

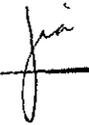
Republic of the Philippines
SENATE OF THE PHILIPPINES
Pasay City



Senate
Office of the Secretary

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SIXTEENTH CONGRESS
First Regular Session

RECEIVED BY: 

Senate Bill No. 1219

Introduced by SENATOR SONNY ANGARA

EXPLANATORY NOTE

A citizen's right to official information is essential for a democracy to work. Individuals with ready access to public documents are better able to discern, and therefore exercise their sovereignty over the government they elected.

No less than the 1987 Philippine Constitution affirms this ideal, embodied in Article II, Sec. 28 which provides: *"The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."*

The Constitution also underscores that government must operate with utmost transparency and accountability as Article III, Sec. 7 of the 1987 Constitution declares: *"Subject to reasonable conditions prescribed by the law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."*

The foregoing measure reasserts these constitutional imperatives by establishing the broad guidelines and procedures that operationalize them. With a clear policy on official information, we affirm our adherence to a basic libertarian tenet—the recognition of every Filipino's primordial right to be informed of the workings of their government.

Left without an operational framework for public documents, the rights and obligations enshrined under the Constitution would be rendered meaningless, allowing government to operate under a shroud of secrecy and away from public scrutiny.

Hence, this bill intends to narrow the opportunity for abuse and help restore trust and confidence in government, thereby enabling it to better serve the needs of its people.

Approval of this measure is therefore earnestly requested.



SENATOR SONNY ANGARA



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SENATE

Senate Bill No. 1219

RECEIVED BY: *ja*

INTRODUCED BY SENATOR SONNY ANGARA

AN ACT TO STRENGTHEN THE RIGHT OF CITIZENS TO
INFORMATION HELD BY THE GOVERNMENT

*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
6 public disclosure of all its transactions involving public interest, subject to the procedures
7 and limitations provided by this Act. This right is indispensable to the exercise of the right
8 of the people and their organizations to effective and reasonable participation at all
9 levels of social, political and economic decision-making.

10 **SEC. 3. Coverage**– This Act shall cover government agencies. Government agencies
11 refers to the executive, legislative and judicial branches as well as the constitutional
12 bodies of the Republic of the Philippines including, but not limited to, the national
13 government and all its agencies, departments, bureaus, offices and instrumentalities,
14 constitutional commissions and constitutionally mandated bodies, local governments and
15 all their agencies, regulatory agencies, chartered institutions, government-owned or –
16 controlled corporations, including wholly-owned or controlled subsidiaries, government
17 financial institutions, state universities and colleges, the Armed Forces of the Philippines,
18 the Philippine National Police, all offices in the Congress of the Philippines including the
19 offices of Senators and Representatives, the Supreme Court and all lower courts
20 established by law.

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

22 (a) **Information** refers to data that have been processed into a record, document, paper,
23 report, letter, contract, minutes and transcripts of official meetings, maps, books,
24 photographs, data, research materials, in whatever form, or films, sound and video
25 recordings, magnetic or other tapes, electronic data, in whatever format, which are
26 made, received or kept in or under the control and custody of any government agency
27 pursuant to law, executive order, rules and regulations, ordinance or in connection with
28 the performance or transaction of official business by any government agency.

29 (b) **Official record** refers to information produced or received by a public officer or
30 employee, or by a government agency in an official capacity or pursuant to a public
31 function or duty. This shall not refer to the stage or status of the information.

32 (c) **Public record** refers to information required by law, executive orders, rules, or
33 regulations to be entered, kept and made publicly available by a government agency.

34 **SEC. 5. Access to Information** – Every person who is a Filipino citizen has a right to
35 and shall, on request, be given access to any record under the control of a government

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

7 **SEC. 6.Presumption** – There shall be a legal presumption in favor of access to
8 information. The request for information may be denied only if it clearly falls under the
9 exceptions provided under this Act.

10 **SEC. 7.Exceptions** – Access to information shall be granted unless:

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

23 (b) The information consists of records of minutes and advice given and opinions
24 expressed during decision-making or policy formulation, invoked by the Chief
25 Executive to be privileged by reason of the sensitivity of the subject matter or of the
26 impairment of the Chief Executive's deliberative process that would result from the
27 disclosure thereof. Once policy has been formulated and decisions made, minutes
28 and research data may be made available for disclosure unless they were made in
29 executive session;

30 (c) The information requested pertains to internal and/or external defense, law
31 enforcement, and border control, when the disclosure thereof would:

32 (i) unduly compromise or interfere with any legitimate military or law
33 enforcement operation; or

34 (ii) unduly compromise or interfere with the prevention, detection or
35 suppression of criminal activity, the effective implementation of
36 immigration controls and border security; or

37 (iii) deprive a person of a right to a fair trial or an impartial adjudication; or

38 (iv) lead to the disclosure of the identity of a confidential source, including a
39 government, or foreign agency or authority or any private institution
40 which furnished information on a confidential basis, and, in the case of a
41 record or information compiled by a law enforcement authority in the
42 course of an investigation or by an agency conducting a lawful national
43 security intelligence investigation, information furnished by a confidential
44 source; or

45 (v) disclose techniques and procedures for law enforcement investigations or
46 prosecutions, or would disclose guidelines for law enforcement
47 investigations or prosecutions if such disclosure could reasonably be
48 expected to risk circumvention of the law; or

49 (vi) endanger the life or physical safety of any individual;

50 (d) The information requested consists of drafts of orders, resolutions, decisions,

1 memoranda or audit reports by any executive, administrative, regulatory,
2 constitutional, judicial or quasi-judicial body in the exercise of their regulatory, audit
3 and adjudicatory function;

4 (e) The information requested is obtained by any committee of either House of Congress
5 in executive session;

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

12 (g) The information requested pertains to trade secrets and commercial or financial
13 information obtained from a natural or juridical person other than the requesting
14 party, or obtained in confidence or covered by privileged communication, and filed
15 with a government agency, whenever the revelation thereof would seriously
16 prejudice the interests of such natural or juridical person in trade, industrial, financial
17 or commercial competition;

18 (h) The information is classified as privileged communications in legal proceedings by
19 law or by the Rules of Court;

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

22 (j) The information has already been made accessible as provided for in Section 10.

23 For paragraphs (c) to (j) of this section, the determination whether any of these grounds
24 shall apply shall be the responsibility of the head of office of the government agency in
25 custody or control of the information, or any responsible central or field officer/s duly
26 designated by him:

27 *Provided, That:*

28 1. The exceptions are strictly construed;

29 2. The exceptions are not used to cover up a crime, wrongdoing, graft, or corruption;

30 3. Whenever the information covered by an exception may be reasonably severed
31 from a record, the record shall be released with the exempt information redacted, or
32 the information not covered by the exception shall otherwise be communicated to the
33 requesting party;

34 4. The President, the Supreme Court, the Senate, the House of Representatives, and
35 the Constitutional Commissions may waive an exception with respect to information
36 in the custody of offices under their respective supervision or control, when they
37 deem that there is an overriding public interest in disclosure; and

38 5. The exceptions do not constitute authority to withhold information from Congress, nor
39 authority for the executive branch of a local government unit to withhold information
40 from the legislative body of such local government unit.

41 **SEC. 8. Mandatory Disclosure of Information**—(a) In fulfillment of Article XI, Section 17
42 of the Constitution the following national officials shall provide to the public, through the
43 websites of their respective offices, their Statement of Assets, Liabilities, and Net worth
44 (SALN) on an annual basis:

45 (1) the President;

46 (2) the Vice- President;

- 1 (3) the Members of the Cabinet;
- 2 (4) the Members of the Senate and the House of Representatives;
- 3 (5) the Justices of the Supreme Court;
- 4 (6) the Commissioners of the Constitutional Commissions and other
5 constitutional offices; and
- 6 (7) the officers of the Armed Forces with the rank of general or the equivalent
7 flag rank.

8 (b) All agencies of all branches of government shall publish on their websites and update
9 on a monthly basis, a register of the following:

- 10 (i) Freedom of Information Manual in full;
- 11 (ii) Rules of Procedure, descriptions of forms available or the places at which
12 forms may be obtained, and instructions as to the scope and contents of all
13 papers, reports, or examinations;
- 14 (iii) Substantive rules of general applicability adopted as authorized by law, and
15 statements of general policy or interpretations of general applicability formulated
16 and adopted by the agency, including subsequent amendments;
- 17 (iv) Public interest documents or records, including:
 - 18 (1) Annual Budget of Government Agencies
 - 19 (2) Itemized Monthly Collections and Disbursement
 - 20 (3) Summary of Income and Expenditures
 - 21 (4) Component of the Internal Revenue Allotment (IRA) Utilization
 - 22 (5) Annual Procurement Plan and Procurement List
 - 23 (6) Items for Bidding
 - 24 (7) Bid Results on Civil Works, and Goods and Services
 - 25 (8) Abstract of Bids as Calculated
 - 26 (9) Procurement contracts entered into by government agency
 - 27 (10) Construction or concession agreements or contracts entered into
28 by a government agency with any domestic or foreign person or entity;
 - 29 (11) Private sector participation agreements or contracts in
30 infrastructure and development projects under Republic Act No. 6957
31 otherwise known as the Philippine BOT Law, as amended by Republic
32 Act No. 7718;
 - 33 (12) Public funding extended to any private entity;
 - 34 (13) Bilateral or multilateral agreements and treaties intrade, economic
35 partnership, investments, cooperation and similar binding commitments;
 - 36 (14) List of persons or entities who were granted licenses, permits or
37 agreements for the extraction and/or utilization of natural resources given
38 by any government agency;

1 (15) Projects identified by legislators pursuant to any Congressional
2 allocations, including the Priority Development Assistance Fund, the
3 Financial Subsidy to Local Government Units, the Regular Congressional
4 Allocation for infrastructure projects under the Department of Public
5 Works and Highways, Congressional Insertions, and other similar
6 Congressional allocation modalities;

7 (16) Statement of Assets and Liabilities of the public officers of the
8 government agency; and

9 (17) Guarantees given by any government agency to government-
10 owned or -controlled corporations and to private corporations, persons or
11 entities.

12 The register shall contain a brief description of the transaction involved, including, but
13 not limited to: the nature and object of the transaction, the parties and amounts involved,
14 the key steps undertaken towards its conclusion, and the relevant dates provided that
15 contracts and agreements involving an amount of at least Fifty Million Pesos
16 (P50,000,000.00) shall be published in full on the website of the concerned government
17 agency or the Official Gazette Online subject to the succeeding section. A covered
18 record shall be enrolled in the register not later than 30 working days from its perfection
19 or issuance.

20 (c) All government agencies shall, over time, endeavor and build the capacity and
21 practice to publish in full all other contracts, agreements, or treaties covered under this
22 Section, especially those that are of the highest public interest by reason of the amounts
23 involved and the impact of the transaction to the public. All government agencies must
24 ensure that they have a compliant website within two (2) years from the effectivity of this
25 Act.

26 (d) Should an agency lack the capacity to comply with the website publication
27 requirement of this Section, the agency shall initiate a capacity-building program,
28 coordinate with another appropriate agency, or use an alternative mechanism, to
29 facilitate substantive compliance not later than three (3) years from the effectivity of this
30 Act.

31 **SEC. 9. Promotion of Openness in Government-** (a) Duty to Publish Information –
32 Government agencies shall regularly publish, print and disseminate at no cost to the
33 public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red
34 Tape Act of 2007, and through their website, timely, true, accurate and updated key
35 information including, but not limited to:

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

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

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

42 (4) Work programs, development plans, investment plans, projects, performance
43 targets and accomplishments, and budgets, revenue allotments and
44 expenditures;

45 (5) Important rules and regulations, orders or decisions: *Provided*, that they be
46 published within fifteen (15) calendar days from promulgation;

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

1 (7) Bidding processes and requirements; and

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

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

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

11 **SEC. 10. Exemption From Compliance** – The government agency shall be excused
12 from complying with a subsequent identical or substantially similar request from the
13 same requesting party where it has previously complied with a request for information
14 unless a reasonable interval has lapsed between compliance with the previous request
15 and the making of the current request: *Provided, That* the government agency complies
16 with Section 18 of this Act.

17 **SEC. 11. Additional Protection of Privacy** – While providing for access to information
18 in public records, this Act also affords full protection of the right to privacy of individuals,
19 as follows:

20 (a) A government agency must ensure that personal information in its custody or under
21 its control is disclosed only as permitted under this Act;

22 (b) A government agency must protect personal information in its custody or under its
23 control by making reasonable security arrangements against such risks as unauthorized
24 access, collection, use, disclosure, or disposal;

25 (c) An employee, officer or director of a government agency who has access, whether
26 authorized or unauthorized, to personal information in the custody of the agency, must
27 not disclose that information except as authorized under this Act.
28

29 **SEC. 12. Administrative Liability** – The acts enumerated in this Section shall be
30 tantamount to gross neglect of duty and shall constitute grounds for administrative and
31 disciplinary sanction against any public official or employee who willfully and knowingly
32 commits the following:

33 (a) Refusal to promptly forward the request under Section 16 of this Act to the public
34 officer within the same office or agency responsible for officially acting on the request
35 when such is the direct cause of the failure to disclose the information within the periods
36 required by this Act;

37 (b) Failure to act on the request within the periods required by this Act;

38 (c) Claim an exception under Section 7 of this Act when the claim is manifestly devoid of
39 factual or legal basis;
40

41 (d) Refusal to comply with the decision of his immediate supervisor, the Ombudsman, or
42 of any court ordering the release of information;

43 (e) Approval of policies, rules and regulations manifestly contrary to the provisions of this
44 Act, and which policies, rules and regulations are the direct cause of the denial of a
45 request for information.

46 **SEC. 13. Criminal Liability** – (a) Any public official or employee who falsely denies or
47 conceals the existence of information mandated for disclosure under this Act shall be
48 liable for the crime of removal, concealment or destruction of documents as defined

1 under Article 226 of the Revised Penal Code.

2 (b) Any public official or employee who destroys, or causes to be destroyed, information
3 and/or documents being requested under this Act, for the purpose of frustrating the
4 requesting party's access thereto, shall be liable for the crime of removal, concealment
5 or destruction of documents as defined under Article 226 of the Revised Penal Code.

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

9 **SEC 14. Mere Denial Not a Ground for Liability** – A mere denial in good faith of a
10 request made pursuant to the provisions of this Act shall not constitute grounds for
11 administrative sanction or criminal liability.

12 **SEC. 15. Implementation Requirements**– (a) For the effective implementation of this
13 Act, all government agencies shall prepare a Freedom of Information Manual, setting
14 forth the following:

15 (1) The location and contact information of the head, regional, provincial and field
16 offices, and other established places where the public can obtain information or
17 submit requests;

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

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

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

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

23 (6) The standard forms for the submission of request and for the proper
24 acknowledgement of the request;

25 (7) The process for the disposition of the request, including the routing of the
26 request to the person or office with the duty to act on the request, the decision-
27 making process, and the grant or denial of access and its implementation;

28 (8) The procedure for the administrative appeal of any denial for access to
29 information;

30 (9) The schedule of service or processing fees pertinent to a request for
31 information;

32 (10) The process and procedure for the mandatory disclosure of information
33 under Section 7 of this Act; provided that, should the agency lack the capacity to
34 comply with Section 7 of this Act, a brief description of its plan to facilitate
35 compliance within three (3) years from the approval of this Act; and

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

38 (b) The foregoing information shall also be posted in its website and bulletin boards, and
39 shall be regularly updated;

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

42 (d) The heads of each of the departments and agencies may designate liaison units or
43 Committees which shall coordinate with the other units of the agency in implementing

1 this act. The composition, functions and duties of these liaison units or Committees shall
2 be set out in the Implementing Rules of this Act and shall be included in the Freedom of
3 Information Manual.

4 **SEC. 16. Procedure of Access** – (a) Any person who wishes to obtain information shall
5 submit, free of charge, a request to the government agency concerned personally, by
6 mail, or through electronic means. A person who is unable, because of illiteracy or
7 disability, to make a written request for information may make an oral request instead.
8 The public officer who receives the oral request shall reduce it to writing, indicating
9 therein his or her name and position within the government agency, and give a copy
10 thereof to the person who made the request. The request shall state the name and
11 preferred contact information of the requesting party, and reasonably describe the
12 information required, the reason for the request of the information and the preferred
13 means by which the government agency shall communicate such information to the
14 requesting party: *Provided*, That the stated reason shall not be used as a ground to deny
15 the request or to refuse the acceptance of the request, unless such request is contrary to
16 law. If the request is submitted personally, the requesting party shall show a current
17 identification document issued by any government agency, or government or private
18 employer or school, or a community tax certificate. If the request is submitted by mail or
19 through electronic means, the requesting party may submit a photostatic or electronically
20 scanned copy of the identification, or other convenient means as determined by the
21 agency.

22 (b) The public official receiving the request shall provide reasonable assistance, free of
23 charge, to enable all requesting parties and particularly those with special needs, to
24 comply with the requirements under this Section.

25 (c) The request shall be duly received by the concerned government agency, which shall
26 forthwith indicate the date and time of receipt and the name, rank, title and position of
27 the receiving public officer or employee who shall likewise affix his or her signature
28 thereon, and shall furnish the requesting party a copy thereof. In case the request is
29 submitted by electronic means, the government agency shall provide for an equivalent
30 means by which the requirements of this paragraph shall be met. Each government
31 agency shall establish a system by which the status of all requests for information
32 received by it may be verified at any time.

33 (d) The request may indicate the requesting party's preferred mode and means of
34 receiving the information requested, provided that the mode and means are reasonable,
35 taking into consideration equipment normally available to the concerned government
36 agency.

37 (e) A government agency may communicate the information requested in a form other
38 than the preferred means whenever such preferred means would unreasonably interfere
39 with the effective operation of the agency, or if the agency has no capability in
40 communicating the information in the preferred format, or when the preferred format may
41 be detrimental to the preservation of the record.

42 (f) The government agency shall comply with such request as soon as practicable, and
43 in any case within fifteen (15) working days from the receipt thereof. The period may be
44 extended whenever the information requested requires a search of the government
45 agency's field or satellite offices, examination of voluminous records, the occurrence of
46 fortuitous events or other analogous cases.

47 (g) The government agency shall, in writing or through electronic means, notify the
48 person making the request of the extension, setting forth the reasons for such extension
49 and the date when the information shall be made available, which in no case shall result
50 in an extension of more than twenty (20) working days.

51 (h) Once a decision is made to grant the request, the person making the request shall be
52 notified of such and pay the required access and processing fees.

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

8 **SEC. 17. Access and Processing Fees** – Government agencies may charge a
9 reasonable fee to reimburse the actual cost of reproduction, copying or transcription and
10 the communication of the information requested. An agency may waive the fees
11 whenever it is satisfied that the requester is an indigent, or that the cost of reproduction
12 is negligible, or that it is pursuant to a program for proactive disclosure.

13 **SEC. 18. Notice of Denial** – If the government agency decides to deny the request, in
14 whole or in part, it shall, as soon as practicable, and in any case within fifteen (15)
15 working days from the receipt of the request, notify the person making the request of
16 such denial in writing or through electronic means. The notice shall indicate the name,
17 rank, title or position of the person making the denial, clearly set forth the ground or
18 grounds for denial and the circumstances on which the denial is based, and indicate
19 available rights of reconsideration or appeal. Failure to notify the person making the
20 request of the denial, or of the extension, shall be deemed a denial of the request for
21 access to information.

22 **SEC. 19. Remedies in Cases of Denial** – (a) In all government agencies other than the
23 judicial branch–

24 (1) A denial of a request for access to information may be appealed to the Head of
25 Agency, following the procedure required under Section 15 (a) (8) of this Act: *Provided*,
26 That the appeal must be filed within fifteen (15) calendar days from the receipt of the
27 notice of denial and must be decided within fifteen (15) calendar days from filing. Failure
28 to resolve the appeal within the aforementioned period shall constitute a denial of the
29 appeal.

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

42 (3) A party whose request for information has been denied, whether or not such decision
43 has been appealed to the Head of the Agency, may file a verified petition for mandamus
44 in the proper court, alleging the facts with certainty and praying that judgment be
45 rendered ordering the respondent, immediately or at some other time to be specified by
46 the court, to disclose the information and to pay the damages sustained by the
47 requesting party by reason of the denial. The procedure for such petition shall be
48 summary in nature.

49 In resolving a complaint or petition brought under paragraphs (2) and (3) hereof,
50 the Ombudsman or the court is empowered to receive the information subject of a claim
51 of exception under Section 7 herein and examine them *in camera* to determine the
52 sufficiency of the factual and legal basis of such claim, when such sufficiency cannot be
53 reasonably determined through evidence and circumstances apart from the information.

54 (b) In the Judicial Branch – The Judiciary shall be governed by such remedies as

1 promulgated by the Supreme Court.

2 The remedies under this section shall be sought or granted without prejudice to
3 any other administrative, civil or criminal action covering the same act.

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

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

10 **SEC. 20. Keeping of Records** – (a) Government agencies shall create and maintain in
11 appropriate formats, accurate and reasonably complete documentation or records of
12 their organization, policies, transactions, decisions, resolutions, enactments, actions,
13 procedures, operations, activities, communications and documents received or filed with
14 them and the data generated or collected. These shall include working files such as
15 drafts or notes, whenever these have been circulated within the agency for official
16 purpose such as for discussion, comment or approval or when these contain unique
17 information that can substantially contribute to a proper understanding of the agency
18 organization, policies, transactions, decisions, resolutions, enactments, actions,
19 procedures, operations, and activities;

20 (b) Government agencies, in coordination with the National Archives of the Philippines,
21 shall identify specific and classes of official records in their custody or control that have
22 continuing historical, administrative, informational, legal, evidentiary, or research value
23 for preservation by such agencies or their legitimate successors, or for transfer to the
24 National Archives of the Philippines.

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

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

28 (2) Records of government contracts involving amounts Fifty Million or more, or
29 related to infrastructure, public and private partnerships, utilities, or other important
30 projects

31 (3) The original declaration under oath of the assets, liabilities and net worth of
32 public officers and employees submitted to the Office of the Ombudsman, as required by
33 law, and

34 (4) Records of official investigations pertaining to allegations of graft and
35 corruption of public officers.

36 (d) Government agencies shall prepare, following standards and period promulgated
37 pursuant to Republic Act No. 9470 or the National Archives of the Philippines Act of
38 2007, a records management program that includes the following:

39 (1) A records maintenance system for the creation, selection, classification,
40 indexing and filing of official records that facilitate the easy identification, retrieval
41 and communication of information to the public;

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

47 (3) Identification of the specific roles and responsibilities of agency personnel in

1 the implementation of such system and schedule.

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

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

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

13 (3) A database of all appointments and designations made by the President of
14 the Philippines; and

15 (4) Opinions of the Secretary of Justice.

16 **SEC 21. Publication in the Official Gazette.** For purposes of mandatory disclosure as
17 provided in Section 8 of this Act, online publication in the Official Gazette website shall
18 be considered official publication provided there shall be a timestamp in the said
19 document.

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

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

25 (b) All executive and administrative orders and proclamations of general application;

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

29 (d) Such documents or classes of documents as the President shall determine from
30 time to time to have general application or which he may authorize to be
31 published.

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

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

40 **SEC 23. Separability Clause** – If any provision or part hereof is held invalid or
41 unconstitutional, the remainder of the law or the provision not otherwise affected shall
42 remain valid and subsisting.

43 **SEC 24. Repealing Clause** – All laws, decrees, executive orders, rules and regulations,
44 issuances or any part thereof inconsistent with the provisions of this Act, including
45 sections 18, 24 and 25 of Executive Order No. 292 or the Administrative Code of 1987 in
46 relation to Article 2 of Republic Act No. 386 or the Civil Code, Memorandum Circular No.
47 78 dated 14 August 1964 (Promulgating Rules Governing Security of Classified Matter in
48 Government Offices), as amended, and Section 3, Rule IV of the Rules Implementing
49 Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and
50 Employees), are deemed repealed.

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