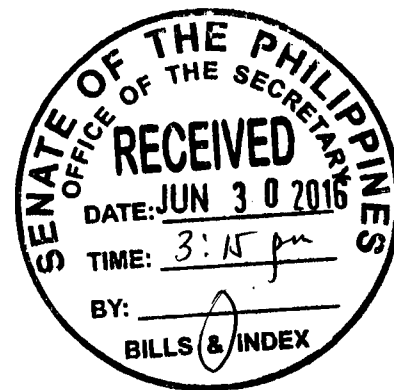


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE  
S. B. No. 72

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

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**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**

**EXPLANATORY NOTE**

The right of the people to information held by governments is being recognized by a rapidly growing number of countries around the world. Today, over 70 countries have adopted laws giving citizens the right to access government information.

The Philippines is one among countries that have elevated the right to information into a Constitutional guarantee. Such high level of importance accorded to the right to information is only proper given the key role that the right to information plays in empowering the people, ensuring good governance, deepening democracy and working for sustainable development.

The framers of the Constitution, cognizant of the necessity to ensure transparency and accountability in government, have included such right of the people under the Declaration of Principles and State Policies, and under Section 28, Article II which provides 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."

This has been strengthened under Section 7, Article III which provides that: "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 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."

This right to information is not limited to making government open and accountable but the "right to know" is also indispensable to the exercise of the related freedoms of speech, of expression, and of the press, as well as the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making. The people's right to information is an indispensable element of a functioning democracy.

The idea of "a government by the people" presupposes that the people have access to information on matters of public concern. The free flow of information about the affairs of government paves the way for public participation, and fosters accountability in government. Access to such information ensures an informed citizenry who can better participate in policy and decision-making. It also strengthens the role of public institutions in ensuring checks and balances in government thereby helping prevent the commission of graft and corruption, which ultimately should lead to an efficient and effective government.

The people's right to information is not only a political imperative. It is also essential in economic life. It provides the institutional foundation for a more responsive government planning

by enhancing the capacity of the public to provide timely feedback to government, and build consensus around policy objectives and design. The availability of information on official rules, policies, programs, and resource allocation also enables the private sector to make sound long-term economic decisions.

We have been paying a high price for the absence of such enabling law. Corruption has been so rampant such that we have lost so much billions that should have been used to address our people's needs. In fact, a World Bank study revealed that for every one peso that the government collects, 40 centavos goes to corruption.

According to World Economic Forum, corruption is the most problematic factor for doing business in the Philippines. In 2011, the Government lost more than P101 billion to graft, according to the Commission on Audit (COA). According to the Audit Performance Summary Report for 2011 of COA, P20.813 billion alone was lost to under-assessment or under-collection. P18.654 billion due to profligacy or reckless spending is the second biggest problem, posting a loss due to 1,642 cases of unauthorized, irregular or unnecessary expenses. P15.163 billion due to questionable government supply contracts, including those carried out without the conduct of public biddings or do not comply with the Government Procurement Reform Act, P13.584 billion fourth biggest problem covered some 104 "unutilized and/or ineffective projects" worth, P7.534 billion in 1,003 different cases of unliquidated cash advances.

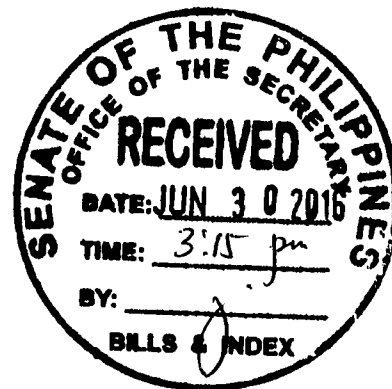
In 2015, the Transparency International Corruption Perception Index, which ranks countries from the least corrupt to the most corrupt, puts the Philippines in the 95<sup>th</sup> rank out of 168 countries. This is 10 ranks lower from the country's 2014 rank. Additionally, a Pulse Asia Survey shows a drop in public's satisfaction on the government's fight against corruption from 65% in 2012 to 42% in 2014.

There is an urgent need to follow President Rodrigo Duterte's anti-corruption agenda. This bill seeks to enable free access to official information by citizens based on the principles of maximum disclosure and open, accountable and transparent government. The only exception is when the disclosure of such information would jeopardize other prerogatives of the government, namely, the protection of the privacy of individual rights, national security, public order and safety, foreign diplomatic relations and intellectual property rights and trade secrets.



ALAN PETER "COMPAÑERO" S. CAYETANO   
*Senator*

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



SENATE  
S. B. No. 72

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INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

---

**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 Act of 2016.”

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

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

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

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

20 (b) “Government agency” shall include the executive, legislative and judicial branches as  
21 well as the constitutional bodies of the Republic of the Philippines including, but not limited to, the  
22 national government and all its agencies, departments, bureaus, offices and instrumentalities,  
23 constitutional commissions and constitutionally mandated bodies, local governments and all their  
24 agencies, regulatory agencies, chartered institutions, government-owned or -controlled  
25 corporations, including wholly-owned or controlled subsidiaries, government financial institutions,  
26 state universities and colleges, the Armed Forces of the Philippines, the Philippine National Police,  
27 all offices in the Congress of the Philippines including the offices of Senators and Representatives,  
28 the Supreme Court and all lower courts established by law.

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

32 (d) “Public records” shall include information required by law, executive orders, rules,  
33 or regulations to be entered, kept and made publicly available by a government agency.  
34

1 **SEC. 5. Presumption.** - There shall be a legal presumption in favor of access to information.  
2 Accordingly, government agencies shall have the burden of proof of showing by clear and  
3 convincing evidence that the information requested is exempted from disclosure by this Act.  
4

5 **SEC. 6. Access to Information.** - Government agencies shall make available to the public for  
6 scrutiny, copying and reproduction in the manner provided by this Act, all information pertaining  
7 to official acts, transactions or decisions, as well as government research data used as basis for  
8 policy development, regardless of their physical form or format in which they are contained and by  
9 whom they were made.  
10

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

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

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

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

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

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

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

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

49 (h) The information requested consists of drafts of decisions by any executive,  
50 administrative, judicial or quasi-judicial body in the exercise of their adjudicatory functions  
51 whenever the revelation thereof would reasonably tend to impair the impartiality of verdicts, or  
52 otherwise obstruct the administration of justice.  
53

54 For letters (b) to (h) of this section, the determination whether any of these grounds shall apply  
55 shall be the responsibility of the head of office of the government agency in custody or control of  
56 the information, or any responsible central or field officer/s duly designated by him.  
57

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

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

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

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

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

20 (b) 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 the  
22 corresponding signature, and a copy thereof furnished to the requesting party. In case the request  
23 is submitted by electronic means, the government agency shall provide for an equivalent means by  
24 which the requirements of this paragraph shall be met.  
25

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;
- 28 (2) An opportunity to inspect the information, using equipment normally available to  
29 the government agency when necessary;
- 30 (3) An opportunity to copy the information using personal equipment;
- 31 (4) A written transcript of the information contained in a audio or visual form;
- 32 (5) A transcript of the content of an information requested, in print, sound or visual  
33 form, where such transcript is capable of being produced using equipment  
34 normally available to the government agency;
- 35 (6) A transcript of the information from shorthand or codified form; or
- 36 (7) Other reasonable means or format.  
37

38 (d) A government agency may communicate the information requested in a form other than  
39 the preferred means whenever such preferred means would unreasonably interfere with the  
40 effective operation of the agency, or be detrimental to the preservation of the record.  
41

42 (e) The government agency shall comply with such request within seven (7) working days  
43 from the receipt thereof.  
44

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

- 47 (1) To search for and collect the requested information from field facilities or  
48 other establishments that are separate from the office processing the request;
- 49 (2) To search for, collect and appropriately examine a voluminous amount of  
50 separate and distinct information which are demanded in a single request;
- 51 (3) Consultation, which shall be conducted in all practicable speed, with another  
52 government agency or among two (2) or more components of the government agency  
53 having substantial interest in the determination of the request; and
- 54 (4) To consider fortuitous events or other events due to force majeure or other  
55 analogous cases.  
56

57 (g) The government agency shall, in writing or through electronic means, notify the person  
58 making the request of the extension, setting forth the reasons for such extension and the date when  
59 the information shall be made available: Provided, That no such notice shall specify a date that  
60 would result in an extension of more than fifteen (15) working days from the original deadline.  
61

1 **SEC. 10. Access Fees.** – Government agencies may charge a reasonable fee to reimburse the actual  
2 cost of reproduction, copying or transcription and the communication of the information requested.  
3

4 **SEC. 11. Notice of Denial.** – If the government agency decides to deny the request, in whole or in  
5 part, it shall, within seven (7) working days from the receipt of the request, notify the person  
6 making the request of such denial in writing or through electronic means. The notice shall clearly  
7 indicate the name, rank, title or position of the person making the denial, and the grounds for the  
8 denial. In case the denial is by reason of a claimed exception, the denial shall also state clearly the  
9 legitimate aim or interest sought to be protected in the confidentiality, and the facts and  
10 circumstances invoked showing the substantial harm to, or frustration of, the legitimate aim or  
11 interest that will result in the disclosure of the information. Failure to notify the person making the  
12 request of the denial, or of the extension, shall be deemed a denial of the request for access to  
13 information.  
14

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

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

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

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

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

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

26 (6) The standard forms for the submission of request and for the proper  
27 acknowledgement of the request;

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

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

32 (9) The schedule of fees;

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

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

38 (12) Such other information, taking into consideration the unique characteristics of an  
39 agency, that will help facilitate the effective implementation of this Act.  
40

41 (b) The Judiciary shall prepare a similar manual as directed by the Supreme Court;  
42

43 (c) The foregoing information shall also be posted in its website and bulletin boards, and  
44 shall be regularly updated;  
45

46 (d) In no case shall the absence of the aforementioned Manual be a reason for the denial of  
47 any request for information made in accordance with this Act.  
48

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

51 (1) Every denial of any request for access to information may be appealed to the  
52 person or office next higher in authority, following the procedure mentioned in Section  
53 12(a)(8) of this Act: Provided, That the appeal must be filed within fifteen (15) calendar  
54 days from the notice of denial and must be decided within fifteen (15) calendar days from  
55 filing. Failure of the government agency to decide within the aforesated period shall  
56 constitute a denial of the appeal; and  
57

58 (2) Instead of appealing or after the denial of the appeal, the person denied  
59 access to information may file a verified complaint with the Office of the Ombudsman,  
60 praying that the government agency concerned be directed to immediately afford access to  
61 the information being requested. Such complaint shall be resolved by the Office of the

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

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

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

23 (b) In the Judicial Branch - The Judiciary shall be governed by such remedies as  
24 promulgated by the Supreme Court.  
25

26 (c) The remedies under this section are without prejudice to any other administrative, civil  
27 or criminal action covering the same act.  
28

29 (d) The remedies available under this Act shall be exempt from the rules on non-exhaustion  
30 of administrative remedies and the application of the provisions of Republic Act No. 9285,  
31 otherwise known as the Alternative Dispute Resolution Act of 2004.  
32

33 (e) In case the requesting party has limited or no financial capacity, the Public Attorney's  
34 Office shall be mandated to provide legal assistance to the requester in availing of the remedies  
35 provided under this Act.  
36

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

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

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

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

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

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

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

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

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

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

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

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

1  
2 A summary list of the foregoing information uploaded in the website shall be posted in the bulletin  
3 boards of the concerned government agency.  
4

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

10  
11 **(c) Should an agency lack the capacity to comply with letter (a) of this Section, the agency shall**  
12 **initiate a capacity-building program, or coordinate with another appropriate agency, to facilitate**  
13 **substantive compliance not later than three (3) years upon approval of this Act.**  
14

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

25 b) Government agencies shall identify specific and classes of official records in their custody  
26 or control that have continuing historical, administrative, informational, legal, evidentiary, or  
27 research value for preservation by such agencies or their legitimate successors, or for transfer to  
28 the National Archives of the Philippines. In addition, the National Archives of the Philippines shall  
29 likewise identify specific and classes of official records that it shall require agencies to preserve and  
30 transfer to it.  
31

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

- 34 1) Records pertaining to loans obtained or guaranteed by the government;
- 35 2) Records of government contracts;
- 36 3) The declaration under oath of the assets, liabilities and net worth of public officers and  
37 employees, as required by law; and
- 38 4) Records of official investigations on graft and corruption practices of public officers.  
39

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

- 43 1) A records maintenance system for the creation, selection, classification, indexing and  
44 filing of official records, that facilitates easy identification, retrieval and communication of  
45 information to the public;
- 46 2) A records maintenance, archival and disposition schedule providing a listing of records  
47 under current use, for retention by the agency, for transfer to the National Archives, or for  
48 destruction: Provided, That destruction of the official records may be implemented only  
49 upon approval of the National Archives of the Philippines; and
- 50 3) A specifications of the roles and responsibilities of agency personnel in the  
51 implementation of such system and schedule.  
52

53 e) In addition to its function as repository of all rules and regulations issued by agencies as  
54 provided under Book VII, Chapter II of the Administrative Code of 1987, the University of the  
55 Philippines Law Center, in coordination with the National Printing Office as the agency with  
56 exclusive printing jurisdiction over the Official Gazette, shall maintain a database, and publish the  
57 same in print in Official Gazette or in digital or online form, the following: 1) All laws of the  
58 Philippines and their amendments, from the period of the Philippine Commission to the present; 2)  
59 All presidential issuances from November 15, 1935 to the present, including but limited, to  
60 executive orders, presidential proclamations, administrative orders, memorandum circulars,



1 general orders, and other similar issuances; 3) A database of all appointments made by the  
2 President of the Philippines; and 4) Opinions of the Secretary of Justice.

3  
4 **SEC. 16. Promotion of Openness in Government.** – (a) Duty to Publish Information – Government  
5 agencies shall regularly publish, print and disseminate at no cost to the public and in an accessible  
6 form, in conjunction with R.A. 9485, or the Anti-Red Tape Act of 2007, and through their website,  
7 timely, true, accurate and updated key information including, but not limited to:

8  
9 (1) A description of its mandate, structure, powers, functions, duties and  
10 decision-making processes;

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

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

15 (4) Work programs, development plans, investment plans, projects,  
16 performance targets and accomplishments, and budgets, revenue allotments and  
17 expenditures;

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

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

21 (7) Bidding processes and requirements; and

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

24  
25 (b) Accessibility of Language and Form – Every government agency shall endeavor to  
26 translate key information into major Filipino languages and present them in popular form and  
27 means.

28  
29 (c) Improving Capability – Every government agency shall ensure the provision of adequate  
30 training for its officials to improve awareness of the right to information and the provisions of this  
31 Act, and to keep updated of best practices in relation to information disclosure, records  
32 maintenance and archiving.

33  
34 **SEC. 17. Criminal Liability and Administrative Liability.**– The penalty of imprisonment of not  
35 less than one (1) month but not more than six (6) months shall be imposed upon:

36  
37 (a) Any public officer or employee receiving the request under Section 9 of this Act who  
38 shall fail to promptly forward the request to the public officer within the same office or agency  
39 responsible for officially acting on the request when such is the direct cause of the failure to  
40 disclose the information within the periods required by this Act;

41  
42 (b) Any public officer or employee responsible for officially acting on the request, who  
43 shall:

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

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

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

48 (4) Claim an exception under Section 7 of this Act, or under the Constitution,  
49 when the claim is manifestly devoid of factual basis; or

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

53  
54 (c) The head of office of the government agency directly and principally responsible for  
55 the negotiation and perfection of any of the transactions enumerated in Section 14(a) of this Act,  
56 who shall knowingly refuse, to direct the mandatory posting or uploading of such transaction  
57 despite the agency capacity to implement such directive. The same penalty shall be imposed upon  
58 the public officer or employee who, despite a directive from the head of office, shall fail, to post or  
59 upload any of the transactions enumerated in Section 14(a) of this Act;

60

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

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

7  
8 (f) Any public or private individual who knowingly induced or caused the commission  
9 of the foregoing acts under this section.

10  
11 **The foregoing shall be without prejudice to any administrative liability of the offender under**  
12 **existing laws and regulations.**

13  
14 **SEC. 18. Act Not a Bar to Claim of Right to Information Under the Constitution.** - No provision  
15 of this Act shall be interpreted as a bar to any claim of denial of the right to information under  
16 Article III, Section 7 of the 1987 Constitution.

17  
18 **SEC. 19. Separability Clause.** - If, for any reason, any section or provision of this Act is held  
19 unconstitutional or invalid, no other section or provision shall be affected.

20  
21 **SEC. 20. Repealing Clause.** - All laws, decrees, executive orders, rules and regulations, issuances  
22 or any part thereof inconsistent with the provisions of this Act, including Memorandum Circular No.  
23 78 dated 14 August 1964 (Promulgating Rules Governing Security of Classified Matter in  
24 Government Offices), as amended, and Section 3, Rule IV of the Rules Implementing Republic Act  
25 No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), are deemed  
26 repealed.

27  
28 **SEC. 21. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in at least two  
29 (2) national newspapers of general circulation.

30 Approved

31  
32  
33 *Approved,*