

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

13th Congress
Third Regular Session

House Bill No. _____
(In substitution of House Bills No. 784, 2123, 2993, 3041 and 3580)

Introduced by Reps. Abayon, Ocampo (S.), Casiño, Villanueva, de Guzman, Pablo, Valdez,
Madamba, and Rosales

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

*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 Access to
2 Information Act of 2006.”

3 **SEC. 2. Declaration of Policy.** – It is the policy of the State to recognize the right of
4 the people to information on matters of public concern. Further, it is the policy of the State to
5 allow full public disclosure of all its transactions involving public interest.

6 **SEC. 3. Coverage.** – This Act shall cover any Executive, Legislative, Judicial, Or
7 Constitutional body of the Government of the Republic of the Philippines, hereinafter referred
8 to as “Government Agency”, including but not limited to the national government and all its
9 Departments, Bureaus, Offices, Instrumentalities; Local Governments and all their agencies,
10 regulatory agencies, chartered institutions, Government-Owned Or Controlled Corporations,
11 GOVERNMENT FINANCIAL INSTITUTIONS, STATE UNIVERSITIES AND COLLEGES,
12 Constitutional Commissions and other constitutionally mandated bodies, all offices in the
13 Congress Of The Philippines including offices of Senators And Representatives, the
14 Supreme Court and all other Lower Courts, ALL ENTITIES ENJOYING GOVERNMENT
15 SOVEREIGN GUARANTEE AND ALL OTHER ENTITIES RECEIVING FUNDING FOR ITS
16 OPERATIONS FROM THE GOVERNMENT .

17 **SEC. 4. Access to Information.** – For the purposes of this Act, “information” shall
18 refer to any knowledge, records, documents, papers, REPORTS, CONTRACTS, DATA,
19 research materials, tapes, microfilm, videotapes and the like, statements of policy and
20 interpretations thereof, final opinions, and orders made in the adjudication of cases,

1 administrative staff manuals and instructions that can be communicated regardless of its
2 physical form or the format in which it is contained, that is owned by, produced by or for, or is
3 under the control of the concerned government agency.

4 All information in the possession, custody or control of any government agency,
5 regardless of its physical form or the format in which it is stored or contained, is of public
6 interest. The government agency shall make available for public scrutiny, copying or
7 reproduction such information, except as otherwise provided in section 5 of this act.

8 **SEC. 5. Exemptions.** – The following are deemed exempted from Section 4 hereof:

9 (a) Information pertaining to such official acts, transactions and decisionS,
10 determined by the President as “Classified Information” in a presidential issuance
11 duly published in the Official Gazette or in at least two (2) newspapers of general
12 circulation in the Philippines, when the revelation of information will create a clear
13 and present danger to the security of the state.

14 (b) INFORMATION compiled for internal and external defenses and law
15 enforcement purposes, when the reproduction or revelation of information thereof
16 would:

17 (1) Cause serious prejudice to the prevention, detection, suppression, or
18 investigation of a criminal activity;

19 (2) Deprive a person of the right to a fair trial or an impartial adjudication;

20 (3) Disclose the identity of a confidential source or reveal confidential
21 information furnished by the confidential source;

22 (4) Endanger the life or physical safety of law enforcement and military
23 personnel or their immediate families;

24 (c) Information, obtained by any committee of the two Houses of Congress in
25 executive session;

26 (d) Information on medical and personnel records when the reproduction or
27 revelation of unauthorized disclosure thereof, would constitute an invasion of
28 personal privacy; AND

29 (e) Those which are exempted by law in addition to those provided in this section:
30 *Provided, however, That any reasonably segregable portion of the record shall be*
31 *provided any person requesting such record after the exempt portions under this*
32 *Act have been deleted;*

33 **SEC. 6. Declassification of INFORMATION.** – Any classified information involving
34 national security shall be reviewed every five (5) years by the head of the appropriate
35 agency for purposes of declassification.

1 Declassified information shall always be made available to the public: Provided, That
2 any classified information involving national security shall be deemed declassified and open
3 to the public after a period of twenty (20) years from the date of publication in the Official
4 Gazette of the Issuance declaring it to be so, unless the President of the Philippines in an
5 issuance declares its continued classified status.

6 **SEC. 7. Procedure for Access.** – Any person who wishes to obtain information shall
7 notify the government agency concerned as much as practicable in writing or through
8 electronic means, reasonably describing the information required and the reason for
9 obtaining such information. The government agency concerned shall comply with such
10 request within five (5) working days from the receipt thereof or within reasonable time
11 mutually agreed upon by both the person making the request and the agency employee
12 concerned. The government agency may charge a reasonable and standard fee for the cost
13 of reproduction, copying or transcription of the information requested.

14 The time limits prescribed in this section may be extended during unusual
15 circumstances where, in the production of the requested information, documents or records,
16 there is a need:

- 17 (a) To search for and collect the requested records from field facilities or other
18 establishments that are separate from the office processing the request;
19 (b) To search for, collect and appropriately examine a voluminous amount of
20 separate and distinct records which are demanded in a single request; or
21 (c) To consult, with all practicable speed, with another agency or among two (2) or
22 more components of the agency having a substantial interest in the
23 determination of the request; and
24 (d) To consider fortuitous events or other events resulting from *force majeure*, or
25 other analogous cases.

26 The agency shall, in writing or through electronic means, notify the person making
27 the request of the extension setting forth reasons for such extensions, and the date when the
28 information shall be made available: *Provided*, That no such notice shall specify a date that
29 would result in an extension of more than fifteen (15) working days except on the specified
30 date mutually agreed upon by both parties.

31 **SEC. 8. Notice of Denial.** – If the government agency decides to deny the requests,
32 in whole or in part, it shall within FIVE(5) working days from receipt of the request or within
33 the reasonable time mutually set by both parties IN WRITING, notify the person making the
34 request of such denial in writing or through electronic means.

35 The notice shall clearly indicate the name, rank and title or position of the person
36 making the denial and the grounds for the denial. Failure to notify the person making the

1 request of such denial or provide written explanation for extension within the prescribed
2 period or on the date mutually set by both parties, OR FAILURE TO ACT ON THE
3 REQUEST WITH IN THE PRESCRIBED PERIOD shall be deemed a denial of the request
4 for access to information and entitles the party concerned to assert any of the judicial or
5 administrative remedies provided in this Act.

6 **SEC. 9. Remedies to Compel Disclosure.** – Every denial of any request for access
7 to information may be appealed to the person or office next higher in authority or to the
8 person or office making the prior denial following the procedure provided in the guidelines as
9 required by Sec. 10 of this Act. Such administrative appeal is without prejudice to the right
10 of the person making the request to file before the Office of the Ombudsman a complaint
11 praying that the government agency concerned be directed to immediately afford access to
12 the information being requested.

13 Every original denial or denial on administrative appeal of any request for access to
14 information, or inaction by the Office of the Ombudsman, may be treated as a final denial by
15 the person making the request. Within sixty (60) days from notice of the final denial, the
16 person making the request may file a verified petition for mandamus before the proper court.
17 The court shall proceed, and appeal shall be available, following the procedure for a petition
18 for mandamus and appeal under the Rules of Court.

19 The remedies under this Section are without prejudice to any other administrative or
20 criminal action covering the same act.

21 **SEC. 10. Punishable Acts and Penalties.** – Any official or employee of the
22 government agency found guilty by final judgment of the proper court of denying access to
23 information without a valid ground as provided in this Act shall be punished with a fine of not
24 more that FIFTY thousand Pesos (PhP 50,000.00) AND/or imprisonment of not less than six
25 (6) months AND ONE DAY but not more than one (1) year, Any private individual found
26 guilty by final judgment of the proper court of having knowingly induced or caused the
27 unlawful denial of access to information shall likewise be punished with a fine of not more
28 than Twenty thousand Pesos (PhP 20,000.00) and/OR imprisonment of not less than six (6)
29 months AND ONE DAY but not more than one (1) year. Any individual who has not written a
30 denial notice within the prescribed period when a request was denied shall be punished of a
31 fine of not more than TWENTY THOUSAND PESOS (PHP 20,000.00) AND/or imprisonment
32 of not less than 3 months but not more than 6 months.

33 **SEC.11. ADMINISTRATIVE PENALTIES.**

34 ANY OFFICIAL OR EMPLOYEE OF THE GOVERNMENT AGENCY FOUND
35 GUILTY FOR THE FIRST TIME BY FINAL JUDGMENT OF THE PROPER COURT OF : (A)
36 DENYING ACCESS TO INFORMATION WITHOUT A VALID GROUND AS PROVIDED IN

1 THIS ACT SHALL BE SUSPENDED WITHOUT PAY AND BENEFITS FOR A PERIOD OF
2 NOT LESS THAN SIX (6) MONTHS AND ONE DAY BUT NOT MORE THAN ONE (1)
3 YEAR. (B) NOT WRITTEN A DENIAL NOTICE WITHIN THE PRESCRIBED PERIOD
4 WHEN A REQUEST WAS DENIED SHALL BE SUSPENDED WITHOUT PAY AND
5 BENEFITS FOR NOT LESS THAN 3 MONTHS AND ONE DAY BUT NOT MORE THAN 6
6 MONTHS. SUCCEEDING OFFENSES COMMITTED BY AN EMPLOYEE OR OFFICIAL
7 SHALL BE DEALT WITH STIFFER PENALTIES RANGING FROM LONGER
8 SUSPENSION PERIODS TO DISMISSAL AND/OR PERMANENT DISQUALIFICATION
9 FROM PUBLIC OFFICE.

10 **SEC. 11. Guidelines.** – For the implementation of this Act, Philippine Information
11 Agency shall, in consultation with concerned agencies, promulgate within six (6) months
12 after the effectivity of this Act, the general guidelines to which the government agencies shall
13 adhere in the establishment of their specific guidelines for access to information, which shall
14 include:

- 15 (a) The location of the head, regional, provincial or field offices or other established
16 places where the public can obtain information or submit reports thereof;
17 (b) The types of information it holds and/or publishes;
18 (c) The person of office responsible for receiving the request and routing it to the
19 person of office with the duty to act on the request, and the standard forms and
20 procedure for request;
21 (d) The procedure for the administrative appeal of any denial for access to
22 information; and
23 (e) The schedule of fees, which shall be limited to the reasonable and standard
24 charges for document search and reproduction, and the recovery of the direct
25 costs hereof.

26 Each agency shall submit its guidelines to the Philippine Information Agency for
27 review to ensure the standardization of procedure and uniformity of fees, without prejudice to
28 the right of an agency to adopt appropriate procedure for its unique functions and
29 responsibilities.

30 **SEC. 12. Act Not A Bar To Claim Of Right Information Under The Constitution.**
31 –.no provision of this act shall be interpreted as a bar to any claim or denial of the right of the
32 people to information under Article III, Section 7 of the 1987 Constitution.

33 **SEC. 13. Separability Clause.** – If any part of this Act shall be declared invalid or
34 unconstitutional, the other parts or provisions thereof shall remain valid and effective.

1 **SEC. 14. Repealing Clause.** – All laws, decrees, executive orders, rules and
2 regulations, issuances or any parts thereof inconsistent with the provisions of this Act are
3 deemed repealed or amended accordingly.

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

6 Approved,

7 **NOTES:**

8 Keeping of Records – no existing national policy but already included in the
9 committee report creating the national archives and records

10 Declassification – no existing legislation but 20 – 50 years is usual in international
11 standards (EDSA Revolution happened more than 20 year ago but some documents still are
12 still kept confidential)

13 Penalties – 20, 000 may be too low for such offenses, the penalties in Bank Secrecy
14 Act, crafted in 1950's provide for PhP 20,000.00 Penalties for the Anti Money Laundering
15 Act for similar offense provide for PhP 50,000.00.