


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

'16 JUL 20 P4:45

SENATE
S.B. No. 708

RECEIVED BY: 

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

**AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION AND THE
CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY IN THE PUBLIC
SERVICE AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The colorful relationship between the Filipino people and their government is often clouded by distrust owing to a perceived lack of transparency to the public. For a nation that is still building on the foundations of hard-earned democracy, it is essential for the public to have convenient access to all publicly relevant information.

This bill seeks to lay down a framework for all government agencies to be able to provide all publicly relevant information to any citizen requesting for it. With this bill, each government agency will be mandated to provide a Freedom of Information manual that allows both citizens and government employees to be clearly informed on the process of obtaining and disseminating publicly relevant information.

With this legislation, all branches of government will be required to post information such as their monthly collections and disbursements, procurement contracts and agreements with local and foreign contractors for projects.

All Filipinos, whether individuals, businesses or community organizations, have the right to access information which is related to the governance of their nation and that informs national policy, except for information that is pertinent to national security.

An efficient and accessible process for the procurement of public information will serve to democratize all government functions by allowing ordinary citizens, civil society organizations, and businesses to be informed and have a greater understanding of policies.

Aside from this mandate serving as a watchdog against corruption and abuse of public funds, it will also allow ordinary citizens to educate themselves on how government agencies allocate funds, what information is used to inform policies, who are the key officials in government offices and this—amongst other information—they will be better able to help our officials in responsible and participative governance.

This bill will benefit both government servants and the public who will have an open and trusting relationship that is inclusive, bringing governance in the hands of each and every Filipino.

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


Senator Paolo Benigno "Bam" A. Aquino IV



Senate
Office of the Secretary

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*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 "*The People's Freedom of*
2 *Information Act.*"

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

9 **SEC. 3. Coverage.** — This Act shall cover all government agencies, to refer to the
10 executive, legislative, and judicial branches as well as constitutional bodies of the Republic
11 of the Philippines including the national government and all its agencies, departments,
12 bureaus, offices, and instrumentalities, constitutional commissions and constitutionally
13 mandated bodies, local governments, and all their agencies, regulatory agencies, chartered
14 institutions, government-owned or -controlled corporations, including wholly-owned or
15 controlled subsidiaries, government financial institutions, state universities and colleges, the
16 Armed Forces of the Philippines, the Philippine National Police, all offices in the Congress of
17 the Philippines including the offices of Senators and Representatives, the Supreme Court
18 and all lower courts established by law.

19 **SEC. 4. Definition of Terms.** — As used in this Act, the following terms shall mean:

20 (a) *Dataset* – an organized collection of data in a variety of forms, including tabular,
21 geospatial, or image data files.

1 (b) *Information* – any record, document, paper, report, letters, contract, minutes and
2 transcripts of official meetings, maps, books, photographs, data, research materials,
3 in whatever form, or films, audio and video recordings, magnetic or other tapes,
4 electronic data, in whatever format, which are made, received or kept in or under
5 the control and custody of any government agency pursuant to law, executive order,
6 rules and regulations, ordinance, or in connection with the performance or
7 transaction of official business by any government agency.

8 (c) *Machine-readable* – formats that allow data to be extracted and processed by
9 computer programs.

10 (d) *Official record* – information produced or received by a public officer or
11 employee, or by a government agency in an official capacity or pursuant to a public
12 function or duty. This shall not refer to the stage or status of the information.

13 (e) *Open format* – one that is platform independent, machine readable, and made
14 available to the public without restrictions that would impede the reuse of that
15 information.

16 (f) *Public record* – information required by law, executive orders, rules, or regulations
17 to be entered, kept and made publicly available by a government agency.

18 **SEC. 5. Access to Information.** — Every person who is a Filipino citizen has a right to
19 and shall, on request, be given access to any record under the control of a government
20 agency. Government agencies and public officials shall have the duty to disclose and make
21 available for scrutiny, copying, and reproduction in the manner provided by this Act, all
22 information pertaining to official acts, transactions, or decisions as well as government
23 research data used as a basis for policy development, subject to the exceptions enumerated
24 under Section 7 of this Act, regardless of their physical form or format in which they are
25 contained and by whom they were made.

26 Nothing herein contained shall allow private acts, transactions or records of public
27 officials and private individuals to be the subject of mandatory disclosure under this Act:
28 *Provided, however,* That income tax returns, and the Statement of Assets, Liabilities, and
29 Net Worth (SALN) of public officials shall be released subject to existing laws, rules and
30 regulations: *Provided, further,* That the limitations and prohibitions to make available to the
31 public the SALN shall not apply when, upon order of the Sandiganbayan, it has been
32 established that there is probable cause related to the commission of an offense.

33 **SEC. 6. Presumption.** — There shall be a legal presumption in favor of access to
34 information. The request for information may be denied only if it clearly falls under the
35 exceptions provided under this Act. Accordingly, government agencies shall have the burden
36 of proving that the information requested is exempted from disclosure.

37 **SEC. 7. Exceptions.** — Access to information shall be granted unless:

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

14 (b) the information consists of records of minutes and advice given and opinions
15 expressed during decision-making or policy formulation, invoked by the Chief
16 Executive to be privileged by reason of the impairment of the Chief Executive's
17 deliberative process that would result from the disclosure thereof. Once policy has
18 been formulated and decisions made, minutes and research data may be made
19 available for disclosure unless they were made in executive session;

20 (c) the information requested pertains to internal and/or external defense, law
21 enforcement, and border control, when the disclosure thereof would (1) unduly
22 compromise or interfere with any legitimate military or law enforcement operation;
23 or (2) unduly compromise or interfere with the prevention, detection or suppression
24 of criminal activity, the effective implementation of immigration controls and border
25 security; or (3) deprive a person of a right to a fair trial and impartial adjudication; or
26 (4) lead to the disclosure of the identity of a confidential source, including a
27 government, or foreign agency or authority or any private institution which
28 furnished information on a confidential basis, and, in the case of a record or
29 information compiled by a law enforcement authority in the course of an
30 investigation or by an agency conducting a lawful national security intelligence
31 investigation, information furnished by a confidential source; or (5) disclose
32 techniques and procedures for law enforcement investigations or prosecutions, or
33 would disclose guidelines for law enforcement investigations or prosecutions if such
34 disclosure could reasonably be expected to risk circumvention of the law; or (6)
35 endanger the life or physical safety of any individual;

36 (d) the information requested consists of drafts of the following: orders, resolutions,
37 decisions, memoranda or audit reports by any executive, administrative, regulatory,
38 constitutional, judicial or quasi-judicial body in the exercise of their adjudicatory
39 and/or audit function;

40 (e) the information requested is obtained by either House of Congress, or any
41 committee thereof, in executive session;

1 (f) the information requested pertains to the personal information of a natural
2 person, whether from the public or the private sector, and its disclosure would
3 constitute an unwarranted invasion of personal privacy. This may include signatures,
4 addresses, telephone numbers, identification numbers, names of family members,
5 race or ethnicity, religion, health, education, sexual orientation, and similar
6 information, unless such information is specifically required by law to be entered
7 into an official record and made available to the public, or the person has consented
8 in writing to the disclosure of the information. To the extent required to prevent an
9 unwarranted invasion of personal privacy, an agency may redact such information
10 from a record made available to the public. However, the justification for the
11 deletion shall be explained fully in writing, and the extent of such deletion shall be
12 indicated on the portion of the record which is made available or published;

13 (g) the information requested pertains to trade secrets and commercial or financial
14 information or intellectual property obtained from a natural or juridical person other
15 than the requesting party, whenever the revelation thereof would seriously
16 prejudice the interests of such natural or juridical person in trade, industrial,
17 financial or commercial competition;

18 (h) the information is classified as privileged communications in legal proceedings by
19 law or by the Rules of Court, unless the person entitled to the privilege has waived it;

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

22 (j) when prematurely disclosed, the information, would in the case of a government
23 agency that regulates or deals with the commodities markets, currencies, interest
24 rates, securities, or financial institutions, likely lead to fraud, manipulation, or other
25 unlawful acts or schemes involving currencies, interest rates, securities, or, in the
26 case of other government agencies, likely frustrate the effective implementation of a
27 proposed official action: *Provided*, That the information shall be accessible once the
28 anticipated danger has ceased;

29 (k) the information has already been made accessible as provided for in Section 12 of
30 this Act.

31 For paragraphs (c) to (k) of this section, the determination whether any of these
32 grounds shall apply shall be the responsibility of the head of office of the
33 government agency in custody or control of the information, or any responsible
34 central or field officer/s duly designated by him.

35 **SEC. 8. *Qualifications to the Exceptions.* —**

36 (a) The exceptions in the preceding sections shall be strictly construed;

37 (b) The exceptions cannot be invoked to cover up a crime, wrongdoing, graft, or
38 corruption;

1 (c) Whenever the information covered by an exception may be reasonably severed
2 from a record, the record shall be released with the exempt information redacted, or
3 the information not covered by the exception shall otherwise be communicated to
4 the requesting party;

5 (d) The President, the Supreme Court, the Senate, the House of Representatives, and
6 the Constitutional Commissions may waive an exception with respect to information
7 in the custody of offices under their respective supervision or control, when they
8 deem that there is an overriding public interest in disclosure; and

9 (e) The exceptions do not constitute authority to withhold information from
10 Congress, nor authority for the executive branch of a local government unit to
11 withhold information from the legislative body of such local government unit.

12 **SEC. 9. Mandatory Disclosure of Information. —**

13 (a) In fulfillment of Article XI, Section 17 of the Constitution and subject to Section 5
14 and Section 7 (f) of this Act, the websites of their respective offices shall provide to
15 the public, the Statement of Assets, Liabilities, and Net Worth (SALN) on an annual
16 basis of the following national officials:

17 (1) the President;

18 (2) the Vice-President;

19 (3) the Members of the Cabinet;

20 (4) the Members of the Senate and the House of Representatives;

21 (5) the Justices of Supreme Court;

22
23 (6) the Commissioners of the Constitutional Commissions and other
24 constitutional offices; and

25
26 (7) the officers of the Armed Forces with the rank of general or the
27 equivalent flag rank.

28 (b) All agencies of all branches of government shall publish in their websites and
29 update on a monthly basis, a register containing the following information:

30 (1) Freedom of Information Manual in full;

31 (2) Rules of Procedure, descriptions of forms available or the places at which
32 forms may be obtained, and instructions as to the scope and contents of
33 all papers, reports, or examinations;

- 1 (3) Substantive rules of general applicability adopted as authorized by law,
2 and statements of general policy or interpretations of general
3 applicability formulated and adopted by the agency, including subsequent
4 amendments;
- 5 (4) Public interest documents or records, including:
- 6 (i) Annual Budget of Government Agencies;
- 7 (ii) Itemized Monthly Collections and Disbursements;
- 8 (iii) Summary of Income and Expenditures;
- 9 (iv) Component of the Internal Revenue Allotment (IRA) Utilization;
- 10 (v) Annual Procurement Plan and Procurement List;
- 11 (vi) Items for Bidding;
- 12 (vii) Bid Results on Civil Works, and Goods and Services;
- 13 (viii) Abstract of Bids, as Calculated;
- 14 (ix) Procurement contracts entered into by a government agency;
- 15 (x) Construction or concession agreements or contracts entered into
16 by a government agency with any domestic or foreign person or
17 entity;
- 18 (xi) Private sector participation agreements or contracts in
19 infrastructure and development projects under Republic Act No.
20 6957, otherwise known as the Philippine BOT Law, as amended by
21 Republic Act No. 7718;
- 22
- 23 (xii) Public funding extended to any private entity;
- 24 (xiii) Bilateral or multilateral agreements and treaties in trade,
25 economic partnership, investments, cooperation and similar
26 binding commitments;
- 27 (xiv) List of persons or entities who were granted licenses, permits or
28 agreements for the extraction and/or utilization of natural
29 resources given by any government agency;
- 30 (xv) Statement of Assets and Liabilities of the public officers of the
31 government agency; and

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

4 The register shall contain a brief description of the transaction involved,
5 including the nature and object of the transaction, the parties and amounts involved,
6 the key steps undertaken towards its conclusion, and the relevant dates: *Provided*,
7 That contracts and agreements involving an amount of at least Fifty Million Pesos
8 (P50,000,000.00) shall be published in full in the website of the concerned
9 government agency or the Official Gazette Online, subject to the succeeding section.
10 A covered record shall be published in the website not later than thirty (30) working
11 days from its perfection or issuance.

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

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

23 **SEC. 10. *Promotion of Openness Government.* —**

24 (a) Duty to Publish Information – In conjunction with Republic Act No. 9485, or the
25 Anti-Red Tape Act of 2007, government agencies shall regularly publish, print and
26 disseminate at no cost to the public, in an accessible form, and through their
27 website, timely, true, accurate and updated key information including:

28 (1) a description of its mandate, structure, powers, functions, duties and
29 decision-making processes;

30 (2) a description of the frontline services it delivers and the procedure and
31 length of time by which they may be availed of;

32 (3) the names of its key officials, their powers, functions and responsibilities,
33 and their profiles and curriculum vitae;

34 (4) work programs, development plans, investment plans, projects,
35 performance targets and accomplishments, and budgets, revenue
36 allotments and expenditures;

- 1 (5) important rules and regulations, orders or decisions: *Provided*, That they
2 be published within fifteen (15) calendar days from promulgation;
- 3 (6) datasets generated in the implementation of agency mandates,
4 programs, activities, and projects such as statistics, figures, and geospatial
5 data;
- 6 (7) current and important database and statistics that it generates;
- 7 (8) bidding processes and requirements; and
- 8 (9) mechanisms or procedures by which the public may participate in or
9 otherwise influence the formulation of policy or the exercise of its
10 powers.

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

14 **SEC. 11. Capacity-Building, Promotion of Best Practices and Continuous Updating of**
15 **Appropriate Information Technology and FOI.** — All government agencies shall establish,
16 operate, and maintain a website with features that are compliant with all the provisions of
17 this Act, within two (2) years from the effectivity of this Act.

18 Every government agency shall ensure the provision of adequate training for its
19 officials and employees to improve awareness of the people's right to information on
20 matters of public concern and the provisions of this Act. Similarly, all government agencies
21 shall endeavor to study and adopt best practices in relation to information disclosure,
22 records maintenance and archiving.

23 National Computer Center shall monitor all government agency websites and render
24 the appropriate support for their development and ensure full compliance with the
25 requirements of this Act.

26 **SEC. 12. Exemption from Compliance.** — The government agency shall be excused
27 from complying with a subsequent identical or substantially similar request from the same
28 requesting party where it has previously complied with a request for information unless a
29 reasonable interval has lapsed between compliance with the previous request and the
30 making of the current request: *Provided*, That the government agency, in denying the
31 request, complies with Section 20 of this Act.

32 **SEC. 13. Additional Protection of Privacy.** — While providing for access to
33 information in public records, this Act also affords full protection of the right to privacy of
34 individuals, as follows:

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

1 (b) a government agency must protect personal information in its custody or under
2 its control by making reasonable security arrangements against such risks as
3 unauthorized access, collection, use, disclosure, or disposal; and

4 (c) an employee, officer or director of a government agency who has access, whether
5 authorized or unauthorized, to personal information in the custody of the
6 agency, must not disclose that information except as authorized under this Act.

7 **SEC. 14. Administrative Liability.** — It shall be tantamount to gross neglect of duty
8 and shall as a ground for administrative and disciplinary sanction against any public official
9 or employee who willfully and knowingly commits the following acts:

10 (a) refusal to promptly forward the request under Section 18 of this Act to the public
11 officer within the same office or agency responsible for officially acting on the
12 request when such is the direct cause of the failure to disclose the information
13 with the periods required by this Act;

14 (b) failure to act on the request within the periods required by this Act;

15 (c) claim an exception under Section 7 of this Act when the claim is manifestly
16 devoid of factual or legal basis; or

17 (d) refusal to comply with the decision of his or her immediate supervisor, the
18 Ombudsman, or of any court ordering the release of information.

19 **SEC. 15. Criminal Liability.** —

20 (a) The following acts shall be subject to the penalty of imprisonment of not less
21 than one (1) month but not more than six (6) months, with the accessory penalty
22 of dismissal from service:

23 (1) falsely denying or concealing the existence of information mandated for
24 disclosure under this Act; and

25 (2) destroying, or causing to be destroyed, information and/or documents
26 being requested under this Act, for the purpose of frustrating the
27 requesting party's access thereto.

28 (b) Any private individual who knowingly induces or cause the commission of the
29 foregoing acts shall be liable as principal by inducement in the prosecution of
30 public officials or employees under this Section.

31 (c) The acts under paragraph (a) of this Section, if proven in an administrative
32 proceeding, shall be subject to the penalty of dismissal, even if no criminal
33 prosecution is instituted against the person found liable.

1 **SEC. 16. Denial in Good Faith not a Ground for Liability.** — A denial in good faith of a
2 request for access to information made pursuant to the provisions of this Act shall not
3 constitute grounds for administrative or criminal liability.

4 **SEC. 17. Freedom of Information Manual.** —

5 (a) For the effective implementation of this Act, all government agencies shall
6 prepare a Freedom of Information Manual, setting for the following:

7 (1) the location and contact information of the head, regional, provincial and
8 field offices, and other established places where the public can obtain
9 information or submit requests;

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

11 (3) a description of its recordkeeping system;

12 (4) the person or office responsible for receiving requests on information;

13 (5) the procedures for the filing of requests personally, by email, or through
14 the identified electronic means;

15 (6) the standard forms for the submission of request and for the proper
16 acknowledgment of the request;

17 (7) the process for the disposition of the request, including the routing of the
18 request to the person or office with the duty to act on the request and
19 the decision making process for the grant or denial of the request;

20 (8) the procedure for the administrative appeal of any denial for access to
21 information;

22 (9) the schedule of service or processing fees pertinent to a request for
23 information;

24 (10) the process and procedure for the mandatory disclosure of
25 information under Section 9 of this Act: *Provided*, That, should the agency
26 lack the capacity to comply with Section 9 of this Act, a brief description
27 of its plan to facilitate compliance within three (3) years from the
28 approval of this Act; and

29 (11) such other information, taking into consideration the unique
30 characteristics of the agency, that will help facilitate the effective
31 implementation of this Act.

32 (b) The FOI Manual shall also be posted in the agency website and a hard copy shall
33 be available at the agency reception area for use by the public;

1 (c) In no case shall the absence of the aforementioned FOI Manual be a reason for
2 the denial of any request for information made in accordance with this Act; and

3 (d) The heads of each of the departments and agencies may designate liaison units
4 or committees which shall coordinate with the other units of the agency in
5 implementing this Act. The composition, functions, and duties of these liaison
6 units or committees shall be included in the FOI Manual.

7 **SEC. 18. Procedure of Access. —**

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

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

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

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

- 1 (e) A government agency may communicate the information requested in a form
2 other than the preferred means whenever such preferred means would
3 unreasonably interfere with the effective operation of the agency, or if the
4 agency has no capability in communicating the information in the preferred
5 format, or when the preferred format may be detrimental to the preservation of
6 the record.
- 7 (f) The government agency shall comply with such request as soon as practicable,
8 and in any case, within fifteen (15) working days from the receipt thereof. The
9 period may be extended whenever the information requested requires a search
10 of the government agency's field or satellite offices, examination of voluminous
11 records, the occurrence of fortuitous events or other analogous cases.
- 12 (g) The government agency shall, in writing or through electronic means, notify the
13 person making the request of the extension, setting forth the reasons for such
14 extension and the date when the information shall be made available, which in
15 no case shall result in an extension of more than twenty (20) working days.
- 16 (h) Once a decision is made to grant the request, the person making the request
17 shall be notified of such and shall pay the required access and processing fees.
- 18 (i) If the information is not held by the government agency to which the request
19 was made, it shall notify the requesting party that it does not hold the
20 information and indicate which agency holds the record, if known. Whenever
21 practicable, the agency receiving the request may also cause the transfer of the
22 request to the appropriate agency that holds the information: *Provided*, That the
23 period to comply with the request under this Section shall begin to run only upon
24 the receipt of the agency to which the request is transferred.

25 **SEC. 19. Access and Processing Fees.** — Government agencies may charge a
26 reasonable fee to reimburse the actual cost of reproduction, copying or transcription, and
27 the communication of the information requested. An agency may waive the fees whenever
28 it is satisfied that the requester is an indigent, or that the cost of reproduction is negligible,
29 or that it is pursuant to a program for proactive disclosure.

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

38 **SEC. 21. Remedies in Cases of Denial of Request for Information.** —

- 39 (a) In all government agencies other than the judicial branch:

1 (1) A denial of a request for access to information may be appealed to the
2 Head of Agency, following the procedure required under Section 17 (a)(8)
3 of this Act. *Provided*, That the appeal must be filed within fifteen (15)
4 calendar days from the receipt of the notice of denial and must be
5 decided within fifteen (15) calendar days from filing. Failure to resolve the
6 appeal within the aforementioned period shall constitute denial of the
7 appeal.

8 (2) A person denied access to information may file a verified complaint with
9 the Office of the Ombudsman, praying that the government agency
10 concerned be directed to immediately afford access to the information
11 being requested. The Office of the Ombudsman shall promulgate its
12 special rules of procedure for the immediate disposition of complaints
13 filed pursuant to this Section. Unless restrained or enjoined, the decision
14 of the Office of the Ombudsman shall be immediately executory, without
15 prejudice to review in accordance with the Rules of Court.

16 (3) A party whose request for information has been denied, whether or not
17 such decision has been appealed to the head of an agency, may file a
18 verified petition for mandamus in the proper court, alleging the facts with
19 certainty and praying that judgment be rendered, ordering the
20 respondent immediately or at some other time to be specified by the
21 court, to disclose the information and to pay the damages sustained by
22 the requesting party by reason of the denial. The procedure for such
23 petition shall be summary in nature.

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

30 (b) In the Judicial Branch - The judiciary shall be governed by remedies as
31 promulgated by the Supreme Court.

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

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

37 In case the requesting party has limited or no financial capacity, the Public Attorney's
38 Office is mandated to provide legal assistance to the requesting party in availing of the
39 remedies provided under this Act.

1 **SEC. 22. Keeping of Records. —**

2 (a) Government agencies shall create and maintain in appropriate formats, accurate
3 and reasonably complete documentation or records of their organization,
4 policies, transactions, decisions, resolutions, enactments, actions, procedures,
5 operations, activities, communications and documents received or filed with
6 them and the data generated or collected. These shall include working files such
7 as drafts or notes, whenever these have been circulated within the agency for
8 official purpose such as for discussion, comment or approval or when these
9 contain unique information that can substantially contribute to a proper
10 understanding of the agency organization, policies, transactions, decisions,
11 resolutions, enactments, actions, procedures, operations, and activities;

12 (b) Government agencies, in coordination with the National Archives of the
13 Philippines, shall identify specific and classes of official records in their custody or
14 control that have continuing historical, administrative, informational, legal,
15 evidentiary, or research value for preservation by such agencies or their
16 legitimate successors, or for proper documentation if and when the records are
17 transferred to the National Archives of the Philippines;

18 (c) In addition to the specific and classes of official records identified for
19 preservation under paragraph (b) of this Section, the following shall not be
20 destroyed:

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

22 (2) records of government contracts involving amounts Fifty Million Pesos
23 (P50,000,000.00) or more, or related to infrastructure, public and private
24 partnerships, utilities, or other important projects;

25 (3) the original Declaration under oath of the assets, liabilities and net worth
26 of public officers and employees submitted to the Office of the
27 Ombudsman, as required by law; and

28 (4) records of official investigations pertaining to allegations of graft and
29 corruption of public officers.

30 (d) Government agencies shall prepare, according to the standards set in and within
31 the period mandated by Republic Act No. 9470 or the National Archives of the
32 Philippines Act of 2007 records management program that includes the
33 following:

34 (1) a records maintenance system for the creation, selection, classification,
35 indexing and filing of official records that facilitate the easy identification,
36 retrieval and communication of information to the public;

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

6 (3) identification of the specific roles and responsibilities of agency personnel
7 in the implementation of such system and schedule.

8 (e) In addition to its function as repository of all rules and regulations issued by
9 agencies as provided under Book VII, Chapter II of the Administrative Code of
10 1987, the University of the Philippines Law Center shall, in coordination with the
11 Office of the President which has exclusive editorial and printing jurisdiction over
12 the Official Gazette, and with other relevant agencies, maintain a database, and
13 publish in the Official Gazette or in digital or online form, the following:

14 (1) all laws of the Philippines and their amendments, from the period of the
15 Philippine Commission to the present;

16 (2) all presidential issuances from November 15, 1935 to the present,
17 including but not limited, to executive orders, presidential proclamations,
18 administrative orders, memorandum circulars, general orders, and other
19 similar issuances;

20 (3) a database of all appointments and designations made by the President
21 of the Philippines; and

22 (4) opinions of the Secretary of Justice.

23 **SEC. 23. *Publication in the Official Gazette.*** — For purposes of mandatory disclosure
24 as provided in Section 9 of this Act, the publication in the Official Gazette website shall be
25 considered official publication provided there shall be a timestamp in the said document.

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

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

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

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

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

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

9 **SEC. 24. Act not a Bar to Claim of Right to Information under the Constitution.** —

10 No provision of this Act shall be interpreted as a bar to any claim of denial of the right to
11 information under Article III, Section 7 of the 1987 Constitution.

12 **SEC. 25. Publication of Government Data in the Open Data Philippines Website.** —

13 For purposes of enhancing the public's access to government information and abiding by
14 the Philippines' international commitments to transparency and government openness, all
15 government agencies shall publish in the Open Data Philippines website, datasets generated
16 in the implementation of agency mandates, programs, activities, and projects. These
17 datasets shall be updated, whenever permissible, at least once in every quarter of every
18 year.

19 The Open Data website shall be maintained and administered by an Open Data Task
20 Force under the Office of the President, or any such similar body designated by the
21 President for this purpose.

22 For the purpose of making government data more accessible to the public, all
23 datasets published on the Open Data Philippines website and on LGU websites as mandated
24 in Section 9 of this Act shall be, whenever practicable, of a machine-readable and open
25 format.

26 **SEC. 26. Tracking Requests for Information.** —

27 Websites of government agencies shall contain a matrix of requests made, their status, and the decision regarding the request.
28 The matrix shall also contain links to uploaded information from approved requests. In such
29 cases where requests are denied, the matrix shall contain the reasons for denial and the
30 status of the appeal if such is done.

31 **SEC. 27. Release to One, Release to All.** —

32 For purposes of streamlining requests for information, once an information has been made available to an individual through a
33 request for information, the said dataset shall also be published in an appropriate website
34 such as, but not limited to, the Open Data Philippines, website, Official Gazette website,
35 Departmental website, or Local Government website thus allowing the public access to all
36 information that has been requested.

37 **SEC. 28. Integration of Freedom of Information (FOI) and Good Governance in**
38 **Elementary and Secondary Curriculum.** — To ensure well-informed generations of citizens,
39 the right to information, the principles of accountability and transparency, democracy and

1 leadership, and good governance shall be integrated in such subjects as Heograpiya,
2 Kasaysayan at Sibika (HEKASI) and Araling Panlipunan in the elementary level and in such
3 subjects as Social Studies and Makabayan or its equivalent subjects in the high school level.
4 The Department of Education (DepEd) in coordination with the Civil Service Commission
5 (CSC) and other relevant offices shall prepare the necessary modules and teaching programs
6 consistent with the objectives of this Act.

7 **SEC. 29. Annual Reports on Actions Taken on Requests for Access to Information. —**

8 All government agencies shall prepare, for each fiscal year, a report on the number of
9 requests for information received, processed, granted and denied; of appeals made from
10 the denial of such requests, and of pending court actions they are a party to as a result of
11 such requests. These reports may be integrated in the main annual reports of government
12 agencies and may be posted and published in their respective websites.

13 **SEC. 30. Appropriations. —** The funds needed to implement this Act shall be
14 included in the Annual General Appropriations Act.

15 **SEC. 31. Separability Clause. —** Should any provision herein be declared
16 unconstitutional, the same shall not affect the validity of the other provisions of this Act.

17 **SEC. 32. Repealing Clause. —** All laws, decrees, orders, rules, and regulations or
18 other issuances or parts inconsistent with the provisions of this Act including Sections 18 on
19 Operation and Effect of Laws, 24 and 25 on the Contents, Editing and Publications of the
20 Official Gazette, Book I, of Executive Order No. 292 or the Administrative Code of 1987 in
21 relation to Article 2 on Effect and Application of Laws of Republic Act No. 386 or the Civil
22 Code, Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules Governing
23 Security of Classified Matter in Government Offices), as amended, and Section 3, Rule IV of
24 the Rules Implementing Republic Act No. 6713 (Code of Conduct and Ethical Standards for
25 Public Officials and Employees), are deemed repealed: *Provided*, That Memorandum
26 Circular No. 78 shall be deemed repealed after one (1) year from the effectivity of this Act or
27 upon issuance of the Executive Order in Section 7(a) whichever comes first.

28 **SEC. 33. Effectivity. —** This Act shall take effect fifteen (15) days after its publication
29 in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

30 *Approved,*