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REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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Secretary

SENATE

11 16 A9:01

S. No. 511

Introduced by Senator **PIA S. CAYETANO**

**AN ACT
IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON
MATTERS OF PUBLIC CONCERN GUARANTEED UNDER THE 1987
PHILIPPINE CONSTITUTION, AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

Section 28, Article II of the 1987 Constitution provides that, "subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."


This is strengthened by Section 7, Article III which provides that, "the right of the people to information on matters of public concern shall be recognized. Access to official records, documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

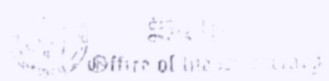
This right to information is not limited to making government open and accountable but the "right to know" is also indispensable to the exercise of the related freedoms of speech, of expression, and of the press, as well as the right of the people and their organizations to effective and reasonable participation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

This bill seeks to enable free access to official information by citizens based on the principles of maximum disclosure and open, accountable and transparent government. The only exception is when the disclosure of such information would jeopardize other prerogatives of the government, namely, the protection of the privacy of individual rights, national security, public order and safety, foreign diplomatic relations and intellectual property rights and trade secrets.

Executive Order (EO) No. 1 was signed on July 24, 2016. The EO states that every Filipino shall have access to information, records, and documents of all national and local government agencies under the executive branch. This bill seeks to strengthen what is already in the said EO and this administration's stalwart efforts to fight graft and corruption.

In view of the foregoing, the passage of this measure is earnestly urged.



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

1 Section 1. *Short Title.* — This Act shall be known as the “Freedom of
2 Information Act.”

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

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

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

13 (a) “Information” shall mean any knowledge, record, document,
14 paper, report, letters, contract, minutes and transcripts of official
15 meetings, maps, books, photographs, data, research material, film,
16 sound and video recordings, magnetic or other tapes, electronic data,
17 computer stored data, or any other like or similar data or material
18 recorded, stored or archived in whatever form or format, which are

1 made, received or kept in or under the control and custody of any
2 government agency pursuant to law, executive order, rules and
3 regulations, ordinance or in connection with the performance or
4 transaction of official business by any government agency.

5 (b) "Government agency" shall include the executive, legislative,
6 and judicial branches as well as the constitutional bodies of the Republic
7 of the Philippines including, but not limited to, the national government
8 and all its agencies, departments, bureaus, offices and instrumentalities,
9 constitutional commissions and constitutionally mandated bodies, local
10 governments and all their agencies, regulatory agencies, chartered
11 institutions, government-owned or -controlled corporations, including
12 wholly-owned or controlled subsidiaries, government financial
13 institutions, state universities and colleges, the Armed Forces of the
14 Philippines, the Philippine National Police, all offices in the Congress of
15 the Philippines including the offices of Senators and Representatives, the
16 Supreme Court and all lower courts established by law.

17 (c) "Official records" shall refer to information produced or received
18 by a public officer or employee, or by a government agency in an official
19 capacity or pursuant to a public function or duty, and is not meant to be
20 a stage or status of the information.

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

24 *Sec. 5. Presumption.* – There shall be a legal presumption in favor of access
25 to information. Accordingly, government agencies shall have the burden of proof to
26 show, by clear and convincing evidence, that the information requested is exempted
27 from disclosure by this Act.

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

1 Sec. 7. *Exceptions.* – Subject to the qualifications set forth in Section 8 of this
2 Act, access to information may be denied when:

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

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

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

30 (d) The information requested pertains to trade, industrial, financial or
31 commercial secrets of a natural or juridical person other than the requesting party,
32 obtained in confidence by, and/or filed with a government agency, whenever the

1 revelation thereof would seriously prejudice the interests of such natural or juridical
2 person in trade, industrial, financial or commercial competition, unless such natural
3 or juridical person has consented to the disclosure of the information;

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

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

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

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

16 For letters (b) to (h) of this section, the determination whether any of these
17 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
19 central or field officer/s duly designated by him.

20 *Sec. 8. Qualifications.* – Even if the information falls under the exceptions set
21 forth in the preceding section, access to information shall not be denied if:

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

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

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

29 *Sec. 9. Procedure of Access.* – (a) Any person who wishes to obtain
30 information shall submit a request to the government agency concerned personally,
31 by mail, or through electronic means. The request shall state the name and
32 preferred contact information of the requesting party, and reasonably describe the

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

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

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

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

31 (d) A government agency may communicate the information requested in a
32 form other than the preferred means whenever such preferred means would

1 unreasonably interfere with the effective operation of the agency, or be detrimental
2 to the preservation of the record.

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

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

8 (1) To search for and collect the requested information from field
9 facilities or other establishments that are separate from the office processing
10 the request;

11 (2) To search for, collect, and appropriately examine a voluminous
12 amount of separate and distinct information which are demanded in a single
13 request;

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

18 (4) To consider fortuitous events or other events due to force
19 majeure or other analogous cases.

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

25 *Sec. 10. Access Fees.* – Government agencies may charge a reasonable fee to
26 reimburse the actual cost of reproduction, copying or transcription and the
27 communication of the information requested.

28 *Sec. 11. Notice of Denial.* – If the government agency decides to deny the
29 request, in whole or in part, it shall, within seven (7) working days from the receipt
30 of the request, notify the person making the request of such denial in writing or
31 through electronic means. The notice shall clearly indicate the name, rank, title or
32 position of the person making the denial, and the grounds for the denial. In case the

1 denial is by reason of a claimed exception, the denial shall also state clearly the
2 legitimate aim or interest sought to be protected in the confidentiality, and the facts
3 and circumstances invoked showing the substantial harm to, or frustration of, the
4 legitimate aim or interest that will result in the disclosure of the information. Failure
5 to notify the person making the request of the denial, or of the extension, shall be
6 deemed a denial of the request for access to information.

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

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

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

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

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

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

20 (6) The standard forms for the submission of request and for the proper
21 acknowledgement of the request;

22 (7) The process for the disposition of the request, including the routing of
23 the request to the person or office with the duty to act on the request, the
24 decision-making, and the grant or denial of access and its 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 14 of this Act;

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

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

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

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

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

10 Sec. 13. *Remedies in Cases of Denial.* – (a) In all government agencies other
11 than the judicial branch–

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

19 (2) Instead of appealing or after the denial of the appeal, the
20 person denied access to information may file a verified complaint with the
21 Office of the Ombudsman, praying that the government agency concerned be
22 directed to immediately afford access to the information being requested.
23 Such complaint shall be resolved by the Office of the Ombudsman within sixty
24 (60) calendar days from filing, or earlier when time is of the essence, taking
25 into account such factors as the nature of the information requested, context
26 of the request, public interest and danger that the information requested will
27 become moot. The Office of the Ombudsman shall promulgate its special
28 rules of procedure for the immediate disposition of complaints filed pursuant
29 to this Section. Unless restrained or enjoined, the decisions of the Office of
30 the Ombudsman shall be immediately executory, without prejudice to review
31 in accordance with the Rules of Court.

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

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

15 (b) In the Judicial Branch – The Judiciary shall be governed by such remedies
16 as promulgated by the Supreme Court.

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

19 (d) The remedies available under this Act shall be exempt from the rules on
20 non-exhaustion of administrative remedies and the application of the provisions of
21 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act of
22 2004.

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

26 Sec. 14. *Mandatory Disclosure of Transactions Involving Public Interest.* –

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

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

22 A summary list of the foregoing information uploaded in the website shall be posted
23 in the bulletin boards of the concerned government agency.

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

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

1 Sec. 15. *Keeping of Records.* – a) Government agencies shall create and/or
2 maintain in appropriate formats, accurate and reasonably complete documentation
3 or records of their organization, policies, transactions, decisions, resolution,
4 enactments, actions, procedures, operations, activities, communications, documents
5 received or filed with them and the data generated or collected. These shall include
6 working files such as drafts or notes, whenever these have been circulated within
7 the agency for official purpose such as for discussion, comment or approval or when
8 these contain unique information that can substantially contribute to a proper
9 understanding of the agency organization, policies, transactions, decisions,
10 resolutions, enactments, actions, procedures, operations, and activities;

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

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

- 19 1) Records pertaining to loans obtained or guaranteed by the government;
- 20 2) Records of government contracts;
- 21 3) The declaration under oath of the assets, liabilities and net worth of public
22 officers and employees, as required by law; and
- 23 4) Records of official investigations on graft and corruption practices of public
24 officers.

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

- 28 1) A records maintenance system for the creation, selection, classification,
29 indexing, and filing of official records, that facilitates easy identification,
30 retrieval and communication of information to the public;
- 31 2) A records maintenance, archival, and disposition schedule providing a
32 listing of records under current use, for retention by the agency, for transfer

1 to the National Archives, or for destruction: Provided, That destruction of the
2 official records may be implemented only upon approval of the National
3 Archives of the Philippines; and

4 3) A specifications of the roles and responsibilities of agency personnel in the
5 implementation of such system and schedule.

6 e) In addition to its function as repository of all rules and regulations issued
7 by agencies as provided under Book VII, Chapter II of the Administrative Code of
8 1987, the University of the Philippines Law Center, in coordination with the National
9 Printing Office as the agency with exclusive printing jurisdiction over the Official
10 Gazette, shall maintain a database, and publish the same in print in Official Gazette
11 or in digital or online form, the following: 1) All laws of the Philippines and their
12 amendments, from the period of the Philippine Commission to the present; 2) All
13 presidential issuances from November 15, 1935 to the present, including but limited
14 to, executive orders, presidential proclamations, administrative orders, memorandum
15 circulars, general orders, and other similar issuances; 3) A database of all
16 appointments made by the President of the Philippines; and 4) Opinions of the
17 Secretary of Justice.

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

23 (1) A description of its mandate, structure, powers, functions, duties
24 and decision-making processes;

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

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

29 (4) Work programs, development plans, investment plans, projects,
30 performance targets and accomplishments, and budgets, revenue
31 allotments and expenditures;

1 (5) Important rules and regulations, orders or decisions: *Provided*,
2 that they be published within fifteen (15) calendar days from
3 promulgation;

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

5 (7) Bidding processes and requirements; and

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

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

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

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

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

24 (b) Any public officer or employee responsible for officially acting on the
25 request, who shall:

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

27 (2) Knowingly deny the existence of existing information without
28 cause;

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

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

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

4 (c) The head of office of the government agency directly and principally
5 responsible for the negotiation and perfection of any of the transactions enumerated
6 in Section 14(a) of this Act, who shall knowingly refuse to direct the mandatory
7 posting or uploading of such transaction despite the agency's capacity to implement
8 such directive. The same penalty shall be imposed upon the public officer or
9 employee who, despite a directive from the head of office, shall fail to post or upload
10 any of the transactions enumerated in Section 14(a) of this Act;

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

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

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

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

20 Sec. 18. *Act Not a Bar to Claim of Right to Information Under the*
21 *Constitution.* – No provision of this Act shall be interpreted as a bar to any claim of
22 denial of the right to information under Article III, Section 7 of the 1987
23 Constitution.

24 Sec. 19. *Separability Clause.* – If, for any reason, any section or provision of
25 this Act is held unconstitutional or invalid, no other section or provision shall be
26 affected.

27 Sec. 20. *Repealing Clause.* – All laws, decrees, executive orders, rules and
28 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
29 including Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules
30 Governing Security of Classified Matter in Government Offices), as amended, and
31 Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of

1 Conduct and Ethical Standards for Public Officials and Employees), are deemed
2 repealed.

3 Sec. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its
4 publication in at least two (2) national newspapers of general circulation.

Approved,