

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




Senate
Office of the Secretary

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SENATE

S. B. No. 1014

BY: 

Introduced by Senator JOEL VILLANUEVA

**AN ACT PROMOTING AND ENFORCING THE RIGHT OF THE
PEOPLE TO INFORMATION ON MATTERS OF PUBLIC CONCERN,
AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The right of the people to information held by the government is an indispensable element of a functioning representative democracy. The ideal "government by the people" presupposes that the people have access to information held by the government in order to effectively exercise its governing power. As observed by the Philippine Supreme court in one case, "There can be no realistic perception by the public of the nation's problems, nor a meaningful democratic decision-making if they are denied access to information of general interest." The free flow of information about the affairs of government paves the way for debates in public policy, and fosters accountability in government.

A free flow of information on matters of public information results in better government policies. It provides institutional foundation for a more responsive government planning by enhancing the capacity of the public to provide timely feedback to government. The availability of information held by the government widens the base for the generation to more knowledge about key development issues, not only by researchers and academic institutions, but also by the public at large. It promotes constructive and informed debate between and among government and stakeholders, and builds consensus around policy objectives and over-all framework. All these promote more informed government interventions supported by a solid and broad-based constituency.

A free flow of information held by the government is also a vital safeguard against corruption and rent-seeking in government. The economic costs of corruption and rent-seeking are well known. There is loss in consumer surplus arising from higher prices, as well as loss in output because resources are wasted in rent-seeking activities such as bribery. Secrecy in government makes corruption flourish. It gives government officials and rent-seekers alike a wider room for maneuver and a greater cover for any evidence in corruption. In contrast, transparency exposes the vested interests involved, leads to the identification of corrupt officials, and eventually develops a more level playing field among economic actors.

Finally, a free flow of information held by the government enhances economic performance. The availability of information of official rules, policies, programs, and resource allocation enables the private sector to make sound long-term economic decisions. A disclosure policy can facilitate doing business in the country and boost private sector investments. Furthermore, a mechanism for better data and information management which is publicly accessible will benefit employers and investors who want to set-up a business in the country to efficiently locate the availability of skilled workers by type of skills, sector, and geographical location. Indeed, freedom of access to information advances economic efficiency and competitiveness.

The Philippine Constitution guarantees the right of its people to information on matters of public concern. Section 7 of the Bill of Rights states:

"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."

Jurisprudence has clarified key aspects of the right of the people to information on matters of public concern, particularly its nature and scope. As regards its nature, the Philippine Supreme Court has proclaimed that the right to information is not a private right but a public right, which may be asserted by any citizen. With respect to its enforceability, the Philippine Supreme Court in the case of *Legazpi vs. Civil Service Commission* has ruled that the Constitutional provisions on the right to information are self-executing. As to the scope of the guarantee, the right covers information which relates to matters of public concern.

Despite the Constitutional guarantee and the judicial affirmation of the right, denial of access to information held by the government remains prevalent. This situation will be mitigated by a law which grants every citizen the right to access information on matters of public concern. This will complement the existing Constitutional guarantee and relevant jurisprudence.

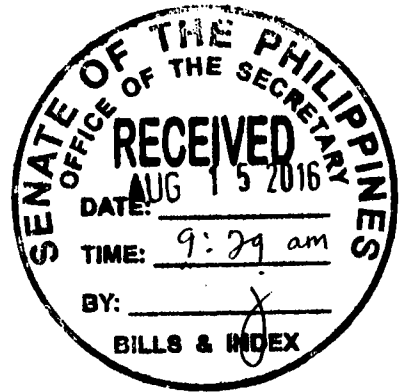
In view of this, this bill seeks to:

- (a) Put in place a uniform, speedy and effective means of enforcing the right to information on matters of public concern;
- (b) Provide a clear penalty for the unlawful denial of the right to information on matters of public concern; and
- (c) Clarify further the scope of the guarantee by defining its coverage, exceptions, process of enforcing right, and prescribing reasonable limitations.

Immediate passage of the bill is earnestly sought.


SENATOR JOEL VILLANUEVA

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PEOPLE TO INFORMATION ON MATTERS OF PUBLIC CONCERN,
AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** – This Act shall be known as "***The People's Right to Public***
2 ***Information Act of 2016***".

3

4 **SECTION 2. Declaration of Policy.** – Section 7 of the 1987 Constitution recognizes
5 that the right to information on matters of public concern is a basic and indispensable
6 right of the people. Access to official records, and to documents and papers
7 pertaining to official acts, transactions, or decisions, is guaranteed. Therefore, the
8 State adopts and implements a policy of full public disclosure of all its transactions
9 involving public interest, subject to the procedures and limitations provided by this
10 Act. Promoting and enforcing the people's right to public information ensures that
11 people will be able to effectively and reasonably participate at all levels of social,
12 political and economic decision making.

13
14 **SECTION 3. Coverage.** – This Act shall cover government agencies defined under
15 this Act.

16

17

18 **SECTION 4. Definition of Terms.** – As used in this Act:

19

20 (a) "**Information**" shall refer to data that have been processed into a record,
21 document, paper, report, letter, contract, minutes and transcripts of official
22 meetings, maps, books, photographs, data, research, materials, in whatever

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

7 (b) "**Government agency/agencies**" shall refer to the executive, legislative and
8 judicial branches as well as constitutional bodies of the Republic of the
9 Philippines including, but not limited to, the national government and all its
10 agencies, departments, bureaus, offices and instrumentalities, constitutional
11 commissions and constitutionally mandated bodies, local governments and all
12 their agencies, regulatory agencies, chartered institutions, government-owned
13 or controlled corporations, including wholly-owned or controlled subsidiaries,
14 government financial institutions, state universities and colleges, the Armed
15 Forces of the Philippines, the Philippine National Police, all offices in the
16 Congress of the Philippines including the offices of Senators and
17 Representatives, the Supreme Court and all lower courts established by law.
18

19 (c) "**Official record/records**" shall refer to information produced or received by a
20 public officer or employee, or by a government agency in an official capacity
21 or pursuant to a public function or duty, regardless of whether the information
22 is in the draft, final, or any other stage or status.
23

24 (d) "**Public record/records**" shall refer to information required by law, executive
25 orders, rules, or regulations to be entered, kept and made publicly available
26 by a government agency.
27
28

29 **SECTION 5. *Right of Access to Information.*** – Every Filipino citizen has a right to
30 and shall, on request, be given access to any record under the control of a
31 government agency. Government agencies shall make available to the public for
32 scrutiny, copying and reproduction in the manner provided by this Act, all information
33 pertaining to official acts, transactions or decisions, as well as government research
34 data used as a basis for policy development, subject to the exceptions enumerated
35 under section 7 of this Act, regardless of their physical form or format in which they
36 are contained and by whom they were made.
37
38

39 **SECTION 6. *Presumption.*** - There shall be a legal presumption in favor of access to
40 information. No request for information shall be denied unless it clearly falls under
41 the exceptions provided under this Act.
42
43

44 **SECTION 7. *Exceptions.*** - Access to information shall be granted unless:
45

46 (a) The information is specifically authorized to be kept secret under guidelines
47 established by an executive order, and in fact properly classified pursuant
48 thereto: *Provided*, That 1) The information directly relates to national security
49 or defense and its revelation may cause grave damage to the national
50 security or internal and external defense of the State; or 2) The information

1 requested pertains to the foreign affairs of the Republic of the Philippines,
2 when its revelation may weaken the negotiating position of the government in
3 an ongoing bilateral or multilateral negotiation or seriously jeopardize the
4 diplomatic relations of the Philippines with any state; *Provided, further,* That
5 the executive order shall specify the reasonable period after which the
6 information shall be automatically declassified or subject to mandatory
7 declassification review, and that any reasonable doubt as to classification and
8 declassification shall be settled in favor of the right to information;
9

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

18 (c) The information requested pertains to internal and/or external defense, law
19 enforcement, and border control, when the disclosure thereof may:
20

21 (i) compromise or interfere with any legitimate military or law enforcement
22 operation, or
23

24 (ii) compromise or interfere with the legitimate prevention, detection or
25 suppression of criminal activity, or the legitimate implementation of
26 immigration controls and border security, or
27

28 (iii) lead to the disclosure of the identity of a confidential source, including a
29 government, or foreign agency or authority or any private institution which
30 furnished information on a confidential basis, and, in the case of a record or
31 information compiled by a law enforcement authority in the course of an
32 investigation or by an agency conducting a lawful national security intelligence
33 investigation, information furnished by a confidential source, or
34

35 (iv) disclose legitimate techniques and procedures for law enforcement
36 investigations or prosecutions, or would disclose legitimate guidelines for law
37 enforcement investigations or prosecutions if such disclosure could
38 reasonably be expected to risk circumvention of the law, or
39

40 (v) endanger the life or physical safety of any individual.
41

42 (d) The information requested consists of drafts of orders, resolutions, decisions,
43 memoranda or audit reports by any executive, administrative, regulatory,
44 constitutional judicial or quasi-judicial body in the exercise of their regulatory,
45 audit and adjudicatory function.
46

47 (e) The information requested is obtained by either House of Congress, or and
48 committee thereof, in executive session.
49

- 1 (f) The information requested pertains to the personal information of a natural
2 person other than the requesting party, and its disclosure would constitute an
3 unwarranted invasion of his or her personal privacy, unless it forms part of a
4 public record, or the person is or was an official of a government agency and
5 the information relates to his or her public function or the person has
6 consented, in writing, to the disclosure of the information;
7
- 8 (g) The information requested pertains to trade secrets and commercial or
9 financial information obtained from a natural or juridical person other than the
10 requesting party, obtained in confidence or covered by privileged
11 communication, and/or filed with a government agency, whenever the
12 revelation thereof would prejudice the interests of such natural or juridical
13 person in trade, industrial, financial or commercial competition
14
- 15 (h) The information is classified as privileged communications in legal
16 proceedings by law or by the Rules of Court.
17
- 18 (i) The information requested is exempted from disclosure by law or by the
19 Constitution, in addition to those provided in this section,
20
- 21 (j) The information has already been made accessible as provided in Section 13
22 of this Act.
23

24 For letters (c) to (j) of this section, the determination whether any of these grounds
25 shall apply shall be the responsibility of the head of office of the government agency
26 in custody or control of the information, or any responsible central or field officers
27 duly designated by him: *Provided, That:*
28

29 (1) The exceptions are strictly construed;
30

31 (2) The exceptions are not used to cover-up a crime, wrong-doing, graft, or
32 corruption;
33

34 (3) The President, the Supreme Court, the Senate, the House of
35 Representatives, and the Constitutional Commissions may waive an
36 exception with respect to information in the custody of offices under their
37 respective supervision or control, when they deem that there is an overriding
38 public interest in disclosure;
39

40 (4) The exceptions do not constitute authority to withhold information from
41 Congress nor authority for the executive branch of a local government unit to
42 withhold information from the legislative body of such local government unit;
43

44 (5) Whenever the information requested is part of a record, whose other parts
45 are covered by an exception, but may be reasonably severed from a record,
46 the responding official shall either sever the information not covered by the
47 exception and communicated it to the requester, or he shall edit the exempt
48 information and render it suitable for public disclosure and release the record

1 to the requester with a specific identification of the parts which were edited;
2 and
3

4 (6) Even if the information requested falls under the exceptions set forth in this
5 Section, access to information shall not be denied if public interest in the
6 disclosure of the information outweighs public interest in securing its
7 confidentiality.
8
9

10 **SECTION 8. *Mandatory Disclosure of Information.*** - Government agencies are
11 mandated to regularly disclose the following information in the duration and manner
12 provided hereunder:
13

14 (a) In fulfillment of Article XI, Section 17 of the Constitution, the following national
15 officials shall disclose to the public, through their official website, their
16 Statement of Assets, Liabilities, and Net worth (SALN) on an annual basis:
17

18 (1) the President;

19 (2) the Vice- President;

20 (3) the Members of the Cabinet;

21 (4) the Members of Congress;

22 (5) the Justices of Supreme Court;

23 (6) the Members of Constitutional Commissions and other constitutional
24 offices; and
25

26 (7) officers of the armed forces with general or flag rank.
27

28 (b) All agencies of all branches of government shall upload on their websites,
29 which shall be updated monthly, a register of the following public interest
30 transactions, documents or records, including:
31

32 (1) Annual Budget of Government Agencies;

33 (2) Itemized Monthly Collections and Disbursement;

34 (3) Summary of Income and Expenditures;

35 (4) Component of the IRA Utilization;

36 (5) Annual Procurement Plan and Procurement List;

37 (6) Items to Bid;

38 (7) Bid Results on Civil Works, and Goods and Services;
39
40
41
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1 (8) Abstract of Bids as Calculated;

2
3 (9) Procurement contracts entered into by a government agency;

4
5 (10) Construction or concession agreements or contracts entered into by a
6 government agency with any domestic or foreign person or entity;

7
8 (11) Private sector participation agreements or contracts in infrastructure and
9 development projects under Republic Act No. 6957, as amended by Republic
10 Act No. 7718, authorizing the financing, construction, operation
11 and maintenance of infrastructure projects;

12
13 (12) Public funding extended to any private entity;

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

17
18 (14) Licenses, permits or agreements granted by any government agency to
19 any person or entity for the extraction and/or utilization of natural resources
20 and a list of the grantees;

21
22 (15) Guarantees given by any government agency to government-owned or -
23 controlled corporations and to private corporations, persons or entities;

24
25 (16) Loans from domestic and foreign financial institutions;

26
27 (17) Loans, grants, development assistance, technical assistance, and
28 programs entered into by a government agency with official bilateral or
29 multilateral agencies, as well as with private aid agencies or institutions;

30
31 (18) Compromise agreements entered into by a government agency with any
32 person or entity; and

33
34 (19) Statement of Assets and Liabilities (SALN) of public officers having a
35 salary grade "27"; Provided that the agency shall make available to the public
36 all the SALNs of its public officers.

37
38 The register shall contain a brief description of the transaction involved, including,
39 but not limited to: the nature and object of the transaction, the parties and amounts
40 involved, the key steps undertaken towards its conclusion, and the relevant dates
41 provided that contracts and agreements involving an amount of at least fifty million
42 pesos (P50,000,000.00) shall be uploaded in full on the website of the concerned
43 government agency or the Official Gazette Online. A covered record shall be
44 enrolled in the register not later than 30 working days from its perfection or issuance.

45
46 (c) Each government agency shall regularly publish, print and disseminate at no
47 cost to the public and in an accessible form, in conjunction with Republic Act
48 9485, or the Anti-Red Tape Act of 2007, and through their website, timely,
49 true, accurate and updated key information including, but not limited to:

- 1 (1) A People's Right to Public Information Manual in full;
- 2
- 3 (2) A description of its mandate, structure, powers, functions, duties, and
- 4 decision-making processes;
- 5
- 6 (3) A description of the frontline services it delivers and the procedure and
- 7 length of time by which they may be availed of;
- 8
- 9 (4) The names of its key officials, their powers, functions and responsibilities,
- 10 and their profiles and curriculum vitae;
- 11
- 12 (5) The Statement of Assets and Liabilities of the public officers of the
- 13 government agency;
- 14
- 15 (6) Work programs, development plans, investment plans, projects,
- 16 performance targets and accomplishments, and budgets, revenue allotments
- 17 and expenditures;
- 18
- 19 (7) Important rules and regulations, orders or decisions: *Provided*, That they
- 20 be published within fifteen (15) calendar days from promulgation;
- 21
- 22 (8) Rules of procedure, descriptions of forms available or the places at which
- 23 forms may be obtained, and instructions as to the scope and contents of all
- 24 papers, reports, or examinations;
- 25
- 26 (9) Substantive rules of general applicability adopted as authorized by law,
- 27 and statements of general policy or interpretations of general applicability
- 28 formulated and adopted by the agency, including subsequent amendments;
- 29
- 30 (10) Current and important database and statistics that it generates;
- 31
- 32 (11) Bidding processes and requirements; and
- 33
- 34 (12) Mechanisms or procedures by which the public may participate in or
- 35 otherwise influence the formulation of policy or the exercise of its powers.
- 36

37 (d) All government agencies shall over time endeavor and build the capacity and
38 practice to upload in full all other contracts, agreements, or treaties covered
39 under this section 8 specially those that are of the highest public interest by
40 reason of the amounts involved and the impact of the transaction to the
41 public. All government agencies must ensure that they have a compliant
42 website within two (2) years from the effectivity of this Act.

43
44 (e) Should an agency lack the capacity to comply with the website uploading
45 requirement of this section, the agency shall initiate a capacity-building
46 program, coordinate with another appropriate agency, or use an alternative
47 mechanism, to facilitate substantive compliance not later than three (3) years
48 from the effectivity of this Act. The National Computer Center shall monitor all
49 government agency websites and render the appropriate support for their
50 development and full compliance with the requirements of this Act.

- 1 (f) For purposes of improving capability, every government agency shall ensure
2 the provision of adequate training for its officials to improve awareness of the
3 people's ownership of government information and the provisions of this Act,
4 and to keep updated as to best practices in relation to information disclosure,
5 records maintenance and archiving.
6

7 In order to develop accessibility of language and form, every government agency
8 shall endeavor to translate key information into major Filipino languages and present
9 them popular form and means.
10

11
12 **SECTION 9. *People's Right to Public Information Manual.* –**
13

14 (a) For the effective implementation of this Act, all government agencies shall
15 prepare a People's Ownership of Government Information Manual, setting forth the
16 following:
17

- 18 (1) The location and contact information of the head, regional, provincial and field
19 offices, and other established places where the public can obtain government
20 information or submit requests;
21
22 (2) The types of information it generates, produces, holds and/or publishes;
23
24 (3) A description of its record-keeping system;
25
26 (4) The person or office responsible for receiving requests for information;
27
28 (5) The procedure for the filing of requests personally, by mail, or through the
29 identified electronic means;
30
31 (6) The standard forms for the submission of request and for the proper
32 acknowledgment of the request;
33
34 (7) The process for the disposition of the request, including the routing of the
35 request to the person or office with the duty to act on the request, the
36 decision-making process, and the grant or denial of access and its
37 implementation;
38
39 (8) The procedure for the administrative appeal of any denial for access to
40 information;
41
42 (9) The schedule of fees;
43
44 (10) The process and procedure for the mandatory disclosure of information
45 29 under Section 8 of this Act: *Provided*, That should the agency lack the
46 capacity to fully comply therewith, a brief description of its plan to facilitate
47 compliance within three (3) years from the approval of this Act; and
48

1 (11) Such other information, taking into consideration the unique
2 characteristics of an agency, that will help facilitate the effective
3 implementation of this Act.
4

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

8 (c) In no case shall the absence of the aforementioned Manual be a reason for the
9 denial of any request for information made in accordance with this Act.
10

11 (d) The heads of each of the departments and agencies may designate liaison units
12 or Committees who shall coordinate with the other units of the agency in
13 implementing this Act. The composition, functions and duties of these liaison units or
14 Committees shall be included in the People's Right to Public Information Manual.
15

16
17 **SECTION 10. *Protection of Privacy*** - While providing for access to information in
18 public records, this Act also affords full protection of the right to privacy of
19 individuals, as follows:
20

21 (a) A government agency must ensure that personal information in its custody or
22 under its control is disclosed only as permitted under this Act;
23

24 (b) A government agency must protect personal information in its custody or
25 under its control by making reasonable security arrangements against such
26 risks as unauthorized access, collection, use, disclosure, or disposal; and
27

28 (c) An employee, officer or director of a government agency who has access,
29 whether authorized or unauthorized, to personal information in the custody of
30 the agency, must not disclose that information except as authorized under this
31 Act.
32
33

34 **SECTION 11. *Procedure of Access***. -
35

36 (a) Any person who wishes to obtain information shall submit, free of charge, a
37 request to the government agency concerned personally, by mail, or through
38 electronic means. A person who is unable, because of illiteracy or due to being a
39 person with disability, to make a written request for information may make an oral
40 request, and the public official who receives the oral request shall reduce it to writing,
41 and include his name and position within the government agency, and give a copy
42 thereof to the person who made the request. The request shall state the name and
43 preferred contact information of the requesting party, and reasonably describe the
44 information required, the reason for the request of the information and the preferred
45 means by which the government agency shall communicate such information to the
46 requesting party: *Provided*, That the stated reason shall not be used as a ground to
47 deny the request or to refuse the acceptance of the request, unless such reason is
48 contrary to law. If the request is submitted personally, the requesting party shall
49 show his current identification card issued by any government agency, or
50 government or private employer or school, or a community tax certificate. If the

1 request is submitted by mail or through electronic means, the requesting party may
2 submit a photostatic or electronically scanned copy of the identification, or other
3 convenient means as determined by the agency.
4

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

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

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

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

28 (f) The government agency shall comply with such request as soon as practicable,
29 and in any case within fifteen (15) working days from the receipt thereof. The period
30 may be extended whenever the information requested requires a search of the
31 government agency's field or satellite offices, examination of voluminous records, the
32 occurrence of fortuitous events or other analogous cases.
33

34 (g) The government agency shall, in writing or through electronic means, notify the
35 person making the request of the extension, setting forth the reasons for such
36 extension and the date when the information shall be made available, which in no
37 case shall result in an extension of more than twenty (20) working days.
38

39 (h) Once a decision is made to grant the request, the person making the request
40 shall be notified of such and shall pay the required access and processing fees.
41

42 If the information is not held by the government agency to which the request was
43 made, it shall notify the requester that it does not hold the information, and indicate
44 to the requester which agency holds the record, if known. Whenever practicable, the
45 agency receiving the request may also cause the transfer of the request to the
46 appropriate agency that holds the information: *Provided*, That the period to comply
47 with the request under this section shall begin to run only upon the receipt of the
48 agency to which the request is transferred.
49
50

1 **SECTION 12. Access and Processing Fees.** – Government agencies may charge a
2 reasonable fee to reimburse the actual cost of reproduction, copying or transcription
3 and the communication of the information requested. An agency may waive the fees
4 whenever it is satisfied that the requester is an indigent, or that the cost of
5 reproduction is negligible, or that it is pursuant to a program for proactive disclosure.
6
7

8 **SECTION 13. Exemption From Compliance.** – The government agency is excused
9 from complying with a subsequent identical or substantially similar request from the
10 same requesting party where it has previously complied with a request for
11 information unless a reasonable interval has lapsed between compliance with the
12 previous request and the making of the current request: *Provided*, That the
13 government agency complies with Section 14 of this Act.
14
15

16 **SECTION 14. Notice of Denial.** - (A) If the government agency decides to deny the
17 request in whole or in part, it shall, as soon as practicable, and in any case within
18 fifteen (15) working days from the receipt of the request, notify the person making the
19 request of such denial in writing or through electronic means. The notice shall clearly
20 set forth the ground or grounds for denial and the circumstances on which the denial
21 is based, and indicate available rights of reconsideration or appeal. Failure to notify
22 the person making the request of the denial, or of the extension, shall be deemed a
23 denial of the request for access to information.
24
25

26 **SECTION 15. Remedies in Cases of Denial.** - (A) In all government agencies other
27 than the judicial branch:
28

29 (1) Every denial of a request for access to information may be contested by a
30 Request for Administrative Reconsideration to the same responsible official who
31 originally denied the request or by an Administrative appeal to the Head of Agency,
32 following the procedure mentioned in Section 10 (a) (8) and Section 14 of this Act:
33 *Provided*, That the appeal must be filed within fifteen (15) calendar days from the
34 receipt of the notice of denial and must be decided within fifteen (15) calendar days
35 from filing. Failure to resolve the appeal within the aforementioned period shall
36 constitute a denial of the appeal: *Provided, Further*, That every Notice of Denial shall
37 include check-box options to be checked or marked by the requester for the
38 Immediate Administrative Reconsideration or Appeal to the head of the agency. If
39 the requester, after indicating his desired remedy, submits his Request for
40 Administrative Reconsideration or Appeal with the government official
41 communicating the Notice of Denial to the requester, that government official shall
42 be responsible for immediately coursing the Request for Administrative
43 Reconsideration or Appeal to the appropriate official or head of the agency:
44 *Provided, Finally*, That the requester may, in addition to and together with his
45 Request for Reconsideration or Appeal, submit further arguments to strengthen
46 request;
47

48 (2) Instead of appealing or after the denial of the appeal, the person denied access
49 to information may file a verified Complaint with the Office of the Ombudsman,
50 praying that the government agency concerned be directed to immediately afford

1 access to the information being requested, Such Complaint shall be resolved by the
2 Office of the Ombudsman within sixty (60) calendar days from filing, or earlier when
3 time is of the essence, taking into account such factors as the nature of the
4 information requested, context of the request, public interest and danger that the
5 information requested will become moot The Office of the Ombudsman shall
6 promulgate its special rules of procedure for the immediate disposition of Complaints
7 filed pursuant to this Section. Unless restrained or enjoined, the decisions of the
8 Office of the Ombudsman shall be immediately executory, without prejudice to
9 review in accordance with the Rules of Court;

10
11 (3) Instead of filing a Complaint with the Office of the Ombudsman, whenever a
12 request for information is denied originally or on administrative appeal, the
13 requesting party may file a verified petition for mandamus in the proper court,
14 alleging the facts with certainty and praying that judgment be rendered ordering the
15 respondent, immediately, or at some other time to be specified by the court, to
16 disclose the information and to pay the damages sustained by the requesting party
17 by reason of the denial. The procedure to such petition shall be summary in nature;

18
19 (4) In resolving a Complaint or Petition brought under the preceding paragraphs (2)
20 and (3), the Ombudsman or the court is empowered to receive the information
21 subject of a claim of exception under Section 7 herein and examine them *in camera*
22 to determine the sufficiency of the factual and legal basis of such claim, when such
23 sufficiency cannot be reasonably determined through evidence and circumstances
24 apart from the information.

25
26 (B) In the Judicial Branch - The Judiciary shall be governed by such remedies as
27 promulgated by the Supreme Court.

28
29 (C) The remedies under this section are without prejudice to any other
30 administrative, civil or criminal action covering the same act.

31
32 (D) The remedies available under this Act shall be exempt from the rules on non-
33 exhaustion of administrative remedies and the application of the provisions of
34 Republic Act No, 9285, otherwise known as the Alternative Dispute Resolution Act of
35 2004.

36
37 (E) In case the requesting party has limited or no financial capacity, the Public
38 Attorney's Office shall be mandated to provide legal assistance to the requester
39 availing of the remedies provided under this Act.

40
41
42 **SECTION 16. Keeping of Records.** - (A) Government agencies shall create and/or
43 maintain in appropriate formats, accurate and reasonably complete documentation
44 or records of their organization, policies, transactions, decisions, resolutions,
45 enactments, actions, procedures, operations, activities, communications and
46 documents received or filed with them and the data generated or collected. These
47 shall include working files such as drafts or notes, whenever these have been
48 circulated within the agency for official purpose such as for discussion, comment or
49 approval or when these contain unique information that can substantially contribute

1 to a proper understanding of the agency organization, policies, transactions,
2 decisions, resolutions, enactments, actions, procedures, operations, and activities;
3

4 (B) Government agencies shall identify specific and classes of official records in their
5 custody or control that have continuing historical, administrative, informational, legal,
6 evidentiary, or research value for preservation by such agencies or their legitimate
7 successors, or for transfer to the National Archives of the Philippines. In addition, the
8 National Archives of the Philippines shall likewise identify specific and classes of
9 official records that it shall require agencies to preserve and transfer to it.
10

11 (C) In addition to the specific and classes of official records identified for preservation
12 under letter (8) of this section, the following shall not be destroyed:
13

14 (1) Records pertaining to loans obtained or guaranteed by the government;
15

16 (2) Records of government contracts;
17

18 (3) The declaration under oath of the assets, liabilities and net worth of public
19 officers and employees, as required by law; and
20

21 (4) Records of official investigations pertaining to allegations of graft and
22 corruption of public officers.
23

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

28 (1) A records maintenance system for the creation, selection, classification,
29 indexing and filing of official records that facilitate the easy identification,
30 retrieval and communication of information to the public;
31

32 (2) A records maintenance, archival and disposition schedule providing a
33 listing of records under current use, for retention by the agency, for transfer to
34 the National Archives, or for destruction: *Provided*, That destruction of the
35 official records may be implemented only upon approval of the National
36 Archives of the Philippines, and
37

38 (3) A specifications of the roles and responsibilities of agency personnel in the
39 implementation of such system and schedule.
40

41 (E) In addition to its function as repository of all rules and regulations issued by
42 agencies as provided under Book VII, Chapter II of the Administrative Code of 1987,
43 the University of the Philippines Law Center shall, in coordination with the Office of
44 the President which has exclusive editorial and printing jurisdiction over the *Official*
45 *Gazette* and with other relevant agencies, maintain a database, and publish the
46 same in print the *Official Gazette* or in digital or online form, the following:
47

48 (1) All laws of the Philippines and their amendments, from the period of the
49 Philippine Commission to the present;
50

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
4 similar issuances;

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

8
9 (4) Opinions of the Secretary of Justice.

10
11 **SECTION 17. *Publication in the Official Gazette.*** For purposes of mandatory
12 disclosure as provided in section 8 of this Act, online publication in the Official
13 Gazette website shall be considered official publication provided there shall be a
14 timestamp in the said document.

15
16 For purposes of compliance with Article 2 of the Civil Code of the Philippines,
17 publication of the following in the online version of the Official Gazette, with the
18 corresponding timestamps on the document, shall be considered as official
19 publication.

20
21 (a) All important legislative acts and resolutions of a public nature of the
22 Congress of the Philippines;

23
24 (b) All executive and administrative orders and proclamations of general
25 application;

26
27 (c) Decisions or abstracts of decisions of the Supreme Court and the Court of
28 Appeals or other courts of similar rank, as may be deemed by said courts of
29 sufficient importance to be so published;

30
31 (d) Such documents or classes of documents as the President shall determine
32 from time to time to have general application or which he may authorize to be
33 published: *However*, other documents or classes of documents as may be
34 required to be published by law, such as petitions and/or legal notices in
35 connection with land titles, naturalization or special proceedings shall continue
36 to be published in the print version of the Official Gazette or in any newspaper
37 of general circulation for purposes of compliance with the publication
38 requirement.

39
40 **SECTION 18. *Administrative Liability.*** - The acts enumerated in this Section shall be
41 tantamount to grave administrative offenses and shall constitute grounds for
42 administrative and disciplinary sanction against any public official or employee who
43 willfully and knowingly commits the following:

44
45 (a) Refusal to promptly forward the request under Section 11 of this Act to the
46 public officer within the same office or agency responsible for officially acting
47 on the request when such is the direct cause of the failure to disclose the
48 information within the periods required by this Act;

49
50 (b) Failure to act on the request within the periods required by this Act;

1
2 (c) Refusal to comply with the decision of his immediate supervisor, the
3 Ombudsman, or of any court ordering the release of information;
4

5 (d) Approval of policies, rules and regulations clearly contrary to the
6 provisions of this Act, and which policies, rules and regulations are the direct
7 cause of the denial of a request for information.
8
9

10
11 **SECTION 19. Criminal Liability. –**
12

13 (a) Any public official or employee who falsely denies or conceals the existence of
14 information which is a proper subject for disclosure under this Act shall be liable for
15 the crime of removal, concealment or destruction of documents as defined under
16 Article 226 of the Revised Penal Code.
17

18 (b) Any public official or employee who destroys, or causes to be destroyed,
19 information and/or documents being requested under this Act, for the purpose of
20 frustrating the requesting party's access thereto, shall be liable for the crime of
21 removal, concealment or destruction of documents as defined under Article 226 of
22 the Revised Penal Code.
23

24 (c) Any individual who knowingly directed, induced or caused the commission of the
25 foregoing acts shall be liable as principal by inducement in the prosecution of public
26 officials or employees under this section.
27

28 (d) The penalty of *arresto mayor* shall be imposed upon any public officer or
29 employee responsible for officially acting on the request, who shall claim an
30 exception under Section 7 of this Act, or under the Constitution, when such claim is
31 manifestly devoid of factual basis.
32
33

34 **SECTION 20. No abuse in the exercise of rights and in the performance of duties**
35 **under this Act. - Public officials and employees, in the performance of their duties**
36 **under this Act, as well as citizens in the exercise of their rights under this Act, shall**
37 **act with justice, give everyone his or her due, and observe honesty and good faith.**
38

39 Public officials and employees as well as citizens shall endeavor to handle
40 information, kept or obtained under this Act with due care, to the end that
41 inaccuracies and distortions are avoided.
42

43 Any public official or employee, or citizen who, in the performance of duties or
44 exercise of rights under this Act, willfully or negligently causes loss, damage or injury
45 to another in a manner that is contrary to law, morals, good customs or public policy,
46 shall compensate the latter for the damage incurred. This is without prejudice to
47 other remedies available to the aggrieved party under any other law for the same
48 acts.
49
50

1 **SECTION 21. *Mere Denial in Good Faith Not a Ground for Liability.*** - A mere denial
2 in good faith of a request made pursuant to the provisions of this Act shall not
3 constitute grounds for administrative, civil or criminal liability.
4

5
6 **SECTION 22. *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 denial of the
8 right to information under Article III, Section 7 of the 1987 Constitution.
9

10
11 **SECTION 23. *Appropriations.*** - The amount necessary to carry out the provisions of
12 this Act shall be charged against the agencies' current budget and shall thereafter be
13 included in the annual General Appropriations Act.
14

15
16 **SECTION 24. *Separability Clause.*** - If any section or part of this Act is held
17 unconstitutional or invalid, the other sections or provisions not otherwise affected
18 shall remain in full force and effect.
19

20
21 **SECTION 25. *Repealing Clause.*** - All laws, decrees, executive orders, rules and
22 regulations, issuances or any part thereof inconsistent with the provisions of this Act
23 including sections 18, 24 and 25 of Executive Order No. 292 in relation to Article 2 of
24 Republic Act No. 386, Memorandum Circular No. 78 dated 14 August 1964
25 (Promulgating Rules Governing Security of Classified Matter in Government Offices),
26 as amended, and Section 3, Rule IV of the Rules Implementing Republic Act No.
27 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees),
28 are deemed repealed.
29

30
31 **SECTION 26. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
32 publication in at least two (2) national newspapers of general circulation.
33

34
35 Approved,