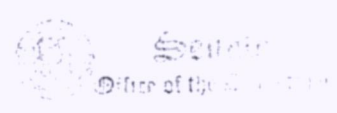


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'19 JUL 10 A10 :04

SENATE
S. B. No. 324

RECEIVED BY:

Introduced by Senator SONNY ANGARA

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

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

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

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

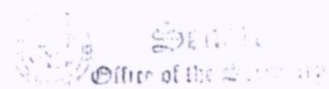
The foregoing measure affirms these constitutional imperatives by establishing broad guidelines and procedures that operationalize them. Without such framework, the rights and obligations enshrined under the Constitution would be meaningless, allowing government to operate under a shroud of secrecy and away from public scrutiny.

Hence, this bill narrows the opportunity for abuse and helps restore trust and confidence in government. Anti-corruption statutes cannot be fully enforced if there are no disclosure and information statutes. This would significantly help our government better serve the needs of the people. The passage of the FOI bill will signal the beginning of the realization of our quest for good governance, transparency and accountability. Filipinos look forward to the day when an open and accountable government serves them, their interests and common aspirations.

Approval of this measure is therefore earnestly requested.



SONNY ANGARA



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CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY
IN THE PUBLIC SERVICE AND FOR OTHER PURPOSES

Be it enacted by the Senate and the 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 2019.*"

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
5 public disclosure of all its transactions involving public interest, subject to the
6 procedures and limitations provided by this Act. This right is meant to enhance the
7 significant and widening role of the citizenry in governmental decision-making as well
8 as in checking abuse in government. Public officials and employees, in the
9 performance of their duties under this Act, as well as citizens in the exercise of their
10 rights under this Act, shall act with justice, give everyone his or her due, and observe
11 honesty and good faith.

12 Public officials and employees as well as citizens shall endeavor to handle
13 information kept or obtained under this Act with due care, to the end that inaccuracies
14 and distortions are avoided.

15 Sec. 3. *Definition of Terms.* – As used in this Act:
16 (a) *Information* refers to any record, document, paper, report, letters, contract,
17 minutes and transcripts of official meetings, maps, books, photographs, data,

1 research material, film, sound and video recordings, magnetic or other tapes,
2 electronic data, computer stored data, or any other like or similar data or
3 material recorded, stored or archived in whatever form or format, which are
4 made, received or kept in or under the control and custody of any government
5 agency pursuant to law, executive order, rules and regulations, ordinance or
6 in connection with the performance or transaction of official business by any
7 government agency.

8 (b) *Official record/records* refer to information produced or received by a public
9 officer or employee, or by a government agency in an official capacity or
10 pursuant to a public function or duty, regardless of whether the information is
11 in the draft, final or any other stage or status.

12 (c) *Public record/records* refer to information required by law, executive orders,
13 rules, or regulations to be entered, kept and made publicly available by a
14 government agency.

15 Sec. 4. *Coverage.* – This Act shall cover all government agencies, Government
16 agency or agencies shall include the executive, legislative and judicial branches as
17 well as constitutional bodies of the Republic of the Philippines including but not limited
18 to the national government and all its agencies, departments, bureaus, offices and
19 instrumentalities, constitutional commissions and constitutionally mandated bodies,
20 local governments and all their agencies, regulatory agencies, chartered institutions,
21 government-owned or controlled corporations, including wholly-owned or controlled
22 subsidiaries, government financial institutions, state universities and colleges, the
23 Armed Forces of the Philippines, the Philippine National Police, all offices in the
24 Congress of the Philippines including the offices of Senators and Representatives, the
25 Supreme Court and all lower courts established by law.

26 Public service contractors or any other entity shall make their records available
27 to the public insofar as they are related to any contract or transactions that they have
28 with the government or government agencies: *Provided,* That such contracts or
29 transactions are of the highest public interest by reason of the amounts involved and
30 the impact of the transaction to the public.

31 Sec. 5. *Access to Information.* – Every Filipino citizen has a right to and shall,
32 on request, be given access to any record under the control of a government agency

1 regardless of the physical form or format in which they are contained subject only to
2 the exceptions enumerated in Section 7 of this Act.

3 Sec. 6. *Presumption.* – There shall be a legal presumption in favor of access to
4 information. No request for information shall be denied unless it clearly falls under the
5 exceptions provided under this Act.

6 Sec. 7. *Exceptions.* – Access to information shall be granted unless:

7 (a) The information is specifically authorized to be kept secret under guidelines
8 established by an Executive Order, and in fact properly classified pursuant
9 thereto: *Provided, That*

10 (1) The information directly relates to national security or defense and its
11 revelation may cause serious damage to the national security or internal
12 and external defense of the State; or

13 (2) The information requested pertains to the foreign affairs of the Republic of
14 the Philippines, when its revelation shall unduly weaken the negotiating
15 position of the government in an ongoing bilateral or multilateral
16 negotiation or seriously jeopardize the diplomatic relations of tile Philippines
17 with any state: *Provided, further, That* the Executive Order shall specify
18 the reasonable period after which the information shall be automatically
19 declassified or subject to mandatory declassification review, and that any
20 reasonable doubt as to classification and declassification shall be settled in
21 favor of the right to information;

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

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

31 (1) Compromise or interfere with any legitimate military or law enforcement
32 operation, or

1 (2) Compromise or interfere with the legitimate prevention, detection or
2 suppression of criminal activity, or the legitimate implementation of
3 immigration controls and border security, or

4 (3) Lead to the disclosure of the identity of a confidential source, including a
5 government, or foreign agency or authority or any private institution which
6 furnished information on a confidential basis, and, in the case of a record
7 or information compiled by a law enforcement authority in the course of an
8 investigation or by an agency conducting a lawful national security
9 intelligence investigation, information furnished by a confidential source, or

10 (4) Disclose legitimate techniques and procedures for law enforcement
11 investigations or prosecutions, or would disclose legitimate guidelines for
12 law enforcement investigations or prosecutions if such disclosure could
13 reasonably be expected to risk circumvention of the law, or

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

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

16 (d) The information requested consists of drafts of orders, resolutions, decisions,
17 memoranda or audit reports by any executive, administrative, regulatory,
18 constitutional, judicial or quasi-judicial body in the exercise of their regulatory,
19 audit and adjudicatory function;

20 (e) The information requested is obtained by either House of Congress, or any
21 Committee thereof, in executive session;

22 (f) The information requested pertains to the personal information of a natural
23 person other than the requesting party, and its disclosure would constitute an
24 unwarranted invasion of his or her personal privacy, unless it forms part of a
25 public record, or the person is or was an official of a government agency and
26 the information relates to his other public function or the person has consented,
27 in writing, to the disclosure of the information;

28 (g) The information requested pertains to trade secrets and commercial or financial
29 information obtained from a natural or juridical person other than the
30 requesting party, obtained in confidence or covered by privileged
31 communication, and/or filed with a government agency, whenever the

1 revelation thereof would prejudice the interests of such natural or juridical
2 person in trade, industrial, financial or commercial competition;

3 (h) The information is classified as privileged communications in legal proceedings
4 bylaw or by the Rules of Court;

5 (i) The information requested is exempted from disclosure by law or by the
6 Constitution, in addition to those provided in this Section;

7 (j) The information is of a nature that its premature disclosure would: (1) in the
8 case of an agency that regulates or deals with currencies, interest rates,
9 securities, commodities, or financial institutions, be likely to lead speculations
10 in currencies, interest rates, securities, or commodities market; or (2) in the
11 case of other agencies, be likely to frustrate the effective implementation of a
12 proposed official action: *Provided*, That the information shall be disclosed once
13 the abovementioned dangers have ceased; or

14 (k) The information has already been made accessible as provided in Section 14 of
15 this Act.

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

20 (1) The exceptions are strictly construed;

21 (2) The exceptions are not used to cover-up a crime, wrong-doing, graft, or
22 corruption;

23 (3) The President, the Supreme Court, the Senate, the House of
24 Representatives, and the Constitutional Commissions may waive an
25 exception with respect to information in the custody of offices under their
26 respective supervision or control, when they deem that there is an
27 overriding public interest in disclosure;

28 (4) The exceptions do not constitute authority to withhold information from
29 Congress, nor authority for the executive branch of a local government unit
30 to withhold information from the legislative body of such local government
31 unit;

1 (5) Whenever the information requested is part of a record, whose other parts
2 are covered by an exception, but may be reasonably severed from a record,
3 the responding official shall communicate the information not covered by
4 the exception to the requester; and;

5 (6) The exceptions set forth in this section may be overcome if the requester is
6 able to prove before the Ombudsman or a court of competent jurisdiction
7 that the public interest in the disclosure of information outweighs the public
8 interest in keeping the information secret or confidential.

9 *Sec. 8. Mandatory Disclosure of Information. –*

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

- 13 1. President;
- 14 2. Vice-President;
- 15 3. Members of the Cabinet;
- 16 4. Members of Congress;
- 17 5. Justices of Supreme Court;
- 18 6. Members of Constitutional Commissions and other constitutional offices,
- 19 7. Officers of the armed forces with general or flag rank.

20 (b) All agencies of all branches of government shall upload on their websites, which
21 shall be updated monthly, a register of the following public interest
22 transactions, documents or records, including:

- 23 1. Annual Budget of Government Agencies;
- 24 2. Itemized Monthly Collections and Disbursement;
- 25 3. Summary of Income and Expenditures;
- 26 4. Component of the IRA Utilization;
- 27 5. Annual Procurement Plan and Procurement List;
- 28 6. An updated plantilla of positions and vacant positions with qualifications/
29 requirements in their organizations that need to be filled-up;
- 30 7. Items to Bid;
- 31 8. Bid Results on Civil Works, and Goods and Services;
- 32 9. Abstract of Bids as Calculated;

10. Procurement contracts entered into by a government agency;
11. Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;
12. Private sector participation agreements or contracts in infrastructure and development projects under Republic Act No. 6957, as amended by Republic Act No. 7718, authorizing the financing, construction, operation and maintenance of infrastructure projects;
13. Public funding extended to any private entity;
14. Bilateral or multilateral agreements and treaties in trade, economic partnership, investments, cooperation and similar binding commitments;
15. Licenses, permits or agreements granted by any government agency to any person or entity for the extraction and/or utilization of natural resources and a list of the grantees;
16. Guarantees given by any government agency to government-owned or -controlled corporations and to private corporations, persons or entities;
17. Loans from domestic and foreign financial institutions;
18. Loans, grants, development assistance, technical assistance, and programs entered into by a government agency with official bilateral or multilateral agencies, as well as with private aid agencies or institutions; and
19. Compromise agreements entered into by a government agency with any person or entity.

The register shall contain a brief description of the transaction involved, including, but not limited to: the nature and object of the transaction, the parties and amounts involved, the key steps undertaken towards its conclusion, and the relevant dates: *Provided*, That contracts and agreements involving an amount of at least Fifty Million Pesos (P50,000,000.00) shall be uploaded in full on the website of the concerned government agency or the Official Gazette online. A covered record shall be enrolled in the register not later than thirty (30) working days from its perfection or issuance.

Sec. 9. *Openness and Transparency in Government Agencies.* – Each government agency shall regularly publish, print and disseminate at no cost to the public and in an accessible form, consistent with the provisions of Republic Act No.

1 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, time,
2 accurate and updated key information including, but not limited to:

- 3 (1) A description of its mandate, structure, powers, functions, duties and decision-
4 making processes;
- 5 (2) A description of the frontline services it delivers and the procedure and length
6 of time by which they may be availed of;
- 7 (3) The names of its key officials, their powers, functions and responsibilities, and
8 their profiles and curriculum vitae;
- 9 (4) Work programs, development plans, investment plans, projects, performance
10 targets and accomplishments, and budgets, revenue allotments and
11 expenditures;
- 12 (5) Important rules and regulations, orders or decisions: *Provided*, That they be
13 published within fifteen (15) calendar days from promulgation;
- 14 (6) Rules of procedure, descriptions of forms available or the places at which forms
15 may be obtained, and instructions as to the scope and contents of all papers,
16 reports, or examinations;
- 17 (7) Substantive rules of general applicability adopted as authorized by law, and
18 statements of general policy or interpretations of general applicability
19 formulated and adopted by the agency, including subsequent amendments;
- 20 (8) Current and important database and statistics that it generates;
- 21 (9) Bidding processes and requirements; and
- 22 (10) Mechanisms or procedures by which the public may participate in or otherwise
23 influence the formulation of policy or the exercise of its powers

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

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

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

- 1 (b) A government agency must protect personal information in its custody or
2 under its control by making reasonable security arrangements against such
3 risks as unauthorized access, collection, use, disclosure, or disposal; and
- 4 (c) An employee, officer or director of a government agency, who has access,
5 whether authorized or unauthorized, to personal information in the custody of
6 the agency, must not disclose that information except as authorized under this
7 Act.

8 Sec. 11. *Freedom of Information Manual.* –

- 9 (a) For the effective implementation of this Act, all government agencies shall
10 prepare a Freedom of Information Manual, indicating the following:
- 11 1. The location and contact information of the head, regional, provincial and
12 field offices, and other established places where the public can obtain
13 government information or submit requests;
 - 14 2. The types of information it generates, produces, holds and/or publishes;
 - 15 3. A description of its record-keeping system;
 - 16 4. The person or office responsible for receiving requests for information;
 - 17 5. The procedure for the filing of requests personally, by mail, or through the
18 identified electronic means;
 - 19 6. The standard forms for the submission of request and for the proper
20 acknowledgment of the request;
 - 21 7. The process for the disposition of the request, including the routing of the
22 request to the person or office with the duty to act on the request, the
23 decision making process, and the grant or denial of access and its
24 implementation;
 - 25 8. The procedure for the administrative appeal of any denial for access to
26 information;
 - 27 9. The schedule of fees;
 - 28 10. The process and procedure for the mandatory disclosure of information
29 under Section 8 of this Act: *Provided, That*, should the agency lack the
30 capacity to fully comply therewith, a brief description of its plan to facilitate
31 compliance within three (3) years from the approval of this Act; and

1 11. Such other information, taking into consideration the unique characteristics
2 of an agency, that will help facilitate the effective implementation of this
3 Act.

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

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

8 (d) The heads of each of the departments and agencies may designate liaison units
9 or Committees who shall coordinate with the other units of the agency in
10 implementing this Act. The composition, functions and duties of these liaison
11 units or Committees shall be included in the FOI Manual.

12 Sec. 12. *Procedure of Access.* –

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

- 1 (b) The public official receiving the request shall provide reasonable assistance,
2 free of charge, to enable all requesters and particularly those with special
3 needs, to comply with the request requirements under this section.
- 4 (c) The request shall be stamped by the government agency, indicating the date
5 and time of receipt and the name, rank, title and position of the receiving public
6 officer or employee with the corresponding signature, and a copy thereof
7 furnished to the requesting party. In case the request is submitted by electronic
8 means, the government agency shall provide for an equivalent means by which
9 the requirements of this paragraph shall be met. Each government agency shall
10 establish a system to trace the status of all requests for information received
11 by it.
- 12 (d) The request may indicate the requesting party's preferred mode and means of
13 receiving the information requested: *Provided*, That the mode and means are
14 reasonable, taking into consideration equipment normally available to the
15 concerned government agency.
- 16 (e) A government agency may communicate the information requested in a form
17 other than the preferred means whenever the agency has no capability in
18 communicating the information in the preferred format, or such preferred
19 means would unreasonably interfere with the effective operation of the agency
20 or be detrimental to the preservation of the record.
- 21 (f) The government agency shall comply with such request as soon as practicable,
22 and in any case within fifteen (15) working days from the receipt thereof. The
23 period may be extended whenever the information requested requires a search
24 of the government agency's field or satellite offices, examination of voluminous
25 records, the occurrence of fortuitous events or other analogous cases.
- 26 (g) The government agency shall, in writing or through electronic means, notify
27 the person making the request of the extension, setting forth the reasons for
28 such extension and the date when the information shall be made available,
29 which in no case shall result in an extension of more than twenty. (20) Working
30 days.
- 31 (h) Once a decision is made to grant the request, the person making the request
32 shall be notified of such and shall pay the required access and processing fees.

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

9 Sec. 13. *Access and Processing Fees.* – Government agencies may charge a
10 reasonable fee to reimburse the actual cost of reproduction, copying or transcription
11 and the communication of the information requested. An agency may waive the fees
12 whenever it is satisfied that the requester is an indigent, or that the cost of
13 reproduction is negligible, or that it is pursuant to a program for proactive disclosure.

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

20 Sec. 15. *Notice of Denial.* – If the government agency decides to deny the
21 request, in whole or in part, it shall, as soon as practicable, and in any case within
22 fifteen (15) calendar days from the receipt of the request, notify the person making
23 the request of such denial in writing or through electronic means. The notice shall
24 clearly set forth the ground or grounds for denial and the circumstances on which the
25 denial is based, and indicate available rights of reconsideration or appeal. Failure to
26 notify the person making the request of the denial, or of the extension, shall be
27 deemed a denial of the request for access to information.

28 Sec. 16. *Remedies in Cases of Denial of Request for Information.* –

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

- 30 i. Every denial of any request for access to information may be appealed to
31 the person or office next higher in authority of the same agency, following
32 the procedure mentioned in Section 11 (a) (8) of this Act: *Provided*, That

1 the written appeal must be filed by the same person making the request
2 within fifteen (15) calendar days from the notice of denial. The appeal shall
3 be decided by the person or office next higher in authority of the same
4 agency within five (5) working days from filing of said written appeal. Failure
5 of the government agency to decide within the aforestated period shall
6 constitute denial of the appeal.

7 ii. Upon denial of the appeal with the government agency, the requesting party
8 may file a verified petition for mandamus in the proper court, alleging the
9 facts with certainty and praying that judgment be rendered ordering the
10 respondent, immediately or at some other time to be specified by the court,
11 to disclose the requested information. Any action for administrative and/or
12 criminal liability arising from the same act or omission, if any, shall be filed
13 with the Office of the Ombudsman. No damages shall be assessed against
14 the respondent unless it is proven that the respondent acted with malice,
15 bad faith or negligence. The procedure for such petition shall be summary
16 in nature. The court hearing the case is empowered to receive the
17 information subject of a claim of exception under Section 7 herein and
18 examine then in camera to determine the sufficiency of the factual and legal
19 basis of such claim, when such sufficiency cannot be reasonably determined
20 through evidence and circumstances apart from the information.

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

23 (c) The remedies provided in this Section are without prejudice to any other
24 administrative, civil or criminal action covering the same act.

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

27 (e) The provisions of Republic Act No. 9285, otherwise known as the Alternative
28 Dispute Resolution Act of 2004, shall not apply to cases filed pursuant to this
29 section.

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

1 Sec. 17. *Keeping of Records.* –

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

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

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

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

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

1. A records maintenance system for the creation, selection, classification, indexing and filing of official records that facilitate the easy identification, retrieval and communication of information to the public;
 2. A records maintenance, archival and disposition schedule providing a listing of records under current use, for retention by the agency, for transfer to the National Archives, as for destruction: *Provided*, That destruction of the official records may be implemented only upon approval of the National Archives of the Philippines; and
 3. A specification of the roles and responsibilities of agency personnel in the implementation of such system and schedule.
- (e) In addition to its function as repository of all rules and regulations issued by agencies as provided under Book VII, Chapter II of the Administrative Code of 1987, the University of the Philippines Law Center shall, in coordination with the Office of the President which has exclusive editorial and printing jurisdiction over the Official Gazette, and with other relevant agencies, maintain a database, and publish the same in print in the Official Gazette or in digital or online from, the following:
1. All laws of the Philippines and their amendments, from the period of the Philippine Commission to the present;
 2. AU presidential issuances from November 15, 1935 to the present, including but not limited, to executive orders, presidential proclamations, administrative orders, memorandum circulars, general orders, and other similar issuances;
 3. A database of all appointments and designations made by the President of the Philippines; and
 4. Opinions of the Secretary of Justice.

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

For purposes of compliance with Article 2 of the Civil Code of the Philippines, publication of the following in the online version of the Official Gazette, with the

1 corresponding timestamps on the document, shall be considered as official
2 publication:

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

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

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

10 (d) Such documents or classes of documents as the President shall determine from
11 time to time to have general application or which he may authorize to be
12 published. However, other documents or classes of documents as may be
13 required to be published by law, such as petitions and/or legal notices in
14 connection with land titles, naturalization or special proceedings shall continue
15 to be published in the print version of the Official Gazette or in any newspaper
16 of general circulation for purposes of compliance with the publication
17 requirement.

18 Sec. 19. *Capacity-Building, Promotion of Best Practices and Continuous*
19 *Updating of Appropriate Information Technology and FOI.* – All government agencies
20 must ensure that they have a compliant website within two (2) years from the date of
21 effectivity of this Act. The National Computer Center shall monitor all government
22 agency websites and render the appropriate support including capacity-building
23 program and coordination with another appropriate agency, utilizing alternative
24 mechanism and seeking the assistance of private relevant and willing volunteer groups
25 to ensure full compliance with the requirements of this Act.

26 In the performance of its monitoring function of government websites and
27 portals, the National Computer Center shall endeavor to continuously develop,
28 improve and update its information technology system taking into consideration
29 usability and practical accessibility of government documents by the public.

30 Every government agency shall ensure the provision of adequate training for
31 its officials to improve awareness of the people's right to information and the

provisions of this Act, and to keep updated as to best practices in relation to information disclosure, records maintenance and archiving.

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

- (1) To carry out the provision of this Act, the Civil Service Commission (CSC) is designated to issue guidelines on the use of plain language to suit the needs of the requesting party;
- (2) The CSC shall provide the necessary training to employees of each government agency in using plain language in public documents;
- (3) All departments, agencies and instrumentalities of the national government, including government-owned or controlled corporations, local government units and state colleges and universities shall designate an official responsible for implementing the plain language; and
- (4) Website contents, including, but not limited to financial data, notices and other technical and legal documents, of government agencies must also be written in plain language to ensure that the information are easy to read, understand and use.

Sec. 21. *Administrative Offenses and Penalties.* –

- (a) The acts enumerated in this sub-section shall be tantamount to grave administrative offenses and shall constitute grounds for administrative and disciplinary sanction against any public official or employee who willfully and knowingly commits the following:
 1. Refusal to promptly forward the request under Section 12 of this Act to the public officer within the same office or agency responsible for officially acting on the request when such is the direct cause of the failure to disclose the information within the periods required by this Act;
 2. Failure to act on the request within the periods required by this Act;
 3. Refusal to comply with the decision of his immediate supervisor, the Ombudsman, or of any court ordering the release of information;

1 4. Approval of policies, rules and regulations clearly contrary to the provisions
2 of this Act, and which policies, rules and regulations are the direct cause of
3 the denial of a request for information.

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

6 Sec. 22. *Criminal Offenses and Penalties.* – The penalty of imprisonment of not
7 less than one (1) month but not more than six (6) months and a fine ranging from
8 Ten Thousand Pesos (P10,000.00) to One Hundred Thousand Pesos (P100,000.00)
9 shall be imposed upon:

10 (a) Any public official or employee who falsely denies or conceals the existence of
11 information that is a proper subject for disclosure under this Act.

12 (b) Any public official or employee who destroys, or causes to be destroyed,
13 information and/or documents being requested under this Act, for the purpose
14 of frustrating the requesting party's access thereto.

15 (c) Any individual who knowingly directed, induced or caused the commission of
16 the foregoing acts shall be liable as principal by inducement in the prosecution
17 of public officials or employees under this section.

18 (d) Any public officer or employee responsible for officially acting on the request,
19 who shall claim an exception under Section 7 of this Act, or under the
20 Constitution, when such claim is manifestly devoid of factual basis.

21 (e) Any public officer or employee who divulged or released information covered
22 under Section 7 of this Act.

23 (f) Any public officer or employee who divulged or released information that is
24 altered, tampered or modified to the extent that the released information
25 materially differs from the original contents of the document: *Provided,* That
26 altering or modifying a document for the purpose of severing an exempt
27 information from non-exempt information in a single document shall not be
28 punishable under this subsection.

29 If the violation committed in this Act is induced and assisted by a private
30 individual or a corporation, partnership or any kind of judicial entity, the penalty
31 provided herein shall be imposed on its executive officer and/or other officials

1 responsible therefor: *Provided*, That they shall suffer, in addition to the penalties
2 provided herein, the automatic revocation of their license to operate.

3 Sec. 23. *Mere Denial in Good Faith Not a Ground for Liability.* – A mere denial
4 in good faith of a request made pursuant to the provisions of this Act shall not
5 constitute grounds for administrative, civil or criminal liability.

6 Sec. 24. *Act Not a Bar to Claim of Right to Information Under the Constitution.*
7 – No provision of this Act shall be interpreted as a bar to any claim of the right to
8 information under Article III, Section 7 of the 1987 Constitution.

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

19 Sec. 26. *Reports on FOI.* – All government agencies shall be required to submit
20 annual reports on the number of requests for information received and processed, of
21 appeals made from the denial thereof, and such other information as provided in this
22 Act. The said report may be integrated in the agencies' main Annual Report and its
23 posting and publication in their respective websites shall be considered as sufficient
24 compliance.

25 Sec. 27. *System of Incentives and Rewards.* – A system of special incentives
26 and rewards is hereby established to be given to appropriate government agency or
27 agencies that initiated and displayed compliance and full participation in the
28 meaningful implementation of this Act. The incentives and rewards may include but
29 not limited to social projects, grants-in- aid, national recognition, and similar
30 entitlements.

1 Sec. 28. *Appropriations.* – The amount necessary to carry out the provisions of
2 this Act shall be charged against the agencies' current budget and shall thereafter be
3 included in the annual General Appropriations Act.

4 Sec. 29. *Separability Clause.* – If any section or part of this Act is held
5 unconstitutional or invalid, the other sections or provisions not otherwise affected
6 shall remain in full force and effect.

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

17 Sec. 31. *Effectivity.* – This Act shall take effect fifteen (15) days after its
18 publication in the *Official Gazette* or in any two (2) newspapers of general circulation
19 in the Philippines.

 Approved,