



Republic of the Philippines
Philippine Merchant Marine Academy
San Narciso, Zambales 2205

FREEDOM OF INFORMATION AGENCY MANUAL

Pursuant to EXECUTIVE ORDER NO. 020 s. 2016

Operationalizing in the executive branch the people's constitutional right to information and the state policies to full public disclosure and transparency in the public service and providing guidelines therefor

Approved/~~Disapproved.~~


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Superintendent



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TABLE OF CONTENTS

I. Overview

- i. Title
- ii. Purpose of the Manual
- iii. Structure of the Manual
- iv. Coverage of the Manual
- v. Agency FOI Officers

II. Definition of Terms

III. Scope, Limitations, and Proactive Disclosure

IV. Standard Procedure

- i. Making a Request
- ii. Receipt of Request
- iii. Processing of Request
- iv. Granting of Request

V. Denial of Request

- i. Grounds for Denial
- ii. Remedies for Denial
- iii. Issuance of Denial

VI. Fees

VII. Keeping of Records

VIII. Administrative Sanction

IX. Annexes

- a. Executive Order No. 2
- b. List of Exceptions

- c. FOI Request Form
- d. FOI Response Template (Approved)
- e. FOI Response Template (Denied)
- f. Procedure Flow Chart
- g. FAQ

X. References

SECTION I: OVERVIEW

i. TITLE

Philippine Merchant Marine Academy Freedom of Information Manual

ii. PURPOSE

The Philippine Merchant Marine Academy Freedom of Information Manual provides the process to guide, assist and set out the standard procedure to be followed by the Academy in dealing with requests for information on matters of public concern. This is in compliance to Executive Order No. 02, s. 2016 (**ANNEX A**) on Freedom of Information.

iii. STRUCTURE

This Manual shall set out the rules and procedures of the PMMA for requests received under Executive Order (E.O.) No. 2 (**Annex “A”**). The PMMA Superintendent is responsible for all actions carried out under this Manual and may delegate this responsibility to the Assistant Superintendent for Admin & Finance of the PMMA. The Assistant Superintendent for Admin & Finance, acting as FOI Champion, will delegate officer/s to act as the Decision Maker/s (DM) who shall have overall responsibility for the decision on FOI requests.

iv. COVERAGE

The Manual shall cover all requests for information directed to the PMMA subject to reasonable conditions prescribed by law.

v. FOI Officers

| FOI DESIGNATION | FOI OFFICER | CONTACT DETAILS |
|---------------------------|-----------------------|---|
| FOI Receiving Officer | Harold King M. Umipig | 047-913-3101 foir@pmma.edu.ph |
| FOI Decision Maker | Ronalyn Acuavera | 047-913-4396 loc. 161 foidm@pmma.edu.ph |
| FOI Champion/Focal Person | Sonny Diñoso | 047-913-4396 loc. 135 |

SECTION II: DEFINITION OF TERMS

data.gov.ph - The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.

www.pmma.edu.ph - The official website of the PMMA, where people can download the agency FOI manual with the request form for paper based or manual request and other information, materials, and data on transparency.

eFOI.gov.ph - The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

FOI Appeals and Review Committee - There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Unit Head or its equivalent, designated by the Superintendent of the PMMA, to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Superintendent on the denial of such request.

Exceptions - information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.

FOI Champion - The FOI Champion is in charge of promotion and overseeing the Academy's compliance with Executive Order No. 2.

FOI Request - a written request submitted to a government office personally or by email asking for records. An FOI request can generally be made by any Filipino to any government office.

FOI Decision Maker - There shall be an FOI Decision Maker (FDM), designated by the SUPERINTENDENT, with a rank not lower than a Unit Head or its equivalent. The FDM shall conduct evaluation of the request and has the authority to grant or deny the request.

FOI Receiving Officer - The PMMA shall designate an FOI Receiving Officer (FRO) preferably coming from the ITS. The FRO receives the request, evaluates the form, recommend action to the FDM, and notify the requesting party of any action to the request whenever available. The FRO also checks if information is already disclosed in the Academy's Official website, foi.gov.ph or at data.gov.ph. The FRO monitors and tracks all requests and complies statistical information as necessary.

Full Denial - when the Academy or any of its offices cannot release any records in response to an FOI request, because, for example, the requested information is exempted from disclosures in its entirety or no records responsive to the request could be located.

Full Grant - when a government office is able to disclose all records in full in response to a FOI request.

Information - 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.

Official Record/s - 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

Open Data - Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

Partial Grant/Partial Denial - when a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

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.

Public Record/s - includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office

Referral - When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

Requesting Party - shall refer to the person/organization who makes an official request for access to information

SECTION III: SCOPE, LIMITATIONS, AND PROACTIVE DISCLOSURE

SCOPE OF APPLICATION

This manual shall govern all requests for information from the Philippine Merchant Marine Academy.

LIMITATIONS

i. Sensitive Personal Information

Requests for information that would constitute an unwarranted invasion to a person's privacy will be denied. However, the requesting party can be provided access to such personal information if the official/personnel have consented, in writing, to the disclosure of information.

As defined in the Data Privacy Act of 2012, sensitive personal information shall refer to personal information:

- (1) About an individual health, education, genetic or sexual life of 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;
- (2) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security 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.

ii. Restricted Documents

Information classified or marked as restricted documents in a legal proceeding (e.g. appealed cases, orders and resolutions pertaining to employees and officials of the Academy)

iii. Confidential Documents

The information is classified or marked as confidential documents (e.g. investigation reports against officials, employees and/or cadets/cadettes)

iv. List of Exceptions

Type of information requested is listed under the List of Exceptions (**Annex “B”**) as specified under Executive Order No. 2. The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:

- (1) Information covered by Executive privilege;
- (2) Privileged information relating to national security, defense or international relations;
- (3) Information concerning law enforcement and protection of public and personal safety;
- (4) Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- (5) Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
- (6) Prejudicial premature disclosure;
- (7) Records of proceedings or information from proceedings, which pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
- (8) Matters considered confidential under banking and finance laws, and their amendatory laws; and
- (9) Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

v. Files of employees

Files that reveal personal information such as address and contact details

PROACTIVE DISCLOSURE

Information made publicly available by government agencies without waiting for a specific FOI request. The PMMA posts on its website and other online platforms a various information such as:

- (1) Budgetary and Financial Records

- Approved Budget under General Appropriations
- Financial Statements
- Financial Reports

(2) Administrative Records

- PMMA Organizational Chart and Structure
- Mandate, Mission, and Vision
- Office Directory
- Citizen's Charter
- Job Vacancies
- Memorandum Circular
- Office and Department Orders

(3) Public Bidding Documents

(4) Programs and Projects

- List of Projects
- Accomplishment and Technical Reports
- Status of Projects

SECTION IV: STANDARD PROCEDURE

Upon the establishment of an FOI system, the PMMA must accomplish the request within fifteen working days (15) following the date of receipt of the request. If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, or the occurrence of fortuitous events, the FDM may extend the accomplishment of the request for another twenty (20) working days.

DAY 1: FRO to conduct an initial evaluation of the request

DAY 5 – 14: *(if the request is approved by FRO)* FDM to act on request

DAY 15: FDM to notify Requesting Party if request is accomplished, denied, or needs extension

i. Making a Request

PAPER-BASED REQUEST - A written request must be submitted by the Requesting Party by filling out a Request Form (**Annex "C"**), available in the FRO office and which may be downloaded from www.pmma.edu.ph. The form may be accomplished manually (walk-ins) or electronically. In case of e-mail, the Requesting Party must send a scanned accomplished copy of the PMMA Request Form.

ELECTRONIC REQUEST – The requesting party can use the eFOI platform in making a request by visiting foi.gov.ph. The requestor will be required to create an account for new users and provide the necessary information. Once logged in, click the Make Request button and select the desired agency name (PMMA). The requestor will be directed to the Make a Request page and fill up the required fields from the portal. Once sent the request will be forwarded to the FRO for immediate processing.

A. The request shall contain/state the following information:

- Date of Request
- Name of the Requesting Party
- Mailing Address
- Contact Number (landline and cellphone)
- Email address, if any
- Type of information requested
- Purpose of Request
- Signature of the Requesting Party

B. The Requesting Party shall present at least one (1) government-issued ID with picture and signature of bearer.

- GSIS/SSS ID
- Voter's ID
- Passport

- Driver's License
 - PRC ID
 - Senior Citizen's ID
 - Postal ID
 - Philhealth ID
- C** If the Requesting Party is asking for public information on behalf of someone else, he/she must submit an authorization letter or Special Power of Attorney.
- D.** Students shall be required to present a Student ID or Registration Form for the current Academic Year with an endorsement letter from Dean, Professor, or Adviser.
- E** All requests must be in writing. If the Requesting Party is illiterate, has a disability, or a senior citizen who is unable to complete a written request, the FRO shall assist him or her in accomplishing the request form.

ii. Receipt of Request

- A. Walk-in** - The request shall be stamped "RECEIVED" by the FRO, indicating the date and time of the receipt of the request, and the name and position of the public officer who received it with corresponding signature. After which, a stamped copy shall be furnished to the Requesting Party. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- B. Electronic** – An acknowledgement electronic mail shall be sent to the Requesting Party. Day 1 of processing shall commence upon acknowledgment of request.

iii. Processing of Request

The processing of a request shall not exceed fifteen (15) working days from receipt of a request. Processing shall commence upon acknowledgment of request by the FRO. If the request was emailed to FRO or FDM on leave, an 'out of office' message with instructions on how to re-direct the message to another contact is required.

If the information is already available in the agency website, e-FOI portal, or Open Data portal, the FRO shall immediately inform the Requesting Party that the information requested may be accessed online.

- A.** The processing period may be **extended** beyond 15 days if:
- There is a need for extensive search in the PMMA's records facilities or examination of voluminous records;

- There are fortuitous events (e.g. typhoon, suspension of office) or other similar circumstances
- Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.
- The information requested is related to records that are part of a court proceeding

In such cases, the FDM shall notify the Requesting Party of a need for extension.

- B. In the event that the information requested is not under the custody of the PMMA, the FRO, upon the recommendation of the FDM, shall advise the Requesting Party or his authorized representative to file the request to the concerned agency or unit.
- C. If the information being requested is no longer available for reason of disposal or no such record is being maintained, a Certification on the non-availability of the document or record shall be provided to the Requesting Party
- D. In case of a full denial of request, the FRO/FDM should immediately notify the Requesting Party so that he/she shall have the option to file for an appeal.

iv. Granting of the Request

- A. The FRO shall conduct an initial evaluation of the request if the request is accepted the FDM shall be responsible for processing the request to information, in close coordination with the Office of the Superintendent.
- B. The FDM shall notify the Requesting Party that the request has been accomplished. A cover/transmittal letter (**Annex "E"**) signed by the FOI Champion shall be forwarded to the Requesting Party for paper-based request/s while request from the eFOI portal will have auto-generated response once the request is accomplished.
- C. A Partial Grant of Request is when a government office is able to disclose only certain portions of the records in response to a FOI request
- D. Reproduction of documents is free of charge. However, if the number of pages exceeds 50, the Requesting Party shall be charged P3.00 per page for reproduction and P2.00 for authentication. An Official Receipt shall be given to the Requesting Party.

SECTION V. DENIAL OF REQUEST

The FRO, upon the instruction of the FDM, shall notify the Requesting Party of the Denial through writing, e-mail, or phone call. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

i. Grounds for Denial

The Request may be denied on these conditions:

- The PMMA does not have the information requested
- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
- The information requested falls under the list of exceptions to FOI
- There is a similar request made by the same Requesting Party previously granted or denied by the PMMA

ii. Remedies for Denial

A person whose request for access to information has been denied may avail of the remedy set forth below:

- A. Administrative FOI Appeal to the PMMA Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial.

The appeal shall be decided by FOI Champion the upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

- B. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

iii. Issuance of Denial

All notices of denial (**Annex “D”**) shall be issued by the FRO, upon instructions of the FDM, within fifteen (15) working days from the acknowledgement of request. Notice may be issued personally, by e-mail or through eFOI portal.

SECTION VI. FEES

1. **No Request Fee.** The PMMA shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The FDM shall immediately notify the requesting party in case there shall be a reproduction and copying fee. Such fee shall be the actual amount spent by the PMMA in providing the information to the requesting party.
3. **Exemption from Fees:** The PMMA may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION VII. KEEPING OF RECORDS

The PMMA shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

i. Request Tracking System. The PMMA shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

ii. Records Keeper. The PMMA shall delegate a personnel in-charge of filing and keeping records

iii. Records Format. The following are considered records for the purpose of this Manual:

- **Hard copy** – public records, reports, minutes of meetings, papers, periodicals, books or other items, articles or materials
- **Soft Copy** – information in electronic form, including but not limited to documents, signatures, seals, texts, images, sounds, speeches, or data compiled, created, received, recorded, or stored by means of any recording device, process, computer or other electric devise or process in the conduct of an office’s affairs
- **Web-based** – information prepared, processed, or stored online and which can be shared to any type of computer device.

SECTION VIII. ADMINISTRATIVE SANCTIONS

1. **Non-compliance with the FOI.** Failure to comply with any of the provisions of this manual shall be a ground for an administrative sanction. In case of finding of guilt, the following penalties shall be imposed:

1st Offense - Reprimand

2nd Offense - Suspension of one (1) to thirty (30) days

3rd Offense - Dismissal from service

2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provided for more stringent penalties.

SECTION IX. ANNEXES

ANNEX A - EXECUTIVE ORDER NO. 2

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

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;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Definition. For the purpose of this Executive Order, 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 record/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 record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch,

including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of subsection (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including

actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds 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 stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

ANNEX B – LIST OF EXCEPTIONS

**Office of the President
Of the Philippines
Malacañang**

MEMORANDUM FROM THE EXECUTIVE SECRETARY

TO: All Heads of Departments, Bureaus and Agencies of the National/Local Governments Including Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and All Others Concerned

SUBJECT: **INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (5. 2016)**

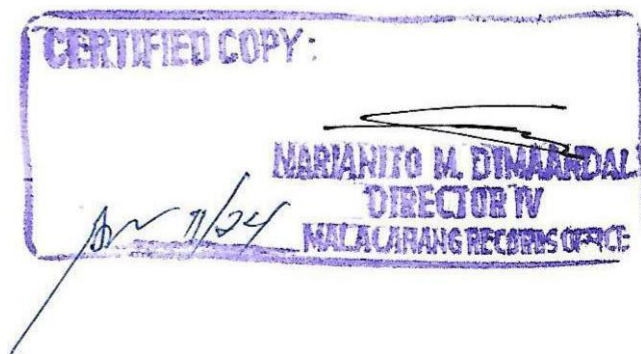
DATE: 24 November 2016

Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns. For your information and guidance.

SALVADOR C. MEDIALDEA



Exceptions to Right of Access to Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence: ¹

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

¹ These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;² and
 - b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;⁵
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and

² This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

³ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

⁴ Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

⁵ *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

⁶ *Akbayan v. Aquino*, *supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

- c. Patent applications, the publication of which would prejudice national security and interests;⁷
- 3. Information concerning law enforcement and protection of public and personal safety:
 - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;⁸
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;⁹
 - c. When disclosure of information would put the life and safety of an individual in imminent danger:"?
 - d. Any information given by informants leading to the recovery of car napped vehicles and apprehension of the persons charged with car napping; ¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon; ¹²
- 4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
 - a. Information of a personal nature where disclosure would constitute

⁷ The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

⁸ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

⁹ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

¹⁰ Section 3(b), Rule IV, Rules on CCESPOE.

¹¹ Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

¹² Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

a clearly unwarranted invasion of personal privacy,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:¹⁸

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security 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

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual" and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²⁰

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of

¹³ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁴ Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers 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 [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

¹⁵ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603]. ¹⁶ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Big. 232].

¹⁷ Medical and health records are considered as sensitive personal information pursuant to Section 3(1)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016- 0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

¹⁸ Section 3(1), *Data Privacy Act of 2012*.

¹⁹ Article 26(2), *Civil Code*.

²⁰ Section 11, *Data Privacy Act of 2012*.

the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;²³
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁴
 - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;²⁵
 - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;²⁶
 - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;²⁷
 - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁸
 - (7) names of victims of child abuse, exploitation or discrimination;²⁹

²¹ Section 4, *Data Privacy Act of 2012*.

²² *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

²³ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁴ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344). ²⁵ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁶ Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

²⁷ Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

²⁸ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

²⁹ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

(8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;"

(9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹

(10) names of students who committed acts of bullying or retaliation;³²

(11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and ³³

(12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁴

5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:

- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁵
- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁶

³⁰ Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

³¹ Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

³² Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³³ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

³⁴ Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁵ Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Big. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

- c. Records and reports submitted to the Social Security System by the employer or member;³⁷
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁸
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;³⁹
- f. Applications and supporting~ documents filed pursuant to the Omnibus Investments Code of 1987;⁴⁰
- g. Documents submitted through the Government Electronic Procurement System;⁴¹
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the Electronic Commerce Act of 2000;⁴²
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the Philippine Mining Act of 1995 and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴³
- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;"

³⁶ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

³⁷ Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282). ³⁸ Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁹ Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to welldefined limitations under the PCA.

⁴⁰ Section 81, EO No. 226 (s. 1987), as amended.

⁴¹ Section 9, *Government Procurement Reform Act* (RA No. 9184). ⁴² Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴³ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

⁴⁴ Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments - Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

- k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;⁴⁵
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁶
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁴⁷
 - n. Information on registered cultural properties owned by private individuals;⁴⁸
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁴⁹ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals."
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal. ⁵¹
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

⁴⁵ Section 9 c(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁴⁶ Section 10, *Safeguard Measures Act*.

⁴⁷ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

⁴⁸ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066). ⁴⁹ CHED

Memorandum Order No. 015-13, 28 May 2013.

⁵⁰ Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No.10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

⁵¹ Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*,⁵²
- b. Matters involved in an Investor-State mediation;⁵³
- c. Information and statements made at conciliation proceedings under the *Labor Code*.⁵⁴
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁵
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto.⁵⁶
- f. *Information related to investigations which are deemed confidential under the Securities Regulations Code*;⁵⁷
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁸
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁵⁹
- i. Investigation report and the supervision history of a probationer;"
- j. Those matters classified as confidential under the *Human Security Act of 2007*.⁶¹

⁵² Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁵³ Article 10, International Bar Association Rules for Investor-State Mediation. ⁵⁴ Article 237, *Labor Code*.

⁵⁵ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁵⁶ Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁵⁷ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁵⁸ Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

⁵⁹ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016. ⁶⁰ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶¹ Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

ANNEX C – FOI REQUEST FORM

This document may be reproduced
and is NOT FOR SALE

FOI Tracking Number:



FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016)
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◀) denotes a MANDATORY field.

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr, Mrs, Ms, Miss)

2. Given Name/s (including M.I.)

3. Surname

◀ _____

◀ _____

4. Complete Address (Apt/House Number, Street, City/Municipality, Province)

◀ _____

5. Landline/Fax

6. Mobile

7. Email

◀ _____

8. Preferred Mode of Communication Landline Mobile Number Email Postal Address

(If your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply

Email Fax Postal Address Pick-Up at Agency

10. Type of ID Given (Please ensure your IDs contain your photo and signature)

Passport Driver's License SSS ID Postal ID Voter's ID
 School ID Company ID Others _____

B. Requested Information

11. Agency - Connecting Agency (if applicable)

◀ _____

◀ _____

12. Title of Document/Record Requested (Please be as detailed as possible)

◀ _____

13. Date or Period (DD/MM/YY)

◀ _____

14. Purpose

◀ _____

15. Document Type

◀ _____

16. Reference Numbers (if known)

◀ _____

17. Any other Relevant Information

◀ _____

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature ◀ _____

Date Accomplished (DD/MM/YYYY) ◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) ◀ _____

Agency - Connecting Agency (if applicable, otherwise N/A) ◀ _____ ◀ _____

Date entered on eFOI (if applicable, otherwise N/A) ◀ _____

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name) ◀ _____

Decision Maker Assigned to Application (print name) ◀ _____

Decision on Application Successful Partially Successful Denied Cost
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY) ◀ _____

Date Documents (if any) Sent (DD/MM/YYYY) ◀ _____

FOI Registry Accomplished Yes No

RO Signature ◀ _____

Date (DD/MM/YYYY) ◀ _____

ANNEX D – FOI RESPONSE TEMPLATE (DENIED)



Republic of the Philippines
Philippine Merchant Marine Academy
San Narciso, Zambales



PMMA – Main Site
PMMA Complex,
Brgy. Natividad,
San Narciso, Zambales,
2205 Philippines
Tel: (047) 913-4396

Date

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your Request

You asked for <quote request>

Response to your Request

Your FOI Request is DENIED because it falls under <state reason of denial>. If you would like to appeal this denial, you may submit an appeal within fifteen (15) days from the receipt of this letter.

Thank you!

Respectfully,

FOI Receiving Officer

Approved by:

FOI Decision Maker

FOI Champion

PMMA – Training Center
2nd Floor, Knights of Rizal Building, Port
Area, Bonifacio Drive, Anda Circle,
Manila, Philippines
Tel: (02) 523 0451
Training Center

PMMA-Graduate school
5544 Boyle Street, Brgy Palanan, Makati
City, Philippines

Email Acct:
pmmagraduateschool@gmail.com
Graduate School
www.pmma.edu.ph

**PMMA Freedom of
Information**

Notice of Denial
No. 01 S. 2019

Page 35 of 40

Rev_091919

ANNEX E – FOI RESPONSE TEMPLATE (APPROVED)



Republic of the Philippines
Philippine Merchant Marine Academy
San Narciso, Zambales

Date

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your Request

You asked for <quote request>

Response to your Request

Your FOI Request is APPROVED. Enclosed is the copy of <requested information>
Thank you!

Thank you!

Respectfully,

FOI Receiving Officer

Approved by:

FOI Decision Maker

FOI Champion



PMMA - Main Site
PMMA Complex,
Brgy. Natividad,
San Narciso, Zambales,
2205 Philippines
Tel: (047) 913-4396

PMMA - Training Center
2nd Floor, Knights of Rizal Building, Port
Area, Bonifacio Drive, Anda Circle,
Manila, Philippines
Tel: (02) 523 0451
Training Center

PMMA-Graduate school
5544 Boyle Street, Brgy Palanan, Makati
City, Philippines

Email Acct:
pmmagraduateschool@gmail.com
Graduate School
www.pmma.edu.ph

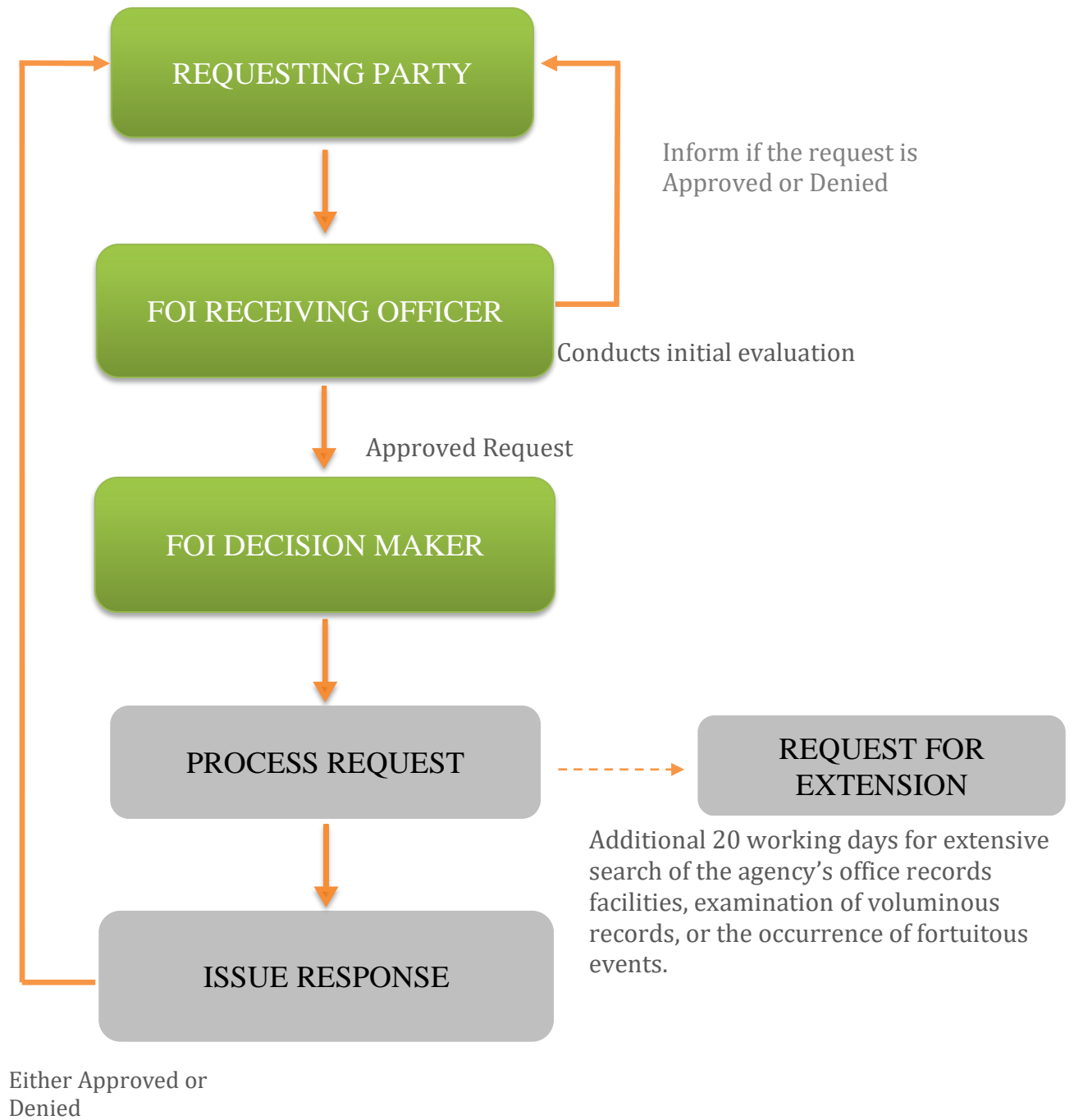
**PMMA Freedom of
Information**

Notice of Denial
No. 01 S. 2019

Page 36 of 40

Rev_091919

ANNEX F – PROCEDURE FLOW CHART



ANNEX E – FAQ's

1. **What is Freedom of Information or FOI?**

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism, which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security. The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. **What is Executive Order No. 2 S. 2016?**

Executive Order No. 2 (EO 2) is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service. EO 2 is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency. FOI is an integral element President Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance. EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. **Who oversees the implementation of EO 2?**

The Presidential Communications Operations Office (PCOO) oversees the implementation and operationalization of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

4. **Who can make an FOI request?**

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. **What can I ask for under EO on FOI?**

Information, official records, public 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.

6. **What agencies can we ask information?**

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs). FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. **How do I make an FOI request?**

(1) The requestor is to fill up a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.

(2) If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.

(3) The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.

(4) The request shall be forwarded to the officials involved to locate the requested information.

(5) Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.

(6) If necessary, the head of the agency shall provide clearance to the response.

(7) The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request. If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee. If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee. If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION X. REFERENCES

EXECUTIVE ORDER NO. 020 s. 2016. Operationalizing in the executive branch the people's constitutional right to information and the state policies to full public disclosure and transparency in the public service and providing guidelines therefor

- *Freedom of Information Model People's Manual*
- *People's Freedom of Information (FOI) Manual of the Office of the President – Proper*
- *President Ramon Magsaysay State University - Freedom of Information Manual*
- *Department of Information and Communications Technology (DICT) People's Freedom of Information Manual*
- *COMMISSION ON HIGHER EDUCATION (CHED) Freedom of Information Manual*