



Republic of the Philippines
Supreme Court
Office of the Court Administrator
Manila

**THE RULE ON ACCESS
TO INFORMATION
ABOUT THE LOWER
COURTS**

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**THE RULE ON ACCESS TO
INFORMATION ABOUT THE LOWER COURTS**

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern. Access to official records, and 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;

WHEREAS, the Judiciary has always maintained the principle of transparency and accountability in the court system, and full disclosure of its affairs pursuant to the aforesaid constitutional provision.

WHEREAS, the Supreme Court has promulgated resolutions defining the people's right to information, setting forth the extent thereof and explaining its limitations (on account of privilege and confidentiality) regarding matters and concerns affecting the operation of the Judiciary, its officers and employees;

WHEREFORE, pursuant to the Resolution dated _____ in A. M. No. _____, the Office of the Court Administrator hereby adopts the following:

**THE RULE ON ACCESS TO INFORMATION
ABOUT THE LOWER COURTS**

I – TITLE AND PRELIMINARY MATTERS

Sec. 1. Title. – This set of Rules shall be known and cited as “The Rule on Access to Information About the Lower Courts.”

Sec. 2. Purpose. – The Rule seeks to provide the guidelines, processes and procedures by which requests for access to information, as defined in this Rule, received pursuant to Section 7, Article III of the 1987 Constitution shall be dealt with.

Sec. 3. Structure. – This Rule sets out the definition of terms, the policy, standard procedures, remedies, fees, and administrative liability. It also provides for the relevant form and other annexes.

Sec. 4. Coverage. – This Rule shall cover all requests for access to information directed to the Lower Courts.

II – DEFINITION OF TERMS

Sec. 5. Terms defined. – As used in this Rule, the following terms shall mean:

a. *“Information”* shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

b. *“Official Records”* shall refer to information produced or received by a public officer or employee or by a government office in an official capacity or pursuant to a public function or duty.

c. *“Public Records”* shall include all information required by laws, executive orders, rules or regulations to be entered, kept, and made publicly available by a government office.

d. *“Personal Information”* shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

e. *“Privileged Information”* means information about the Supreme Court that is not to be made a matter of public record and not covered by the access provided herein. This may include, but is not limited to, any information on pending cases that is predecisional and deliberative and covers notes, drafts, research papers, internal deliberations, internal memoranda, records of internal deliberations, and similar documents in whatever format (written, printed, recorded on audio or video) as well as recollections or memorials of the same to include private written memoranda documenting any such information.; it may also include personal information about the Members of the judiciary that may be considered sensitive for reasons

of security and in relation to judicial independence. Finally, it includes all the information that is enumerated in Annex "A" of this Rule and any such information that the Supreme Court may subsequently consider as "privileged" through a Rule, Resolution, or a Decision.

f. "*Sensitive personal information*", as defined in the Data Privacy Act of 2012 (Republic Act No. 10172), shall refer to personal information:

- (1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) About an individual's health, education, genetic or sexual life or a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) Specifically established by an executive order or an act of Congress to be kept classified.

g. "Access" shall mean the privilege of obtaining a copy, receiving the information, or gaining of insight into the information or records sought;

h. "*Information Custodian*" shall refer to any official or employee assigned or designated by the concerned OCA Chief of Office to receive, process, maintain, safeguard and disseminate any information relating to the organization, functions, policies, decisions, resolutions, procedures, operations and other activities of the office or the Court.

III – STATEMENT OF POLICY

Sec. 6. Access to information. – Access to all information and records or portions of those records in the official custody, possession and control of offices in the Court shall be guaranteed, except for such information or records that are protected from disclosure by pertinent laws or as provided herein (**Annex "A"**).

Sec. 7. Protection of Privacy. – While providing for access to information, the Office of the Court Administrator shall afford full protection to a person's right to privacy, as follows:

a. The Office of the Court Administrator shall ensure that personal information, particularly sensitive personal information, in its custody or under its control, is disclosed only as permitted by existing laws, rules and regulations.

b. The Office of the Court Administrator shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.

c. Any court official or personnel who has access, whether authorized or unauthorized, to personal information in the custody of the Office of the Court Administrator, shall not disclose that information except as authorized by existing laws.

Sec. 8. Limitations. – The right of access to information is without prejudice to the right of the Office of the Court Administrator to determine whether there are grounds to believe that:

a. the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided by him/her;

b. the request is prompted by sheer idle curiosity;

c. the request is being made with a plainly discernible improper motive such as harassment;

d. the purpose of the request is contrary to law, morals, good customs or public policy;

e. the request is for any commercial purpose;

f. the request pertains to privileged documents or communications; or

g. the request covers copies of Statement of Assets, Liabilities and Networth (SALN), Personal Data Sheet (PDS) and Curriculum Vitae (CV) of the Judges and Personnel of the lower courts.

IV – STANDARD PROCEDURE

Sec. 9. Request for Access to Information. – All requests for access to information shall:

- a. be in writing and be accompanied using the prescribed Access to Information Request Form (AIRF) (**Annex “B”**);
- b. provide the full name, contact information, affiliation, company or organization of the requesting party including two (2) valid government identification cards with photograph and signature;
- c. Reasonably describe the information requested;
- d. Explain the reason for and the specific purpose of the request for information.

Any false information provided in the AIRF request and its accompanying required documents shall be treated as a ground for indirect contempt of court and shall be dealt with accordingly, without prejudice to appropriate criminal or civil liabilities.

Sec. 10. Request Form. – A person making an access to information request shall use the standard AIRF and submit two (2) copies thereof. The request form may be downloaded from the Office of the Court Administrator Website. Such forms may be reproduced for use by requesters.

Sec. 11. Identification and Proof of Authority. – A requesting party shall attach to his or her AIRF the following proof of identification and/or authority:

- a. At least two (2) valid government-issued identification (ID) cards containing the photograph and signature of the requesting party;
- b. If the request is made through a representative, in addition to the valid government-issued ID cards, the written authorization of the principal and at least two (2) valid government-issued ID cards containing the photograph and signature of the representative;

The authorization shall expressly state the extent of the authority of the representative to make the request, provide clarification, receive the requested information, and to bind the principal for all representations and/or undertaking made by the representative in connection with the request for information;

c. If the requesting party is a natural person who is a member, employee, affiliated with or related to a juridical entity, company or organization, and the request is made not in behalf of such juridical entity, company or organization but arises from such membership, affiliation or relation, such other sufficient proof of authority or affiliation;

d. If the requesting party is a minor, his or her guardian or any competent supervising adult shall comply with the requirements for a representative;

e. In case the requesting party is a member of the media, the request shall additionally be supported by proof of his/her media affiliation and by a similar certification of the accreditation of the organization/s as legitimate media practitioner.

Sec. 12. Undertaking. – If the information requested will be used for academic purposes, the requesting party must submit, as an additional requirement to the Access to Information request, a fully-detailed outline of the subject matter for which the information is needed with a certification from the appropriate academic officials attesting to the: (a) enrolment of the requesting party/ies, (b) the necessity for the academic requirement, and (c) the necessity for the information sought.

The requesting party acknowledges that the same shall: (a) not be used for any purpose other than what is indicated in the request form as approved; (b) not be used for any purpose that is contrary to law, morals, good customs, or public policy; and (c) not be reproduced for any commercial use.

Sec. 13. Manner of Making Request. – A request for access to information shall be made by the requesting party by delivering it personally, by registered mail, electronic mail through a designated email address for that purpose or facsimile machine to the Office of the Court Administrator. Requests for access through social media will not be considered valid requests.

In case the requesting party is unable to make a written request because of illiteracy or disability, he/she may make an oral request, and the attending officer or employee of the Office of the Court Administrator shall reduce it into writing. The requesting party shall sign the form or affix his/her thumb mark thereto. Reasonable assistance shall not cover reproduction costs of the requesting party's copy of the AIRF and the supporting documents.

Sec. 14. Receiving Office. – The Office of the Court Administrator shall receive the request for access to information from the requesting party. It shall immediately refer the AIRF to the proper office/s which shall check compliance with the requirements set forth hereunder. If compliant, the AIRF shall be signed and stamped received by the Information Custodian or in his absence, the assistant officially assigned or designated by the respective Chief of Office. Where the request is made by electronic mail, the same shall be transmitted to the Information Custodian, copy furnished the Chief of Office, similarly by electronic mail.

Sec. 15. Period to Respond. – The office concerned, through the Information Custodian, shall respond to the requesting party within ten (10) working days from receipt of the request. This period includes the duty to evaluate and resolve whether to approve, deny, refer, return to the requester or further evaluate the request. However, whenever the request requires extensive search of the records facilities of the office concerned or examination of voluminous records, or in case of the occurrence of fortuitous events, or other analogous cases, the period may be extended. In no case shall the extension exceed fifteen (15) working days, unless exceptional circumstances warrant a longer period. The Information Custodian shall inform the requester of the extension, setting forth the reason for such extension.

Sec. 16. Action on the AIRF Request. – Upon receipt of the fully compliant AIRF, the office concerned shall evaluate and resolve such request and thereafter submit the matter, together with its recommendation, to the Office of the Court Administrator for approval. Recommendation on the request may partake the nature of any of the following:

a. **Approval** – In case of approval of the request, the information custodian shall collate the information and document, and mail the same, upon approval of the Office of the Court Administrator, to the requesting party, or if the requesting party has indicated in his/her request that he/she is willing to personally get the information and document, the information custodian shall inform him/her of the designated time and date to receive the requested information and document and pay the applicable fees, if any.

b. **Denial** – On the following grounds, the office concerned may recommend to deny a request:

(i) if it is not complete or not valid, in which case the requesting party shall be notified accordingly;

(ii) the requested information is substantially similar or identical to a previous request by the

requesting party, whether the same has been granted or not, in which case the requesting party shall be notified accordingly;

(iii) the requested information is already available on the Supreme Court or the OCA website, in which case the requesting party shall be notified accordingly and provided with the website link where the information is posted, if known;

(iv) the requested information refers to another government agency, in which case the requesting party shall be notified accordingly and provided with the contact details of that office, if known;

(v) the reason for the request is contrary to laws, rules or regulations, in which case the requesting party shall be notified accordingly;

(vi) the requested information is specifically provided by this Rule to be inaccessible, unavailable or non-disclosable to the public, in which case the requesting party shall be notified accordingly.

Denial of the request may be wholly or partially, clearly setting forth the ground/s for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed denial of request to information.

c. **Referral** – if the records or information requested refer to another office within the Judiciary, the request shall be immediately referred to such proper office through the most expeditious manner and the requesting party shall be notified accordingly and provided with the contact details of that office.

Sec. 17. Return to the Requesting Party. – In case the request, through the AIRF, or other modes of requesting information fails to substantially comply with the requirements as provided for in this Rule, the concerned office shall return the request form and require the requesting party to comply with the same in writing.

V – REMEDIES

Sec. 18. Motion for Reconsideration. – (a) Where a request for access to information has been denied, the requesting party may have recourse to an appeal to the Supreme Court. The appeal shall be in writing, signed by the requesting party, citing the ground for the

appeal, with copies of the request for information and the notice of denial attached, and shall be filed within fifteen (15) calendar days from receipt of the notice of denial or from the lapse of the period to respond to the request. Any motion filed beyond the said period shall be denied. The motion for reconsideration may be filed in the same manner as the AIRF.

(b) No second motion for reconsideration of the denial of the request shall be entertained.

(c) A denial of the motion for reconsideration by the Court shall be final and immediately executory.

VI – FEES AND UNDERTAKING

Sec. 19. Assessment and Payment of Fees. – The Office of the Court Administrator shall notify the requesting party in case there shall be payment of fees for the information or document requested. The requesting party, based on the fees assessed, shall pay the fees to the Cashier's Office of the Court who shall issue the proper receipt therefor to said requesting party.

No information or record shall be released until the fees have been paid in full.

Sec. 20. Waiver. – The Republic of the Philippines and its agencies and instrumentalities are exempt from the payment of the prescribed fees. Government-owned or controlled corporations as well as the local governments are not exempt from paying the fees fixed under this Rule.

Supreme Court officials and employees are exempt from payment for information or records requested on a case-to-case basis to be determined by the information custodian and as approved by the Chief of Office.

The Chief of Office may waive, in whole or in part, payment of the prescribed fees in meritorious cases.

VII – ADMINISTRATIVE LIABILITY

Sec. 21. Non-compliance with the Rule on Access to Information – Failure of the officials and employees of the Supreme Court to comply with the provisions of this Rule shall be a ground for administrative disciplinary action.

Sec. 22. Administrative Offenses and Penalties. – The following acts shall constitute administrative offenses and shall be penalized accordingly:

a. **Light Offenses**

(1) Failure to act promptly on letters and requests for official records or information officially under their custody within the prescribed period.

First Offense – Reprimand

Second Offense – Suspension of one (1) day to thirty (30) days; and

Third Offense – Dismissal from the service.

(2) Violation of reasonable office rules and regulations through negligent acts resulting in the unauthorized disclosure of information officially under his/her custody or known to him/her by reason of his/her office.

First Offense – Reprimand

Second Offense – Suspension of one (1) day to thirty (30) days; and

Third Offense – Dismissal from the service.

b. **Less Grave Offenses**

(1) Gross violation of existing civil service law and rules of serious nature such as the unauthorized disclosure of information officially under his/her custody or known to him/her by reason of his/her office.

First Offense – Suspension of one (1) month and one (1) day to six (6) months; and

Second Offense – Dismissal from the service.

(2) Simple neglect of duty resulting in the disclosure of information officially under his/her custody or known to him/her by reason of his/her office.

First Offense – Suspension of one (1) month and one (1) day to six (6) months; and

Second Offense – Dismissal from the service.

c. **Grave Offenses**

(1) Disclosing or misusing confidential information officially under his/her office or obtained by him/her under this Rule to further

his/her private interests or give undue advantage to anyone or to prejudice the public.

- First Offense – Suspension of six (6) months and one (1) day to one (1) year; and
- Second Offense – Dismissal from the service.

(2) Knowingly accessing any computer or intentionally interfering in a computer system used by the Court without authorization or exceeding authorized access, and by means of that conduct obtaining or stealing information.

- First Offense – Dismissal from the service.

The filing of administrative proceedings shall be without prejudice to the criminal prosecution of the official or employee involved as provided for by law.

Sec. 23. Procedure. – The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Rule.

Sec. 24. Contempt of Court. – Any disclosure in violation of the rule on confidentiality shall constitute indirect contempt of court and shall be dealt with accordingly. Any false statement or information provided in the Access to Information request and its accompanying documents shall also be treated as indirect contempt and dealt with accordingly.

VIII – PUBLICATION AND EFFECTIVITY

Sec. 25. Publication on Supreme Court and Office of the Court Administrator Website. – This Rule shall be published and maintained at the Supreme Court and OCA Website.

Sec. 26. Effectivity Clause. – The Rule shall take effect fifteen (15) days after publication in a newspaper of general circulation in the Philippines.

3 November 2017

JOSE MIDAS P. MARQUEZ
Court Administrator

Annex "A"

(A) Non-disclosable information by provision of law include the following:

- a. The identity of parties in child and family cases, unless disclosure is authorized by the Supreme Court;
- b. The contents of records, books, and papers relating to adoption cases filed with the Supreme Court, unless disclosure of certain information is authorized by the Court to a third person if such is found necessary for purposes connected with or arising from the adoption and will be for the best interest of the adoptee. In the latter case, the Court may impose restrictions on the use of the information;
- c. Information that must be kept secret in the interest of national defense or security or the conduct of foreign affairs;
- d. Information the disclosure of which would put the life and safety of an individual in imminent danger;
- e. Information that fall within the concepts of established privilege;
- f. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- g. Information that would disclose investigatory records compiled for law enforcement purposes, or which would (i) interfere with enforcement proceedings, (ii) deprive a person of his/her right to a fair trial or impartial adjudication, (iii) disclose the identity of a confidential source and confidential information furnished only by the confidential source; or (iv) unjustifiably disclose investigative techniques and procedures;
- h. Information the disclosure of which would likely frustrate the implementation of a proposed official action, except when the Court has already disclosed the content or nature of the proposed action to the public, or where the Court is required by law to make such disclosure on its own initiative prior to taking final official action on the proposal; and

- i. All other information specifically provided by law to be inaccessible, unavailable or non-disclosable to the public.

(B) Non-disclosable information under the Rule on Access to Information shall include the following:

- a. Contents of the statements of assets, liabilities and net worth and the disclosure of business interests and financial connections when such statements or any item of information entered therein shall be requested or used for (1) any purpose contrary to morals or public policy; or (2) any commercial purpose other than by news and communication media for dissemination to the general public. Information as to whether or not such statements have been filed shall be fully disclosable;
- b. Contents of the 201 Personnel Records of the Members, officials and personnel of the Court when such contents or records or any item of any information contained therein shall be requested by a party other than the person to whom the file pertains. However, the 201 Personnel Records of the Members, officials and personnel of the lower courts shall be fully disclosable when (1) requested by the Court, the Members or chiefs of offices of the Court for official purposes; (2) required, through the appropriate court subpoena duly signed by the Presiding Judge, in a pending criminal or civil case against the official, judge or personnel; and (3) requested, through the appropriate request personally signed by the Ombudsman, in a pending criminal case against the official or judge;
- c. Intra- and inter-agency communications, except when they later on become part of a disclosable record;
- d. Judicial information
 - (1) Agenda, whether in draft or final form;
 - (2) Drafts of minutes;
 - (3) Internal resolutions and portions of the minutes containing such resolutions;
 - (4) Drafts of resolutions, decisions, issuances, memoranda and reports;
 - (5) Contents of records and *rollos* of pending cases, except as to any of the parties or counsel in the case;
 - (6) Contents of administrative complaints and

proceedings against justices of the Court of Appeals and Sandiganbayan, judges of the lower courts and special courts and court personnel, except as respondents of such complaints;

- (7) Contents of reports and recommendations on administrative cases, including medical reports, retirement applications, and those pertaining to the mental or psychological condition of justices, judges and court personnel; and
 - (8) All other information that may in the future be specifically provided by the Court through its issuances, resolutions and decisions as inaccessible, unavailable or non-disclosable to the public;
- e. Information on Bar matters - All information relating to (1) the conduct of the Bar examinations (including the Shari'a Bar Examinations), and activities (a) in the processing of examination notebooks; and (b) prior to the release of examination results; and (2) administrative complaints filed against lawyers;
- f. Medical information - All information relating to the physical, mental and dental condition, including psychiatric and personality evaluation results, of justices, judges and court personnel on file with the Court, except when the interests of public health and safety and judicial service require the disclosure thereof.
- (C) Non-disclosable information on account of privilege and confidentiality¹:**
- a. Court actions such as the result of the raffle of cases and the actions taken by the Court on each case included in the agenda of the Court's session on acts done material to pending cases, except where a party litigant requests information on the result of the raffle of the case, pursuant to Rule 7, Section 3 of the Internal Rules of the Supreme Court;
 - b. Court deliberations or the deliberations of the Members in court sessions on cases and matters pending before the Court;

¹ Court En Banc Resolution dated February 14, 2012, "In Re: Production of Court Records and Documents and the Attendance of Court officials and employees as witnesses under the subpoenas of February 10, 2012 and the various letters for the Impeachment Prosecution Panel dated January 19 and 25, 2012."

- c. Court records which are "predecisional" and "deliberative" in nature, in particular, documents and other communications which are part of or related to the deliberative process, *i.e.*, notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers.
- d. Confidential Information secured by justices, judges, court officials and employees in the course of their official functions, mentioned in (2) and (3) above, are privileged even after their term of office.
- e. Records of cases that are still pending for decision are privileged materials that cannot be disclosed, except only for pleadings, orders and resolutions that have been made available by the court to the general public.
- f. The principle of comity or inter-departmental courtesy demands that the highest officials of each department be exempt from the compulsory processes of the other departments.
- g. These privileges belong to the Supreme Court as an institution, not to any justice or judge in his or her individual capacity. Since the Court is higher than the individual justices or judges, no sitting or retired justice or judge, not even the Chief Justice, may claim exception without the consent of the Court.



Republic of the Philippines
Supreme Court
 Office of the Court Administrator
 Manila

ACCESS TO INFORMATION REQUEST FORM

PART I INFORMATION ON THE REQUESTING PARTY	
COMPLETE NAME OF THE REQUESTING PARTY: <div style="display: flex; justify-content: space-between;"> Last Name Given Name Middle Name </div>	DATE OF REQUEST:
COMPLETE ADDRESS: 	CONTACT DETAILS: Landline: Mobile: Fax: E-mail:
COMPANY/AFFILIATION/ORGANIZATION/SCHOOL and POSITION 	PREFERRED MODE OF COMMUNICATION: For clarification and other matters <input type="checkbox"/> Landline <input type="checkbox"/> E-mail <input type="checkbox"/> Mobile <input type="checkbox"/> Postal Address
TYPE OF GOVERNMENT-ISSUED ID (with photograph and signature) <input type="checkbox"/> Passpost <input type="checkbox"/> Driver's License <input type="checkbox"/> Others, please specify <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID	NAME OF REPRESENTATIVE or GUARDIAN (if applicable) <hr/> ID of Representative: Proof of Authority:
PART II REQUESTED INFORMATION	
DOCUMENT REQUESTED: (Please provide details) 	Date of Document, if known: <input type="checkbox"/> Original copy <input type="checkbox"/> Photocopy <input type="checkbox"/> Certified true copy <input type="checkbox"/> Certified photocopy <input type="checkbox"/> Photographs <input type="checkbox"/> Electronic (CD, DVD)
PURPOSE OF THE REQUEST: (Please be specific) 	
<p>I declare and certify that the information provided in this form is complete and correct. I am aware that giving false or misleading information or using forged documents is a criminal offense. I bind myself and my principal to use the requested information only for the specific purpose stated and subject to such other conditions as may be prescribed by the SUPREME COURT OF THE PHILIPPINES. I understand that the SUPREME COURT OF THE PHILIPPINES, through the Office of the Court Administrator may collect, use and disclose personal information contained in this request.</p>	
Signature of the Requesting Party or Representative/Guardian: 	For Official Use Only Received by: Date: Time:
Date: 	
Remarks: 	