

SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

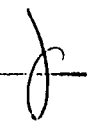
First Regular Session



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SENATE

Senate Bill No. 1208

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(In substitution of Senate Bill Nos. 24, 54, 72, 82, 94, 149, 159, 248, 306, 315, 534,
708, 1014, 1172)

Prepared and submitted jointly by the Committees on Public Information and Mass Media; Civil Service, Government Reorganization and Professional Regulation; and Finance with Senators Honasan, Pangilinan, Cayetano, Escudero, Trillanes, Ejercito, Poe, De Lima, Legarda, Zubiri, Angara, Aquino, Villanueva and Hontiveros as authors thereof

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

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

1 **SECTION 1. Short Title.** – This Act shall be known as the "People's Freedom of
2 Information Act of 2016."
3

4 **SEC. 2. Declaration of Policy.** – The State recognizes the right of the people to
5 information on matters of public concern and adopts and implements a policy of full
6 public disclosure of all its transactions involving public interest, subject to the
7 procedures and limitations provided by this Act. It is likewise a declared policy of the
8 state to promote the meaningful and increased participation of the people in
9 government decision-making and public accountability.

10
11 Public officials and employees, in the performance of their duties under this Act,

1 as well as citizens in the exercise of their rights under this Act, shall handle
2 information kept or obtained under this Act fairly, lawfully and with due regard to the
3 full protection of the right to privacy of individuals.

4
5 **SEC. 3. *Definition of Terms.*** – As used in this Act:
6

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

17 (b) "Official record/records" shall refer to information, in final form produced or
18 received by a public officer or employee, or by a government agency in an
19 official capacity or pursuant to a public function or duty.
20

21 (c) "Public record/records" shall include information required by law, executive
22 orders, rules, or regulations to be entered, kept and made publicly available
23 by a government agency.
24

25 (d) "Public service contractor" shall be defined as a private entity that has a
26 dealing, contract or transaction of whatever nature with the government or a
27 government agency/office that utilizes public funds.
28

29 (e) "Personal information" shall refer to any information whether recorded in a
30 material form or not from which the identity of an individual is apparent or can
31 be reasonably and directly ascertained by the entity holding the information or
32 when put together with other information would directly and certainly identify
33 an individual.
34

1 (f) "Sensitive personal information" shall refer to personal information:

2
3 (1) about an individual's race, ethnic origin, marital status, age, color and
4 religious, philosophical or political affiliations;

5
6 (2) about an individual's health, education, genetic or sexual life of a person
7 or to any proceeding for any offense committed or alleged to have been
8 committed by such person, the disposal of such proceedings, or the
9 sentence of any court in such proceedings;

10
11 (3) issued by government agencies peculiar to an individual which includes,
12 but not limited to, social security numbers previous or current health
13 records, licenses or its denials, suspension or revocation and tax returns;
14 and

15
16 (4) specifically established by an executive order or an act of Congress to be
17 kept classified.

18 (g) "Personal data" refers to all types of personal information.

19
20 (h) "Privileged information" refers to any and all forms of data, which, under the
21 Rules of Court and other pertinent laws constitute privileged communication.

22
23 **SEC. 4. Coverage.** – This Act shall cover all government agencies. Government
24 agency or agencies shall include the executive, legislative and judicial branches as
25 well as constitutional bodies of the Republic of the Philippines including, but not
26 limited to, the national government and all its agencies, departments, bureaus,
27 offices and instrumentalities, constitutional commissions and constitutionally
28 mandated bodies, local governments and all their agencies, regulatory agencies,
29 chartered institutions, government-owned or -controlled corporations (GOCCs),
30 including government financial institutions (GFIs), government instrumentalities with
31 corporate powers(GICP), government corporate entities (GCE), and non-chartered
32 GOCCs, and state universities and colleges.

33
34 **SEC. 5. Access to Information.** – Every Filipino citizen has a right to and shall,

1 on request, be given access to any information of public concern under the control of
2 a government agency regardless of the physical form or format in which they are
3 contained subject only to the exceptions enumerated in Section 7 of this Act.
4

5 **SEC. 6. *Presumption.*** – There shall be a legal presumption in favor of access
6 to information. No request for information shall be denied unless it clearly falls under
7 the exceptions provided under this Act. Accordingly, government agency shall have
8 the burden of proof of showing by clear and convincing evidence that the information
9 requested is exempted from the disclosure by this Act.
10

11 **SEC. 7. *Exceptions.*** – Access to information shall be granted unless:
12

13 (a) The information is specifically authorized to be kept confidential under
14 guidelines established by an Executive Order, and in fact properly classified
15 pursuant thereto: *Provided, That*
16

17 (1) The information directly relates to national security or defense and its
18 revelation may cause damage to the national security or internal and
19 external defense of the State; or
20

21 (2) The information requested pertains to the foreign affairs of the Republic of
22 the Philippines, when its revelation shall unduly weaken the
23 negotiating position of the government in an ongoing bilateral or
24 multilateral negotiation or seriously jeopardize the diplomatic relations of
25 the Philippines with any state, or prejudice the entrusting of information to
26 the Republic of the Philippines on a basis of confidence by the government
27 of any other country or any international organization: *Provided, That*
28 sufficient information is disclosed to afford reasonable public participation
29 in government decision-making on bilateral and multilateral agreements:
30 *Provided, further, That* the head of the department or agency having
31 custody or possession of such information, shall keep under continuing
32 review all classified information in his custody and may direct the
33 declassification review of such review as needed. Declassification of the
34 information shall be subject to the approval of the President.

1
2 (b) The information consists of minutes or records of advice given or of opinions
3 expressed during decision-making or policy formulation including exchanges
4 when the chief executive was not present, if invoked by the chief executive to
5 be part of presidential communications privilege. Whenever disclosure would
6 significantly undermine the free and frank provision of advice or exchange of
7 views: *Provided*, That an executive order shall be issued specifying the
8 reasonable period after which information invoked to be privileged under this
9 paragraph shall be made accessible to the public.
10

11 (c) The information requested pertains to internal and/or external defense, law
12 enforcement, and border control, when the disclosure thereof may:
13

14 (1) Compromise or interfere with any legitimate military or law enforcement
15 operation, or
16

17 (2) Compromise or interfere with the legitimate prevention, detection or
18 suppression of criminal activity, or the legitimate implementation of
19 immigration controls and border security, or
20

21 (3) Lead to the disclosure of the identity of a confidential source, including a
22 government, or foreign agency or authority or any private institution which
23 furnished information on a confidential basis, and, in the case of a record
24 or information compiled by a law enforcement authority in the course of an
25 investigation or by an agency conducting a lawful national security
26 intelligence investigation, information furnished by a confidential source, or
27

28 (4) Disclose legitimate techniques and procedures for law enforcement
29 investigations or prosecutions, or would disclose legitimate guidelines for
30 law enforcement investigations or prosecutions if such disclosure could
31 reasonably be expected to risk circumvention of the law, or
32

33 (5) Endanger the life or physical safety of any individual, or
34

1 (6) Deprive a person of a right to a fair trial and impartial adjudication.

2
3 (d) The information requested pertains to matters of human security, such as, but
4 not limited to, food, health, money and trade: *Provided*, That such disclosure
5 or premature disclosure will imperil our well-being or degrade the quality of life
6 of our people by causing unnecessary panic and conflict and threatening to
7 limit the range of policy choices available to the concerned implementing and
8 regulating agencies: *Provided, further*, That this exception shall apply only
9 until such time that the confidentiality requirement of the action plan of said
10 agency is no longer necessary in addressing the said security issue.

11
12 (e) The information requested pertains to the assistance of government to
13 overseas Filipino workers, including but not limited to their cases and records
14 on criminal and family cases; and information that could compromise or
15 weaken their case or position in any legal proceeding;

16
17 (f) The information requested involves records of foreign diplomats on diplomatic
18 and consular missions, their arrival and departure, and other information that
19 could compromise their safety or that such information is considered
20 confidential by the Vienna Convention on Diplomatic Relations and the Vienna
21 Convention on Consular Relations;

22
23 (g) The information requested are exempted under a treaty or bilateral agreement
24 to which the Philippines is a party;

25
26 (h) The information requested consists of drafts of orders, resolutions, decisions,
27 memoranda or audit reports by any executive, administrative, regulatory,
28 constitutional, judicial or quasi-judicial body in the exercise of their regulatory,
29 audit and adjudicatory function. The revelation of which would impair the
30 impartiality of verdicts or otherwise obstruct the administration of justice.

31
32 (i) The information requested is obtained by either House of Congress, or any
33 committee thereof, in executive session.

1 (j) The information requested pertains to the personal and sensitive information of a
2 natural person other than the requesting party, and its disclosure would
3 constitute an unwarranted invasion of his or her personal privacy, unless it
4 forms part of a public record, and the person is or was an official or employee
5 of a government agency and the information relates to his public function and
6 the person has consented, in writing, to the disclosure of the information. To
7 the extent required to prevent an unwarranted invasion of privacy, an agency
8 may redact such personal data from a record made available to the public.
9

10 (k) The information requested forms part of a public record but its disclosure
11 would expose the people concerned to acts of discrimination, unless such
12 information is first redacted by the concerned government agency;
13

14 (l) The information requested pertains to trade secrets and commercial or
15 financial information obtained from a natural or juridical person other than the
16 requesting party, obtained in confidence or covered by privileged
17 communication, and/or filed with a government agency, whenever the
18 revelation thereof would prejudice the interests of such natural or juridical
19 person in trade, industrial, financial or commercial competition. This includes
20 information protected under the Anti-Money Laundering Law, as amended,
21 and the bank secrecy laws.
22

23
24 (m) The information is required to be kept confidential by law or consists of privileged
25 information unless the person entitled to the privilege has waived it.
26

27 (n) The information requested is exempted from disclosure by the Constitution or
28 by law;
29

30
31 (o) The information is of a nature that its premature disclosure would:
32

33 (1) in the case of an agency that regulates or deals with currencies, interest
34 rates, securities, commodities, or financial institutions, be likely to lead

1 speculations in currencies, interest rates, securities, or commodities
2 market; or

3
4 (2) in the case of other agencies, be likely to frustrate the effective
5 implementation of a proposed official action: *Provided*, That the
6 information shall be disclosed once the abovementioned dangers have
7 ceased.

8
9 (p) The information has already been made accessible as provided in Sections
10 8(a), 9, 11 and 14 of this Act.

11
12
13 (q) The information requested pertains to information about the ongoing
14 evaluation or review of bids or proposals undertaken by the bidding or review
15 committee prior to an official recommendation by the government.

16
17 For paragraphs (c) to (q) of this section, the determination whether any of
18 these grounds shall apply shall be the responsibility of the head of office of
19 the government agency in custody or control of the information, or any
20 responsible central or field officer/s duly designated by him: *Provided*, That:

21
22 (1) The exceptions are strictly construed;

23
24 (2) The exceptions are not used to cover-up a crime, or any unlawful
25 activity;

26
27 (3) The President, the Supreme Court, the Senate, the House of
28 Representatives, and the Constitutional Commissions with a majority
29 vote of the body in accordance with their own rules of procedure
30 when applicable may waive an exception with respect to information
31 in the custody of offices under their respective supervision or control,
32 when they deem that there is an overriding public interest in
33 disclosure;

1 (4) The exceptions do not constitute authority to withhold information
2 from, or limit the availability of records to congress, or any of its
3 committees;

4
5 (5) The exceptions do not constitute an authority of the executive branch
6 of a local government unit to withhold information from its legislative
7 body.

8
9 (6) Whenever the information requested is part of a record, whose other
10 parts are covered by an exception, but may be reasonably severed
11 from a record, the responding official shall communicate the
12 information not covered by the exception to the requester; and

13
14 (7) The exceptions set forth in this section may be overcome if the requester is
15 able to prove before a court of competent jurisdiction that the public
16 interest in the disclosure of information outweighs the public interest
17 in keeping the information secret or confidential;

18
19 All exempted information under this Section shall be mandatorily reviewed
20 after every three (3) years by the head of office or agency in custody or control of the
21 information for reclassification and possible disclosure. *Provided*, that such
22 information to be disclosed by an agency under the executive branch shall be
23 subject to the approval of the President.

24
25 **SEC. 8. Mandatory Disclosure of Information. –**

26
27 (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national
28 officials shall disclose to the public their Statement of Assets, Liabilities, and
29 Net Worth (SALN) on an annual basis in their official website:

- 30
31 (1) President;
32 (2) Vice-President;
33 (3) Members of the Cabinet;
34 (4) Members of Congress;

- 1 (5) Justices of Supreme Court;
- 2 (6) Members of Constitutional Commissions and other constitutional
- 3 offices,
- 4 (7) Officers of the armed forces with general or flag rank.

5

6 (b) All agencies of all branches of government shall upload on their websites,

7 which shall be updated monthly, a register of the following public interest

8 transactions, documents or records, including:

9

- 10 (1) Annual Budget of Government Agencies;
- 11 (2) Itemized Monthly Collections and Disbursement;
- 12 (3) Summary of Income and Expenditures;
- 13 (4) Component of the IRA Utilization;
- 14 (5) Annual Procurement Plan and Procurement List;
- 15 (6) An updated plantilla of positions and vacant positions with
- 16 qualifications/ requirements in their organizations that need to be filled-
- 17 up;
- 18 (7) Items to Bid;
- 19 (8) Bid Results on Civil Works, and Goods and Services;
- 20 (9) Abstract of Bids as Calculated;
- 21 (10) Procurement contracts entered into by a government agency;
- 22 (11) Construction or concession agreements or contracts entered into by a
- 23 government agency with any domestic or foreign person or entity;
- 24 (12) Private sector participation agreements or contracts in infrastructure
- 25 and development projects under Republic Act No. 6957, as amended
- 26 by Republic Act No. 7718, authorizing the financing, construction,
- 27 operation and maintenance of infrastructure projects;
- 28 (13) Public funding extended to any private entity;
- 29 (14) Bilateral or multilateral agreements and treaties in trade, economic
- 30 partnership, investments, cooperation and similar binding
- 31 commitments;
- 32 (15) Licenses, permits or agreements granted by any government agency
- 33 to any person or entity for the extraction and/or utilization of natural
- 34 resources and a list of the grantees;

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

4 (17) Loans from domestic and foreign financial institutions;

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

9 (19) Compromise agreements entered into by a government agency with
10 any person or entity.

11
12 The register shall contain a brief description of the transaction
13 involved including, but not limited to: the nature and object of the transaction,
14 the parties and amounts involved, the key steps undertaken towards its
15 conclusion, and the relevant dates provided that contracts and agreements
16 involving an amount of at least Fifty million pesos (Php 50,000,000.00) shall
17 be uploaded in full on the website of the concerned government agency or the
18 *Official Gazette* online. A covered record shall be enrolled in the register not
19 later than thirty (30) working days from its perfection or issuance.
20

21 **SEC. 9. Openness and Transparency in Government Agencies.** – Each
22 government agency shall make available upon the request of any citizen at no cost
23 and in an accessible form, consistent with the provisions of Republic Act No. 9485,
24 or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate
25 and updated key information including, but not limited to:

26
27 (1) A description of its mandate, structure, powers, functions, duties and
28 decision-making processes;

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

31 (3) The names of its key officials, their powers, functions and
32 responsibilities, and their profiles;

33 (4) Audited financial statements, and budget and expenditure records;

34 (5) Statements of assets, liabilities and net worth of all public officials with

1 Salary Grade 27 and above or heads of office;

2 (6) Monthly income including allowances and sources of income of all
3 public officials with Salary Grade 27 and above and heads of office, provided
4 that names of minor children, if any, may be redacted;

5 (7) Work programs, development plans, investment plans, projects,
6 performance targets and accomplishments, and budgets, revenue allotments
7 and expenditures;

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

10 (9) Rules of procedure, descriptions of forms available or the places at
11 which forms may be obtained, and instructions as to the scope and contents of
12 all papers, reports, or examinations;

13 (10) Substantive rules of general applicability adopted as authorized
14 by law, and statements of general policy or interpretations of general
15 applicability formulated and adopted by the agency, including subsequent
16 amendments;

17 (11) Current and important database and statistics that it generates;

18 (12) Bidding processes, deadlines and requirements; and

19 (13) Mechanisms or procedures by which the public may participate in or
20 otherwise influence the formulation of policy or the exercise of its powers.

21 (14) Any disclaimer that shall announce true and correct information
22 relative to a matter of public concern that has been the subject of untruthful or
23 inaccurate publication in media.

24
25 All government agencies shall over time endeavor and build the capacity and
26 practice to upload in full all other contracts, agreements, or treaties covered under
27 this section, in particular those that are of the highest public interest by reason of the
28 amounts involved and the impact of the transaction to the public.

29
30 **SEC. 10. Protection of Privacy.** – While providing for access to information in
31 public records, this Act also affords full protection of the right to privacy of
32 individuals, as follows:

33
34 (a) Disclosure of public records involving personal data shall be guided by the

1 principle of transparency, legitimate purpose, and proportionality;

2
3 (b) A government agency must ensure that personal data in its custody or under
4 its control is disclosed only as permitted under this Act;

5
6 (c) A government agency must protect personal data in its custody or under its
7 control in accordance with the provisions of the Data Privacy Act of 2012, its
8 implementing rules and regulations, and issuances by the National Privacy
9 Commission.

10
11 (d) An employee, officer or official of a government agency who has access,
12 whether authorized or unauthorized, to personal data in the custody of the
13 agency, has the duty to keep the personal data confidential except as
14 authorized under this Act.

15
16 **SEC. 11. *Freedom of Information Manual.*** –

17
18 (a) For the effective implementation of this Act, all government agencies shall
19 prepare a Freedom of Information Manual, within six (6) months from the
20 effectivity of this Act indicating the following:

21
22 (1) The location and contact information of the head, regional, provincial and
23 field offices, and other established places where the public can obtain
24 government information or submit requests;

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

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

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

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

30 (6) The standard forms for the submission of request and for the proper
31 acknowledgment of the request;

32 (7) The process for the disposition of the request, including the routing of the
33 request to the person or office with the duty to act on the request, the
34 decision making process, and the grant or denial of access and its

1 implementation;

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

4 (9) The schedule of fees;

5 (10) The process and procedure for the mandatory disclosure of information
6 under Section 8 of this Act: *Provided*, That, should the agency lack the
7 capacity to fully comply therewith, a brief description of its plan to facilitate
8 compliance within three (3) years from the approval of this Act; and

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

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

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

15 (14) The heads of each of the departments and agencies may designate liaison
16 units or Committees who shall coordinate with the other units of the agency
17 in implementing this Act. The composition, functions and duties of these
18 liaison units or Committees shall be included in the FOI Manual.

19
20 **SEC. 12. Procedure of Access. –**

21
22 (a) Any person who wishes to obtain information shall submit, free of charge, a
23 request to the government agency concerned personally, by mail, or through
24 electronic means. A person who is unable to make a written request for
25 information, because of illiteracy or disability, may make an oral request, and
26 the public official who receives the oral request shall reduce it to writing, and
27 include his name and position within the government agency, and give a copy
28 thereof to the requesting party. The request shall state the name and
29 preferred contact information of the requesting party, and reasonably describe
30 the information required, the reason for the request of the information and the
31 preferred means by which the government agency shall communicate such
32 information to the requesting party: *Provided*, That the stated reason shall not
33 be used as a ground to deny the request or to refuse the acceptance of the
34 request, unless such reason is contrary to law, public order or public policy. If

1 the request is submitted personally, the requesting party shall show his
2 current identification card issued by any government agency, or government
3 or private employer or school, or a community tax certificate. If the request is
4 submitted by mail or through electronic means, the requesting party may
5 submit a photostatic or electronically scanned copy of verifiable identification,
6 or other convenient means as determined by the agency.
7

8 (b) The public official receiving the request shall provide reasonable assistance,
9 free of charge, to enable all requesters and particularly those with special
10 needs, to comply with the request requirements under this section.
11

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

21 (d) The request may indicate the requesting party's preferred mode and means of
22 receiving the information requested, provided that the mode and means are
23 reasonable, taking into consideration equipment normally available to the
24 concerned government agency.
25

26 (e) A government agency may communicate the information requested in a form
27 other than the preferred means whenever the agency has no capability in
28 communicating the information in the preferred format, or such preferred
29 means would unreasonably interfere with the effective operation of the agency
30 or be detrimental to the preservation of the record.
31

32 (f) The government agency shall comply with such request as soon as
33 practicable, and in any case within fifteen (15) working days from the receipt
34 thereof. The period may be extended whenever the information requested

1 requires a search of the government agency's field or satellite offices,
2 examination of voluminous records, the occurrence of fortuitous events or
3 other analogous cases.

4
5 (g) The government agency shall, in writing or through electronic means, notify
6 the person making the request of the extension, setting forth the reasons for
7 such extension and the date when the information shall be made available,
8 which in no case shall result in an extension of more than twenty (20) working
9 days.

10
11 (h) Once a decision is made to grant the request, the person making the request
12 shall be notified of such and shall pay the required access and processing
13 fees.

14
15 If the information is not held by the government agency to which the request
16 was made, it shall notify the requester that it does not hold the information, and
17 indicate to the requester which agency holds the record, if known. Whenever
18 practicable, the agency receiving the request may also cause the transfer of the
19 request to the appropriate agency that holds the information: *Provided*, That the
20 period to comply with the request under this section shall begin to run only upon the
21 receipt of the agency to which the request is transferred.

22
23 **SEC. 13. Access and Processing Fees.** – Government agencies may charge a
24 reasonable fee which shall in no case exceed the actual cost of reproduction,
25 copying or transcription and the communication of the information requested. An
26 agency may waive the fees whenever it is satisfied that the requester is an indigent,
27 or that the cost of reproduction is negligible, or that it is pursuant to a program for
28 proactive disclosure.

29
30 **SEC. 14. Exemption from Compliance.** – A government agency is excused from
31 complying with a subsequent identical or substantially similar request from the same
32 requesting party if both requests will require the agency to provide the same
33 information to the requesting party, unless a reasonable interval has lapsed between
34 compliance with the previous request and the making of the current request:

1 *Provided*, That the government agency complies with Section 15 of this Act.

2
3 **SEC. 15. *Notice of Denial.*** – If the government agency decides to deny the
4 request, in whole or in part, it shall, as soon as practicable, and in any case within
5 fifteen (15) calendar days from the receipt of the request, notify the person making
6 the request of such denial in writing or through electronic means. The notice shall
7 clearly set forth the ground or grounds for denial and the circumstances on which the
8 denial is based, and indicate available rights of reconsideration or appeal. Failure to
9 notify the person making the request of the denial, or of the extension, shall be
10 deemed a denial of the request for access to information.

11
12 **SEC. 16. *Remedies in Cases of Denial of Request for Information.*** –

13
14 (a) In all government agencies other than the judicial branch:

15
16 (1) Every denial of any request for access to information may be appealed to
17 the person or office next higher in authority of the same agency, following
18 the procedure mentioned in Section 11 (a)(8) of this Act: *Provided*, That
19 the written appeal must be filed by the same person making the request
20 within fifteen (15) calendar days from the notice of denial. The appeal shall
21 be decided by the person or office next higher in authority of the same
22 agency within five (5) working days from filing of said written appeal.
23 Failure of the government agency to decide within the aforestated period
24 shall constitute denial of the appeal.

25
26 (2) Upon denial of the appeal with the government agency, the requesting
27 party may file a verified petition for *mandamus* in the proper court, alleging
28 the facts with certainty and praying that judgment be rendered ordering the
29 respondent, immediately or at some other time to be specified by the
30 court, to disclose the requested information. Unless restrained or enjoined,
31 the decision of the court shall be immediately executory without prejudice
32 to review in accordance with the Rules of Court. Any action for
33 administrative and/or criminal liability arising from the same act or
34 omission, if any, shall be filed with the Office of the Ombudsman.

1
2 No damages shall be assessed against the respondent unless it is proven
3 that the respondent acted with malice, bad faith or negligence. Subject to
4 the provisions of existing laws and the issuances of the Supreme Court, all
5 courts shall give preference to the hearing and disposition of petitions for
6 *mandamus* filed pursuant to the provisions of this Act. The court hearing
7 the case is empowered to receive the information subject of a claim of
8 exception under Section 7 herein and examine them in camera to
9 determine the sufficiency of the factual and legal basis of such claim, when
10 such sufficiency cannot be reasonably determined through evidence and
11 circumstances apart from the information.
12

13 (b) In the Judicial Branch, the judiciary shall be governed by such remedies as
14 promulgated by the Supreme Court.
15

16 (c) The remedies provided in this section are without prejudice to any other
17 administrative, civil or criminal action covering the same act.
18

19 (d) The remedies available under this Act shall be cumulative and subject to the
20 rule of exhaustion of administrative remedies.
21

22 The provisions of Republic Act No. 9285, otherwise known as the Alternative
23 Dispute Resolution Act of 2004, shall not apply to cases filed pursuant to this
24 section.
25

26 (e) In case the requesting party has limited or no financial capacity, the
27 Public Attorney's Office shall be mandated to provide legal assistance to the
28 requester in availing of the remedies provided under this Act.
29

30 **SEC. 17. *Keeping of Records.*** –
31

32 (a) Government agencies shall create and/or maintain in appropriate formats,
33 accurate and reasonably complete documentation or records of their
34 organization, policies, transactions, decisions, resolutions, enactments,

1 actions, procedures, operations, activities, communications and documents
2 received or filed with them and the data generated or collected. These shall
3 include working files such as drafts or notes, whenever these have been
4 circulated within the agency for official purpose such as for discussion,
5 comment or approval or when these contain unique information that can
6 substantially contribute to a proper understanding of the agency organization,
7 policies, transactions, decisions, resolutions, enactments, actions,
8 procedures, operations, and activities. This likewise include information
9 submitted by public service contractors to the government agency concerned
10 such as receipts, identities of the suppliers, purchase orders, cash vouchers,
11 related agreements with other private entities, and other documents related to
12 the execution or the implementation of their transactions or contracts with the
13 government agency involved;

14
15 (b) Government agencies shall identify specific and classes of official
16 records in their custody or control that have continuing historical, administrative,
17 informational, legal, evidentiary, or research value for preservation by such agencies
18 or their legitimate successors, or for transfer to the National Archives of the
19 Philippines. In addition, the National Archives of the Philippines shall likewise identify
20 specific and classes of official records that it shall require agencies to preserve and
21 transfer to it.

22
23 (c) In addition to the specific and classes of official records identified for
24 preservation under letter (b) of this section, the following shall not be destroyed:

- 25
26
27 (1) Records pertaining to loans obtained or guaranteed by the
28 government;
- 29 (2) Records of government contracts;
- 30 (3) The declaration under oath of the assets, liabilities and net worth of
31 public officers and employees, as required by law; and
- 32 (4) Records of official investigations pertaining to allegations of graft and
33 corruption of public officers.

34 (d) Government agencies shall prepare, following standards and period

1 promulgated pursuant to Republic Act No. 9470 or the National Archives of the
2 Philippines Act of 2007, a records management program that includes the following:

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

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

12 (3) A specification of the roles and responsibilities of agency
13 personnel in the implementation of such system and schedule.
14

15 (e) In addition to its function as repository of all rules and regulations issued by
16 agencies as provided under Book VII, Chapter II of the Administrative Code of 1987,
17 the University of the Philippines Law Center shall, in coordination with the Office of
18 the President which has exclusive editorial and printing jurisdiction over the *Official*
19 *Gazette*, and with other relevant agencies, maintain a database, and publish the
20 same in print in the *Official Gazette* or in digital or online form, the following:
21

22 1) All laws of the Philippines and their amendments, from the period of the
23 Philippine Commission to the present;

24 2) All presidential issuances from November 15, 1935 to the present
25 including, but not limited, to executive orders, presidential proclamations,
26 administrative orders, memorandum circulars, general orders, and other
27 similar issuances;

28 3) A database of all appointments and designations made by the President
29 of the Philippines; and

30 4) Opinions of the Secretary of Justice.
31

32 **SEC. 18. *Publication in the Official Gazette.*** – For purposes of mandatory
33 disclosure as provided in Section 8 of this Act, online publication in the *Official*
34 *Gazette* website shall be considered official publication provided there shall be a

1 timestamp in the said document.

2
3 For purposes of compliance with Article 2 of the Civil Code of the Philippines,
4 publication of the following in the online version of the *Official Gazette*, with the
5 corresponding timestamps on the document, shall be considered as official
6 publication:

7
8 (a) All legislative acts and resolutions of a public nature of the Congress of the
9 Philippines;

10
11 (b) All executive and administrative orders and proclamations of general
12 application;

13
14 (c) Decisions or abstracts of decisions of the Supreme Court and the Court of
15 Appeals or other courts of similar rank, as may be deemed by said courts of
16 sufficient importance to be so published;

17
18 (d) Such documents or classes of documents as the President shall determine
19 from time to time to have general application or which he may authorize to be
20 published. However, other documents or classes of documents as may be
21 required to be published by law, such as petitions and/or legal notices in
22 connection with land titles, naturalization or special proceedings shall continue
23 to be published in the print version of the *Official Gazette* or in any newspaper
24 of general circulation for purposes of compliance with the publication
25 requirement.

26
27 **SEC. 19. Capacity-Building, Promotion of Best Practices and Continuous**
28 *Updating of Appropriate Information Technology and FOI.* – All government
29 agencies must ensure that they have a compliant website within two (2) years from
30 the date of effectivity of this Act. The Department of Information and
31 Communications Technology (DICT) shall monitor all government agency websites
32 and render the appropriate support including capacity-building program and
33 coordination with another appropriate agency, utilizing alternative mechanism and
34 seeking the assistance of private relevant and willing volunteer groups to ensure full

1 compliance with the requirements of this Act.

2
3 In the performance of its monitoring function of government websites and
4 portals, the DICT shall endeavor to continuously develop, improve and update its
5 information technology system taking into consideration usability and practical
6 accessibility of government documents by the public.

7
8 The DICT be responsible for setting the standards for the file formats to be used
9 by the political subdivisions of the State. All national and local government agencies
10 including GOCCs with or without an original charter in the publication of government
11 public information in accordance with the provisions of this Act.

12
13 Every government agency shall ensure the provision of adequate training for its
14 officials to improve awareness of the people's right to information and the provisions
15 of this Act, and to keep updated as to best practices in relation to information
16 disclosure, records maintenance and archiving.

17
18 **SEC. 20. Use of Plain Language.** – Every government agency shall endeavor
19 to use plain language in their communications orders, compliance, requirements or
20 instructions issued to implement the provisions of this Act. The government agencies
21 shall translate key information into major Filipino languages and present them in
22 popular form and means.

23
24 (1) To carry out the provision of this Act, the Civil Service Commission
25 (CSC) is designated to issue guidelines on the use of plain language to
26 suit the needs of the requesting party;

27 (2) The CSC shall provide the necessary training to employees of each
28 government agency in using plain language in public documents;

29 (3) All departments, agencies and instrumentalities of the national
30 government, including government-owned or -controlled corporations,
31 local government units and state colleges and universities shall
32 designate an official responsible for implementing the plain language;
33 and

1 (4) Website contents including, but not limited to, financial data, notices and
2 other technical and legal documents, of government agencies must also
3 be written in plain language to ensure that these information are easy to
4 read, understand and use.

5
6 **SEC. 21. *Administrative Offenses and Penalties.* –**

7
8 (a) The acts enumerated in this sub-section shall be tantamount to grave
9 administrative offenses and shall constitute grounds for administrative and
10 disciplinary sanction against any public official or employee who willfully and
11 knowingly commits the following:

12
13 (1) Refusal to promptly forward the request under Section 12 of this Act to the
14 public officer within the same office or agency responsible for officially acting
15 on the request when such is the direct cause of the failure to disclose the
16 information within the periods required by this Act;

17 (2) Failure to act on the request within the periods required by this Act;

18 (3) Refusal to comply with the decision of his immediate supervisor, or of any
19 court ordering the release of information;

20 (4) Approval of policies, rules and regulations clearly contrary to the provisions
21 of this Act, and which policies, rules and regulations are the direct cause of
22 the denial of a request for information;

23 (5) Failure to upload information required to be posted on an agency's website
24 within the period provided under Section 19: *Provided*, That the head of
25 agency or any other officer or employee tasked to perform said uploading
26 shall be held liable.

27
28 (b) The preceding subsection does not bar filing of appropriate administrative
29 cases other than those grave offenses enumerated above.

30
31 **SEC. 22. *Criminal Offenses and Penalties.* –** The penalty of imprisonment of
32 not less than one (1) month but not more than six (6) months and a fine ranging from
33 ten thousand pesos (Php 10,000.00) to one hundred thousand pesos (Php
34 100,000.00) shall be imposed upon:

- 1
- 2 (a) Any public official or employee who falsely denies or conceals the existence
3 of information that is a proper subject for disclosure under this Act.
- 4 (b) Any individual who knowingly directed, induced or caused the commission of
5 the foregoing acts shall be liable as principal by inducement in the prosecution
6 of public officials or employees under this section.
- 7 (c) Any public officer or employee responsible for officially acting on the request,
8 who shall claim an exception under Section 7 of this Act, or under the
9 Constitution, when such claim is manifestly devoid of factual basis.
- 10 (d) Any individual who divulged or released information covered under Section 7
11 of this Act.
- 12 (e) Any public officer or employee who divulged or released information that is
13 altered, tampered or modified to the extent that the released information
14 materially differs from the original contents of the document: *Provided*, That
15 altering or modifying a document for the purpose of severing an exempt
16 information from non-exempt information in a single document shall not be
17 punishable under this subsection.
- 18 (f) The responsible officers of the public service contractor and the signatories to
19 the contract or any document evidencing transaction with the government or
20 government agency who fail to submit the necessary documents/papers.
- 21
- 22

23 If the violation committed in this Act is induced and assisted by a private individual or a
24 corporation, partnership or any kind of judicial entity, the penalty provided herein shall be
25 imposed on its executive officer and/or other officials responsible therefor: *Provided*, That
26 they shall suffer, in addition to the penalties provided herein, the automatic revocation of
27 their license to operate.

28

29 Any public official or employee who willfully destroys, or causes to be
30 destroyed, or sells, information and/or documents being requested under this Act, for
31 the purpose of frustrating the requesting party's access thereto shall suffer a fine of
32 not less than five hundred thousand pesos (Php 500,000.00) but not more than one
33 million pesos (Php 1,000,000.00) or a penalty of five (5) years but not more than

1 fifteen (15) years, or both, as provided in Republic Act No. 9470 or the National
2 Archives Act.

3
4 **SEC. 23. *Denial in Good Faith Not a Ground for Liability.*** – A denial in good
5 faith of a request made pursuant to the provisions of this Act shall not constitute
6 grounds for administrative, civil or criminal liability. In cases of denial of the request,
7 the public official, officer or employee involved must prove that he/she acted in good
8 faith by specifying the ground relied upon for the denial.

9
10 **SEC. 24. *Act Not a Bar to Claim of Right to Information Under the Constitution.***
11 – No provision of this Act shall be interpreted as a bar to any claim of the right to
12 information under Article III, Section 7 of the Constitution.

13
14 **SEC. 25. *Integration of Freedom of Information (FOI) and Good Governance in***
15 ***Elementary and Secondary Curriculum.*** – To ensure a well-informed generation of
16 citizens, the right to information, the principles of accountability and transparency,
17 democracy and leadership, and good governance shall be integrated in such
18 subjects as *Heyograpiya*, *Kasaysayan at Sibika (HEKASI)* and *Araling Panlipunan* in
19 the elementary level and in such subjects as *Social Studies* and *Makabayan* or its
20 equivalent subjects in high school level. The Department of Education in
21 coordination with the Civil Service Commission and other relevant offices shall
22 prepare the necessary modules and teaching programs consistent with the
23 objectives of this Act.

24
25 **SEC. 26. *Reports on FOI.*** – All government agencies shall be required to
26 submit annual reports on the number of requests for information received and
27 processed, of appeals made from the denial thereof, and such other information as
28 provided in this Act. The said report may be integrated in the agencies' main Annual
29 Reports. Their posting and publication in the agencies' respective websites shall be
30 considered sufficient compliance.

31
32 **SEC. 27. *System of Incentives and Rewards.*** – A system of special incentives
33 and rewards is hereby established to be given to appropriate government agency or
34 agencies that initiated and displayed compliance and full participation in the

1 meaningful implementation of this Act. The incentives and rewards may include, but
2 shall not be limited to, social projects, grants-in-aid, national recognition, and similar
3 entitlements.

4
5 **SEC. 28. Appropriations.** – The amount necessary to carry out the provisions of
6 this Act shall be charged against the agencies' current budget and shall thereafter be
7 included in the annual General Appropriations Act.

8
9 **SEC. 29. Separability Clause.** – If any section or part of this Act is held
10 unconstitutional or invalid, the other sections or provisions not otherwise affected
11 shall remain in full force and effect.

12
13 **SEC. 30. Repealing Clause.** – All laws, decrees, executive orders, rules and
14 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
15 including Sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of
16 Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964
17 (Promulgating Rules Governing Security of Classified Matter in Government Offices),
18 as amended, and Section 3, Rule IV of the Rules Implementing Republic Act No.
19 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees),
20 are deemed repealed: *Provided*, That Memorandum Circular No. 78 shall be deemed
21 repealed after one (1) year from the effectivity of this Act or upon issuance of the
22 Executive Order in Section 7(a) whichever comes first.

23
24 **SEC. 31. Effectivity.** – This Act shall take effect fifteen (15) days after its
25 publication in at least two (2) national newspapers of general circulation.

Approved,