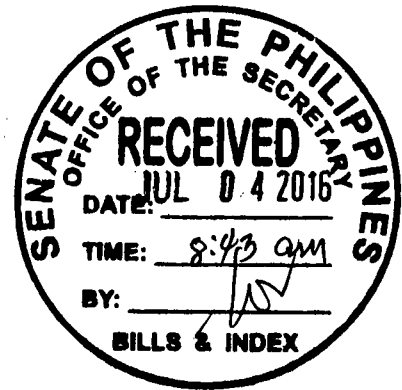


SEVENTEENTH CONGRESS )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE  
S.B. No. 248

---

**Introduced by SENATOR LOREN LEGARDA**

---

**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 to information is a constitutionally protected right under Article III, Section 7 of the Constitution, 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 to government research data used as basis for policy development, shall be afforded the citizen, subject to limitations as may be provided by law."

Despite this Constitutional guarantee and its affirmation in a number of Supreme Court decisions, we are aware of the wanton violation by many government agencies of the right of Filipinos to access information of public interest and concern.

A key problem is lack of legislation. While the Supreme Court has upheld the enforceability of the constitutional right to information, its effective implementation has for the past two decades suffered from the lack of the necessary substantive and procedural details that only Congress can provide. As the Supreme Court lamented in *Chavez v. NHA* (G.R. No. 164527; August 15, 2007):

"It is unfortunate, however, that after almost twenty (20) years from birth of the 1987 Constitution, there is still no enabling law that provides the mechanics for the compulsory duty of government agencies to disclose information on government transactions. Hopefully, the desired enabling law will finally see the light of day when Congress decides to approve the proposed "Freedom of Access to Information Act."

This bill fulfills the long overdue legislative obligation of Congress by putting in place the following major features:

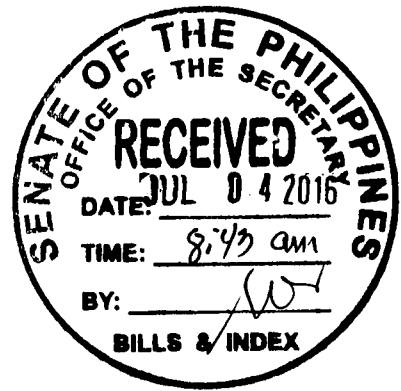
- An expansive scope in terms of government agencies as well as information covered. A narrow list of exceptions circumscribed by clearly stated public harm that we wish to avoid in withholding certain information;
- An opportunity and the right for citizens to counterbalance and override a recognized exception when there is greater public interest in information disclosure.
- A clear, uniform and speedy procedure for access to information;
- A provision implementing automatic disclosure of transactions of public concern as required by Section 28, Article II of the constitution;
- A system of accessible and speedy remedies for a citizen whose access to information has been denied;
- The institution of mechanisms to promote a culture of openness within government; and
- The introduction of clear administrative, criminal and civil liability for the violation of the right to information.

Freedom of information is an essential prerequisite for a modern democracy. It is a key foundation to the effective exercise of cognate rights such as the freedoms of speech, of the press, and of expression, 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. Transparency in the public sector enables our people to engage in meaningful participation, promotes accountability, and mitigates corruption, which has long been a major obstacle to our country's development.

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

  
**LOREN LEGARDA**  
Senator

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



SENATE  
S.B. No. 248

---

Introduced by SENATOR LOREN LEGARDA

---

**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. Title.** - This Act shall be known as the "Freedom of  
2 Information Act."  
3

4 **SEC. 2. Declaration of Policy.** - The State recognizes the right of the people  
5 to information on matters of public concern, and adopts and implements a  
6 policy of full public disclosure of all its transactions involving public  
7 interest, subject to the procedures and limitations provided by this Act. This  
8 right is indispensable to the exercise of the right of the people and their  
9 organizations to effective and reasonable participation at all levels of social,  
10 political and economic decision-making.  
11

12 **SEC. 3. Coverage.** - This Act shall cover all government agencies as defined  
13 under Section 4 of this Act.  
14

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

16  
17 a. "Information" shall mean any knowledge, record, document, paper,  
18 report, letters, contract, minutes and transcripts of official meetings,  
19 maps, books, photographs, data, research material, film, sound and  
20 video recordings, magnetic or other tapes, electronic data, computer  
21 stored data, or any other like or similar data or material recorded,  
22 stored or archived in whatever form or format, which are made,  
23 received or kept in or under the control and custody of any  
24 government agency pursuant to law, executive order, rules and  
25 regulations, ordinance or in connection with the performance or  
26 transaction of official business by any government agency.  
27

28 b. "Government agency" shall include the executive, legislative and  
29 judicial branches as well as the constitutional bodies of the Republic  
30 of the Philippines including, but not limited to, the national  
31 government and all its agencies, departments, bureaus, offices and

1 instrumentalities, constitutional commissions and constitutionally  
2 mandated bodies, local governments and all their agencies, regulatory  
3 agencies, chartered institutions, government-owned or controlled  
4 corporations, including wholly-owned or controlled subsidiaries,  
5 government financial institutions, state universities and colleges, the  
6 Armed Forces of the Philippines, the Philippine National Police, all  
7 offices in the Congress or the Philippines including the offices of  
8 Senators and Representatives, the Supreme Court and all lower  
9 courts established by law.

10  
11 c. "Official records" shall refer to information produced or received by a  
12 public officer or employee, or by a government agency in an official  
13 capacity or pursuant to a public function or duty, and is not meant to  
14 be a stage or status of the information.

15  
16 d. "Public records" shall include information required by law, executive  
17 orders, rules, or regulations to be entered, kept and made publicly  
18 available by a government agency.

19  
20 **SEC. 5. Presumption.** - There shall be a legal presumption in favor of  
21 access to information. Accordingly, government agencies shall have the  
22 burden of proof of showing clear and convincing evidence that the  
23 information requested is exempted from disclosure by this Act.

24  
25 **SEC. 6. Access to Information.** - Government agencies shall make  
26 available to the public for scrutiny, copying and reproduction in the manner  
27 provided by this Act, all information pertaining to official acts, transactions  
28 or decisions, as well as government research data used as basis for policy  
29 development, regardless of their physical form or format in which they are  
30 contained and by whom they were made.

31  
32 **SEC. 7. Exceptions.** - Subject to the qualifications set forth in Section 8 of  
33 this Act, access to information may be denied when:

34  
35 a. The revelation of the information requested will create a clear and  
36 present danger of war, invasion or any external threat to the State as  
37 determined by the Office of the President and/or the Secretary of the  
38 Department of National Defense;

39  
40 b. The information requested pertains to the foreign affairs of the  
41 Republic of the Philippines, when its revelation would unduly weaken  
42 the negotiating position of the government in an ongoing bilateral or  
43 multilateral negotiation or seriously jeopardize the diplomatic  
44 relations of the Philippines with one or more states with which it  
45 intends to keep friendly relations;

46  
47 c. The information requested pertains to internal and external defense  
48 and law enforcement, when the revelation thereof would render a  
49 legitimate military operation ineffective, unduly compromise the  
50 prevention, detection or suppression of a criminal activity, or  
51 endanger the life or physical safety of confidential or protected  
52 sources or witnesses, law enforcement and military personnel or their  
53 immediate families. Information relating to the details of the  
54 administration, budget and expenditure, and management of the  
55 defense and law enforcement agencies shall always be accessible to  
56 the public;

- 1 d. The information requested pertains to the personal information of a  
2 natural person other than the requesting party, and its disclosure  
3 would constitute a clearly unwarranted invasion of his or her personal  
4 privacy, unless it forms part of a public record, or the person is or was  
5 an official of a government agency and the information requested  
6 relates to his or her public function, or the person has consented to  
7 the disclosure of the requested information;  
8
- 9 e. The information requested pertains to trade, industrial, financial or  
10 commercial secrets of a natural or juridical person other than the  
11 requesting party, obtained in confidence by, and/or filed with a  
12 government agency, whenever the revelation thereof would seriously  
13 prejudice the interests of such natural or juridical person in trade,  
14 industrial, financial or commercial competition, unless such natural  
15 or juridical person has consented to the disclosure of the requested  
16 information;  
17
- 18 f. The information requested is privileged from production in legal  
19 proceedings by law or by the Rules or Court, unless the person  
20 entitled to the privilege has waived it;  
21
- 22 g. The information requested is exempted by law, in addition to those  
23 provided in this Section;  
24
- 25 h. The information requested is obtained by any committee of either  
26 House of Congress in executive session, whenever such information  
27 falls under any of the foregoing exceptions; and  
28
- 29 i. The information requested consists of drafts of decisions by any  
30 executive, administrative, judicial or quasi-judicial body in the  
31 exercise of their adjudicatory functions whenever the revelation  
32 thereof would reasonably tend to impair the impartiality of verdicts, or  
33 otherwise obstruct the administration of justice.  
34

35 **SEC. 8. Qualifications.** - Even if the information requested falls under the  
36 exceptions set forth in the preceding section, access to information shall not  
37 be denied if:  
38

- 39 a. The information requested may be reasonably severed from the body  
40 of the information, which would be subject to the exceptions;  
41
- 42 b. The public interest in the disclosure outweighs the harm to the  
43 interest sought to be protected by the exceptions; or  
44
- 45 c. The requesting party is either House of Congress, or any of its  
46 Committees, unless the disclosure will constitute a violation of the  
47 Constitution.  
48

49 **SEC. 9. Procedure of Access.** - (a) Any person who wishes to obtain  
50 information shall submit a request to the government agency concerned  
51 personally, by mail, or through electronic means. The request shall state the  
52 name and preferred contact information of the requesting party, and  
53 reasonably describe the information required, the reason for the request of  
54 the information and the preferred means by which the government agency  
55 shall communicate such requested information to the requesting party:  
56 *Provided*, that the reason, or the failure to state the reason for the request of

1 the information, shall not be used as a ground to deny the request or to  
2 refuse the acceptance of the request, unless such reason is contrary to law.  
3 If the request is submitted personally, the requesting party shall show his  
4 current identification card issued by any government agency, or government  
5 or private employer or school, or a community tax certificate. If the request  
6 is submitted by mail or through electronic means, the requesting party may  
7 submit a photostatic or electronically scanned copy of the identification, or  
8 other convenient means as determined by the agency.

9  
10 (b) The request shall be stamped by the government agency,  
11 indicating the date and time of receipt and the name, rank, title  
12 and position of the receiving public officer or employee with the  
13 corresponding signature, and a copy thereof furnished to the  
14 requesting party. In case the request is submitted by electronic  
15 means, the government agency shall provide for an equivalent  
16 means by which the requirements of this paragraph shall be  
17 met.

18  
19 (c) The request may indicate the following preferred means of  
20 communication:

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

37  
38 (d) A government agency may communicate the information  
39 requested in a form other than the preferred means whenever  
40 such preferred means would unreasonably interfere with the  
41 effective operation of the agency, or be detrimental to the  
42 preservation of the record.

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

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

- 50 1) To search for and collect the requested information from field  
51 facilities or other establishments that are separate from the  
52 office processing the request;
- 53 2) To search for, collect and appropriately examine a  
54 voluminous amount of separate and distinct information, which  
55 are demanded in a single request;

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

5 4) To consider fortuitous events or other events due to *force*  
6 *majeure* or other analogous cases.  
7

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

16 **SEC. 10. Access Fees.** - Government agencies may charge a reasonable fee  
17 to reimburse the actual cost of reproduction, copying or transcription and  
18 the communication of the information requested.  
19

20 **SEC. 11. Notice of Denial.** - If the government agency decides to deny the  
21 request, in whole or in part, it shall, within seven (7) calendar days from the  
22 receipt of the request, notify the person making the request of such denial in  
23 writing or through electronic means. The notice shall clearly indicate the  
24 name, rank, title or position of the person making the denial, and the  
25 grounds for the denial. In case the denial is by reason of a claimed  
26 exception, the denial shall also state clearly the legitimate aim or interest  
27 sought to be protected in the confidentiality, and the facts and  
28 circumstances invoked showing the substantial harm to, or frustration of,  
29 the legitimate aim or interest that will result in the disclosure of the  
30 information requested. Failure to notify the person making the request of  
31 the denial, or of the extension, shall be deemed a denial of the request for  
32 access to information.  
33

34 **SEC. 12. Implementation Requirements.** -- (a) For the effective  
35 implementation of this Act, every government agency shall prepare a  
36 Freedom of Information Manual, which shall include the following  
37 information:  
38

- 39 (1) The location and contact information of the head, regional,  
40 provincial and field offices, and other established places where  
41 the public can obtain information or submit requests;  
42 (2) The types of information it generates, produces, holds and/or  
43 publishes;  
44 (3) A description of its record-keeping system;  
45 (4) The person or office responsible for receiving requests for  
46 information;  
47 (5) The procedure for the filing of requests personally, by mail, or  
48 through the identified electronic means;  
49 (6) The standard forms for the submission of request and for the  
50 proper acknowledgement of the request;  
51 (7) The process for the disposition of the request, including the  
52 routing of the request to the person or office with the duty to act  
53 on the request, the decision-making, and the grant or denial of  
54 access and its implementation;  
55 (8) The procedure for the administrative appeal of any denial for  
56 access to information;

- 1 (9) The schedule of fees;  
2 (10) The process and procedure for the mandatory disclosure of  
3 information under Section 14 of this Act;  
4 (11) Should the agency lack the capacity to comply with Section 14  
5 (a) of this Act, a brief description of its plan to facilitate  
6 compliance within three (3) years from the approval of this Act;  
7 and  
8 (12) Such other information, taking into consideration the unique  
9 characteristics of an agency, that will help facilitate the effective  
10 implementation of this Act.  
11

12 (b) The foregoing information shall also be posted in its website and  
13 bulletin boards, and shall be regularly updated;  
14

15 (c) In no case shall the absence of the aforementioned guidelines  
16 be a reason for the denial of any request for information made in  
17 accordance with this Act.  
18

19 **SEC. 13. Remedies in Cases of Denial.** - (a) In all government agencies  
20 other than the judicial branch -  
21

22 (1) Every denial of any request for access to information may be  
23 appealed to the person or office next higher in authority,  
24 following the procedure mentioned in Section 12 (8) of this Act:  
25 *Provided*, that the appeal must be filed within fifteen (15)  
26 calendar days from the notice of denial and must be, decided  
27 within fifteen (15) calendar days from filing. Failure of the  
28 government agency to decide within the aforesated period shall  
29 constitute a denial of the appeal; and  
30

31 (2) Instead of appealing or after the denial of the appeal, the person  
32 denied access to information may file a verified complaint with  
33 the Office of the Ombudsman, praying that the government  
34 agency concerned be directed to immediately afford access to  
35 the information being requested. Such complaint shall be  
36 resolved by the Office of the Ombudsman within sixty (60)  
37 calendar days from filing, or earlier when time is of the essence  
38 taking into account such factors as the nature of the  
39 information requested, context of the request, public interest  
40 and danger that the information requested will become moot.  
41 The Office of the Ombudsman shall promulgate its special rules  
42 of procedure for the immediate disposition of complaints filed  
43 pursuant to this Section. Unless restrained or enjoined, the  
44 decisions of the Office of the Ombudsman shall be immediately  
45 executory, without prejudice to review in accordance with the  
46 Rules of Court.  
47

48 (3) Instead of filing a complaint with the Office of the Ombudsman,  
49 whenever a request for information is denied originally or on  
50 administrative appeal, the requesting party may file a verified  
51 petition for mandamus in the proper court, alleging the facts  
52 with certainty and praying that judgment be rendered ordering  
53 the respondent, immediately or at some other time to be  
54 specified by the court, to disclose the information requested and  
55 to pay the damages sustained by the requesting party by reason



1 of the denial. The procedure for such petition shall be summary  
2 in nature.

3  
4 (b) In the Judicial Branch - The Supreme Court shall promulgate  
5 the remedies that would govern offices under its jurisdiction.

6  
7 (c) The remedies under this section are without prejudice to any  
8 other administrative, civil or criminal action that may arise from the  
9 same act.

10  
11 (d) The remedies available under this Act shall be exempt from the  
12 rules on non-exhaustion of administrative remedies and the  
13 application of the provisions of Republic Act No. 9285, otherwise  
14 known as the Alternative Dispute Resolution Act of 2004.

15  
16 (e) In case the requesting party has limited or no financial  
17 capacity, the Public Attorney's Office shall be mandated to provide  
18 legal assistance to the requesting party in availing of the remedies  
19 provided under this Act.

20  
21 **SEC. 14. Mandatory Disclosure of Transactions Involving Public**  
22 **Interest.** - (a) Subject to Sections 7 and 8 of this Act, all government  
23 agencies shall upload on their websites, which shall be regularly updated  
24 every fifteen (15) days, all the steps, negotiations and key government  
25 positions pertaining to definite propositions of the government, as well as  
26 the contents of the contract, agreement or treaty in the following  
27 transactions involving public interest:

- 28  
29 (1) Compromise agreements entered into by a government agency  
30 with any person or entity involving any waiver or its rights or  
31 claims;  
32  
33 (2) Private sector participation agreements or contracts in  
34 infrastructure and development projects under Republic Act No.  
35 6957, as amended by Republic Act No. 7718, authorizing the  
36 financing, construction, operation and maintenance of  
37 infrastructure projects;  
38  
39 (3) Procurement contracts entered into by a government agency;  
40  
41 (4) Construction or concession agreements or contracts entered  
42 into by a government agency with any domestic or foreign  
43 person or entity;  
44  
45 (5) Loans, grants, development assistance, technical assistance  
46 and programs entered into by a government agency with official  
47 bilateral or multilateral agencies, as well as with private aid  
48 agencies or institutions;  
49  
50 (6) Loans from domestic and foreign financial institutions;  
51  
52 (7) Guarantees given by any government agency to government-  
53 owned or controlled corporations and to private corporations,  
54 persons or entities;  
55  
56 (8) Public funding extended to any private entity;

1  
2 (9) Bilateral or multilateral agreements and treaties in defense,  
3 trade, economic partnership, investments, cooperation and  
4 similar binding commitments; or  
5

6 (10) Licenses, permits or agreements given by any government  
7 agency to any person or entity for the extraction and/or  
8 utilization of natural resources.  
9

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

13 (b) The information uploaded in the website under letter (a) of this  
14 Section may be withdrawn after a period of three years from the time  
15 of uploading; *Provided*; that an abstract of the information withdrawn  
16 shall remain uploaded in the website, containing a brief description of  
17 the transaction and an enumeration of the information withdrawn,  
18 and indicating the dates of posting and withdrawal.  
19

20 (c) Should an agency lack the capacity to comply with letter (a) of  
21 this Section, the agency shall initiate a capacity-building program, or  
22 coordinate with another appropriate agency, to facilitate substantive  
23 compliance not later than three (3) years upon approval of this Act.  
24

25 **SEC. 15. Promotion of Openness in Government.** - (a) Duty to Publish  
26 Information - Government agencies shall regularly publish, print and  
27 disseminate at no cost to the public and in an accessible form, in  
28 conjunction with R.A. 9485, or the Anti-Red Tape Act of 2007, and through  
29 their website, timely, true, accurate and updated key information including,  
30 but not limited to:  
31

- 32 (1) A description of its mandate, structure, powers, functions,  
33 duties and decision-making processes;  
34 (2) A description of the frontline services it delivers and the  
35 procedure and length of time by which they may be availed of;  
36 (3) The names of its key officials, their powers, functions and  
37 responsibilities, and their profiles and curriculum vitae;  
38 (4) Work programs, development plans, investment plans, projects,  
39 performance targets and accomplishments, and budgets,  
40 revenue allotments and expenditures;  
41 (5) Important rules and regulations, orders or decisions: *Provided*,  
42 that they be published within fifteen (15) calendar days from  
43 promulgation;  
44 (6) Current and important database and statistics that it generates;  
45 (7) Bidding processes and requirements; and  
46 (8) Mechanisms or procedures by which the public may participate  
47 in or otherwise influence the formulation of policy or the  
48 exercise of its powers.  
49

50 (b) Keeping of Records - Government agencies shall maintain and  
51 preserve their records in a manner that facilitates easy identification,  
52 retrieval and communication to the public. They shall establish  
53 Management Information Systems (MIS) to strengthen their capability  
54 to store, manage and retrieve records, and to facilitate access to  
55 public records. The following shall not be destroyed:  
56

- 1 (1) Records pertaining to loans obtained or guaranteed by the  
2 government;  
3 (2) Records of government contracts;  
4 (3) The declaration under oath of the assets, liabilities and net  
5 worth of public officers and employees, as required by law;  
6 (4) Records of official investigations on graft and corrupt practices  
7 of public officers; and  
8 (5) Other records where there is a significant public interest in  
9 their preservation or where there is likely to be such interest in  
10 the future.

11  
12 (c) Accessibility of Language and Form - Every government agency  
13 shall endeavor to translate key information into major Filipino  
14 languages and present them in popular form and means.  
15

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

22 **SEC. 16. Criminal Liability and Administrative Liability.** - The penalty of  
23 imprisonment of not less than one (1) month but not more than six (6)  
24 months shall be imposed upon:  
25

26 (a) Any public officer or employee receiving the request under  
27 Section 9 of this Act who shall fail to promptly forward the  
28 request to the public officer within the same office or agency  
29 responsible for officially acting on the request when such is the  
30 direct cause of the failure to disclose the information requested  
31 within the periods required by this Act;  
32

33 (b) Any public officer or employee responsible for officially acting on  
34 the request, who shall:  
35 (1) Fail, to act on the request within the periods required by  
36 this Act;  
37 (2) Knowingly deny the existence of existing requested  
38 information;  
39 (3) Destroy information being requested for the purpose of  
40 frustrating the requesting party's access thereto;  
41 (4) Claim an exception under Section 8 of this Act, or under  
42 the Constitution, when the claim is manifestly devoid of  
43 actual basis; or  
44 (5) Refuse to comply with the decision of his immediate  
45 supervisor, the Ombudsman or the court ordering the  
46 release of the information requested that is not restrained  
47 or enjoined by a court;  
48

49 (c) The head of office of the government agency directly and  
50 principally responsible for the negotiation and perfection of any  
51 of the transactions enumerated in Section 13 (a) of this Act,  
52 who shall knowingly refuse, to direct the mandatory posting or  
53 uploading of such transaction despite the agency capacity to  
54 implement such directive. The same penalty shall be imposed  
55 upon the public officer or employee who, despite a directive

1 from the head of office, shall fail, to post or upload any of the  
2 transactions enumerated in Section 14 of this Act;

3  
4 (d) Any public officer or employee who shall destroy, or cause to  
5 destroy, records of information covered by Section 15 (b) of this  
6 Act;

7  
8 (e) Any public officer who formulates policies, rules and regulations  
9 manifestly contrary to the provisions of this Act, and which  
10 policies, rules and regulations are the direct cause of the denial  
11 of a request for information; or

12  
13 (f) Any public or private individual who knowingly induced or  
14 caused the commission of the foregoing acts under this section.  
15

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

19 **SEC. 17. Act Not a Bar to Claim of Right to Information under the**  
20 **Constitution.** - No provision of this Act shall be interpreted as a bar to any  
21 claim of denial of the right to information under Article III, Section 7 of the  
22 1987 Constitution.  
23

24 **SEC. 18. Separability Clause.** - If, for any reason, any section or provision  
25 of this Act is held unconstitutional or invalid, no other section or provision  
26 shall be affected.  
27

28 **SEC. 19. Repealing Clause.** - All laws, decrees, executive orders, rules and  
29 regulations, issuances or any part thereof inconsistent with the provisions  
30 of this Act, including Memorandum Circular No. 78 dated 14 August 1964  
31 (Promulgating Rules Governing Security of Classified Matter in Government  
32 Offices), as amended, and Section 3, Rule IV of the Rules Implementing  
33 Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public  
34 Officials and Employees), are deemed repealed.  
35

36 **SEC. 20. Effectivity.** - This Act shall take effect fifteen (15) days after its  
37 publication in the Official Gazette or in at least two (2) national newspapers  
38 of general circulation.  
39

40 Approved,