

REPUBLIC OF THE PHILIPPINES )  
HOUSE OF REPRESENTATIVES )  
FIFTEENTH CONGRESS )  
*Second Regular Session* )

**HOUSE OF REPRESENTATIVES**

NO. \_\_\_\_\_

**THROUGH “INDIRECT INITIATIVE”, SECTIONS 3(B) AND 11 OF R.A. 6735  
(The Initiative and Referendum Act)**

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Introduced by Ang Kapatiran Party

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**AN ACT PRESCRIBING  
THE CONDITIONS AND LIMITATIONS TO ENFORCE:**

- (1) THE STATE POLICY MANDATING FULL PUBLIC DISCLOSURE OF ALL ITS TRANSACTIONS INVOLVING PUBLIC INTEREST (SEC. 28, ART. II, 1987 CONSTITUTION); AND**
- (2) THE STATE POLICY RECOGNIZING THE RIGHT OF THE PEOPLE TO ACCESS OFFICIAL RECORDS, DOCUMENTS, AND PAPERS PERTAINING TO OFFICIAL ACTS, TRANSACTIONS, AND DECISIONS OF GOVERNMENT, AS WELL AS GOVERNMENT RESEARCH DATA USED FOR POLICY DEVELOPMENT (SEC. 7, ART. III, 1987 CONSTITUTION);**

**PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS THE FREEDOM OF INFORMATION ACT OF 2011**

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

1           **SECTION 1. *Short Title.*** – This Act shall be known as the “Freedom of  
2 Information Act of 2011”.

3           **SEC. 2. *Declaration of Policy.*** – The State recognizes the right of the people  
4 to information on matters of public concern, and adopts and implements a policy of  
5 full public disclosure of all its transactions involving public interest, subject to the

1 procedures and limitations provided by this Act. This right is indispensable to the  
2 exercise of the right of the people and their organizations to effective and reasonable  
3 participation at all levels of social, political and economic decision making.

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

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

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

16 (b) “Government agency” shall include the executive, legislative and judicial  
17 branches as well as the constitutional bodies of the Republic of the Philippines  
18 including, but not limited to, the national government and all its agencies,  
19 departments, bureaus, offices and instrumentalities, constitutional  
20 commissions and constitutionally mandated bodies, local governments and all  
21 their agencies, regulatory agencies, chartered institutions, government-owned  
22 or –controlled corporations, including wholly-owned or controlled  
23 subsidiaries, government financial institutions, state universities and colleges,  
24 the Armed Forces of the Philippines, the Philippine National Police, all offices  
25 in the Congress of the Philippines including the offices of Senators and  
26 Representatives, the Supreme Court and all lower courts established by law.

27 (c) “Official records” shall refer to information produced or received by a public  
28 officer or employee, or by a government agency in an official capacity or

1           pursuant to a public function or duty, and is not meant to be a stage or status  
2           of the information.

3           (d) “Public records” shall include information required by law, executive orders,  
4           rules, or regulations to be entered, kept and made publicly available by a  
5           government agency.

6           **SEC. 5. *Presumption.*** – There shall be a legal presumption in favor of access  
7           to information. Accordingly, government agencies shall have the burden of proof of  
8           showing by clear and convincing evidence that the information requested is exempted  
9           from disclosure by this Act.

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

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

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

1 classification and declassification shall be settled in favor of the right to  
2 information;

3 (b) The information requested pertains to internal and external defense and law  
4 enforcement, when the revelation thereof would render a legitimate military or  
5 law enforcement operation ineffective, unduly compromise the prevention,  
6 detection or suppression of a criminal activity, or endanger the life or physical  
7 safety of confidential or protected sources or witnesses, law enforcement and  
8 military personnel or their immediate families. Information relating to the  
9 details of the administration, budget and expenditure, and management of the  
10 defense and law enforcement agencies shall always be accessible to the  
11 public;

12 (c) The information requested pertains to the personal information of a natural  
13 person other than the requesting party, and its disclosure would constitute a  
14 clearly unwarranted invasion of his or her personal privacy, unless it forms  
15 part of a public record, or the person is or was an official of a government  
16 agency and the information relates to his or her public function, or the person  
17 has consented to the disclosure of the information;

18 (d) The information requested pertains to trade, industrial, financial or  
19 commercial secrets of a natural or juridical person other than the requesting  
20 party, obtained in confidence by, and/or filed with a government agency,  
21 whenever the revelation thereof would seriously prejudice the interests of such  
22 natural or juridical person in trade, industrial, financial or commercial  
23 competition, unless such natural or juridical person has consented to the  
24 disclosure of the information;

25 (e) The information is privileged from production in legal proceedings by law or  
26 by the Rules of Court, unless the person entitled to the privilege has waived it;

27 (f) The information requested is exempted by law or the Constitution, in addition  
28 to those provided in this section;

1 (g) The information requested is obtained by any committee of either House of  
2 Congress in executive session, whenever such information falls under any of  
3 the foregoing exceptions; and

4 (h) The information requested consists of drafts of decisions by any executive,  
5 administrative, judicial or quasi-judicial body in the exercise of their  
6 adjudicatory functions whenever the revelation thereof would reasonably tend  
7 to impair the impartiality of verdicts, or otherwise obstruct the administration  
8 of justice.

9 For letters (b) to (h) of this section, the determination whether any of these  
10 grounds shall apply shall be the responsibility of the head of office of the  
11 government agency in custody or control of the information, or any  
12 responsible central or field officer/s duly designated by him.

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

15 (a) The information may be reasonably severed from the body of the information  
16 which would be subject to the exceptions;

17 (b) The public interest in the disclosure outweighs the harm to the interest sought  
18 to be protected by the exceptions; or

19 (c) The requesting party is either House of Congress, or any of its Committees  
20 and the disclosure is to be made in executive session, unless the disclosure  
21 will constitute a violation of the Constitution.

22 **SEC. 9. *Procedure of Access.*** – (a) Any person who wishes to obtain  
23 information shall submit a request to the government agency concerned personally,  
24 by mail, or through electronic means. The request shall state the name and preferred  
25 contact information of the requesting party, and reasonably describe the information  
26 required, the reason for the request of the information and the preferred means by  
27 which the government agency shall communicate such information to the requesting  
28 party: *Provided*, That the stated reason shall not be used as a ground to deny the

1 request or to refuse the acceptance of the request, unless such reason is contrary to  
2 law. If the request is submitted personally, the requesting party shall show his current  
3 identification card issued by any government agency, or government or private  
4 employer or school, or a community tax certificate. If the request is submitted by mail  
5 or through electronic means, the requesting party may submit a photostatic or  
6 electronically scanned copy of the identification, or other convenient means as  
7 determined by the agency.

8 (b) The request shall be stamped by the government agency, indicating the  
9 date and time of receipt and the name, rank, title and position of the receiving public  
10 officer or employee with the corresponding signature, and a copy thereof furnished to  
11 the requesting party. In case the request is submitted by electronic means, the  
12 government agency shall provide for an equivalent means by which the requirements  
13 of this paragraph shall be met.

14 (c) The request may indicate the following preferred means of  
15 communication:

- 16 (1) A true copy of the information in permanent or other form;
- 17 (2) An opportunity to inspect the information, using equipment normally  
18 available to the government agency when necessary;
- 19 (3) An opportunity to copy the information using personal equipment;
- 20 (4) A written transcript of the information contained in a audio or visual  
21 form;
- 22 (5) A transcript of the content of an information requested, in print, sound  
23 or visual form, where such transcript is capable of being produced  
24 using equipment normally available to the government agency;
- 25 (6) A transcript of the information from shorthand or codified form; or
- 26 (7) Other reasonable means or format.

27 (d) A government agency may communicate the information requested in a  
28 form other than the preferred means whenever such preferred means would

1 unreasonably interfere with the effective operation of the agency, or be detrimental to  
2 the preservation of the record.

3 (e) The government agency shall comply with such request within seven (7)  
4 working days from the receipt thereof.

5 (f) The time limits prescribed in this Section for the production of the  
6 requested information may be extended whenever there is a need for any of the  
7 following:

8 (1) To search for and collect the requested information from field facilities  
9 or other establishments that are separate from the office processing the  
10 request;

11 (2) To search for, collect and appropriately examine a voluminous amount  
12 of separate and distinct information which are demanded in a single  
13 request;

14 (3) Consultation, which shall be conducted in all practicable speed, with  
15 another government agency or among two (2) or more components of  
16 the government agency having substantial interest in the determination  
17 of the request; and

18 (4) To consider fortuitous events or other events due to *force majeure* or  
19 other analogous cases.

20 (g) The government agency shall, in writing or through electronic means,  
21 notify the person making the request of the extension, setting forth the  
22 reasons for such extension and the date when the information shall be  
23 made available: *Provided*, That no such notice shall specify a date that  
24 would result in an extension of more than fifteen (15) working days from  
25 the original deadline.

26 **SEC. 10. Access Fees.** – Government agencies may charge a reasonable fee to  
27 reimburse the actual cost of reproduction, copying or transcription and the  
28 communication of the information requested.

1           **SEC. 11. *Notice of Denial.*** – If the government agency decides to deny the  
2 request, in whole or in part, it shall, within seven (7) working days from the receipt of  
3 the request, notify the person making the request of such denial in writing or through  
4 electronic means. The notice shall clearly indicate the name, rank, title or position of  
5 the person making the denial, and the grounds for the denial. In case the denial is by  
6 reason of a claimed exception, the denial shall also state clearly the legitimate aim or  
7 interest sought to be protected in the confidentiality, and the facts and circumstances  
8 invoked showing the substantial harm to, or frustration of, the legitimate aim or  
9 interest that will result in the disclosure of the information. Failure to notify the  
10 person making the request of the denial, or of the extension, shall be deemed a denial  
11 of the request for access to information.

12           **SEC. 12. *Implementation Requirements.*** – (a) For the effective  
13 implementation of this Act, all government agencies shall prepare a Freedom of  
14 Information Manual, with the end in view of facilitating easy access to information,  
15 which shall include the following:

- 16           (1) The location and contact information of the head, regional,  
17           provincial and field offices, and other established places where the  
18           public can obtain information or submit requests;
- 19           (2) The types of information it generates, produces, holds and/or  
20           publishes;
- 21           (3) A description of its record-keeping system;
- 22           (4) The person or office responsible for receiving requests for  
23           information;
- 24           (5) The procedure for the filing of requests personally, by mail, or  
25           through the identified electronic means;
- 26           (6) The standard forms for the submission of request and for the proper  
27           acknowledgement of the request;

- 1           (7) The process for the disposition of the request, including the routing  
2           of the request to the person or office with the duty to act on the  
3           request, the decision making, and the grant or denial of access and its  
4           implementation;
- 5           (8) The procedure for the administrative appeal of any denial for access  
6           to information;
- 7           (9) The schedule of fees;
- 8           (10) The process and procedure for the mandatory disclosure of  
9           information under Section 14 of this Act;
- 10          (11) Should the agency lack the capacity to comply with Section 14(a) of  
11          this Act, a brief description of its plan to facilitate compliance within  
12          three (3) years from the approval of this Act; and
- 13          (12) Such other information, taking into consideration the unique  
14          characteristics of an agency, that will help facilitate the effective  
15          implementation of this Act.
- 16          (b) The Judiciary shall prepare a similar manual as directed by the Supreme  
17          Court;
- 18          (c) The foregoing information shall also be posted in its website and bulletin  
19          boards, and shall be regularly updated;
- 20          (d) In no case shall the absence of the aforementioned Manual be a reason for  
21          the denial of any request for information made in accordance with this Act.

22           **SEC. 13. Remedies in Cases of Denial.** – (a) In all government agencies other  
23          than the judicial branch—

- 24           (1) Every denial of any request for access to information may be  
25           appealed to the person or office next higher in authority, following  
26           the procedure mentioned in Section 12(a)(8) of this Act: *Provided,*  
27           That the appeal must be filed within fifteen (15) calendar days from  
28           the notice of denial and must be decided within fifteen (15) calendar

1 days from filing. Failure of the government agency to decide within  
2 the aforesaid period shall constitute a denial of the appeal; and

3 (2) Instead of appealing or after the denial of the appeal, the person  
4 denied access to information may file a verified complaint with the  
5 Office of the Ombudsman, praying that the government agency  
6 concerned be directed to immediately afford access to the  
7 information being requested. Such complaint shall be resolved by the  
8 Office of the Ombudsman within sixty (60) calendar days from  
9 filing, or earlier when time is of the essence, taking into account  
10 such factors as the nature of the information requested, context of the  
11 request, public interest and danger that the information requested  
12 will become moot. The Office of the Ombudsman shall promulgate  
13 its special rules of procedure for the immediate disposition of  
14 complaints filed pursuant to this Section. Unless restrained or  
15 enjoined, the decisions of the Office of the Ombudsman shall be  
16 immediately executory, without prejudice to review in accordance  
17 with the Rules of Court.

18 (3) Instead of filing a complaint with the Office of the Ombudsman,  
19 whenever a request for information is denied originally or on  
20 administrative appeal, the requesting party may file a verified  
21 petition for mandamus in the proper court, alleging the facts with  
22 certainty and praying that judgment be rendered ordering the  
23 respondent, immediately or at some other time to be specified by the  
24 court, to disclose the information and to pay the damages sustained  
25 by the requesting party by reason of the denial. The procedure for  
26 such petition shall be summary in nature.

27 (4) In resolving a complaint or petition brought under the preceding  
28 paragraphs (2) and (3), the Ombudsman or the court is empowered to

1 receive the information subject of a claim of exception under Section  
2 7 herein and examine then *in camera* to determine the sufficiency of  
3 the factual and legal basis of such claim, when such sufficiency  
4 cannot be reasonably determined through evidence and  
5 circumstances apart from the information.

6 (b) In the Judicial Branch – The Judiciary shall be governed by such remedies  
7 as promulgated by the Supreme Court.

8 (c) The remedies under this section are without prejudice to any other  
9 administrative, civil or criminal action covering the same act.

10 (d) The remedies available under this Act shall be exempt from the rules on  
11 non-exhaustion of administrative remedies and the application of the provisions of  
12 Republic Act No. 9285, otherwise known as the Alternative Dispute Resolution Act  
13 of 2004.

14 (e) In case the requesting party has limited or no financial capacity, the Public  
15 Attorney’s Office shall be mandated to provide legal assistance to the requester in  
16 availing of the remedies provided under this Act.

17 **SEC. 14. *Mandatory Disclosure of Transactions Involving Public Interest.* –**

18 (a) Subject to Sections 7 and 8 of this Act, all government agencies shall  
19 upload on their websites, which shall be regularly updated every fifteen (15) days, all  
20 the steps, negotiations and key government positions pertaining to definite  
21 propositions of the government, as well as the contents of the contract, agreement or  
22 treaty in the following transactions involving public interest:

23 (1) Compromise agreements entered into by a government agency with  
24 any person or entity involving any waiver of its rights or claims;

25 (2) Private sector participation agreements or contracts in infrastructure  
26 and development projects under Republic Act No. 6957, as amended  
27 by Republic Act No. 7718, authorizing the financing, construction,  
28 operation and maintenance of infrastructure projects;

- 1 (3) Procurement contracts entered into by a government agency;
- 2 (4) Construction or concession agreements or contracts entered into by a  
3 government agency with any domestic or foreign person or entity;
- 4 (5) Loans, grants, development assistance, technical assistance and  
5 programs entered into by a government agency with official bilateral  
6 or multilateral agencies, as well as with private aid agencies or  
7 institutions;
- 8 (6) Loans from domestic and foreign financial institutions;
- 9 (7) Guarantees given by any government agency to government-owned or  
10 -controlled corporations and to private corporations, persons or  
11 entities;
- 12 (8) Public funding extended to any private entity;
- 13 (9) Bilateral or multilateral agreements and treaties in defense, trade,  
14 economic partnership, investments, cooperation and similar binding  
15 commitments; or
- 16 (10) Licenses, permits or agreements given by any government agency to  
17 any person or entity for the extraction and/or utilization of natural  
18 resources.

19 A summary list of the foregoing information uploaded in the website shall be  
20 posted in the bulletin boards of the concerned government agency.

21 (b) The information uploaded in the website under letter (a) of this Section  
22 may be withdrawn after a period of three (3) years from the time of uploading:  
23 *Provided*, That an abstract of the information withdrawn shall remain uploaded in the  
24 website, containing a brief description of the transaction and an enumeration of the  
25 information withdrawn, and indicating the dates of posting and withdrawal.

26 (c) Should an agency lack the capacity to comply with letter (a) of this  
27 Section, the agency shall initiate a capacity-building program, or coordinate with

1 another appropriate agency, to facilitate substantive compliance not later than three  
2 (3) years upon approval of this Act.

3           **SEC. 15. *Keeping of Records.*** – a) Government agencies shall create and/or  
4 maintain in appropriate formats, accurate and reasonably complete documentation or  
5 records of their organization, policies, transactions, decisions, resolution, enactments,  
6 actions, procedures, operations, activities, communications, documents received or  
7 filed with them and the data generated or collected. These shall include working files  
8 such as drafts or notes, whenever these have been circulated within the agency for  
9 official purpose such as for discussion, comment or approval or when these contain  
10 unique information that can substantially contribute to a proper understanding of the  
11 agency organization, policies, transactions, decisions, resolutions, enactments,  
12 actions, procedures, operations, and activities;

13           b) Government agencies shall identify specific and classes of official records  
14 in their custody or control that have continuing historical, administrative,  
15 informational, legal, evidentiary, or research value for preservation by such agencies  
16 or their legitimate successors, or for transfer to the National Archives of the  
17 Philippines. In addition, the National Archives of the Philippines shall likewise  
18 identify specific and classes of official records that it shall require agencies to  
19 preserve and transfer to it.

20           c) In addition to the specific and classes of official records identified for  
21 preservation under letter (b) of this Section, the following shall not be destroyed:

- 22           1) Records pertaining to loans obtained or guaranteed by the government;
- 23           2) Records of government contracts;
- 24           3) The declaration under oath of the assets, liabilities and net worth of  
25           public officers and employees, as required by law; and
- 26           4) Records of official investigations on graft and corruption practices of  
27           public officers.

1 d) Government agencies shall prepare, following standards and period  
2 promulgated pursuant to Republic Act No. 9470 or the National Archives of the  
3 Philippines Act of 2007, a records management programs that includes the following:

4 1) A records maintenance system for the creation, selection,  
5 classification, indexing and filing of official records, that facilitates  
6 easy identification, retrieval and communication of information to the  
7 public;

8 2) A records maintenance, archival and disposition schedule providing a  
9 listing of records under current use, for retention by the agency, for  
10 transfer to the National Archives, or for destruction: *Provided*, That  
11 destruction of the official records may be implemented only upon  
12 approval of the National Archives of the Philippines; and

13 3) A specifications of the roles and responsibilities of agency personnel  
14 in the implementation of such system and schedule.

15 e) In addition to its function as repository of all rules and regulations issued by  
16 agencies as provided under Book VII, Chapter II of the Administrative Code of 1987,  
17 the University of the Philippines Law Center, in coordination with the National  
18 Printing Office as the agency with exclusive printing jurisdiction over the *Official*  
19 *Gazette*, shall maintain a database, and publish the same in print in *Official Gazette* or  
20 in digital or online form, the following: 1) All laws of the Philippines and their  
21 amendments, from the period of the Philippine Commission to the present; 2) All  
22 presidential issuances from November 15, 1935 to the present, including but limited,  
23 to executive orders, presidential proclamations, administrative orders, memorandum  
24 circulars, general orders, and other similar issuances; 3) A database of all  
25 appointments made by the President of the Philippines; and 4) Opinions of the  
26 Secretary of Justice.

27 **SEC. 16. *Promotion of Openness in Government.*** – (a) Duty to Publish  
28 Information – Government agencies shall regularly publish, print and disseminate at

1 no cost to the public and in an accessible form, in conjunction with R.A. 9485, or the  
2 Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and  
3 updated key information including, but not limited to:

4 (1) A description of its mandate, structure, powers, functions, duties and  
5 decision-making processes;

6 (2) A description of the frontline services it delivers and the procedure and  
7 length of time by which they may be availed of;

8 (3) The names of its key officials, their powers, functions and  
9 responsibilities, and their profiles and curriculum vitae;

10 (4) Work programs, development plans, investment plans, projects,  
11 performance targets and accomplishments, and budgets, revenue  
12 allotments and expenditures;

13 (5) Important rules and regulations, orders or decisions: *Provided*, That  
14 they be published within fifteen (15) calendar days from promulgation;

15 (6) Current and important database and statistics that it generates;

16 (7) Bidding processes and requirements; and

17 (8) Mechanisms or procedures by which the public may participate in or  
18 otherwise influence the formulation of policy or the exercise of its  
19 powers.

20 (b) Accessibility of Language and Form – Every government agency shall  
21 endeavor to translate key information into major Filipino languages and present them  
22 in popular form and means.

23 (c) Improving Capability – Every government agency shall ensure the  
24 provision of adequate training for its officials to improve awareness of the right to  
25 information and the provisions of this Act, and to keep updated of best practices in  
26 relation to information disclosure records maintenance and archiving.

1           **SEC. 17. *Criminal Liability and Administrative Liability.*** – The penalty of  
2 imprisonment of not less than one (1) month but not more than six (6) months shall be  
3 imposed upon:

4           (a) Any public officer or employee receiving the request under Section 9 of  
5 this Act who shall fail to promptly forward the request to the public officer  
6 within the same office or agency responsible for officially acting on the  
7 request when such is the direct cause of the failure to disclose the  
8 information within the periods required by this Act;

9           (b) Any public officer or employee responsible for officially acting on the  
10 request, who shall:

11                   (1) Fail, to act on the request within the periods required by this Act;

12                   (2) Knowingly deny the existence of existing information;

13                   (3) Destroy information being requested for the purpose of frustrating  
14 the requester’s access thereto;

15                   (4) Claim an exception under Section 7 of this Act, or under the  
16 Constitution, when the claim is manifestly devoid of factual basis;  
17 or

18                   (5) Refuse to comply with the decision of his immediate supervisor,  
19 the Ombudsman or the court ordering the release of information  
20 that is not restrained or enjoined by a court;

21           (c) The head of office of the government agency directly and principally  
22 responsible for the negotiation and perfection of any of the transactions  
23 enumerated in Section 14(a) of this Act, who shall knowingly refuse, to  
24 direct the mandatory posting or uploading of such transaction despite the  
25 agency capacity to implement such directive. The same penalty shall be  
26 imposed upon the public officer or employee who, despite a directive from  
27 the head of office, shall fail, to post or upload any of the transactions  
28 enumerated in Section 14(a) of this Act;

1 (d) Any public officer or employee who shall destroy, or cause to destroy,  
2 records of information covered by Section 15(c) of this Act;

3 (e) Any public officer who formulates policies, rules and regulations  
4 manifestly contrary to the provisions of this Act, and which policies, rules  
5 and regulations are the direct cause of the denial of a request for  
6 information; or

7 (f) Any public or private individual who knowingly induced or caused the  
8 commission of the foregoing acts under this section.

9 The foregoing shall be without prejudice to any administrative liability of the  
10 offender under existing laws and regulations.

11 **SEC. 18. *Act Not a Bar to Claim of Right to Information Under the***  
12 ***Constitution.*** – No provision of this Act shall be interpreted as a bar to any claim of  
13 denial of the right to information under Article III, Section 7 of the 1987 Constitution.

14 **SEC. 19. *Separability Clause.*** – If, for any reason, any section or provision of  
15 this Act is held unconstitutional or invalid, no other section or provision shall be  
16 affected.

17 **SEC. 20. *Repealing Clause.*** – All laws, decrees, executive orders, rules and  
18 regulations, issuances or any part thereof inconsistent with the provisions of this Act,  
19 including Memorandum Circular No. 78 dated 14 August 1964 (Promulgating Rules  
20 Governing Security of Classified Matter in Government Offices), as amended, and  
21 Section 3, Rule IV of the Rules Implementing Republic Act No. 6713 (Code of  
22 Conduct and Ethical Standards for Public Officials and Employees), are deemed  
23 repealed.

24 **SEC. 21. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
25 publication in at least two (2) national newspapers of general circulation.

26 Approved,