

10 JUL 12 P3:24

SENATE

Senate Bill No. **1254**

RECEIVED

---

**INTRODUCED BY SEN. MANNY VILLAR**

---

**EXPLANATORY NOTE**

Article II Section 28 of the Constitution provides that:

“Subject to reasonable conditions prescribed by law, the state adopts and implements a policy of full public disclosure of all its transactions involving public interest.”

Article III Section 7 also states that:

“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.”

The above-quoted constitutional provisions are clear affirmations of our adherence to a basic republican and democratic tenet – the recognition of the people’s primordial right to be informed of the workings of its government. Our rights and obligations enshrined under the Constitution would be meaningless if the working and operation of Government are shrouded in secrecy.

Many of the Government’s action in the past were effectively shielded away from public scrutiny. This resulted in the unbridled use of power which, among others, virtually licensed the rise of graft and corruption to unprecedented heights. This Bill seeks to put an end to such deplorable practice which did not only wreak havoc on our economy but also eroded the trust that the people had reposed on the government.

Approval of this bill is earnestly requested.

**MANNY VILLAR**

10 JUL 12 P3:24

SENATE

Senate Bill No. 1254

---

INTRODUCED BY SEN. MANNY VILLAR

---

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

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

**SECTION 1. Title.** – This Act shall be known as the “Freedom of Access to Information Act.”

**SECTION 2. Declaration of Policy.** – It is the avowed policy of this Government to afford to all its citizens broad access to public records consistent with their constitutional right to obtain information on governmental transactions involving the public interest and on matters of national concern.

**SECTION 3. Right of the Public to Information.** – The following shall be made available for public scrutiny, copying and reproduction: - records, documents, papers, research materials, data, tapes, microfilm, videotapes and the like, statements of policy and interpretations thereof, final opinions as well as orders made in the adjudication of cases, administrative staff manuals and instructions affecting the public which are kept in or under the custody of any department, bureau, agency, instrumentality, office, board under the executive branch of the government, including the Office of the President, government research institutions, local governments, the military establishment and

government-owned or controlled corporations, which are hereinafter referred to as government agencies.

**SECTION 4. Exemptions.** – The following matters are deemed exempted:

a. When the reproduction thereof or revelation of information will create a clear and present danger to the security of the State as determined by the President in an executive order duly published in the **Official Gazette** or in at least two (2) newspapers of general circulation in the Philippines, in which case the documents and papers pertaining to such official acts, transactions and decisions shall be considered “classified” information.

b. Records compiled for law enforcement purposes, if the production of such records would:

1. Unduly interfere with law enforcement proceeding;
2. Deprive a person of the right to a fair trial or an impartial adjudication;
3. Disclose the identity of a confidential source or reveal confidential information furnished by the confidential source to the government agency policy or intelligence investigation;
4. Constitute an unwarranted invasion of personal privacy;
5. Disclose investigative procedures, operations and techniques;
6. Endanger the life or physical safety of law enforcement personnel or their immediate families.

c. All information data records obtained by any Committee of the two Houses of Congress in Executive Session.

d. Medical, personnel and similar files, the unauthorized disclosure of which would constitute an invasion of personal privacy.

e. Inter-agency memoranda, opinions, communications, or letters, except those which may be disclosed to any party in a case under established discovery processes.

f. Trade secrets, commercial or financial information obtained by a government agency, confidential or privileged communications as defined by law.

g. Those which are contained in or related to examination, operating or condition reports prepared by or made on behalf or for the use of any government agency responsible for the supervision and regulation of financial institutions.

h. Those which are exempted by law or other than the provisions of this Act.

*Provided, however,* That any reasonably segregable portion of a record shall be provided to any person requesting such record after the exempt portions under this Act have been deleted.

**SECTION 5. Procedure.** — Any person who wishes to obtain information, or any specific record, document and the like shall notify the government agency concerned, orally or in writing, reasonably describing them. The government agency concerned shall comply with such request within five (5) working days from the time it was made.

If the government agency decides to deny the request, in whole or in part, it shall, within five (5) working days from receipt of request, notify the person making the request of such denial in writing.

The notification shall set forth the name, rank and title or position of the person making the denial and the grounds for the denial.

Cost of the reproduction, copying or transcription of the record or document requested shall not constitute a valid ground for the denial of the request without prejudice, however, to the right of the government agency to charge reasonable reimbursement.

**SECTION 6. Extensions.** — In unusual circumstances as defined under this Act, the time limits prescribed in the above section may be extended. Unusual

circumstances arise where, in the production of the requested information, documents or records, there is a need:

a. To search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

b. To search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request, or

c. For consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

The agency shall, in writing, notify the person making the request of the extension setting forth the reasons for such extension and the date on which a determination is expected to be dispatched: *Provided, however,* That no such notice shall specify a date that would result in an extension for more than ten (10) working days.

**SECTION 7. *Jurisdiction of the Court.*** – The denial made by the government agency is deemed to have been made with permission or clearance from the highest authority having jurisdiction over the government agency concerned and may, thus, be directly brought within fifteen (15) days from receipt of notice of denial to the Regional Trial Court where the agency records are situated or held in official custody.

The Regional Trial Court shall have exclusive and original jurisdiction over the cases filed under this Act.

**SECTION 8. *Preferential Disposition of Cases Under this Act.*** – Except as to cases the court considers of greater importance, proceedings before the court, as authorized by this Act, take precedence on the docket over all cases.

It shall commence proceedings without delays and shall be conducted summarily where the complainant and the defendant may submit their verified complaint and verified answer together with supporting documents and affidavits of merit, within a period of fifteen (15) days, without extension. Thereafter, the case shall be deemed submitted for decision.

The court shall decide the case within fifteen (15) days from submission of the verified complaint and verified answer of the parties.

**SECTION 9. *Appeal.*** – The decision of the lower court may be appealed to the Court of Appeals within fifteen (15) days, from receipt by losing party of the decision.

The appeal must be under oath and must set forth the legal and factual basis therefore.

The appellee has an inextensible period of fifteen (15) days within which to file his verified reply which must set forth the factual and legal basis of the reply, after which the appeal shall be deemed submitted for decision.

The Court of Appeals must give priority to the Appeal and must render its decision within thirty (30) days from the date of the appeal is submitted for decision.

**SECTION 10. *Penalties.*** – Any person found guilty of unreasonable and unjust withholding any information or record, document and the like requested under this Act shall be punished with a fine of not more than One Thousand Pesos (P1,000.00), or imprisonment of not less than one (1) month but not more than six (6) months with all the accessory penalties as provided for by law, or both, at the discretion of the court.

**SECTION 11. *Duty of government Agency.*** – Each government agency, which shall be deemed to be acting under authority and with permission of the highest authority having jurisdiction over the particular agency concerned, shall make the following information available to the public:

a. Location of head, regional, provincial or field offices or other established places where the public can obtain information or submit request therefore.

b. The person or office authorized or responsible to receive the request and act thereon.

c. Any change, amendment or revision of the foregoing. Each government agency shall cause to be published in the **Official Gazette** and any newspaper of general circulation, the above-stated information for the guidance of the public.

**SECTION 12. *Schedule of Fees.*** – Each government agency shall promulgate its rules and regulations, specifying a uniform schedule of fees applicable to all constituent units of such government agency: *Provided*, That such fees shall be limited to reasonable and standard charges for document search and reproduction, and provide only for recovery of the direct costs of such search or reproduction.

**SECTION 13. *Declassification of Documents Involving National Security.*** – Any classified document or paper involving National Security shall be reviewed every five (5) years by the head of the appropriate agency concerned for purposes of declassification. Declassified information or records shall always be made available to the public: *Provided*, That any classified document or paper involving National Security shall be deemed declassified and open to the public after a period of twenty (20) years from the date of publication in the **Official Gazette** of the Executive Order declaring it to be so, unless the president in an Executive Order declares its continued classification.

**SECTION 14. *Separability Clause.*** – If for any reason, any section or provision of this Act is held unconstitutional or invalid, no other section or provision shall be affected.

**SECTION 15. *Repealing Clause.*** – All laws, decrees, rules and regulations, issuances or any part or parts thereof inconsistent with the provisions of this Act are deemed repealed or amended accordingly.

**SECTION 16. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days after its publication in the **Official Gazette** or in at least two (2) national newspapers of general circulation.

Approved,