law
6 enforcement, when the disclosure thereof would:

7
8 (i) Compromise or interfere with any legitimate military or law enforcement
9 operation;

10
11 (ii) Compromise or interfere with the prevention, detection or suppression of criminal
12 activity or the effective implementation of immigration controls and border security;

13
14 (iii) Disclose the identity of a confidential source, including a government, foreign
15 agency or authority, or private institution which furnished information on a
16 confidential basis, or, in the case of information compiled by a law enforcement
17 authority in the course of an investigation or by an agency conducting a lawful
18 national security intelligence investigation, disclose the information furnished by a
19 confidential source;

20
21 (iv) Disclose techniques and procedures for law enforcement investigations or
22 prosecutions, or guidelines for law enforcement investigations or prosecutions, if such
23 disclosure could reasonably be expected to risk circumvention of the law; or

24
25 (v) Endanger the life or physical safety of any individual.

26
27 (d) The information requested consists of drafts of orders, resolutions, or decisions by any
28 executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the
29 exercise of their adjudicatory function, the revelation of which would impair the impartiality
30 of verdicts, or otherwise obstruct the administration of justice.

31
32 (e) The information requested is obtained by either House of Congress, or any committee
33 thereof, in executive session whenever the information falls under any of the exceptions
34 provided in this section.

35
36 (f) The information requested pertains to the personal information of a natural person other
37 than the requesting party, and its disclosure would clearly constitute an unwarranted invasion
38 of his or her personal privacy, unless it forms part of a public record, or the person is or was
39 an official of a government agency and the information relates to his or her public function or
40 the person has consented in writing to the disclosure of the information.

41
42 (g) The information requested pertains to trade, industrial, financial or commercial secrets of
43 a natural or juridical person other than the requesting party, obtained in confidence by, or
44 filed with a government agency, whenever the revelation thereof would seriously prejudice
45 the interests of such natural or juridical person in trade, industrial, financial or commercial
46 competition.

47
48 (h) The information is classified as privileged communications in legal proceedings by law or
49 by the Rules of Court.

1 (i) The information requested is exempted by law or the Constitution, in addition to those
2 provided in this section.

3
4 (j) The information is of a nature that its premature disclosure would seriously undermine the
5 effectiveness of an intended action by a government agency: *Provided*, that the information
6 shall be accessible once the anticipated danger has ceased.

7
8 (k) The information is requested by a person whose request for an identical or substantially
9 similar information has recently been complied with, and no meritorious reason is given to
10 justify a repeat of the request: *Provided*, that this exception applies exclusively to the person
11 making the repeated request.

12
13 *Provided*, that:

14
15 (1) The exceptions set forth in this section shall be strictly construed;

16
17 (2) Exceptions cannot be invoked to cover-up a crime, wrongdoing, graft, or
18 corruption;

19
20 (3) Whenever the information covered by an exception may be reasonably severed
21 from a record, the part not covered by the exception shall be disclosed to the
22 requester;

23
24 (4) The President, the Supreme Court, the Senate, the House of Representatives, and
25 the Constitutional Commissions may waive an exception with respect to
26 information in the custody of offices under their respective supervision or control,
27 when they deem that there is a compelling or overriding public interest in
28 disclosure; and

29
30 (5) In the exercise of the judicial power to interpret the Constitution, the exceptions
31 set forth in this section may be overcome if the requester is able to prove before a
32 court of competent jurisdiction that there is a compelling public interest or need
33 that outweighs the interest in keeping the information secret or confidential.

34
35 For letters (c) to (k) of this section, the determination whether any of these grounds shall
36 apply shall be the responsibility of the head of office of the government agency in custody or
37 control of the information, or of a responsible central or field officer duly designated by him.

38
39 **SECTION 8. *Keeping of Records.*** – (a) Government agencies shall create and/or maintain in
40 appropriate formats, accurate and reasonably complete documentation or official records of
41 their organization, policies, transactions, decisions, resolutions, enactments, actions,
42 procedures, operations, activities, communications and documents received or filed with
43 them and data generated or collected. These shall include working documents such as drafts
44 or notes, whenever these have been circulated within the agency for official purpose such as
45 for discussion, comment or approval or when these contain unique information that can
46 substantially contribute to a proper understanding of the agency organization, policies,
47 transactions, decisions, resolutions, enactments, actions, procedures, operations, and
48 activities.

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

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

10 (1) Records of loans obtained or guaranteed by the government;

11 (2) Records of government contracts; and
12

13 (3) The declaration under oath of the assets, liabilities and net worth of public officers
14 and employees, as required by law.
15
16

17 (d) Government agencies shall prepare, following standards and period promulgated pursuant
18 to Republic Act No. 9470 or the National Archives of the Philippines Act of 2007, a records
19 management program that includes the following:
20

21 (1) A records maintenance system for the creation, selection, classification, indexing
22 and filing of information that facilitates the easy identification, retrieval and
23 communication of information to the public; and
24

25 (2) A records maintenance, archival and disposition schedule providing a listing of
26 information under current use, for retention by the agency, for transfer to the National
27 Archives, or for destruction: *Provided*, that destruction of information may be
28 implemented only upon approval of the National Archives of the Philippines.
29

30 (e) In addition to its function as repository of all rules and regulations issued by agencies as
31 provided under Book VII, Chapter II of the Administrative Code of 1987, the University of
32 the Philippines Law Center shall, in coordination with the Office of the President which has
33 exclusive editorial and printing jurisdiction over the *Official Gazette*, and with other relevant
34 agencies, maintain a database, and publish the same in print in *Official Gazette* or in digital or
35 online form, the following:
36

37 (1) All laws of the Philippines and their amendments, from the period of the
38 Philippine Commission to the present;

39 (2) All presidential issuances from November 15, 1935 to the present, including but
40 not limited to, executive orders, presidential proclamations, administrative orders,
41 memorandum circulars, general orders, and other similar issuances;
42

43 (3) A database of all appointments and designations made by the President of the
44 Philippines; and
45

46 (4) Opinions of the Secretary of Justice.
47

1 **SECTION 9. Procedure of Access.** – (a) Any person who wishes to obtain information shall
2 submit, free of charge, a request to the government agency concerned personally, by mail, or
3 through electronic means. A person who is unable, because of illiteracy or disability, to make
4 a written request may make an oral request, and the public official who receives the oral
5 request shall reduce it to writing and give a copy thereof to the person who made the request.
6 The request shall state the name and contact information of the requesting party, a reasonable
7 description of the information requested, and the reason for the request: *Provided*, that the
8 stated reason cannot be used as a ground to deny the request or to refuse the acceptance of the
9 request, unless such reason is contrary to law. If the request is submitted personally, the
10 requesting party shall show his current identification card issued by any government agency,
11 or government or private employer or school, or other reasonable means of identification. If
12 the request is submitted by mail or through electronic means, the requesting party may submit
13 a photostatic or electronically scanned copy of the identification, or other convenient means
14 as determined by the agency.

15
16 (b) The public official receiving the request shall provide reasonable assistance, free of
17 charge, to enable all requesters and particularly those with special needs, to comply with the
18 request requirements under this section.

19
20 (c) The request shall be stamped by the government agency, indicating the date and time of
21 receipt and the name, rank, title and position of the receiving public officer or employee with
22 the corresponding signature, and a copy thereof furnished to the requesting party. In case the
23 request is submitted by electronic means, the government agency shall provide for an
24 equivalent means by which the requirements of this paragraph shall be met. Each
25 government agency shall establish a system to trace the status of all requests for information
26 received by it.

27
28 (d) The request may indicate the requesting party's preferred mode and means of receiving
29 the information requested, provided that the mode and means are reasonable, taking into
30 consideration equipment normally available to the concerned government agency. A
31 government agency may communicate the information requested in a form other than the
32 preferred means whenever such preferred means would unreasonably interfere with the
33 effective operation of the agency, or the agency has no capability to communicate the
34 information in the preferred format, or the preferred means would be detrimental to the
35 preservation of the record.

36
37 (e) The government agency shall comply with such request as soon as practicable, and in any
38 case within fifteen (15) working days from the receipt thereof: *Provided*, that where the
39 information requested is shown to be urgently needed for the protection of the life or liberty
40 of a person, the same shall be provided within two (2) working days from the receipt of the
41 request.

42
43 (f) The period of fifteen (15) days may be extended whenever the information requested
44 requires a search of the government agency's field or satellite offices, examination of
45 voluminous records, the occurrence of fortuitous events or other analogous cases. The
46 government agency shall, in writing or through electronic means, notify the person making
47 the request of the extension, setting forth the reasons for such extension and the date when
48 the information shall be made available, which in no case shall result in an extension by more
49 than twenty (20) working days

1 (g) If the information is not held by the government agency to which the request was made, it
2 shall notify the requester that it does not hold the information, and indicate to the requester
3 which agency holds the record, if known. Whenever practicable, the agency receiving the
4 request may cause the transfer of the request to the appropriate agency that holds the
5 information: *Provided*, that the period to comply with the request under this section shall
6 begin to run only upon receipt by the agency to which the request is transferred.

7
8 **SECTION 10. *Processing Fees.*** – Government agencies may charge a reasonable fee to
9 reimburse the actual cost of reproduction, copying or transcription and the communication of
10 the information requested. An agency may waive the fees whenever it is satisfied that the
11 requester is an indigent, or that the cost of reproduction is negligible, or that it is pursuant to a
12 program for proactive disclosure.

13
14 **SECTION 11. *Notice of Denial.*** – If the government agency decides to deny the request, in
15 whole or in part, it shall, as soon as practicable and in any case within fifteen (15) working
16 days from the receipt of the request, notify the requester of the denial in writing or through
17 electronic means. The notice shall indicate the name, rank, title or position of the person
18 making the denial, clearly set forth the ground/s and circumstances on which the denial is
19 based, and indicate available rights of reconsideration or appeal.

20
21 **SECTION 12. *Remedies in Cases of Denial.*** –

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

24
25 (1) A person whose request for information has been denied may ask for a
26 reconsideration from the same official who originally denied the request, or file an
27 administrative appeal following the procedure mentioned in Section 15 (8) of this Act:
28 *Provided*, That the administrative appeal must be filed within fifteen (15) calendar
29 days from the receipt of the notice of original denial or denial on reconsideration.
30 Every notice of denial shall include check-box options of whether the requester will
31 ask for a reconsideration or file an administrative appeal. The requester may submit
32 further arguments to strengthen his request.

33
34 (2) Instead of appealing, or after the denial of the administrative appeal, the person
35 denied access to information may file a verified appeal with the Office of the
36 Ombudsman, praying that the government agency concerned be directed to
37 immediately afford access to the information being requested. Such Appeal shall be
38 resolved by the Office of the Ombudsman within sixty (60) calendar days from filing,
39 or earlier when time is of the essence based on factors such as the nature of the
40 information requested, the context of the request, or the danger that the information
41 requested will become moot. The Office of the Ombudsman shall promulgate its
42 special rules of procedure for the immediate disposition of Appeals filed pursuant to
43 this Section. Unless restrained or enjoined, the decision of the Office of the
44 Ombudsman shall be immediately executory, without prejudice to review in
45 accordance with the Rules of Court.

46
47 (3) Instead of filing a Complaint with the Office of the Ombudsman, whenever a
48 request for information is denied originally or on administrative appeal, the requesting
49 party may file a verified petition for mandamus in the proper court, alleging the facts

1 with certainty and praying that judgment be rendered ordering the respondent to
2 disclose the information. The procedure for such petition shall be summary in nature.
3 Unless restrained or enjoined, the decision of the court shall be immediately
4 executory, without prejudice to review in accordance with the Rules of Court;

5
6 (4) In resolving a Complaint or Petition brought under the preceding paragraphs (2)
7 and (3), the Ombudsman or the court is empowered to receive the information subject
8 of a claim of exception under Section 7 herein and examine them *in camera* to
9 determine the sufficiency of the factual and legal basis of such claim, when such
10 sufficiency cannot be reasonably determined through evidence and circumstances
11 apart from the information.
12

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

15
16 (c) The remedies under this section are without prejudice to any other administrative, civil or
17 criminal action covering the same act.

18
19 (d) The remedies available under this Act shall be exempt from the rules on non-exhaustion
20 of administrative remedies and the application of the provisions of Republic Act No. 9285,
21 otherwise known as the Alternative Dispute Resolution Act of 2004.

22
23 (e) In case the requesting party has limited or no financial capacity, the Public Attorney's
24 Office shall be mandated to provide legal assistance to the requester in availing of the
25 remedies provided under this Act.
26

27 **SECTION 13. *Mandatory Disclosure of Information.*** – Subject to Section 7 of this Act, all
28 government agencies shall upload on their websites, which shall be updated regularly, the
29 following information:
30

31 (1) Budget information, including: Annual Budget; Itemized Monthly Collections and
32 Disbursement; Summary of Income and Expenditures; and Component of the IRA
33 Utilization.

34
35 (2) Procurement information, including: Annual Procurement Plan and Procurement
36 List; Items to Bid; Bid Results on Civil Works, Goods and Services; and Abstract of
37 Bids as Calculated.

38
39 (3) A register of the following transactions:

40
41 (i) Procurement contracts entered into by a government agency;

42
43 (ii) Construction or concession agreements or contracts entered into by a
44 government agency with any domestic or foreign person or entity;

45
46 (iii) Private sector participation agreements or contracts in infrastructure and
47 development projects under Republic Act No. 6957, as amended by Republic
48 Act No. 7718;
49

- 1 (iv) Public funding extended to any private entity;
2 (v) Bilateral or multilateral agreements and treaties in defense, trade, economic
3 partnership, investments, cooperation and similar binding agreements;
4
5 (vi) Licenses, permits or agreements granted by any government agency to any
6 person or entity for the extraction and/or utilization of natural resources,
7 including a list of the grantees;
8
9 (vii) Guarantees given by any government agency to government-owned or -
10 controlled corporations and to private corporations, persons or entities;
11
12 (viii) Loans, grants, development assistance, technical assistance, and programs
13 entered into by a government agency with domestic and foreign financial
14 institutions, official bilateral or multilateral agencies, as well as with private
15 aid agencies or institutions; and
16
17 (ix) Compromise agreements entered into by a government agency with any
18 person or entity.
19

20 The register shall contain a brief description of the transaction involved, including,
21 but not limited to: the nature and object of the transaction, the parties and amounts
22 involved, the key steps undertaken towards its conclusion, and the relevant dates:
23 *Provided*, that contracts and agreements involving an amount of at least fifty million
24 pesos (P50,000,000.00) shall be uploaded in full on the website of the concerned
25 government agency or the Official Gazette Online. A covered information shall be
26 enrolled in the register not later than 30 working days from its perfection or issuance.
27

28 (4) Agency information, including:

- 29
30 (i) A description of its mandate, structure, powers, functions, duties and decision-
31 making processes;
32
33 (ii) A description of the frontline services it delivers and the procedure and length
34 of time by which they may be availed of;
35
36 (iii) The names of its key officials, their powers, functions and responsibilities,
37 and their profiles and curriculum vitae;
38
39 (iv) Work programs, development plans, investment plans, projects, performance
40 targets and accomplishments;
41
42 (v) Important rules and regulations, orders or decisions: *Provided*, that they shall
43 be published within fifteen (15) calendar days from promulgation;
44
45 (vi) Categories of documents and current and important database and statistics
46 that it generates; and
47
48 (vii) Mechanisms or procedures by which the public may participate in or
49 otherwise influence the formulation of policy or the exercise of its powers.

1 **SECTION 14. *Capacity Building and Popularization.*** -- (a) Should an agency lack the
2 capacity to comply with the website uploading requirement of the preceding section, the
3 agency shall initiate a capacity-building program, coordinate with another appropriate
4 agency, or use an alternative mechanism to facilitate substantive compliance not later than
5 three (3) years from the effectivity of this Act. The National Computer Center shall monitor
6 all government agency websites and provide appropriate support for their development and
7 full compliance with the requirements of this Act.

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

13
14 (c) In order to develop accessibility of language and form, government agencies shall
15 endeavor to translate select vital information into major Filipino languages and present them
16 in popular form and means.

17
18 **SECTION 15. *People's Freedom of Information (FOI) Manual.*** –

19
20 (a) For the effective implementation of this Act, all government agencies shall prepare and
21 regularly update a People's Freedom of Information (FOI) Manual, setting forth the
22 following:

23
24 (1) The location and contact information of the head, regional, provincial and field
25 offices of the agency, and other established places where the public can obtain
26 information or submit requests;

27
28 (2) The types of information it generates, produces, holds and/or publishes;

29
30 (3) A description of its record-keeping system;

31
32 (4) The person or office responsible for receiving requests for information;

33
34 (5) The procedure for the filing of requests personally, by mail, or through the
35 identified electronic means;

36
37 (6) The standard forms for the submission of request and for the proper
38 acknowledgement of the request;

39
40 (7) The process for the disposition of the request, including the routing of the request
41 to the person or office with the duty to act on the request and the decision-making
42 process for the grant or denial of the request;

43
44 (8) The procedure for the administrative appeal of any denial for access to
45 information;

46
47 (9) The schedule of fees;

48
49 (10) The process and procedure for the mandatory disclosure of information under

1 Section 13 of this Act; and
2

3 (11) Such other information, taking into consideration the unique characteristics of an
4 agency, that will help facilitate the effective implementation of this Act.
5

6 (b) The People's FOI Manual shall be posted in the agency website and a hard copy shall be
7 available at the agency reception area for use by the public.
8

9 (c) In no case shall the absence of the People's FOI Manual be a reason for the denial of any
10 request for information made in accordance with this Act.
11

12 **SECTION 16. *Administrative Liability.*** – The following acts proven to have been committed
13 willfully in an administrative proceeding before the appropriate disciplining authority as
14 provided under existing laws, rules or regulations, shall be subject to the administrative
15 penalty of suspension of six (6) months and one (1) day to one (1) year for the first offense,
16 and dismissal from the service for the second offense:
17

18 (1) Failure to promptly forward a request for information to the public officer within
19 the same office or agency responsible for officially acting on the request, when such
20 is the direct cause of the failure to disclose the information within the periods required
21 by this Act;
22

23 (2) Failure to act on a request for information within the periods required by this Act;
24

25 (3) Denial of a request for information without any valid ground;
26

27 (4) Claiming an exception under Section 7 of this Act when the claim is manifestly
28 devoid of factual or legal basis;
29

30 (5) Failure to comply with the decision of his immediate supervisor, the Ombudsman,
31 or of any court ordering the release of information;
32

33 (6) Approval of policies, rules and regulations manifestly contrary to the provisions of
34 this Act, and which policies, rules and regulations are the direct cause of the denial of
35 a request for information.
36

37 In determining the duration of suspension for the first offense, circumstances that
38 mitigate or aggravate the offense shall be considered.
39

40 Provided: That this provision is without prejudice to the imposition of a lower penalty
41 applicable under existing administrative laws, rules, or regulation, if the acts are not
42 done willfully
43

44 **SECTION 17. *Criminal Liability.*** – (a) The following acts shall be subject to the penalty of
45 imprisonment of not less than one (1) month but not more than six (6) months, with the
46 accessory penalty of dismissal from service:
47

48 (1) Falsely denying or concealing the existence of information mandated for
49 disclosure under this Act; and

1 (2) Destroying, or causing to be destroyed, information and/or documents being
2 requested under this Act, for the purpose of frustrating the requesting party's access
3 thereto.
4

5 (b) Any private individual who knowingly induced or caused the commission of the
6 foregoing acts shall be liable as principal by inducement in the prosecution of public officials
7 or employees under this section.
8

9 (c) The acts under paragraph (a) of this Section, if proven in an administrative proceeding,
10 shall be subject to the penalty of dismissal, even if no criminal prosecution is instituted
11 against him.
12

13 **SECTION 18. *Publication in the Official Gazette.***
14

15 (a) For purposes of mandatory disclosure as provided in section 13 of this Act, online
16 publication in the Official Gazette website shall be considered official publication provided
17 there shall be a timestamp in the said document.
18

19 (b) For purposes of compliance with Article 2 of the Civil Code of the Philippines,
20 publication of the following in the online version of the Official Gazette, with the
21 corresponding timestamps on the document, shall be considered as official publication:
22

23 (1) All important legislative acts and resolutions of a public nature of the Congress of
24 the Philippines;

25 (2) All executive and administrative orders and proclamations of general application;
26
27

28 (3) Decisions or abstracts of decisions of the Supreme Court and the Court of Appeals
29 or other courts of similar rank, as may be deemed by said courts of sufficient
30 importance to be so published;
31

32 (4) Such documents or classes of documents as the President shall determine from
33 time to time to have general application or which he may authorize so to be published.
34

35 However, other documents or classes of documents required by law to be published,
36 such as petitions and/or legal notices in connection with land titles, naturalization, or
37 special proceedings shall continue to be published in the print version of the Official
38 Gazette or in any newspaper of general circulation for purposes of compliance with
39 the publication requirement.
40

41 **SECTION 19. *No Abuse in the Exercise of Rights and in the Performance of Duties***
42 ***Under this Act.*** - Public officials and employees, in the performance of their duties under this
43 Act, as well as citizens in the exercise of their rights under this Act, shall act with justice,
44 give everyone his or her due, and observe honesty and good faith.
45

46 Public officials and employees as well as citizens shall endeavor to handle information kept
47 or obtained under this Act with due care, to the end that inaccuracies and distortions are
48 avoided.
49

1 **SECTION 20. *Act Not a Bar to Claim of Right to Information Under the Constitution.*** No
2 provision of this Act shall be interpreted as a bar to any claim of denial of the right to
3 information under Article III, Section 7 of the 1987 Constitution.

4
5 **SECTION 21. *Appropriations.*** – The amount necessary to carry out the provisions of this
6 Act shall be charged against the agencies' current budget and shall thereafter be included in
7 the annual General Appropriations Act.

8
9 **SECTION 22. *Separability Clause.*** – If any section or part of this Act is held
10 unconstitutional or invalid, the other sections or provisions shall remain in full force and
11 effect.

12
13 **SECTION 23. *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 sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of
16 Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964 (Promulgating
17 Rules Governing Security of Classified Matter in Government Offices), as amended, and
18 Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of Conduct and
19 Ethical Standards for Public Officials and Employees), are deemed repealed.

20
21 *Provided,* that Memorandum Circular No. 78 shall be deemed repealed after one (1) year
22 from the effectivity of this Act or upon issuance of the Executive Order in Section 7(a),
23 whichever comes first.

24
25 **SECTION 24. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication
26 in at least two (2) national newspapers of general circulation.

Approved,