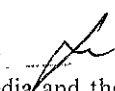


9 JUN -3 P6:34

SENATE

COMMITTEE REPORT NO. 534

Submitted Jointly by the Committee on Public Information and Mass Media and the Committee on Civil Service and Government Reorganization on JUN - 3 2009

RECEIVED BY: 

Re: Senate Bill No. 3308 (Prepared by the Committees)

Recommending its approval in substitution of S.B. Nos. 16, 109, 576, 592, 1578, 2571, and 3273, taking into consideration HBN 3732 and SRN 11

Sponsors: Senators Alan Peter S. Cayetano and Antonio "Sonny" F. Trillanes IV

Mr. President:

The Committee on Public Information and Mass Media and the Committee on Civil Service and Government Reorganization, to which were primarily and secondarily referred Senate Bill No. 16, introduced by Senator Ramon Bong Revilla Jr., entitled:

**"AN ACT
TO ENSURE PUBLIC ACCESS TO OFFICIAL INFORMATION AND FOR OTHER
PURPOSES,"**

Senate Bill No. 109, introduced by Senator Mar Roxas, entitled:

**"AN ACT
IMPLEMENTING THE CONSTITUTIONAL RIGHT OF ACCESS TO INFORMATION,
PRESCRIBING GUIDELINES THEREFOR, AND FOR OTHER PURPOSES,"**

Senate Bill No. 576, introduced by Senator Jinggoy Ejercito Estrada, entitled:

**"AN ACT
TO ENSURE PUBLIC ACCESS TO OFFICIAL INFORMATION AND FOR OTHER
PURPOSES,"**

Senate Bill No. 592, introduced by Senator Jinggoy Ejercito Estrada, entitled:

**"AN ACT
TO IMPROVE PUBLIC DISSEMINATION OF GOVERNMENT INFORMATION,"**

Senate Bill No. 1578, introduced by Senator Manny Villar, entitled:

**"AN ACT
IMPLEMENTING THE RIGHT OF ACCESS TO INFORMATION ON MATTERS OF PUBLIC
CONCERN GUARANTEED UNDER SECTION SEVEN, ARTICLE III OF THE 1987
CONSTITUTION AND FOR OTHER PURPOSES,"**

Senate Bill No. 2571, introduced by Senator Loren B. Legarda, entitled:

**"AN ACT
IMPLEMENTING THE RIGHT OF ACCESS TO INFORMATION ON MATTERS OF PUBLIC
CONCERN GUARANTEED UNDER SECTION TWENTY-EIGHT, ARTICLE II AND SECTION
SEVEN, ARTICLE III OF THE 1987 CONSTITUTION AND FOR OTHER PURPOSES,"**

Senate Bill No. 3273, introduced by Senators Alan Peter S. Cayetano, Pia S. Cayetano, and Juan Miguel F. Zubiri, entitled:

"AN ACT

PROVIDING A MECHANISM TO IMPLEMENT THE RIGHT OF THE PEOPLE TO INFORMATION ON MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN, ARTICLE THREE OF THE 1987 CONSTITUTION AND THE STATE POLICY OF FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST UNDER SECTION TWENTY EIGHT, ARTICLE TWO OF THE 1987 CONSTITUTION, AND FOR OTHER PURPOSES," taking into consideration

House Bill No. 3732, introduced by Representatives Angara, Del Mar, Villanueva, et al, entitled:

"AN ACT

IMPLEMENTING THE RIGHT OF ACCESS TO INFORMATION ON MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION TWENTY-EIGHT, ARTICLE II AND SECTION SEVEN, ARTICLE III OF THE 1987 CONSTITUTION AND FOR OTHER PURPOSES," and

Senate Resolution No. 11, introduced by Senator Jinggoy Ejercito Estrada, entitled:

"RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION AND COMPLIANCE OF ALL GOVERNMENT OFFICES, DEPARTMENTS, AND AGENCIES WITH THE CONSTITUTIONAL PROVISIONS AND ALL LAWS RELEVANT TO CITIZENS' ACCESS TO INFORMATION AS A MEANS OF CURBING GRAFT AND CORRUPTION"

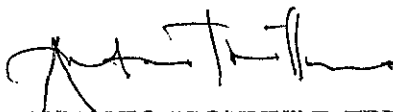
have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, S.B. No. 3308, prepared by the Committees, entitled:

"AN ACT

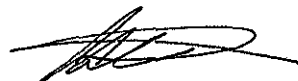
IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN, ARTICLE THREE OF THE 1987 CONSTITUTION AND THE STATE POLICY OF FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST UNDER SECTION TWENTY EIGHT, ARTICLE TWO OF THE 1987 CONSTITUTION, AND FOR OTHER PURPOSES"

be approved in substitution of S.B. Nos. 16, 109, 576, 592, 1578, 2571, and 3273, taking into consideration HBN 3732 and SRN 11, with Senators Revilla Jr., Roxas, Ejercito Estrada, Villar, Legarda, Cayetano (A.), Cayetano (P.), and Zubiri, as authors thereof.

RESPECTFULLY SUBMITTED:



ANTONIO "SONNY" F. TRILLANES IV
Chairperson
Committee on Civil Service



ALAN PETER S. CAYETANO
Chairperson
Committee on Public Information

and Government Reorganization

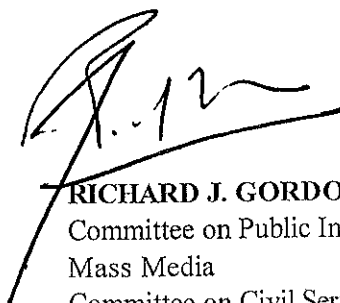
and Mass Media
*Member, Committee on Civil
Service and Government
Reorganization*

PANFILO M. LACSON

Acting Chairperson
Committee on Civil Service and
Government Reorganization

Members

EDGARDO J. ANGARA
Committee on Civil Service and
Government Reorganization

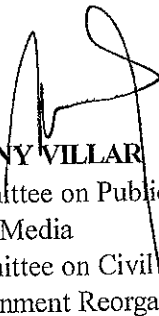


RICHARD J. GORDON
Committee on Public Information and
Mass Media
Committee on Civil Service and
Government Reorganization

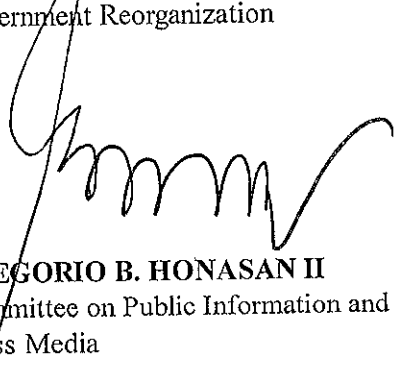
FRANCIS G. ESCUDERO
Committee on Civil Service and
Government Reorganization



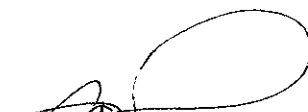
MANNY VILLAR
Committee on Public Information and
Mass Media
Committee on Civil Service and
Government Reorganization



GREGORIO B. HONASAN II
Committee on Public Information and
Mass Media



MANUEL M. LAPID
Committee on Public Information and
Mass Media



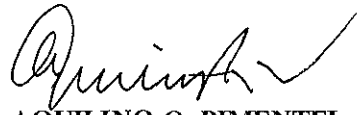
Ex-Officio Members

JINGGOY EJERCITO ESTRADA
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI
Majority Leader





AQUILINO Q. PIMENTEL, JR.
Minority Leader

HON. JUAN PONCE ENRILE


President

Senate of the Philippines

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SENATE

S. B. No. 3308

RECEIVED BY 

(In substitution of Senate Bill Nos. 16, 109, 576, 592, 1578, 2571, and 3273, taking into consideration House Bill No. 3732 and Senate Resolution No. 11)

Prepared by the Committees on Public Information and Mass Media and on Civil Service and Government Reorganization with Senators Revilla Jr., Roxas, Ejercito Estrada, Villar, Legarda, Cayetano (A.), Cayetano (P.) and Zubiri as authors thereof

AN ACT

IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON MATTERS OF PUBLIC CONCERN GUARANTEED UNDER SECTION SEVEN, ARTICLE THREE OF THE 1987 CONSTITUTION AND THE STATE POLICY OF FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST UNDER SECTION TWENTY EIGHT, ARTICLE TWO OF THE 1987 CONSTITUTION, 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 “Freedom of Information
2 Act of 2009”.

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 procedures
6 and limitations provided by this Act. This right is indispensable to the exercise of the
7 right of the people and their organizations to effective and reasonable participation at all
8 levels of social, political and economic decision-making.

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

11 **SEC. 4. Definition of Terms.** – As used in this Act:

12 (a) “Information” shall mean any knowledge, record, document, paper, report, letters,
13 contract, minutes and transcripts of official meetings, maps, books, photographs,
14 data, research material, film, sound and video recordings, magnetic or other tapes,

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

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

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

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

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

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

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

8 (a) The revelation of the information requested will create a clear and present danger
9 of war, invasion or any external threat to the State as determined by the Office of
10 the President and/or the Secretary of the Department of National Defense;

11 (b) The information requested pertains to the foreign affairs of the Republic of the
12 Philippines, when its revelation would unduly weaken the negotiating position of
13 the government in an ongoing bilateral or multilateral negotiation or seriously
14 jeopardize the diplomatic relations of the Philippines with one or more states with
15 which it intends to keep friendly relations;

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

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

- 1 (e) The information requested pertains to trade, industrial, financial or commercial
2 secrets of a natural or juridical person other than the requesting party, obtained in
3 confidence by, and/or filed with a government agency, whenever the revelation
4 thereof would seriously prejudice the interests of such natural or juridical person
5 in trade, industrial, financial or commercial competition, unless such natural or
6 juridical person has consented to the disclosure of the requested information;
- 7 (f) The information requested is privileged from production in legal proceedings by
8 law or by the Rules of Court, unless the person entitled to the privilege has
9 waived it;
- 10 (g) The information requested is exempted by law, in addition to those provided in
11 this Section;
- 12 (h) The information requested is obtained by any committee of either House of
13 Congress in executive session, whenever such information falls under any of the
14 foregoing exceptions; and
- 15 (i) The information requested consists of drafts of decisions by any executive,
16 administrative, judicial or quasi-judicial body in the exercise of their adjudicatory
17 functions whenever the revelation thereof would reasonably tend to impair the
18 impartiality of verdicts, or otherwise obstruct the administration of justice.

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

- 21 (a) The information requested may be reasonably severed from the body of the
22 information which would be subject to the exceptions;
- 23 (b) The public interest in the disclosure outweighs the harm to the interest sought to
24 be protected by the exceptions; or
- 25 (c) The requesting party is either House of Congress, or any of its Committees, unless
26 the disclosure will constitute a violation of the Constitution.

27 **SEC. 9. *Procedure of Access.*** – (a) Any person who wishes to obtain information
28 shall submit a request to the government agency concerned personally, by mail, or
29 through electronic means. The request shall state the name and preferred contact

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

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

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

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

1 (6) A transcript of the requested information from shorthand or codified form;
2 or

3 (7) Other reasonable means or format.

4 (d) A government agency may communicate the information requested in a form
5 other than the preferred means whenever such preferred means would unreasonably
6 interfere with the effective operation of the agency, or be detrimental to the preservation
7 of the record.

8 (e) The government agency shall comply with such request within seven (7)
9 calendar days from the receipt thereof.

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

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

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

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

21 (4) To consider fortuitous events or other events due to *force majeure* or other
22 analogous cases.

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

1 **SEC. 10. Access Fees.** – Government agencies may charge a reasonable fee to
2 reimburse the actual cost of reproduction, copying or transcription and the
3 communication of the information requested.

4 **SEC. 11. Notice of Denial.** – If the government agency decides to deny the
5 request, in whole or in part, it shall, within seven (7) calendar days from the receipt of the
6 request, notify the person making the request of such denial in writing or through
7 electronic means. The notice shall clearly indicate the name, rank, title or position of the
8 person making the denial, and the grounds for the denial. In case the denial is by reason
9 of a claimed exception, the denial shall also state clearly the legitimate aim or interest
10 sought to be protected in the confidentiality, and the facts and circumstances invoked
11 showing the substantial harm to, or frustration of, the legitimate aim or interest that will
12 result in the disclosure of the information requested. Failure to notify the person making
13 the request of the denial, or of the extension, shall be deemed a denial of the request for
14 access to information.

15 **SEC. 12. Implementation Requirements.** -- (a) For the effective implementation
16 of this Act, every government agency shall prepare a Freedom of Information Manual,
17 which shall include the following information:

- 18 (1) The location and contact information of the head, regional, provincial and
19 field offices, and other established places where the public can obtain
20 information or submit requests;
- 21 (2) The types of information it generates, produces, holds and/or publishes;
- 22 (3) A description of its record-keeping system;
- 23 (4) The person or office responsible for receiving requests for information;
- 24 (5) The procedure for the filing of requests personally, by mail, or through the
25 identified electronic means;
- 26 (6) The standard forms for the submission of request and for the proper
27 acknowledgement of the request;

- 1 (7) The process for the disposition of the request, including the routing of the
2 request to the person or office with the duty to act on the request, the
3 decision-making, 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 14 of this Act;
- 9 (11) Should the agency lack the capacity to comply with Section 14 (a) of
10 this Act, a brief description of its plan to facilitate compliance within three
11 (3) years from the approval of this Act; and
- 12 (12) Such other information, taking into consideration the unique
13 characteristics of an agency, that will help facilitate the effective
14 implementation of this Act.

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

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

19 **SEC. 13. Remedies in Cases of Denial.** – (a) In all government agencies other
20 than the judicial branch–

- 21 (1) Every denial of any request for access to information may be appealed to
22 the person or office next higher in authority, following the procedure
23 mentioned in Section 12 (8) of this Act: *Provided*, that the appeal must be
24 filed within fifteen (15) calendar days from the notice of denial and must
25 be decided within fifteen (15) calendar days from filing. Failure of the
26 government agency to decide within the aforesated period shall
27 constitute a denial of the appeal; and
- 28 (2) Instead of appealing or after the denial of the appeal, the person denied
29 access to information may file a verified complaint with the Office of the

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

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

22 (b) In the Judicial Branch – The Supreme Court shall promulgate the remedies
23 that would govern offices under its jurisdiction.

24 (c) The remedies under this section are without prejudice to any other
25 administrative, civil or criminal action that may arise from the same act.

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

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

4 **SEC. 14. *Mandatory Disclosure of Transactions Involving Public Interest.*** ---

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

10 (1) Compromise agreements entered into by a government agency with any
11 person or entity involving any waiver or its rights or claims;

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

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

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

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

22 (6) Loans from domestic and foreign financial institutions;

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

25 (8) Public funding extended to any private entity;

26 (9) Bilateral or multilateral agreements and treaties in defense, trade,
27 economic partnership, investments, cooperation and similar binding
28 commitments; or

1 (10) Licenses, permits or agreements given by any government agency to any
2 person or entity for the extraction and/or utilization of natural resources.

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

5 (b) The information uploaded in the website under letter (a) of this Section may
6 be withdrawn after a period of three years from the time of uploading: *Provided*; that an
7 abstract of the information withdrawn shall remain uploaded in the website, containing a
8 brief description of the transaction and an enumeration of the information withdrawn, and
9 indicating the dates of posting and withdrawal.

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

14 **SEC. 15. *Promotion of Openness in Government.*** – (a) Duty to Publish
15 Information – Government agencies shall regularly publish, print and disseminate at no
16 cost to the public and in an accessible form, in conjunction with R.A. 9485, or the Anti-
17 Red Tape Act of 2007, and through their website, timely, true, accurate and updated key
18 information including, but not limited to:

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

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

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

25 (4) Work programs, development plans, investment plans, projects,
26 performance targets and accomplishments, and budgets, revenue
27 allotments and expenditures;

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

- 1 (6) Current and important database and statistics that it generates;
2 (7) Bidding processes and requirements; and
3 (8) Mechanisms or procedures by which the public may participate in or
4 otherwise influence the formulation of policy or the exercise of its powers.

5 (b) Keeping of Records – Government agencies shall maintain and preserve their
6 records in a manner that facilitates easy identification, retrieval and communication to the
7 public. They shall establish Management Information Systems (MIS) to strengthen their
8 capability to store, manage and retrieve records, and to facilitate access to public records.

9 The following shall not be destroyed:

- 10 (1) Records pertaining to loans obtained or guaranteed by the government;
11 (2) Records of government contracts;
12 (3) The declaration under oath of the assets, liabilities and net worth of public
13 officers and employees, as required by law;
14 (4) Records of official investigations on graft and corrupt practices of public
15 officers; and
16 (5) Other records where there is a significant public interest in their
17 preservation or where there is likely to be such interest in the future.

18 (c) Accessibility of Language and Form – Every government agency shall
19 endeavor to translate key information into major Filipino languages and present them in
20 popular form and means.

21 (d) Improving Capability – Every government agency shall ensure the provision
22 of adequate training for its officials to improve awareness of the right to information and
23 the provisions of this Act, and to keep updated of best practices in relation to information
24 disclosure, records maintenance and archiving.

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

- 28 (a) Any public officer or employee receiving the request under Section 9 of this
29 Act who shall fail to promptly forward the request to the public officer within

- 1 the same office or agency responsible for officially acting on the request when
2 such is the direct cause of the failure to disclose the information requested
3 within the periods required by this Act;
- 4 (b) Any public officer or employee responsible for officially acting on the
5 request, who shall:
- 6 (1) Fail, to act on the request within the periods required by this Act;
7 (2) Knowingly deny the existence of existing requested information;
8 (3) Destroy information being requested for the purpose of frustrating
9 the requesting party's access thereto;
10 (4) Claim an exception under Section 8 of this Act, or under the
11 Constitution, when the claim is manifestly devoid of factual basis;
12 or
13 (5) Refuse to comply with the decision of his immediate supervisor,
14 the Ombudsman or the court ordering the release of the
15 information requested that is not restrained or enjoined by a court;
- 16 (c) The head of office of the government agency directly and principally
17 responsible for the negotiation and perfection of any of the transactions
18 enumerated in Section 13 (a) of this Act, who shall knowingly refuse, to direct
19 the mandatory posting or uploading of such transaction despite the agency
20 capacity to implement such directive. The same penalty shall be imposed upon
21 the public officer or employee who, despite a directive from the head of
22 office, shall fail, to post or upload any of the transactions enumerated in
23 Section 14 of this Act;
- 24 (d) Any public officer or employee who shall destroy, or cause to destroy, records
25 of information covered by Section 15 (b) of this Act;
- 26 (e) Any public officer who formulates policies, rules and regulations manifestly
27 contrary to the provisions of this Act, and which policies, rules and
28 regulations are the direct cause of the denial of a request for information; or

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

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

5 **SEC. 17. *Act Not a Bar to Claim of Right to Information Under the***
6 ***Constitution.*** – No provision of this Act shall be interpreted as a bar to any claim of
7 denial of the right to information under Article III, Section 7 of the 1987 Constitution.

8 **SEC. 18. *Separability Clause.*** – If, for any reason, any section or provision of
9 this Act is held unconstitutional or invalid, no other section or provision shall be affected.

10 **SEC. 19. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
11 regulations, issuances or any part thereof inconsistent with the provisions of this Act,
12 including Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules
13 Governing Security of Classified Matter in Government Offices), as amended, and
14 Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of Conduct
15 and Ethical Standards for Public Officials and Employees), are deemed repealed.

16 **SEC. 20. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) national newspapers of general circulation.

18 Approved,