

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 112



Introduced by **TEDDY BRAWNER BAGUILAT**

EXPLANATORY NOTE

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5 The free exchange of information is one of the hallmarks of a true democracy. To
6 achieve this transparency, accountability, and full public disclosure on the part of the
7 government with provisions for access to information on the part of the people to form decisions
8 and actions is necessary.
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10 The government must be transparent in their decision-making process because the
11 people could only trust decisions if they know and understand the reason behind it. A
12 government that keeps its reasons in secret will always be hounded by allegations that it must
13 be hiding those reasons for a reason. Regardless if those reasons are legitimate or valid,
14 arbitrary or malevolent, the people will always suspect that the reasons are wrong and unjust.
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16 As a result, decisions reached in secret will not enjoy the support of the people. This is
17 contrary to the spirit of democracy, where the governors are merely representatives of the
18 governed. If there is no support from those who are governed, there is no reason for that
19 government to continue.
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21 Therefore, the people must be provided the opportunity to see behind the veils of
22 government.
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24 The means to do is the enactment of the Freedom of Information law. A law that gives
25 flesh to the people's right to government information mandated under Section 7, Article III of the
26 Constitution which states:
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28 The right of the people to information on matters of public concern shall be
29 recognized. Access to official records, and to documents and papers pertaining to
30 official acts, transactions, or decisions, as well as to government research data used
31 as basis for policy development, shall be afforded the citizen, subject to such
32 limitations as may be provided by law.
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34 And Article II Section 28, which states that:


35 Subject to reasonable conditions prescribed by law, the State adopts and
36 implements a policy of full public disclosure of all its transactions involving public
37

1 interest.

2
3 Even as the Constitution provides the people with the right to information, with no law
4 setting the limitations, the right has become difficult to exercise as government agencies have
5 been left to devise their own, often stringent, restrictions. This is what the Bill seeks to
6 address. A clear and reasonable scope in terms of government agencies and information
7 covered, a uniform procedure for access to information and remedies for a citizen whose
8 request for information has been denied, and a clear penalty for violation of the right to
9 information.

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11 The Freedom of Information bill has already gone through a very long legislative history. It
12 has gone through more than two (2) decades of debate in Congress and over the years it has
13 evolved to consider and balance different concerns. President Rodrigo Duterte himself has
14 taken the lead in promising to issue an Executive Order on FOI. Congress must heed the call of
15 the people for a transparent government and the lead undertaken by the President. There is no
16 more reason to delay the passage of this Bill. It is high time that we afford our people the
17 Freedom of Information Law.

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19 In view of the foregoing, the passage of this Bill is earnestly sought.

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AN ACT
STRENGTHENING THE RIGHT OF CITIZENS TO
INFORMATION HELD BY THE GOVERNMENT

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

1 **SECTION. 1. Short Title.** – This Act shall be known as the "People's Freedom of
2 Information Act."

3 **SEC. 2. Declaration of Policy.** – The State recognizes the right of the people to
4 information on matters of public concern, and adopts and implements a policy of full
5 public disclosure of all its transactions involving public interest, subject to the
6 procedures and limitations provided by this Act. This right is indispensable to the
7 exercise of the right of the people and their organizations to effective and reasonable
8 participation at all levels of social, political and economic decision-making.

9 **SEC. 3. Coverage.** – This Act shall cover all government agencies, to refer to the
10 executive, legislative, and judicial branches as well as the constitutional bodies of the
11 Republic of the Philippines, including the national government and all its agencies,
12 departments, bureaus, offices and instrumentalities, constitutional commissions and
13 constitutionally mandated bodies, local governments and all their agencies, regulatory
14 agencies, chartered institutions, government-owned or –controlled corporations,

1 including wholly-owned or controlled subsidiaries, government financial institutions,
2 state universities and colleges, the Armed Forces of the Philippines, the Philippine
3 National Police, all offices in the Congress of the Philippines including the offices of
4 Senators and Representatives, the Supreme Court and all lower courts established by
5 law.

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

7 (a) **Dataset** refers to an organized collection of data in a variety of forms, including
8 tabular, geospatial, or image data files.

9 (b) **Information** refers to data that have been processed into a record, document,
10 paper, report, letter, contract, minutes and transcripts of official meetings, maps, books,
11 photographs, data, research materials, in whatever form, or films, audio and video
12 recordings, magnetic or other tapes, electronic data, in whatever format, which are
13 made, received or kept in or under the control and custody of any government agency
14 pursuant to law, executive order, rules and regulations, ordinance, or in connection with
15 the performance or transaction of official business by any government agency.

16 (c) **Machine-readable** refers to formats that allow data to be extracted and processed
17 by computer programs.

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19 (d) **Official record** refers to information produced or received by a public officer or
20 employee, or by a government agency in an official capacity or pursuant to a public
21 function or duty. This shall not refer to the stage or status of the information.

22 (e) **Open format** refers to one that is platform independent, machine readable, and
23 made available to the public without restrictions that would impede the re-use of that
24 information.

25 (f) **Public record** refers to information required by law, executive orders, rules, or

1 regulations to be entered, kept, and made publicly available by a government agency.

2 **SEC. 5. Access to Information.** – Every person who is a Filipino citizen has a
3 right to and shall, on request, be given access to any record under the control of a
4 government agency. Government agencies and public officials shall have the duty to
5 disclose and make available for scrutiny, copying, and reproduction in the manner
6 provided by this Act, all information pertaining to official acts, transactions, or decisions
7 as well as government research data used as a basis for policy development, subject to
8 the exceptions enumerated under Section 7 of this Act, regardless of their physical form
9 or format in which they are contained and by whom they were made.

10 **SEC. 6. Presumption.** – There shall be a legal presumption in favor of access to
11 information. The request for information may be denied only if it clearly falls under the
12 exceptions provided under this Act. Accordingly, government agencies shall have the
13 burden of proving that the information requested is exempted from disclosure.

14 **SEC. 7. Exceptions.** – Access to information shall be granted unless:

15 (a) the information is specifically authorized to be kept secret under guidelines
16 established by an executive order, and properly classified pursuant thereto:
17 *Provided*, That 1) The information directly relates to national security or defense and
18 its revelation may cause grave damage to the national security or internal and
19 external defense of the State; or 2) The information requested pertains to the foreign
20 affairs of the Republic of the Philippines, when its revelation shall unduly weaken the
21 negotiating position of the government in an ongoing bilateral or multilateral
22 negotiation or seriously jeopardize the diplomatic relations of the Philippines with
23 one or more States: and *provided further*, That the executive order shall specify the
24 reasonable period after which the information shall be automatically declassified or
25 be subject to mandatory declassification review, and that any reasonable doubt as to
26 classification and declassification shall be settled in favor of the right to information;

