

Freedom of Information Act – Quick Comparison Sheet

Section / Description	House Bill 53 (15 TH Congress) - TANADA	Proposed Senate Consolidated Bill SB 3208	Executive Version	Comments
1- Short Title	"Freedom of Information Act of 2010"	"People's Ownership of Government Information (POGI) Act of 2012."	"Freedom of Information aCt of 2012"	
2- Declaration of Policy	<p>The State recognizes the right of the people to information on matters of public concern,</p> <p>Adopts & implements policy of full disclosure of all transactions involving public interest, subject to limitations provided in this Act.</p> <p>The right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision making.</p>	<p>Quotes the "1st principle"(?) declared in the Constitution – Sovereignty resides in the people and all government authority emanates from them</p> <p>*emphasizes right of people to effective and reasonable participation on matters of public concern and</p> <p>* policy of full disclosure on all government transactions involving public interest</p> <p>Further provides the GENERAL RULE: ALL government information is OWNED by the People and that public access to all govt information serves the public interest (with provisions on exceptional instances restricting access allowed also by reason of public interest)</p>	<p>The State recognizes the right of the people to information on matters of public concern,</p> <p>Adopts & implements policy of full disclosure of all transactions involving public interest, <u>subject to the procedures</u> and limitations provided by this act.</p> <p>(Last sentence same as House version.)</p>	<p>Senate version provides the General rule that all government info is OWNED by the people which is not found in other versions.</p> <p>Executive version emphasizes the "procedures and limitations" in the exercise of right.</p> <p>Senate version only mentions of "all <u>government</u> transactions involving public interest" – removes from its scope private transactions which have equal if not more pressing public interest?</p>
3 – coverage	all government agencies as defined in Sec. 4 of this act.	covers ALL branches, departments and instrumentalities of government including LGUs.	Numbered as Section 9. (all government agencies as defined in sec. 3)	<p>Listing of government agencies as appearing in the previous 14th Congress consolidated bill no longer present.</p> <p>Emphasis on LGUs as part of the coverage of government agencies.</p>

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<p>4-Definition of Terms</p>	<p>a.Information – any knowledge, record, document, paper, report, letters, contract, minutes, transcripts of official meetings, maps, books photographs, data, research material, film, sound and video recordings, magnetic or other tapes, <u>electronic data processing records</u>, computer stored data, or any other like or similar date or material recorded stored or archived in whatever form or format; kept under custody and control or 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</p> <p>b. Government agency – includes executive, legislative, judicial branches as well as the constitutional bodies including national government and its agencies, departments, bureaus, offices, local government units and its agencies et.al., regulatory agencies, chartered institutions, GOCCS including wholly owned or controlled subsidiaries, government financial institutions, state universities and colleges, the AFP, PNP, all offices in the Congress, including officers of Senators and Representatives, Supreme Court and all other courts established by law.</p> <p>c.Official records – information produced or received by the public officer or employee, or by any government agency in an official capacity or pursuant to a public function or duty, and <u>is not meant to be a stage or status of the information.</u></p> <p>d.Public Records – information required by law to be entered, kept and made publicly</p>	<p>a. Essentially the same with executive version.</p> <p>b. Same as the house version.</p> <p>c. Additional provision: <i>“regardless of whether the information is in the draft, final or any other stage or status.”</i></p> <p>d. Modified by: <i>“information required by</i></p>	<p>Numbered as Sec. 3</p> <p>Information – any record, document, paper, report, letters, contract, minutes, 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 date or material recorded, stored or archived in whatever form or format ; kept under custody and control or 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</p>	<p>a.Executive and Senate versions deleted the term, “knowledge” which is present in house version.</p> <p>c.last phrase in par.c of House bill not found in the Senate version.</p> <p>d.modification in Senate version expands the term</p>
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	available by a government agency.	<i>law, executive orders, rules and regulations...</i>		“public records” category?

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<p>5- Presumption</p>	<p>Legal presumption in favor of access to information.</p> <p><u>Government agencies have the burden of proof showing by clear and convincing evidence that the information requested should not be disclosed.</u></p>	<p>Seen as section 6 in the Senate Version.</p> <p>First line same as the house and executive versions. But second line is a rephrase of the executive version: <i>“no request for information shall be denied unless it clearly falls under the exceptions provided under this act.”</i></p>	<p>First line same as House and Senate versions.</p> <p>But the burden of proof provision has been deleted.</p> <p>However, added this phrase: “request for info may be denied only if it clearly falls under the exceptions provided under this Act.”</p>	<p>Executive version deletes the reference to the assignment of the burden of proof.</p> <p>In violation of law & settled jurisprudence. (see Legaspi vs. CSC GR L-72119, May 29, 1987)</p> <p>“in case of denial of access, the government agency has the burden of showing that the information requested is not of public concern, or if it is of public concern, that the same has been exempted by law from the operation of the guarantee. To hold otherwise would serve to dilute the constitutional right.</p>
<p>6- Access to Information</p>	<p>Duty of government agencies to make available to the public for scrutiny, copying and reproduction in the manner provided in this Act, all information pertaining to official acts, transactions or decisions, regardless of their physical form or format in which they are contained and by whom they were made.</p>	<p>Appears as sec. 5 in this version.</p> <p><i>Every Filipino citizen has a right to, and shall, on request, be given access to any record under the control of a govt. agency. (same as executive version)</i></p> <p>Second line appears to borrow from the house version re: duty of government agencies to make available for public scrutiny the info. Subject to exceptions identified in sec.7 of this version.</p>	<p>Appears as Sec. 4 in this version.</p> <p><u>(new) Every person who is a Filipino citizen, has a right to and shall on request, be given access to any record under the control of a govt agency.</u></p> <p>Next sentence same as Senate version except that it adds: “ subject to the exceptions enumerated under section 6 of this act.</p>	<p>The person who has access to the info as contemplated by this law has been limited only to a Filipino natural (and therefore corpus not included) citizen in the Executive version.</p> <p>House version makes a vague reference to “public” but does not clarify who are these class of persons who can</p>

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<p>Qualifications</p>	<p>Sec. 8 Even if information is considered as falling under one of the exceptions mentioned in sec.7, access to info will NOT be denied if:</p> <ul style="list-style-type: none"> a) Information may be reasonably severed from the body of the information which would be subject to the exceptions b) Public interest in the disclosure outweighs the harm to the interest sought to be protected by the exceptions c) The requesting party is either House of Congress or any of its Committees and the disclosure is to be made in executive session, unless the disclosure would constitute a violation of the Constitution. 	<p>no separate provision appears in this version but the qualifications on the exceptions are incorporated in sec. 7.</p>	<p>No separate provision appears in this version.</p>	<p>claim access to info.</p>
<p>Exceptions</p>	<p>Sec. 7 ; Provides conditions and subject to the qualifications mentioned in sec. 8: 8 Exceptions:</p> <p>1.Information is specifically authorized to be kept secret under guidelines established by an EO and properly classified pursuant thereto. Provided:</p> <ul style="list-style-type: none"> - Info directly relates to national defense and its revelation would cause grave damage to the internal and external defense of the State - Info requested pertains to foreign affairs of the Republic and its revelation may unduly weaken the negotiating position of the govt. <p>Provided EO shall specify reasonable period</p>	<p>Appears as sec. 7 in this version.</p> <p>10 exceptions</p> <ul style="list-style-type: none"> 1. Info is specifically authorized to be kept secret under guidelines established by an EO... et.seq. (essentially borrowed from the House version) 	<p>Appears as sec.6 in this version. Access to info shall be granted UNLESS:</p> <p>(10 XCEPTIONS)</p> <ul style="list-style-type: none"> 1. Info is specifically authorized to be kept Secret under guidelines established by an Executive Order and properly classified as such. <p>EO shall specify the reasonable period after which the info shall be automatically de-classified or subject to mandatory de-classification review. Any doubts as to classification and re-classif. Resolved in favor of the right to info.</p>	

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	<p>where the info shall be automatically declassified.</p> <p>2. Info pertains to internal and external defense and law enforcement; when the revelation thereof would render a <u>legitimate military operation</u> ineffective, <u>unduly compromise the prevention, detention or suppression of a criminal activity</u>, or <u>endanger the life or physical safety of confidential or protected sources or witnesses, law enforcement, military personnel and their</u></p>	<p>2.records of minutes, records of advice given or records of opinions expressed during decision making and policy making (essentially borrowed from the executive version.) Last sentence is NEW: once policy has been formulated and decisions made, minutes and research data may be made available for disclosure unless they were made in executive session.</p> <p>3.provisions largely borrowed from the executive version. Par iii has some MODIFICATIONS: lead to the disclosure of the identity of a confidential source, <u>including a government or foreign agency or authority of any private institution which furnished the</u></p>	<p>Qualifications:</p> <p>-must directly relate to <u>national security</u> or defense & revelation may cause <u>grave damage</u> to the national security or internal and external defense of the State</p> <p>-info pertains to the foreign affairs of the Republic, when its revelation would unduly weaken the negotiating position of the government in an ongoing bilateral or multi-lateral negotiation or seriously jeopardize the diplomatic relations of the Phil w/ one or more states.</p> <p>2. records of minutes and advice given, opinions expressed by expressed during decision-making or policy formulation invoked by the Chief Executive to be privileged by reason of the sensitivity of the subject matter or of the impairment of the Chief Executive’s deliberative process that would result from the disclosure thereof.</p> <p>3. Info requested pertains to internal and/or external defense, law enforcement and <u>border control</u>, when disclosure thereof would: -unduly compromise or interfere with a legitimate military or law enforcement operation -unduly compromise or interfere with prevention, detection or</p>	<p>“national security”</p> <p>Executive version inserted this vis-à-vis the House version which deleted this to limit national security to national defense, in view of the general tendency of governments to give national security an overbroad scope and meaning.</p> <p><u>“deliberative process privilege”</u></p> <p>Fails to recognize the right to participate in decision making and goes against many policies and legislations opening up the decision making process to the public.</p> <p>Based on RP jurisprudence, Deliberative process privilege is recognized in executive privilege, executive session on the part of Congress and judicial deliberations on the part of the Supreme Court. This privilege is made available only to</p>
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	<p><u>immediate families</u>. Info relating to the details of the admin/budget and expenditure and management of the defense and law enforcement agencies always accessible to the public.</p> <p>3. Personal information of a natural person other than the requesting party, and its disclosure would clearly constitute an unwarranted invasion of his/her privacy -- unless it forms part of a public record, or the third party is or was an official of a government agency and the info relates to his or her public function, or the person has consented to the disclosure of the info.</p> <p>4. Info pertains to trade, industrial, financial or commercial secrets of a third party natural or juridical person, obtained in confidence by a government agency when the revelation would seriously prejudice the interests of the 3rd party in trade, financial, industrial or commercial competition, unless the 3rd party consents to the disclosure</p> <p>5. Info is privileged from production in legal proceedings by law or by the Rules of Court, unless the person entitled to the privilege waives it.</p> <p>6. Info is exempted by law or the Constitution, in addition to those provided in this section</p> <p>7. Info is obtained by any committee of either House of Congress in executive session , whenever such info falls under any of the foregoing exceptions.</p>	<p><u>info.</u></p> <p>4. same as executive version.</p> <p>5. same as executive version.</p> <p>6. same as the executive version.</p>	<p>suppression of criminal activity, the <u>effective implementation of immigration controls and border security</u>.</p> <p>-deprive a person a right to a fair trial or an impartial adjudication -lead to the disclosure of the identity of a confidential source, including a govt or foreign agency or authority or any private institution w/c furnished the info on a confidential basis -disclose techniques and procedures for law enforcement investigations or prosecutions, or disclose guidelines for law enforcement investigations or prosecutions if such disclosure would reasonably be expected to risk circumvention of the law -endanger the life or physical safety of an individual.</p> <p>4. Drafts of orders, resos, decisions, memoranda, audit reports, by any executive, administrative, regulatory, constitutional, judicial or quasi judicial body in the exercise of their regulatory, audit and adjudicatory functions.</p> <p>5. Info requested is obtained by any committee of either House of Congress in executive session.</p> <p>6. Info requested pertains to personal info of a natural person other than the requesting party, and its disclosure would</p>	<p>the highest officials of the country on the most sensitive of issues.</p> <p>(should not be made to extend to all government personnel, does not even specify or indicate the danger/harm sought to be prevented with the disclosure of the information sought to be considered as exempt.)</p>
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	<p>8. Drafts of decisions of any executive, administrative, judicial or quasi-judicial body in the exercise of their adjudicatory functions are being requested, whenever the revelation thereof would reasonably tend to impair the impartiality of verdicts or otherwise obstruct the administration of justice.</p> <p>For nos. 2-8, <u>the determination whether any of these grounds shall apply shall be the responsibility of the HEAD OF OFFICE of the government agency in custody or control of the info, or ANY RESPONSIBLE CENTRAL OR FIELD OFFICER/S DULY DESIGNATED by him.</u></p>	<p>7. instead of “secrets” the term used by the Senate version is “information” but the rest of the provision retains the sentiment conveyed in the exec. Version.</p> <p>8. same as exec.</p> <p>9. same as exec. Version</p> <p>10. info has already been made accessible as provided for in sec. 13 of this bill.</p>	<p>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 info requested relates to his or her public functions, or the person consented <i>in writing</i> to such disclosure</p> <p>7. Info pertains to trade industrial, financial or commercial secrets of or juridical person, other than the requesting party, obtained in confidence or covered by privileged communication and/or filed with a government agency when the revelation would seriously prejudice the interests of such natural or juridical person</p> <p>8. Info is classified as privileged communications in legal proceedings by law or by the Rules of Court</p> <p>9. Info requested is exempted by law or Consti, in addition to those provided in this section</p> <p>10. Info has already been made accessible as provided for in Section 10.</p>	
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		<p>In addition, senate version copies the provisions on the power of the HEAD OF OFFICE to make the determination as well as the provisions on the strict construction of the exceptions mentioned in the executive version.</p> <p>New matters? *“severability” of the information requested from the rest of the body of the records (cf. par. 5)</p> <p>*if public interest in the disclosure of the information outweighs public interest in securing its confidentiality (sec. 6)</p>	<p><u>Letters c-i : the determination whether any of these grounds shall apply shall be the responsibility of the HEAD OF OFFICE of the government agency in custody or control of the info, or ANY RESPONSIBLE CENTRAL OR FIELD OFFICER/S DULY DESIGNATED by him.</u></p> <p>Additional qualifications:</p> <p>*exceptions STRICTLY construed *exceptions are NOT used to cover up a crime, wrongdoing, graft or corruption, *Pres, Supreme Court, House of Rep, Senate, ConComms may waive an exception with respect to the information in the custody of offices under their respective supervision and control when they deem that there is an overriding public interest in disclosure *exceptions do not constitute an authority to withhold info from Congress nor authority for the executive branch of an LGU to withhold info from the legislative body of such LGU.</p>	
<p>Mandatory Disclosure of Information</p>	<p>Appears as Sec. 14</p> <p>Qualifies the matter of disclosure: Transactions involving public interest , namely:</p> <ul style="list-style-type: none"> a. Compromise agreements entered into by a govt agency with any person involving any waiver of its rights or claims b. Private sector participation agreements or contracts in infrastructure and development projects under RA 6957 as amended by RA 7718 c. Procurement contracts d. Construction or concession agreements 	<p>Appears as sec. 8</p> <p>Matters which must be disclosed by GOVERNMENT AGENCIES</p> <ul style="list-style-type: none"> a. In fulfillment of article XI, sec. 17 of the Consti, the SALNs of Pres, VP, Members of the Cabinet, Congress, Supreme Court, SC Justices, ConComms, officers of the AF with General or Flag rank. 	<p>Appears as sec. 7</p> <p>Lists the officials who shall provide to the public their SALN on an annual basis on their website: Pres, VP, Members of Cabinet, Congress, Supreme Court, ConComms, officers of the AFP with General or Flag rank</p> <p>Provides the duties that All other agencies or branches of government must comply:</p>	

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	<p>e. Loans, grants, development assistance, technical assistance and programs entered with official bilateral or multilateral agencies as well as with private aid agencies or institutions.</p> <p>f. Loans from domestic and foreign financial institutions</p> <p>g. Guarantees given by any govt agency to GOCCs and to private corpos, persons or entities</p> <p>h. Public funding extended to any private entity</p> <p>i. Bilateral or multilateral agreements and treaties in defense, trade, economic partnership, investments, cooperation and similar binding commitments</p> <p>j. Licenses permits or agreements given by any government agency to any person for the extraction and or utilization of natural resources.</p> <p>The info uploaded in the website under may be withdrawn after a period of 3 years from the time of uploading, provided that an abstract of the info withdrawn shall remain uploaded in the website, containing a brief description of the transaction and enumeration of the info withdrawn, indicating the dates of posting and withdrawal</p>	<p>b. For all agencies of all branches of govt, a REGISTER of the ff public interest transactions, documents, or records:</p> <p>(essentially copies and integrates the executive and house versions as regards what must be disclosed.)</p> <p>Aside from the duty of all govt agencies to maintain and make public their REGISTER, they have to regularly publish print and disseminate at no cost to the public their POGI manual in full (people’s ownership of government information)</p>	<p>Upload on the website their</p> <ul style="list-style-type: none"> -Freedom of Information Manual in full -Rules of procedure adopted by the agency -Substantive rules of general acceptability adopted as authorized by law -Public interest documents or records <i>i.e. Annual budget of Government agencies, itemized monthly collections and disbursement, summary of income and expenditures, component of the IRA utilization, annual procurement plan and procurement list, items to bid, bid results on civil works, goods and services, abstract of bids, procurement contracts, construction agreements, private sector participation agreements, public funding extended to any private entity, bilateral or multilateral agreements, list of persons granted licenses or permits for extraction of natural resources, SALNs, guarantees given to GOCCs.</i> 	
<p>Keeping of Records</p>	<p>Sec. 15</p> <p>a. All government agencies to create and maintain in appropriate formats, accurate and reasonably complete documentation or records of their organization, policies, transactions, decisions, resolution, enactments, actions, procedures, operations,</p>	<p>This is incorporated in par. c and its sub-paragraphs in sec. 8 of this version of the bill.</p> <p>As well as provides for additional matters in section 10 of this version. (re: the “POGI” Manual and the matters which must be included in it)</p>		

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	<p>activities, communications, documents received or filed with them and the data generated or collected. Shall include working files such as drafts or notes, whenever these have been circulated within the agency for official purpose such as for discussion or comment or when these contain unique info that can substantially contribute to a proper understanding of the agency, organization, policies, transactions, decisions, resolutions, enactments, actions, procedures , operations and activities.</p> <p>b. Identify specific and classes of official records in their custody that have continuing historical, administrative, informational, legal, evidentiary or research value</p> <p>c. The ff shall NOT be destroyed: records pertaining to loans obtained or guaranteed by the government; records of govt contracts; declaration under oath of SALNs of public officers; records of official investigations on graft and corruption practices of public officers</p> <p>d. Prepare a records management program pursuant to RA 9470 (natl Archives of the Phil Act of 2007)</p> <p>e. In addition, the UP Law Center in coordination with the National Printing Office shall maintain a database and publish the same in print in the Official Gazette or in digital or online form the following:</p> <p><i>All laws of the Phil and their</i></p>	<p>Also appears as section 16 in this version of the Bill.</p>		
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	<i>amendments, all Presidential issuances from 11/15/1935 to the present, database of all appointments made by the President of the PHils and Opinions of the Secretary of Justice.</i>			
Promotion of openness in Government	<p>Appears as section 16</p> <ul style="list-style-type: none"> a) Duty to publish information (but no mention of RA 9485 and its applicability) b) Accessibility of the information in language and form c) Every govt agency shall ensure the provision of adequate training for its officials to improve awareness of their right to information and the provisions of this act and to keep updated of best practices in relation to information disclosure, records maintenance and archiving. d) Mentions what must be regularly published and disseminated (at no cost to the public): <i>structure of the govt agency, its powers, functions, duties and decision-making process; description of frontline services it delivers and procedure and length of time by which they may be availed of; names of its key officials and their respective functions; work programs and other development plans including their budgets/revenue allotments and expenditures, important rules and regulations, orders or decisions provided that they be published within 15 calendar days from promulgation; current and important database & statistics that it generates; bidding processes and requirements; mechanisms by which the public can participate in the formulation of</i> 		Appears as Sec. 8	

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	<i>policy or the exercise of its powers</i>			
Exemption from compliance	No separate provision	Appears as sec. 13. Copies the executive version.	Appears as sec. 10 a. Where the requesting party is the same person b. There was previous compliance	
Additional protection of privacy	No separate provision	Appears as sec. 9 Essentially copies the Executive version.	Appears as sec. 11 Government agency to ensure that personal info in its custody is disclosed only as permitted under this act	
Administrative liability	Lumps criminal and administrative liability as one section – section 17 Acts covered under sec a-f appears to be same acts constitute of a criminal offense. Thus, filing of a criminal case is without prejudice to the filing of an administrative case under existing laws and regulations.	Appears as sec. 18 Essentially copies the Executive version.	Sec.12 Tantamount to gross neglect of duty if (a) there is a refusal to promptly forward the request (b) failure to act on the request (c) refusal to comply with the decision of ee’s immediate supervisor (d) approval of policies manifestly contrary to the provisions of this act	
Criminal liability	Sec. 17 Penalty of imprisonment of not less than 6 mos but not more than 1y: *any public officer receiving the request who fails to promptly forward the request to the person responsible . * for a public officer responsible for officially acting on the request but fails to act on it within the periods required by this Act, knowingly denies the existence of the information, destroys the info being requested for the purpose of frustrating the requester’s access thereto, claim an exception when such is devoid of factual basis, refuse to	Appears as sec. 19 Copies the Executive version.	Sec. 13 Falsely denies or conceals the existence of the information mandated for disclosure – violation of art. 226 of RPC (prison mayor +fine; 6y1d-12y max; prison correccional and fine 6m1d-6y) Destroys of causes to be destroyed information being requested for disclosure – viol of art. 226 RPC (same as above) Private individual who knowingly	Executive version does not distinguish between the officer in charge of such documents and the public employee who receives the request for production of such documents .

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	<p>comply with the decision of his immediate supervisor/Court/Ombudsman to release the info requested</p> <p>*Head of office of the government agency directly and principally responsible for the negotiation and perfection who knowingly refuses or fails to direct the mandatory posting or uploading of info required.</p> <p>*any public officer who destroys or causes to be destroyed records of information</p> <p>* any public officer who formulates policies, rules and regulations manifestly contrary to the provisions of this act and the latter is the direct cause of the denial of the request for info.</p> <p>*any public or private individual who knowingly induced or caused the commission of the foregoing acts under this section.</p>		<p>induces the commission of these acts liable as principal by inducement.</p>	
MERE DENIAL NOT GROUND FOR LIABILITY	No separate provision.	<p>Appears as sec. 21.</p> <p>Also copies the “good faith” defense in the Executive version.</p>	<p>Appears as sec. 14</p> <p>GOOD FAITH – introduced as a defense in this executive version.</p>	
Procedure of Access	<p>Sec. 9</p> <ol style="list-style-type: none"> 1. Submit request to the office concerned, reasonably describing the info required, reason for the request of the info, means by which the government agency shall communicate such info 2. Request stamped by the government agency, indicate time and date of receipt, rank, title and position of the receiving public officer/ee, signature, copy furnished requesting party 3. Request may indicate the ff preferred means of communication: true copy of the info, opportunity to inspect the 	<p>Appears as Section 11.</p> <p>Essentially same procedure as the executive version but with a modification that the requesting party is now required to present a CURRENT IDENTIFICATION CARD issued by any government agency, or government or private employer or school or a community tax certificate.</p> <p>Request may also be made electronically. If done via electronic process, a scanned ID is also required of the requesting</p>	<p>Sec. 16</p> <p>Essentially same procedure Except that</p> <p>Period of compliance of government agency extended to 15 calendar days from receipt of request .</p> <p>Provides for procedure in case requesting party is illiterate or a person with disability – provision for oral request allowed.</p>	

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	<p>info, opportunity to copy the info, written transcript, transcript of the content of an info,</p> <p>4. Option of government agency to communicate thru other means if the preferred means would unduly interfere with its effective operations.</p> <p>5. Compliance of the request – 7 working days from receipt</p> <p>6. Time may be extended during unusual circumstances <i>if there is a need to look for the info from field facilities or other establishments separate from the office processing the request, voluminous documents, if request necessitates consultation with another government agency, on account of fortuitous events</i></p> <p>7. In such case, government agency must state the reason for the extension, provided such extension not to exceed 15 working days from the original deadline.</p>	<p>party.</p>		
Access fees	<p>Appears as sec.10</p> <p>Entitles government agencies to charge “reasonable fees” for reimbursement of the cost of searching, reproduction, copying or transcription of information requested.</p>	<p>Appears as sec. 12.</p> <p>Copies the executive version.</p>	<p>Appears as sec. 17</p> <p>Described as “access and processing fees”</p> <p>Same as lower House version.</p>	
Notice of denial of request for information	<p>Appears as section 11</p> <p>Duty of government agency to notify the person requesting within 7 working days from receipt of request of the denial, which shall state the reason for the same as well as the name, rank, title and position of the person making the denial. The reason shall also state</p>	<p>Appears as sec. 14</p> <p>Copies the executive version.</p>	<p>Sec. 18</p> <p>Appears to be the same as both bills except that:</p> <ul style="list-style-type: none"> - Time to act is lengthened to 15 working days from the receipt of the request. 	<p>In the Lower House version of the bill, the identification of the person making the denial appears to be significant, needed for the proper attribution of the act, which is important for</p>

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	<p>the “legitimate interest sought to be protected in the confidentiality”</p> <p>Failure to notify the requesting party shall be deemed a denial of the request for access to information.</p>		<p>- Notice of denial also does not Contain anymore the name of the public officer (& his rank, etc.) who denied the access to the information requested.</p>	<p>accountability purposes.</p> <p>In the Executive version of the bill, this is already relegated to an “information Committee/Commission.”</p>
<p>Remedies in case of Denial</p>	<p>Sec 13</p> <p>a) All other govt agencies except the Judicial branch:</p> <p><u>appeal</u> to the person or office next higher in authority w/in 15 calendar days from notice of denial. (must be decided within 15 days from filing.)</p> <p>In lieu thereof, can file <u>a verified complaint with the Office of the Ombudsman</u> praying that the government agency concerned be directed to immediately afford access to the information being requested.</p> <p>to be resolved wiithin 60 calendar days from filing, or earlier when time is of the essence, taking into account factors such as nature of the info requested, context of the request, public interest and the danger that the information requested would become moot.</p> <p>Instead of filing a complaint with the OMB, file a <u>verified petition for mandamus with the proper courts</u></p> <p>In case the remedy resorted to is by</p>	<p>Appears as sec. 15.</p> <p>Options (in all branches except the judicial branch)</p> <p>a.request for Administrative Reconsideration within 15 calendar days from filing. (almost the same as the House version)</p> <p>b.same as house version.</p> <p>c. Same as house version.</p>	<p>Sec. 19</p> <p>Options:</p> <ol style="list-style-type: none"> 1) Appeal to the head of the agency following the procedure set forth in sec. 21 a 8 of this act. 2) Instead of appealing, file a verified complaint with the Office of the Ombudsman 3) File a petition for mandamus (beofre the regular courts?) 	

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	<p>way of a complaint/petition (omb or regular courts), the OMB or the court is empowered to receive the info subject of a claim of exception under sec. 7 and examine then <i>in camera</i> to determine sufficiency of the factual or legal basis of such claim.</p> <p>b) In the judicial branch: SC shall promulgate the remedies that would govern offices under its jurisdiction.</p> <p>c) Remedies are w/o prejudice to the filing of admin, civil or criminal actions covering the same act.</p> <p>d) Remedies also exempt from the rules on non-exhaustion of administrative remedies and the application of the provisions of ADR.</p> <p>e) PAO is mandated to provide free legal assistance to the requester in availing of the remedies in case party aggrieved by the denial has no means to hire private counsel.</p>	<p>In the judicial branch : same as house version.</p> <p>Same as house version.</p> <p>Same as house version.</p> <p>Same as house version.</p>		
<p>Implementation Requirements</p>	<p>Appears as sec. 12</p> <p>a) All government agencies to prepare a “Freedom of Information Manual” which shall contain:</p> <p><i>location and contact info of the head of govt agency; type of info it generates, produces, holds or publishes; description of its record keeping system; person or office responsible for receiving requests for info; procedure for filing such requests; standard forms for the submission of</i></p>			

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	<p><i>request and for the proper acknowledgement of such request; process for the disposition of the request including the routing of the request to the person charged with the duty to act on the request, the decision making and the grant or denial of the access and its implementation; procedure for administrative appeal; schedule of fees; process for mandatory disclosure of info under sec. 14; if agency lacks the capability to provide for this their 3 year plan to comply with the same; such other info as would facilitate the effective implementation of this act.</i></p> <p>b) Judiciary to prepare a similar manual as directed by the Supreme Court. c) Info shall also be posted in the website and bulletin boards and regularly updated.</p>			
Civil Liability	No separate provision. But is mentioned in the explanatory note.	Appears as sec. 20. – reiteration of art. 19 NCC. And the entitlement of a person to damages on account of a Public officer/EEs under the Civil Code.		
FOI not a bar to claim Right to Info under the Constitution	Appears as sec. 18	Appears as sec. 22.		
Separability Clause	Sec. 19			
Repealing Clause	<p>Sec. 20</p> <p>Specific mention of the express repeal of: Memorandum Circular 78 14 August 1964 (promulgating rules governing security of classified matter in Government offices), as amended and Sec. 3 Rule IV of the Rules Implementing RA 6713 (Code of Conduct and</p>			

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	Ethical Standards for Public Officials and Employees)			
Effectivity	Sec. 21 15 days after its publication in at least 2 national newspapers of general circulation.	Cf. sec. 17 which may modify article 2 NCC on the effectivity of laws – as the Official Gazette Website will also be considered as “official publication” – provided that there is a time stamp in the said document.		
Appropriations		Appears as Sec. 23 – to be included in the Annual General Appropriations Act.		