

NPM No. 60-2007

3 December 2007

Ms. MARIA LOURDES M. JOSE
Managing Head
Procurement & Property Department
PHILIPPINE AMUSEMENT AND GAMING CORPORATION
PAGCOR House, 1330 Roxas Boulevard
Ermita, Manila

Re : Public Access to Bid Documents

Dear Ms. Jose:

We refer to your letter dated 10 July 2007 inquiring whether your office can accommodate the written request of a bidder to furnish a copy of the submitted documents of another bidder. The requesting bidder mentioned that the purpose is for documentary evidence for a possible action to question the receipt of said document in the bidding process.

Article III, Section 7 of the 1987 Constitution provides that the right of the people to information on matters of public concern shall be recognized. Access to official records, documents, and papers pertaining to official acts, transactions, or decisions shall be afforded the citizen, subject to such limitations as may be provided by law.

While access to official records may not be prohibited, it may be regulated. Access is subject to reasonable regulation for the convenience of and for order in the office that has custody of the documents.¹ Regulatory discretion must include both the authority to determine what documents are of public concern and authority to determine the manner of access to information.² There is a need to observe the restrictions on disclosure of information such as on matters involving national security, diplomatic or foreign relations, intelligence and other classified information.³

In the instant case, unless the document in question contains classified information, your office cannot prohibit access, inspection, examination or copying of said document. However, your office may exercise discretion to regulate the manner in which such records may be inspected, examined or copied by interested persons.

¹ Baldoza v. Dimaano, 71 SCRA 14, 19, 05 May 1976.

² Bernas, Joaquin G., *The 1987 Constitution of the Republic of the Philippines: A Commentary*, 1996, at 333.

³ Chavez v. PCGG, G. R. 130716, 09 December 1998.

Should you have additional questions, please do not hesitate to contact us.

Very truly yours,



RUBY U. ALVAREZ
Executive Director III