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REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



Senate  
Office of the Secretary

'22 AUG -8 P2 :35

**SENATE**  
**S. No. 1101**

RECEIVED BY: 

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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

**EXPLANATORY NOTE**

The 1987 Constitution is unequivocal about the importance of information and transparency as cornerstones of our democracy. It is through a free flowing of information that the State engages people's participation in government decision making and exacts accountability to its public officials.

Section 24, Article II of the Constitution provides, "The State recognizes the vital role of communication and information in nation-building."

Section 28, Article II of the Constitution states, "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."

Section 7, Article III (Bill of Rights) is even more explicit and elaborate, "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

This proposed measure gives life to the abovementioned constitutional guarantees of the people's right to information and the government policy of full public disclosure.

In one of his first official acts as the Chief Executive, President Rodrigo Roa Duterte signed Executive Order 2, s. 2016, "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service." The order covers all government offices under the Executive Branch, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs), on the other hand, are "encouraged to observe and be guided" by the order.

While EO 2 is truly commendable, it applies only to the executive arm of the government. This bill, on the other hand, encompasses all branches of government, including the legislature and the judiciary, as well as the constitutional commissions and the local governments.


In addition, the bill provides for mandatory public disclosure of the annual Statement of Assets, Liabilities and Net Worth (SALN) of the President, Vice President, Members of the Cabinet, Member of Congress, Justices of the Supreme Court, Members of the Constitutional Commissions, and Officers of the Armed Forces. Further, the bill requires all agencies of government to upload on their websites a register of public interest transactions and documents such as their annual budget, monthly collections and disbursements, updated plantilla of positions and vacancies, procurement contracts, bilateral and multilateral agreements, among others.

In this light, the immediate passage of this bill is earnestly sought.

  
**RAMON BONG REVILLA, JR.**

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

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

9 Public officials and employees, in the performance of their duties under this  
10 Act, as well as citizens in the exercise of their rights under this Act, shall handle  
11 information kept or obtained under this Act fairly, lawfully and with due regard to the  
12 full protection of the right to privacy of individuals.

13 Sec. 3. *Definition of Terms.* - As used in this Act:

14 (a) "*Information*" shall mean any public and/or official record, document,  
15 paper, report, letters, contract, minutes and transcripts of official meetings, maps,  
16 books, photographs, data, research material, film, audio and video recordings,

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

7 (b) *Official record/records* shall refer to information, in final form, produced  
8 or received by a public officer, employee, or a government agency in an official  
9 capacity or pursuant to a public function or duty.

10 (c) *Public record/records* shall include information required by law,  
11 executive order, rules or regulations to be entered, kept and made publicly available  
12 by a government agency.

13 (d) *Public service contractor* shall be defined as a private entity that has a  
14 dealing, contract or transaction of whatever form or kind with the government or a  
15 government agency/office, that utilizes public funds.

16 (e) *Personal information* shall refer to any information, whether recorded  
17 in a material form or not, from which the identity of an individual is apparent or can  
18 be reasonably and directly ascertained by the entity holding the information, or when  
19 put together with other information, would directly and certainly identify an individual.

20 (f) *Sensitive personal information* shall refer to personal information:

21 (1) about an individual's race, ethnic origin, marital status, age, color,  
22 and religious, philosophical or political affiliations

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

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

30 (4) specifically established by an executive order or an act of  
31 Congress to be kept classified.

1           Sec. 4. *Coverage.* – This Act shall cover all government agencies. Government  
2 agency or agencies shall include the executive, legislative and judicial branches as well  
3 as constitutional bodies of the Republic of the Philippines including, but not limited to,  
4 the national government and all its agencies, departments, bureaus, offices and  
5 instrumentalities, constitutional commissions and constitutionally mandated bodies,  
6 local governments and all their agencies, regulatory agencies, chartered institutions,  
7 government-owned or -controlled corporations, including wholly-owned or controlled  
8 subsidiaries, government financial institutions, and state universities and colleges.

9           Sec. 5. *Access to Information.* – Every Filipino citizen has a right to and shall,  
10 on request, be given access to any information of public concern under the control of  
11 a government agency regardless of the physical form or format in which they are  
12 contained, subject only to the exceptions enumerated in Section 7 of this Act.

13           Sec. 6. *Presumption.* – There shall be a legal presumption in favor of access  
14 to information. No request for information shall be denied unless it clearly falls under  
15 the exceptions provided under this Act. Accordingly, government agencies shall have  
16 the burden of proof of showing by clear and convincing evidence that the information  
17 requested is exempted from the disclosure by this Act.

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

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

22           (1) The information directly relates to national security or defense and its  
23 revelation may cause damage to the national security or internal and external defense  
24 of the State; or

25           (2) The information requested pertains to the foreign affairs of the Republic  
26 of the Philippines, when its revelation shall unduly weaken the negotiating position of  
27 the government in an ongoing bilateral or multilateral negotiation or seriously  
28 jeopardize the diplomatic relations of the Philippines with any state, or prejudice the  
29 entrusting of information to the Republic of the Philippines on a basis of confidence  
30 by the government of any other country or any international organization: *Provided,*  
31 That sufficient information is disclosed to afford reasonable public participation in  
32 government decision-making on bilateral and multilateral agreements: *Provided,*

1 *further*, That the head of the department or agency having custody or possession of  
2 such information, shall keep under continuing review all classified information in his  
3 custody and may direct the declassification review of such review as needed.  
4 Declassification of the information shall be subject to the approval of the President.

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

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

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

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

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

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

30 (5) Endanger the life or physical safety of any individual; or

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

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

9           (e) The information requested consists of drafts of orders, resolutions,  
10 decisions, memoranda or audit reports by any executive, administrative, regulatory,  
11 constitutional, judicial or quasi-judicial body in the exercise of their regulatory, audit  
12 and adjudicatory function, the revelation of which would impair the impartiality of  
13 verdicts or otherwise obstruct the administration of justice.

14           (f) The information requested is obtained by either House of Congress, or  
15 any committee thereof, in executive session.

16           (g) The information requested pertains to the personal and sensitive  
17 information of a natural person other than the requesting party, and its disclosure  
18 would constitute an unwarranted invasion of his or her personal privacy, or the person  
19 is or was an official or employee of a government agency and the information relates  
20 to his other public function or the person has consented, in writing, to the disclosure  
21 of the information.

22           (h) The information requested pertains to trade secrets and commercial or  
23 financial information obtained from a natural or juridical person other than the  
24 requesting party, obtained in confidence or covered by privileged communication,  
25 and/or filed with a government agency, whenever the revelation thereof would  
26 prejudice the interests of such natural or juridical person in trade, industrial, financial  
27 or commercial competition.

28           (i) The information is classified as privileged communications in legal  
29 proceedings by law or by the Rules of Court, unless the person entitled to the privilege  
30 has waived it.

1 (j) The information requested is exempted from disclosure by the  
2 Constitution or by law, including information protected under the Anti-Money  
3 Laundering Law, as amended, and the bank secrecy laws.

4 (k) The information is of a nature that its premature disclosure would:

5 (1) in the case of an agency that regulates or deals with currencies, interest  
6 rates, securities, commodities, or financial institutions, be likely to lead speculations  
7 in currencies, interest rates, securities, or commodities market; or

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

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

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

17 (1) The exceptions are strictly construed;

18 (2) The exceptions are not used to cover-up a crime or any unlawful activity;

19 (3) The President, the Supreme Court, the Senate, the House of  
20 Representatives, and the Constitutional Commissions, with a majority vote of the body  
21 in accordance with their own rules of procedure, when applicable, may waive an  
22 exception with respect to information in the custody of offices under their respective  
23 supervision or control when they deem that there is an overriding public interest in  
24 disclosure;

25 (4) The exceptions do not constitute authority to withhold information from  
26 or limit the availability of records to Congress or any of its committees;

27 (5) The exceptions do not constitute an authority of the executive branch of  
28 a local government unit to withhold information from its legislative body;

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



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

5 (m) The information requested pertains to information about the ongoing  
6 evaluation or review of bids or proposals undertaken by the bidding or review  
7 committee prior to an official recommendation by the government.

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

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

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

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

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

1 (11) Construction or concession agreements or contracts entered into by a  
2 government agency with any domestic or foreign person or entity;

3 (12) Private sector participation agreements or contracts in infrastructure and  
4 development projects under Republic Act No. 6957, as amended by Republic Act No.  
5 7718, authorizing the financing, construction, operation and maintenance of  
6 infrastructure projects;

7 (13) Public funding extended to any private entity;

8 (14) Bilateral or multilateral agreements and treaties in trade, economic  
9 partnership, investments, cooperation and similar binding commitments;

10 (15) Licenses, permits or agreements granted by any government agency to  
11 any person or entity for the extraction and/or utilization of natural resources and a  
12 list of the grantees;

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

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

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

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

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

29 *Sec. 9. Openness and Transparency in Government Agencies.* – Each  
30 government agency shall make available upon the request of any citizen at no cost  
31 and in an accessible form, consistent with the provisions of Republic Act No. 9485 or

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

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

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

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

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

10 (5) Statements of assets, liabilities and net worth of all public officials with  
11 Salary Grade 27 and above or heads of office;

12 (6) Monthly income including allowances and sources of income of all public  
13 officials with Salary Grade 27 and above and heads of office;

14 (7) Work programs, development plans, investment plans, projects,  
15 performance targets and accomplishments, and budgets, revenue allotments and  
16 expenditures;

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

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

22 (10) Substantive rules of general applicability adopted as authorized by law,  
23 and statements of general policy or interpretations of general applicability formulated  
24 and adopted by the agency, including subsequent amendments;

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

26 (12) Bidding processes, deadlines and requirements;

27 (13) Mechanisms or procedures by which the public may participate in or  
28 otherwise influence the formulation of policy or the exercise of its powers; and

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

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

5 Sec. 10. *Protection of Privacy.* - While providing for access to information in  
6 public records, this Act also affords full protection of the right to privacy of individuals,  
7 as follows:

8 (a) A government agency must ensure that personal and sensitive  
9 information in its custody or under its control is disclosed only as permitted under this  
10 Act;

11 (b) A government agency must protect personal and sensitive information  
12 in its custody or under its control by making reasonable security arrangements against  
13 such risks as unauthorized access, collection, use, disclosure, or disposal;

14 (c) An employee, officer or director of a government agency who has  
15 access, whether authorized or unauthorized, to personal and sensitive information in  
16 the custody of the agency, must not disclose that information except as authorized  
17 under this Act.

18 Sec. 11. *Freedom of Information Manual.* -

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

22 (1) The location and contact information of the head, regional, provincial  
23 and field offices, and other established places where the public can obtain government  
24 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  
29 the identified electronic means;

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

1 (7) The process for the disposition of the request, including the routing of  
2 the request to the person or office with the duty to act on the request, the decision-  
3 making process, and the grant or denial of access and its implementation;

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

6 (9) The schedule of fees;

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

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

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

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

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

22 *Sec. 12. Procedure of Access. -*

23 (a) Any person who wishes to obtain information shall submit, free of  
24 charge, a request to the government agency concerned personally, by mail, or through  
25 electronic means. A person who is unable, because of illiteracy or due to being a  
26 person with disability, to make a written request for information may make an oral  
27 request, and the public official who receives the oral request shall reduce it to writing,  
28 include his name and position within the government agency, and give a copy thereof  
29 to the person who made the request. The request shall state the name and preferred  
30 contact information of the requesting party and reasonably describe the information  
31 required, the reason for the request of the information and the preferred means by  
32 which the government agency shall communicate such information to the requesting

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

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

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

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

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

28 (f) The government agency shall comply with such request as soon as  
29 practicable, and in any case within fifteen (15) working days from the receipt thereof.  
30 The period may be extended whenever the information requested requires a search  
31 of the government agency's field or satellite offices, examination of voluminous  
32 records, the occurrence of fortuitous events or other analogous cases.

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

5 (h) Once a decision is made to grant the request, the person making the  
6 request shall be notified of such and shall pay the required access and processing  
7 fees.

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

15 *Sec. 13. Access and Processing Fees.* – Government agencies may charge a  
16 reasonable fee which shall in no case exceed the actual cost of reproduction, copying  
17 or transcription and the communication of the information requested. An agency may  
18 waive the fees whenever it is satisfied that the requester is an indigent, or that the  
19 cost of reproduction is negligible, or that it is pursuant to a program for proactive  
20 disclosure.

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

27 *Sec. 15. Notice of Denial.* – If the government agency decides to deny the  
28 request, in whole or in part, it shall, as soon as practicable, and in any case within  
29 fifteen (15) calendar days from the receipt of the request, notify the person making  
30 the request of such denial in writing or through electronic means. The notice shall  
31 clearly set forth the ground or grounds for denial and the circumstances on which the  
32 denial is based, and indicate available rights of reconsideration or appeal. Failure to

1 notify the person making the request of the denial, or of the extension, shall be  
2 deemed a denial of the request for access to information.

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

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

5       (1) Every denial of any request for access to information may be appealed  
6 to the person or office next higher in authority of the same agency, following the  
7 procedure mentioned in Section 11 (a)(8) of this Act: *Provided*, That the written appeal  
8 must be filed by the same person making the request within fifteen (15) calendar days  
9 from the notice of denial. The appeal shall be decided by the person or office next  
10 higher in authority of the same agency within five (5) working days from filing of said  
11 written appeal. Failure of the government agency to decide within the afore-stated  
12 period shall constitute denial of the appeal.

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

21       No damages shall be assessed against the respondent unless it is proven that  
22 the respondent acted with malice, bad faith or negligence. Subject to the provisions  
23 of existing laws and the issuances of the Supreme Court, all courts shall give  
24 preference to the hearing and disposition of petitions for *mandamus* filed pursuant to  
25 the provisions of this Act. The court hearing the case is empowered to receive the  
26 information subject of a claim of exception under Section 7 herein and examine them  
27 in camera to determine the sufficiency of the factual and legal basis of such claim,  
28 when such sufficiency cannot be reasonably determined through evidence and  
29 circumstances apart from the information.

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



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

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

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

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

11 *Sec. 17. Keeping of Records. –*

12 (a) Government agencies shall create and/or maintain in appropriate  
13 formats, accurate and reasonably complete documentation or records of their  
14 organization, policies, transactions, decisions, resolutions, enactments, actions,  
15 procedures, operations, activities, communications and documents received or filed  
16 with them and the data generated or collected. These shall include working files such  
17 as drafts or notes, whenever these have been circulated within the agency for official  
18 purpose such as for discussion, comment or approval or when these contain unique  
19 information that can substantially contribute to a proper understanding of the agency  
20 organization, policies, transactions, decisions, resolutions, enactments, actions,  
21 procedures, operations, and activities. This likewise includes information submitted by  
22 public service contractors to the government agency concerned such as receipts,  
23 identities of the suppliers, purchase orders, cash vouchers, related agreements with  
24 other private entities, and other documents related to the execution or the  
25 implementation of their transactions or contracts with the government agency  
26 involved;

27 (b) Government agencies shall identify specific and classes of official records  
28 in their custody or control that have continuing historical, administrative,  
29 informational, legal, evidentiary, or research value for preservation by such agencies  
30 or their legitimate successors, or for transfer to the National Archives of the  
31 Philippines. In addition, the National Archives of the Philippines shall likewise identify

1 specific and classes of official records that it shall require agencies to preserve and  
2 transfer to it.

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

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

6 (2) Records of government contracts;

7 (3) The declaration under oath of the assets, liabilities and net worth of  
8 public officers and employees, as required by law; and

9 (4) Records of official investigations pertaining to allegations of graft and  
10 corruption of public officers.

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

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

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

22 (3) A specification of the roles and responsibilities of agency personnel in  
23 the implementation of such a system and schedule.

24 (e) In addition to its function as repository of all rules and regulations issued  
25 by agencies as provided under Book VII, Chapter II of the Administrative Code of  
26 1987, the University of the Philippines Law Center shall, in coordination with the Office  
27 of the President which has exclusive editorial and printing jurisdiction over the Official  
28 Gazette, and with other relevant agencies, maintain a database, and publish the same  
29 in print in the Official Gazette or in digital or online form, the following:

30 (1) All laws of the Philippines and their amendments, from the period of the  
31 Philippine Commission to the present;

1 (2) All presidential issuances from November 15, 1935 to the present  
2 including, but not limited, to executive orders, presidential proclamations,  
3 administrative orders, memorandum circulars, general orders, and other similar  
4 issuances;

5 (3) A database of all appointments and designations made by the President  
6 of the Philippines; and

7 (4) Opinions of the Secretary of Justice.

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

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

16 (a) All legislative acts and resolutions of a public nature of the Congress of  
17 the Philippines;

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

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

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

30 Sec. 19. *Capacity-Building, Promotion of Best Practices and Continuous*  
31 *Updating of Appropriate Information Technology and FCI.* – All government agencies  
32 must ensure that they have a compliant website within two (2) years from the date of

1 effectivity of this Act. The National Computer Center shall monitor all government  
2 agency websites and render the appropriate support including capacity-building  
3 program and coordination with another appropriate agency, utilizing alternative  
4 mechanisms and seeking the assistance of private relevant and willing volunteer  
5 groups to ensure full compliance with the requirements of this Act.

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

10 The Department of Science and Technology shall be responsible for setting the  
11 standards for the file formats to be used by the political subdivisions of the State. All  
12 national and local government agencies including GOCCs with or without original  
13 charter in the publication of government public information in accordance with the  
14 provisions of this Act.

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

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

24 (1) To carry out the provision of this Act, the Civil Service Commission (CSC)  
25 is designated to issue guidelines on the use of plain language to suit the needs of the  
26 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 the national  
30 government, including government-owned or -controlled corporations, local  
31 government units and state colleges and universities shall designate an official  
32 responsible for implementing the plain language; 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 be written in  
3 plain language to ensure that these information are easy to read, understand and use.

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

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

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

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

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

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

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

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

25 Sec. 22. *Criminal Offenses and Penalties.* – The penalty of imprisonment of not  
26 less than one (1) month but not more than six (6) months and a fine ranging from  
27 Ten thousand pesos (Php 10,000.00) to One hundred thousand pesos (Php  
28 100,000.00) shall be imposed upon:

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

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

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

7 (d) Any public officer or employee responsible for officially acting on the  
8 request, 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 (e) Any individual who divulged or released information covered under  
11 Section 7 of this Act.

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

18 (g) The responsible officers of the public service contractor and the  
19 signatories to the contract or any document evidencing transaction with the  
20 government or government agency who fail to submit the necessary  
21 documents/papers.

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

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

32

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

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

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

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

25           Sec. 28. *Appropriations.* - The amount necessary to carry out the provisions of  
26 this Act shall be charged against the agencies' current budget and shall thereafter be  
27 included in the annual General Appropriations Act.

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

31           Sec. 30. *Repealing Clause.* - All laws, decrees, executive orders, rules and  
32 regulations, issuances or any part thereof inconsistent with the provisions of this Act,

1 including Sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of  
2 Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964  
3 (Promulgating Rules Governing Security of Classified Matter in Government Offices),  
4 as amended, and Section 3, Rule IV of the Rules Implementing Republic Act No. 6713  
5 (Code of Conduct and Ethical Standards for Public Officials and Employees), are  
6 deemed repealed: *Provided*, That Memorandum Circular No. 78 shall be deemed  
7 repealed after one (1) year from the effectivity of this Act or upon issuance of the  
8 Executive Order in Section 7(a) whichever comes first.

9       Sec. 31. *Effectivity*. – This Act shall take effect fifteen (15) days after its  
10 publication in at least two (2) national newspapers of general circulation, whichever  
11 comes earlier.

*Approved,*