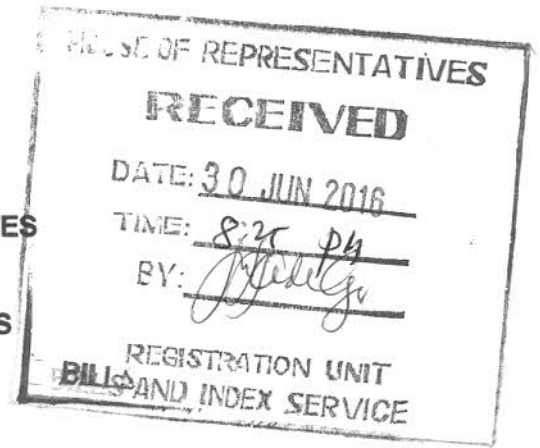


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 560**



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Introduced by Rep. **Winston "Winnie" Castelo**

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#### EXPLANATORY NOTE

This bill, to be known as the Freedom of Information Act of 2016, seeks the marriage between the right of the people to information on matters of public concern and the State policy of full public disclosure of all its transactions involving public interest.

This piece of legislation lays the cultural groundwork toward a healthy notion of public accountability and transparency in all the acts and disposition of the administrative agents of the government. Indeed, the needs of the general public and their pursuit for policy-relevant information have to be met, a sine qua non to a vibrant democracy.

Thus, individuals and their organizations should be accorded the right of access to all types of information held by government agencies or public authorities so they can effectively participate in all levels of social, political and economic decision-making.

It now shall dawn upon government to promote this culture of openness with the end in view of 'regularly publishing, printing, and disseminating at no cost to the public and in accessible form timely, true, accurate and updated information' subject only to the exceptions set forth under the proposed measure.

It shall behoove government agencies or public authorities to maintain and preserve their records in a manner that will 'facilitate easy identification, retrieval and communication to the public' as well as possibly craft a Code of Practice that sets the guidelines for publications and policy.

In this light, the immediate approval of this Freedom of Information bill is earnestly sought.



**WINNIE CASTELO**

Republic of the Philippines  
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**SEVENTEENTH CONGRESS**  
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**HOUSE BILL NO. 560**

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**AN ACT**  
**IMPLEMENTING THE RIGHT OF THE PEOPLE TO INFORMATION ON MATTERS OF PUBLIC CONCERN AND THE STATE POLICY OF FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST AND FOR OTHER PURPOSES**

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

**SECTION 1. Title.** – This Act shall be known as the "Freedom of Information Act of 2016."

**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. This right is indispensable to the exercise of the people and their organizations to effective and reasonable participation in all levels of social, political and economic decision-making.

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

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

- (a) "Information" shall mean any knowledge, record, document, papers, 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 or public authority pursuant to law, executive order, rules and regulation, ordinance or in connection with the performance or transaction of official business by any government agency.
- (b) "Government agency" shall include the executive, legislative and judicial branches as well as the 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 government and all their agencies, regulatory agencies, chartered institutions, government-owned subsidiaries, 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, offices in the Congress of the

Philippines including the offices of Senators and Representatives, the Supreme Court and all lower courts established by law.

- (c) "Official 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, and is not meant to be a stage or status of the information.
- (d) "Public 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. 5. Presumption.** – There shall be a legal presumption in favor of access to information. Accordingly, government agencies shall have the burden of proof of showing by clear and convincing evidence that the information requested is exempted from disclosure by this Act.

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

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

- (a) The revelation of the information requested will create a clear and present danger of war, invasion or any external threat to the State as determined and certified by the Office of the President and/or the Secretary of the Department of National Defense;
- (b) The information requested pertains to the foreign affairs of the Republic of the Philippines, when its revelation would unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states with which it intends to keep friendly relations;
- (c) The information requested pertains to internal and external defense and law enforcement, when the revelation thereof would render a legitimate military operation ineffective, unduly compromise the prevention, detection or suppression of a criminal activity, or endanger the life or physical safety of confidential or protected sources or witnesses, law enforcement and military personnel or their immediate families;
- (d) The information requested pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute a clearly unwarranted invasion of his or her personal privacy, unless it forms part of a public record, or the person is or was an official of a government agency and the information requested relates to his or her public function, or the person consented to the disclosure of the requested information;
- (e) The information requested pertains to trade, industrial, financial or commercial secrets of a natural or juridical person other than the requesting party, obtained in confidence by, and/or filed with a government agency, whenever the revelation thereof would seriously prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition, unless such natural or juridical person has consented to the disclosure of the requested information;
- (f) The information requested is privileged from production in legal proceedings by law or by the Rules of Court, unless the person entitled to the privilege has waived it;
- (g) The information requested is exempted by law, in addition to those provided in this Section;

- (h) The information requested is obtained by any committee of either House of Congress in executive session, whenever such information falls under any of the foregoing exceptions;
- (i) The information requested consists of drafts of decisions by any executive, administrative, judicial or quasi-judicial in the exercise of their adjudicatory functions whenever the revelation thereof would reasonably tend to impair the impartiality of verdicts, or otherwise obstruct the administration of justice.
- (j) The information requested would or would be likely to prejudice the exercise by any government agency of its auditing functions as when it relates to audit or examination of the accounts of other government agencies or offices into the efficiency, economy and effectiveness with which they use their resources to discharge their public functions;
- (k) The information requested, in the reasonable opinion of a qualified person, would prejudice the effective conduct of public affairs.

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

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

**SEC. 9. Procedure of Access.** –

- (a) Any person who wishes to obtain information shall submit a request to the government agency concerned personally, by mail or through electronic means. The request shall state the name and preferred contact information of the requesting party, and reasonably describe the information required, the reason for the request of information and the preferred means by which the government shall communicate such requested information to the requesting party; *Provided*, that the stated reason or the failure to state the reason for the request of the information, shall not be used as a ground to deny the request or to refuse the acceptance of the request, unless such reason is contrary to law. If the request is submitted personally, the requesting party shall show his current identification card issued by any government agency, or government or private employer or school. If the request is submitted by mail or through electronic means, the requesting party may submit a photostatic or electronically scanned copy of the identification, or other convenient means as determined by the agency;
- (b) The request shall be stamped by the government agency, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. In case the request is submitted by electronic means, the government agency shall provide for an equivalent means by which the requirements of this paragraph shall be met;
- (c) The request may indicate the following preferred means of communication:
  - (1) A true copy of the information requested in permanent or other form;
  - (2) An opportunity to inspect the requested information, using equipment normally available to the government agency when necessary;
  - (3) An opportunity to copy the requested information using personal equipment;

