

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 120

HOUSE OF REPRESENTATIVES	
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REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT IMPLEMENTING THE PEOPLE'S RIGHT TO INFORMATION AND THE CONSTITUTIONAL POLICIES OF FULL PUBLIC DISCLOSURE AND HONESTY IN THE PUBLIC SERVICE AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 24 of the Constitution provides that, "The State recognizes the vital role of communication and information in nation building" and 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 II, Section 28). Article III, Section 7 mandates 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 aforesaid constitutional provisions strengthen the principle that "Public office is a public trust" and underscore the crucial need in a democracy for open access to government information by citizens.

It is without doubt that an informed people ushers in an empowered citizenry that brings about transparency, accountability, and good governance. Citizens' information with respect to certain activities and transactions of government enables the public to actively and properly participate in the process of governance provided under the Constitution. Without it, the enormous powers of the state in the hands of public officers are prone to abuse.


By guaranteeing public access to official records, documents and papers pertaining to official acts, transactions and decisions of the government, the people will have the opportunity to engage policy-makers, decision-makers, and dispensers of public good, which in the process enrich and even legitimize governance.

As in any democracy, however, freedom, such as that of information, is never an absolute, as stability in government requires a measure of secrecy for some of the things it does to enable it to carry out its duties more effectively.

Hence, this measure strikes a balance between the free flow of information and the formation of a vigorous, free and enlightened public opinion and the proper regard to the need to protect official information pertaining to the security of the state.

From the 12th to the 16th Congress and up to this day, the Freedom of Information Act remains to be just a promise and that is despite the numerous bills filed and re-filed for this purpose. With the assumption of President Rodrigo Duterte who is bent on pushing for the enactment of an FOI law, the passage of this measure is not only urgent but auspicious.

In view thereof, early approval of this bill is earnestly sought.


ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

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

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

SEC. 2. *Declaration of Policy.* - The State recognizes the right of the people to information on matters of public concern and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided by this Act. This right is meant to enhance the significant and widening role of the citizenry in governmental decision-making as well as in checking abuse in government. Public officials and employees, in the performance of their duties under this Act, as well as citizens in the exercise of their rights under this Act, shall act with justice, give everyone his or her due, and observe honesty and good faith. Public officials and employees as well as citizens shall endeavor to handle information kept or obtained under this Act with due care, to the end that inaccuracies and distortions are avoided.

SEC. 3. *Definition of Terms.* - As used in this Act:

(a) "Information" shall mean any record, document, paper, report, letters, contract, minutes and transcripts of official meetings, maps, books, photographs, data, research material, film, sound and video recordings, magnetic or other tapes, electronic data, computer stored data, or any other like or similar data or material recorded, stored or archived in whatever form or format, which are made, received or kept in or under the control and custody of any government agency pursuant to law, executive order, rules and regulations, ordinance or in connection with the performance or transaction of official business by any government agency.

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

(c) "Public record/records" shall include information required by law, executive orders, rules, or regulations to be entered, kept and made publicly available by a government agency,

SEC. 4. *Coverage.* - This Act shall cover all government agencies, Government agency or agencies shall include the executive, legislative and judicial branches as well as constitutional bodies of the Republic of the Philippines including but not limited to the national government and all its agencies, departments, bureaus, offices and instrumentalities, constitutional commissions and constitutionally mandated bodies, local governments and all their agencies, regulatory agencies, chartered institutions, government-owned or controlled corporations, including wholly-owned or controlled subsidiaries, government financial institutions, state universities and colleges, the Armed Forces of the Philippines, the Philippine National Police, all offices in the Congress of the Philippines including the offices of Senators and Representatives, the Supreme Court and all lower courts established by law.

Public service contractors or any other entity shall make their records available to the public insofar as they are related to any contract or transactions that they have with the government or government agencies, Provided, that such contracts or transactions are of the

