



Republic of the Philippines
BULACAN AGRICULTURAL STATE COLLEGE
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FREEDOM OF INFORMATION MANUAL

**PURSUANT TO EXECUTIVE ORDER NO. 02, SERIES OF 2016
OPERATIONALIZING IN THE EXECUTIVE BRANCH OF THE PEOPLE'S
CONSTITUTIONAL RIGHT TO INFORMATION AND
REPUBLIC ACT 11032 OR THE EASE OF DOING BUSINESS
AND EFFICIENT GOVERNMENT SERVICE DELIVERY ACT OF 2018**

**APPROVED BY THE BOARD OF TRUSTEES
DURING THE 90th REGULAR MEETING, SEPTEMBER 2, 2020**



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SECTION 1: OVERVIEW

Purpose of the Manual: The purpose of this Bulacan Agricultural State College Freedom of Information Manual (BASC FOI Manual, for brevity) is to provide the process to guide and assist the BULACAN AGRICULTURAL STATE COLLEGE (BASC, for brevity) and its campuses, in dealing with requests of information received under Executive Order (E.O.) No. 2, Series of 2016 on Freedom of Information (FOI) – **(Annex “A”)**

Structure of the Manual: This BASC FOI Manual shall set out the rules and procedures to be followed by BASC and its campuses when a request for access to information is received. The College President shall be responsible for all actions carried out under this BASC FOI Manual and may delegate this responsibility to the Vice Presidents and the respective Campus Directors/ Campus Deans. The College President or the duly designated Vice Presidents, Campus Directors/ Campus Deans, may delegate a specific officer to act as the Decision Maker (DM) who shall have overall responsibility for the initial decision on FOI request, (i.e. to decide whether to release all the records, partially release the records or deny access).

Coverage of the Manual: The BASC FOI Manual shall cover all requests for information directed to BASC and its campuses. **(Annex “B”)**

FOI Receiving Officer: There shall be an FOI Receiving Officer (FRO) designated at the BASC. The FRO shall preferably come from the Public Assistance or Information Office, or its equivalent, of the SUCs. The FRO shall hold office at the Records Section Department.

The functions of the FRO shall include receiving on behalf of the BASC and its campuses, all requests for information. The FRO shall maintain a logbook of all requests chronologically received for accountability purposes.

While the FRO is the person responsible for receiving requests for information it shall be the College Records Officer that Certifies the veracity of records requested by the concerned party.

The request shall be forwarded to the appropriate person/ office that has custody of the records. The FRO shall monitor all FOI requests and appeals, provide assistance to the FOI Decision Maker (FDM), provide assistance and support to the public and staff with regard to FOI, compile statistical information as required, and conduct an initial evaluation of the request. Upon the completion of the evaluation within the period set in EO No. 02, series of 2016. The FRO shall advise the requesting party whether



the request will be forwarded to the FOI Decision Maker (FDM) for further evaluation, or deny the request based on:

The BASC campuses, other than the main campus where the administration building is located, shall assign their respective FROs.

FOI Decision Maker: There shall be an FOI Decision Maker (FDM), designated by the College President, with a rank of not lower than a Division Chief or its equivalent, who shall evaluate the request for information and has the authority to grant the request, or deny it based on the following:

- A. That BASC does not have the information requested.
- B. That the information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- C. That the information requested falls under the list of exceptions to FOI; or
- D. That the request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by BASC.

Central 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 Director or its equivalent, designated by the College President to review and analyze the grant or denial of the request for information. The Committee shall also provide expert advice to the College President on the denial of such a request.

Approval and Denial of Request for Information: The FDM shall approve or deny all requests for information. In the case where the FDM is on official leave, the College President may delegate such authority to any of the Vice-Presidents, Campus Director, and/ or College Dean concerned.

SECTION 2: DEFINITION OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made to their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.



ANNUAL FOI REPORT. A report is to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests received, processed, and pending at each government office.

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation”.

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

FOI.gov.ph. The website serves as the government’s comprehensive FOI website for all information on the FOI. Among other features, FOI.gov.ph provides a central resource for the public to understand the FOI, locate records that are already available online, and learn how to make a request for information that is not yet publicly available. FOI.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.

EXCEPTIONS. Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws, or jurisprudence. (*Annex “C”*)

FREEDOM OF INFORMATION (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI CONTACT. The name, address, and phone number of each government office where you can make a FOI request

FOI REQUEST. A written request submitted to a government office personally or by email, asking for records on any topic. An FOI request can generally be made by any Filipino to any government office.

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.



FREQUENTLY REQUESTED INFORMATION. Info released in response to an FOI request that the agency determines has become or is likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the AGENCY or any of its offices, bureaus, or agencies cannot release any records in response to an FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When a government office can disclose all records in full in response

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 according to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

INFORMATION FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules, or revisions affecting the public, government agencies, the community, and the economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, this type of information can already be posted to government websites, such as data.gov.ph, without the need for written requests from the public.

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis.

NO WRONG DOOR POLICY. Shall refer to guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by any other government agencies under the Executive Branch.

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.



OPEN DATA. Refers to the 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 can disclose portions of the records in response to a FOI request, but must deny other portions of the request.

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time, including requests that are well within the statutory response time.

PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

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.

PROACTIVE DISCLOSURE. Information is made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

PUBLIC RECORDS. Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

PUBLIC SERVICE CONTRACTOR. Shall be defined as a private entity that has a dealing, contract, or transaction, or whatever form or kind, with the government or a government agency or office that utilizes public funds.

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or Administrative appeals that an agency has received within a fiscal year.

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."



SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, 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 of a person, or to any proceedings for any offense committed or alleged to have been 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 is 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.

SIMPLE REQUEST. An FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

Duty to Publish Information. The BASC and its campuses shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision-making process;
- b. A description of frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;



- e. Important rules and regulations, orders or decisions;
- f. Current and important databases and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

Accessibility of Language and Form. The BASC and its campuses shall endeavor to translate key information into major Filipino languages and present it in a popular form and means.

Keeping Records. The BASC and its campuses 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.

SECTION 4. PROTECTION OF PRIVACY

While providing for access to information, the BASC and its campuses shall afford full protection to a person's right to privacy, as follows:

- a. The BASC and its campuses shall ensure that personal information, particularly sensitive personal information, in their custody or under their control is disclosed only as permitted by existing laws;
- b. The BASC and its campuses shall protect personal information in their custody or under their control by making reasonable security arrangements against unauthorized access, leaks, or premature disclosure;
- c. The FRO, FDM, or any employee or any official who has access, whether authorized or unauthorized, to personal information in the custody of BASC and its campuses shall not disclose that information except as authorized by existing laws.



SECTION 5. STANDARD PROCEDURE

1. Receipt of Request for Information. (*Annex “E”*)

1.1 The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance with the following requirements:

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (*Annex “E-2”*)

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI application request and a copy of a duly recognized government ID with a photo.

1.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with a disability, he or she may make an oral request, and the FRO shall reduce it in writing.

1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by email. The FRO inputs the details of the request on the Request Tracking System and allocates a reference number.

1.4 The BASC and its campuses must respond to requests promptly, not longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received.

A working day is any day other than a Saturday, Sunday, or a day which is declared a national public holiday in the Philippines. In computing for the period Art 13 of the New Civil Code shall be observed.



The date of the receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member or staff; and
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

1.5 For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical application, the prescribed processing time shall in no case be longer than twenty (20) working days or as determined by the government agency or instrumentality concerned, whichever is shorter.

The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the BASC Citizens' Charter. Before the lapse of the processing time, the FRO shall notify the applicant or requesting party in writing of the reason for the extension and the final date of release of the government service/s requested. Such written notification shall be signed by the applicant or the requesting party to serve as proof of notice.

In cases where the cause of delay is due to force majeure or natural or man-made disasters, which result to damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated shall be suspended and appropriate adjustments shall be made.

2. Initial Evaluation. After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Request relating to more than one office other than BASC: If a request for information is received which requires to be complied with, of different attached agencies, bureaus and offices, the FRO shall forward such request to the said attached agency, bureau and office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clarify with the respective FROs of such agencies, bureaus and offices that they will only be provided the specific information that relates to their agencies, bureaus, and offices.



2.2. Requested information is not in the custody of BASC and its campuses: If the requested information is not in the custody of the BASC and its campuses, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- i. If the records requested refer to another department, agency, division or office, the requested will be immediately transferred to such appropriate department, agency, division or office through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the prescribed working day limit. The prescribed working day requirement for the receiving office commences the day after it receives the request.
- ii. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.3. Requested information is already posted and available online: Should the information being requested already be posted and publicly available on the BASC's website (www.basc.edu.ph), or data.gov.ph, or foi.gov.ph, the FRO shall be denied. However, the FRO shall inform the applicant of the reason for such denial.

2.4. Requested information is substantially similar or identical to the previous request: Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason for such denial.

3. Transmittal of Request by the FRO to the FDM: After receipt of the request for information, the FRO shall evaluate the information being requested and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time, and name of the FDM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

4. Role of FDM in processing the request: Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested is submitted to the FRO within the prescribed days upon receipt of such request.



The FRO shall note the date and time of receipt of the information from the FDM and report to the College President or Vice-Presidents and the Campus Director/ Campus Dean concerned, in case submission is beyond the prescribed day period.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party, who will be advised to answer the clarificatory questions within three (3) working days from receipt of notice either personally, through e-mail, landline, or mobile number. The requesting party, at his/ her option, should respond to the clarificatory questions either through email, personally, landline, or mobile number; otherwise, the request shall not be acted upon. The clarification shall stop the running of the prescribed working day period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. Role of FRO to transmit the information to the requesting party:

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the College President or Vice Presidents and the Campus Directors/ Campus Deans concerned and ensure the transmittal of such to the requesting party within the prescribed working days upon receipt of the request for information.

6. Request for an Extension of Time: If the information requested requires an extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events, or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed the same prescribed working days to act on the request, unless exceptional circumstances warrant a longer period.

Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and the final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice.

7. Notice to the Requesting Party of the Approval/Denial the Request:

Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the College President or his duly designated Vice-Presidents, Campus Directors or Campus Deans for final approval.



8. Approval of Request: In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

9. Denial of Request: In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall 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 provided shall be deemed a denial of the information request. All denials on FOI requests shall pass through the College President or his designated officer (Vice-Presidents and the Campus Directors/ Campus Deans concerned).

10. No Wrong Door Policy (FOI Memorandum Circular No. 21-05)

To ensure that all requests for information under Executive Order (EO) No. 2, s. 2016 are properly addressed and to prevent the misdirection or non-acceptance of such requests, the "No Wrong Door Policy" is hereby established. This policy mandates that if a government agency (GA1) receives an FOI request that pertains to information not within its custody or control, but is believed to be held by another government agency (GA2 or GA3), GA1 shall, within three (3) working days upon receipt, immediately refer the request to the appropriate government agency.

Upon referral, the receiving agency (GA2 or GA3) shall process the request within the remaining period to respond as prescribed by EO No. 2, s. 2016. No new or fresh period for response shall commence upon referral.

In cases where GA1 erroneously refers a request to GA2, and GA2 determines that the information is not within its custody or control, GA2 shall immediately notify the requesting party and, if possible, identify the correct government agency that holds the requested information.

If the initial referral by GA1 is deemed improper, and the request is subsequently referred to another government agency (GA3) by GA2, the period for GA3 to act on the request shall be considered a "Second Referral," and another fresh period for response shall not apply.

This "No Wrong Door Policy" aims to streamline the FOI request process, ensuring that requesting parties are not unduly burdened by identifying the precise agency holding the information and that all valid FOI requests are acted upon efficiently within the prescribed timelines.



- **Obligation to Refer:** Government agencies have a responsibility to refer misdirected FOI requests to the correct agency within a specific timeframe (3 working days).
- **No Fresh Period:** The referral process does not restart the response clock for the receiving agency.
- **Notification of Error:** Agencies making erroneous referrals must inform the requesting party.
- **Second Referral:** Subsequent referrals do not grant a new response period.
- **Purpose:** The policy intends to improve efficiency and ensure all valid FOI requests are addressed.

This provision encapsulates the core principles and procedures of the "No Wrong Door Policy" as outlined in the provided *FOI Memorandum Circular No. 21-05. (Annex "D")*

SECTION 6. REMEDIES IN CASE OF DENIAL OF REQUEST

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

Administrative FOI Appeal to the BASC Central Appeals and Review Committee: The written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request. **(Annex "G")**

- a. Denial of the Appeal by the BASC Appeals and Review Committee may be appealed by filing a written appeal to the College President within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
- b. The appeal shall be decided by the College President upon the recommendation of the BASC 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.
- c. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.



SECTION 7. REQUEST FROM THE EFOI PORTAL OF THE GOVERNMENT AND ONLINE INFORMATION REQUESTS

The College shall respond to requests from the EFOI portal of the government and online information requests and shall transmit the response either via email or courier, depending on the nature of the request. The number of processing shall be based on the classification of the information requested. The following are the procedures to be undertaken: (**Annex "F"**)

- a. Received request is entered in the College's Data Tracking System (DTS) for assignment of Tracking/Code Number.
- b. Received request is assigned to the accountable officer for the preparation of the appropriate action document
- c. Draft Action document is submitted for review and editing
- d. The edited action document is submitted to the Head of Office for approval and signature.
- e. Signed action document is submitted for processing/ mailing, retention of file copy, and dispatch through Courier to the agency or the client

SECTION 8. REQUEST TRACKING SYSTEM

The BASC and its campuses shall establish a system to trace the status of all requests for information received by it, which may be paper-based, online, or both.

SECTION 9. FEES

1. **No Request Fee.** The BASC and its campuses shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by BASC and its campuses in providing the information to the requesting party. The schedule of fees shall be posted by BASC and its campuses.
3. **Exemption from Fees:** The BASC and its campuses 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 10. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1ST Offense-- Reprimand;
 - b. 2nd Offense -- Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense -- Dismissal from the 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 provides for more stringent penalties.



ANNEX “A”

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 Article 28, Article II of the 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 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 under the control and custody of any government office pursuant to law, executive order, 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 the 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 any 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 security 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 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 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 coverup 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 and regulation.



SECTION 8. People's Freedom of 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 9 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 of access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests 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, provided valid proof of his identification or authorization, and reasonably describe the information. *Provided*, that no request shall be denied or refused acceptance unless the reason for the request is contrary to the law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated 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 correspondence 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.

The government office shall respond to a request fully compliant with requirements of sub-section (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.

(c) The period to respond may be extended whenever the information requested requires an extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases, or other analogous cases. The government offices shall notify the person making the request for 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 time.

(d) Once a decision is made 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 application 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 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 SUCs President, following the procedure mentioned in Section 9 of this Order: Provided, that 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.

Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the rules of the 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 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 the 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 (. 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"

FOI RECEIVING OFFICERS OF BASC AND ITS CAMPUSES

NAME OF AGENCY	LOCATION OF FOI RECEIVING OFFICES	CONTACT DETAILS	ASSIGNED FOI RECEIVING OFFICER
BULACAN AGRICULTURAL STATE COLLEGE	RECORDS OFFICE Main Admin Bldg., BASC	(044) 816-7121	MS. MARILYN P. ALVAREZ
E-mail Address: efoi@basc.edu.ph			

TEAM COMPOSITION	
FOI DECISION MAKER (FDM)	Dr. RONALD REAGAN T. ALONZO
CENTRAL APPEALS & REVIEW COMMITTEE	MS. GERALDINE A. CRUZ DR. MERIAM SULIT MR. ROBERT CAPALAD



ANNEX "C"

LIST OF EXCEPTIONS TO FOI

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

MEMORANDUM CIRCULAR NO. 15

**UPDATING THE INVENTORY OF EXCEPTIONS TO THE RIGHT TO
ACCESS OF INFORMATION UNDER EXECUTIVE ORDER NO. 02, (S. 2016)**

WHEREAS, pursuant to Section 4 of Executive Order (EO) No. 02, (s. 2016), the Office of the President (OP) issued a Memorandum circularizing the inventory of exceptions to the right to access information under EO No. 02 (Inventory of Exceptions) on 24 November 2016;

WHEREAS, Section 4 of EO No. 02 directs the Department of Justice (DOJ) and the Office of the Solicitor General (OSG) to update the Inventory of Exceptions as the need to do so arises and the OP to accordingly circularize the same;

WHEREAS, Section 1 of Memorandum Circular (MC) No. 49, (s. 2018), created the Inter-Agency Freedom of Information Exceptions Policy Committee (IA-FOI-EPC), with the DOJ and the OSG as co-chairs, to review the Inventory of Exceptions and periodically update the same to reflect changes in existing laws and jurisprudence;

WHEREAS, On 16 September 2021, MC No. 89, (s. 2021) was issued circularizing the updated Inventory of Exceptions;

WHEREAS, the IA-FOI-EPC, through IA-FOI-EPC Resolution Nos. 2021-002 and 2022-001, proposed further updates to the Inventory of Exceptions;

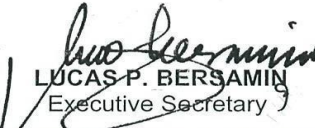
NOW THEREFORE, the attached updated Inventory of Exceptions is hereby circularized for the guidance of all government offices and instrumentalities covered by EO No. 02 and the general public.

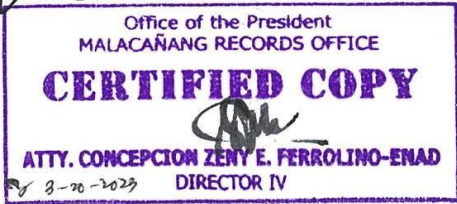

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

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.

DONE, in the City of Manila, this **17th** day of **March** in the Year of our Lord, Two Thousand and Twenty-Three.

By authority of the President:


LUCAS P. BERSAMIN
Executive Secretary


Office of the President
MALACAÑANG RECORDS OFFICE
CERTIFIED COPY

ATTY. CONCEPCION ZENY E. FERROLINO-ENAD
DIRECTOR IV
8-20-2023



Exceptions to Right to Access of Information

For the guidance of all government offices and instrumentalities covered by EO No. 02 (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, resolutions, minutes of meetings, 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

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*; *Serenio v. Committee on Trade and Related Matters of the National Economic Development Authority*, G.R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.

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; *Lagman v. Medialdea*, G.R. Nos. 231658, 231771, and 231774, 4 July 2017, 812 PHIL 179-853; 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." This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, *The Anti-Terrorism Act of 2020* [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.



- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and
 - 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;¹⁰
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²

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.

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).



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 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 health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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 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

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. This includes information collected pursuant to Section 18 of the *Department of Migrant Workers Act* (RA No. 11641).

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) Blg. 232].

¹⁷ Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(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); Section 9, *Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act* (RA No. 11332); Section 36, *Universal Health Care Act* (RA No. 11223); Section 28, *National Integrated Cancer Control Act* (RA No. 11215); and Section 5(l), *Mental Health Act* (RA No. 11036). Mental health records under RA No. 11036 include information on any aspect of the mental health, treatment, or care of the service user.

¹⁸ Section 3(l), *Data Privacy Act of 2012*. See also Section 9, *Free Internet Access in Public Places Act* (RA No. 10929); Section 26, *Safe Spaces Act* (RA No. 11313); and Section 21, *Tax Amnesty Act* (RA No. 11213).



individual¹⁹ 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 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;²¹

- 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,

¹⁹ Article 26(2), *Civil Code*.

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

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

²² *An Act Expanding the Coverage of Exemptions from Revealing the Source of Published News or Information Obtained in Confidence by Including Journalists from Broadcasts, and News Agencies, Amending for the Purpose Section 1 of RA No. 53, as Amended By RA No. 1477 (RA No. 11458)*. 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*.



- employer, or other identifying information of a victim or an immediate family member;²⁷
- (6) records of cases and documents involving actions for support including petitions for recognition and enforcement of foreign decisions or judgments on support;²⁸
 - (7) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁹
 - (8) names of victims of child abuse, exploitation or discrimination;³⁰
 - (9) cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;³¹
 - (10) 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;³²
 - (11) records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;³³
 - (12) names of students who committed acts of bullying or retaliation;³⁴
 - (13) children in situations of armed conflict;³⁵
 - (14) 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;³⁶ and

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 Sections 29 and 30, A.M. No. 21-03-02-SC, *Re: Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support*.

²⁹ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

³⁰ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

³¹ Section 26, *Safe Spaces Act* (RA No. 11313).

³² 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*.

³³ Section 39, *Domestic Administrative Adoption and Alternative Child Care Act* (RA No. 11642); 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; Section 14, *Simulated Birth Rectification Act* (RA No. 11222) and Section 28 of IRR of RA No. 11222.

³⁴ Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³⁵ Section 19, *Special Protection of Children in Situations of Armed Conflict Act* (RA No. 11188).

³⁶ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).



(15) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing.³⁷

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;³⁸
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority;³⁹
 - c. Records and reports submitted to the Social Security System by the employer or member;⁴⁰
 - d. Information of registered persons with the Philippine Identification System;⁴¹
 - e. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities;⁴²

³⁷ Section 44, *Philippine HIV and AIDS Policy Act* (RA No. 11166). Information covered by Section 44 may be disclosed with the written consent of the affected person or in accordance with Sections 45 and 46 of RA No. 11166.

³⁸ 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 Blg. 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); *Revised Philippine Ports Authority Manual of Corporate Governance*; Section 18, *Energy Virtual One-Stop Shop Act* (RA No. 11234); Section 14, *Philippine Energy Research and Policy Institute Act* (RA No. 11572); Section 270, *National Internal Revenue Code* (RA No. 8424, as amended by RA No. 10963); and Section 33, *LPG Industry Regulation Act* (RA No. 11592).

³⁹ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625) and Section 4, *Commonwealth Act No. 591*. See also Section 10, *Community-Based Monitoring System Act* (RA No. 11315).

⁴⁰ Section 24(c), *Social Security Act of 1997* (RA No. 1161), as amended by RA No. 8282).

⁴¹ Section 17, *Philippine Identification System Act* (RA No. 11055).

⁴² Section 43, *Philippine HIV and AIDS Policy Act* (RA No. 11166).



- f. 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;⁴³
- g. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴⁴
- h. Documents submitted through the Government Electronic Procurement System;⁴⁵
- i. 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*;⁴⁶
- j. 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;⁴⁷
- k. 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;⁴⁸
- l. 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;⁴⁹
- m. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁵⁰
- n. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁵¹

⁴³ 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 well-defined limitations under the PCA.

⁴⁴ Section 81, EO No. 226 (s. 1987), as amended.

⁴⁵ Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴⁶ Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴⁷ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

⁴⁸ 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).

⁴⁹ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁵⁰ Section 10, *Safeguard Measures Act*.

⁵¹ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).



- q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵³
 - r. Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation;⁵⁴ and
 - s. Records of surveillance of suspects and interception and recording of communications acquired by a law enforcement agent or military personnel pursuant to the *Anti-Terrorism Act of 2020*.⁵⁵
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.⁵⁶
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:
- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵⁷
 - b. Matters involved in an Investor-State mediation;⁵⁸

⁵³ 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).

⁵⁴ Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

⁵⁵ Section 16, *The Anti-Terrorism Act of 2020* (RA No. 11479).

⁵⁶ Section 3(g), Rule IV, Rules on CCESPOE.

⁵⁷ 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.

⁵⁸ Article 10, International Bar Association Rules for Investor-State Mediation.



- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁵⁹
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶⁰
- 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;⁶¹
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁶²
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁶³
- 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*;⁶⁴
- i. Investigation report and the supervision history of a probationer;⁶⁵
- j. Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;⁶⁶
- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶⁷ and
- l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁶⁸

⁵⁹ Article 237, *Labor Code*.

⁶⁰ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶¹ Section 178, *Revised Corporation Code of the Philippines*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁶² Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁶³ 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.

⁶⁴ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁵ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶⁶ Sections 18 and 45, *The Anti-Terrorism Act of 2020* (RA No. 11479) and Rules 5.8 and 5.19 of the IRR of RA No. 11479.

⁶⁷ Section 14, Civil Service Commission Resolution No. 01-0940.

⁶⁸ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.



- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶⁸
 - l. Investigation proceedings and records during the preliminary investigation in administrative cases in the civil service;⁶⁹
 - m. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁷⁰ and
 - n. Information on a bank inquiry orders issued by the Court of Appeals, including its contents and its receipt.⁷¹
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*), as amended by RA No. 11521;
 - e. RA No. 9510 (*Credit Information System Act*); and
 - f. RA No. 245, as amended by Presidential Decree No. 1878;
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:

⁶⁸ Section 14, Civil Service Commission (CSC) Resolution No. 01-0940.

⁶⁹ Section 21, 2017 Rules on Administrative Cases in the Civil Service, CSC Resolution No. 1701077.

⁷⁰ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC; and Section 26 of the Rule on Facilitated Naturalization of Refugees and Stateless Persons, A.M. No. 21-07-22-SC.

⁷¹ Section 16, A.M. No. 21-03-5-CA, *Re: Rule of Procedure in Cases of Bank Inquiry into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or a Money Laundering Offense under Republic Act No. 9160, as Amended*.



- (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁷²
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁷³ and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;⁷⁴
 - c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁷⁵
 - d. Failure to comply with regulations on access of records imposed by the records custodian;⁷⁶
 - e. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁷⁷
 - f. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁸

⁷² Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

⁷³ Article 7, UNCITRAL Transparency Rules.

⁷⁴ *Senate v. Neri*, *supra*; *Senate v. Ermita*, *supra*.

⁷⁵ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees*.

⁷⁶ *Biraogo v. Ombudsman Martires*, G.R. No. 254516, 02 February 2021.

⁷⁷ *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁷⁸ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; Section X808 of Bangko Sentral ng Pilipinas Circular No. 706, s. 2011; Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor*



- g. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁹ and
- h. Attorney-client privilege existing between government lawyers and their client.⁸⁰

A. Reyes, G.R. No. 163155, 21 July 2006; and Questionnaires in the Professional Regulation Commission test banks, pursuant to *Antolin-Rosero v. Professional Regulation Commission*, G.R. No. 220378, 30 June 2021.

⁷⁹ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁸⁰ Canon 21 of the *Code of Professional Responsibility*.



ANNEX “D”



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI-MC No. 21- 05

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF THE EXECUTIVE BRANCH INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS (GOCCS), STATE UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL WATER DISTRICTS (LWDS)

SUBJECT : GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY OTHERWISE KNOWN AS THE “NO WRONG DOOR POLICY FOR FOI”

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to Information, and Policy of Full Public Disclosure in the Executive Department;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

WHEREAS, there is a need to break the prevailing “silo system” and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;



NOW, THEREFORE, by virtue of PCOO's mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned:

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request for Information. – Any person who requests for access to information shall comply with Section 9 of EO No. 02, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “**First Referral**” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.



If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the **“Second Referral”** and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a **“FOI Internal Messenger”**. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. – A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. – For the convenience of all FROs and FDMs



in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

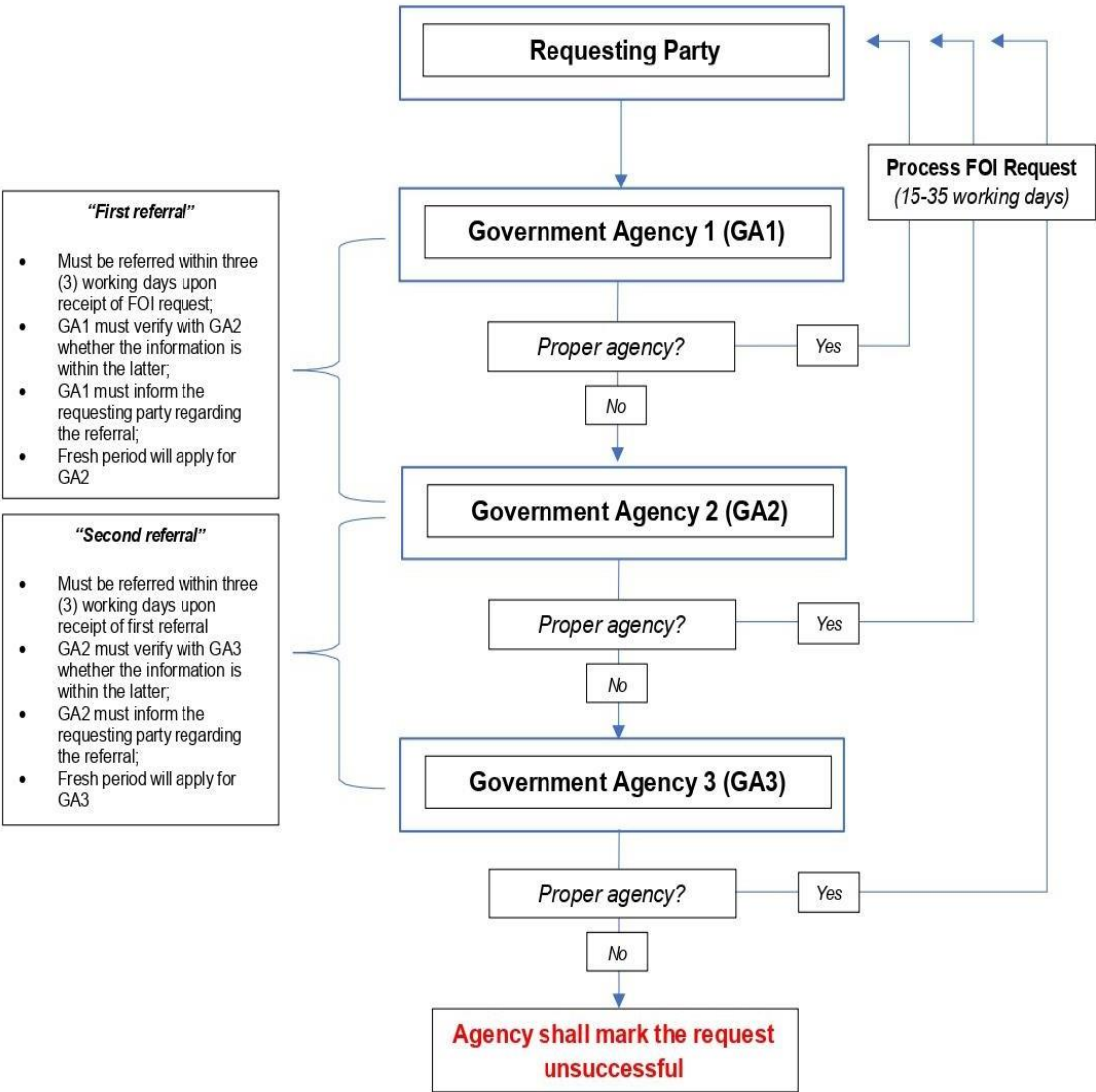
Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion



Annex A

NO WRONG DOOR POLICY FLOWCHART



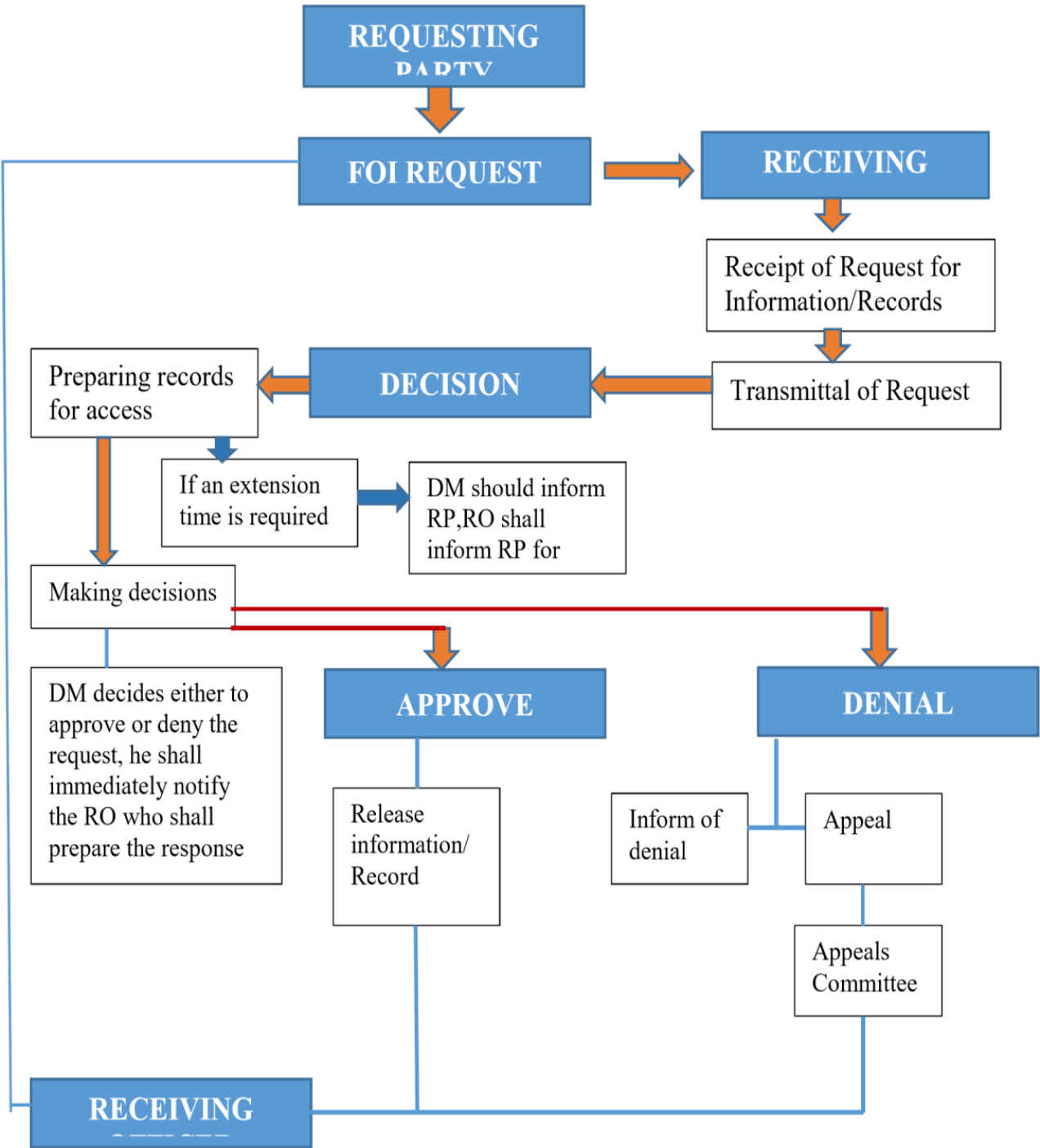
NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.



ANNEX “E”

PROCESS FLOWCHART FOR FOI REQUEST



Note : 3 working days for Simple Transactions
7 working days for Complex Transactions



ANNEX E – 2

FOI REQUEST PROCESS IN DAYS

Day 1	Day 2	Day 3	Day 4-5 For Simple Transaction Day 4-7 for complex transactions
RECEIVE REQUEST	ASSESS REQUEST	CONSIDER/ CLEARING RESPONSE	ISSUE REQUEST
<ul style="list-style-type: none">• Check if the request is valid.• Stamp received.• Provide copy to the requestor• Log details on FOI tracker.• Plan work needed with DM. CLARIFY REQUEST (If necessary) <ul style="list-style-type: none">• If not clear what information is requester seek clarification (15 working day clock stops).• Provide appropriate advice and assistance to the requester• When clarification is received, the NEW working day period starts.• If no clarification on received, close request (after 60 days from receipt) and notify applicant.• Forward to DM	<ul style="list-style-type: none">• Does the agency hold the Information requested.• Is the Information already accessible?• Is the request a repeat of a previous request from the same applicant? LOCATE INFORMATION <ul style="list-style-type: none">• Obtain all relevant Information.• Prepare the schedule of all Information located. INFORM / CONSULT <ul style="list-style-type: none">• Other officials with key interests.	<ul style="list-style-type: none">• Review the content of documents and apply relevant exemptions.• Consider comments/advice of officials.• Seek clearance from Head of Agency if necessary	<ul style="list-style-type: none">• Prepare Information for release – scan or photocopy documents.• If applicant asked for Information in a certain format, comply with their preference. If practical.• Update FOI tracker and save response

Notes: 1. This table sets our targets, at various points within the prescribed working day response period, for the completion of key steps in the process of handling an FOI request.



ANNEX “F”

ONLINE 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 | <input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email <input type="checkbox"/> Postal Address | |
| | (If your request is successful, we will be sending the documents to you in this manner) | |
| 9. Preferred Mode of Reply | <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick-up at Agency | |
| 10. Type of ID Given (Please ensure your
IDs contain your photo and signature) | <input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID | |
| | <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> 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 | ► _____ | |

FREEDOM OF INFORMATION

C. Declaration



BULACAN AGRICULTURAL STATE COLLEGE

Pinaod, San Ildefonso, Bulacan, Philippines 3010

Landline No.: (044) 816-7121



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 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/YY) ▶ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print Name) ▶ _____

Agency - Connecting Agency
(if Applicable) ▶ _____ ▶ _____

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:
*If Denied, please tick the Reason for
the Denial*

- ☐ Approved ☐ Denied
☐ Invalid request ☐ Incomplete ☐ Data already available online

Second Receiving Officer Assigned: ▶ _____

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/YY) ▶ _____

Date Documents (if any) Sent
(DD/MM/YY) ▶ _____

FOI Registry Accomplished ☐ Yes ☐ No

RO Signature ▶ _____

Date (DD/MM/YY) ▶ _____

FREEDOM OF INFORMATION



ANNEX “G”

APPEAL AND REVIEW

Section 1. Filing – Decisions of the FOI Decision Maker on the request of information may be appealed to the Central Appeals and Review Committee within a period of fifteen (15) days from receipt thereof.

All decisions of the FOI Decision Maker are immediately executory pending appeal before the Committee.

Section 2. When deemed filed. – An Appeal sent by registered mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the FOI Request. In case of personal delivery, it is deemed filed on the date stamped thereon by the Committee.

Section 3. Appeal Fee – The appellant-requester shall pay an appeal fee and a copy of the official receipt thereof shall be attached to the appeal

Section 4. Perfection of an Appeal – To perfect an appeal, the appellant-requester shall submit five (5) copies of the following documents:

- a. Appeal statement/memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision of the FOI Decision Maker. The appeal statement/memorandum shall be filed with the Central Appeals and Review Committee at the President's Office, copy furnished to the FOI Decision Maker concerned. The latter shall submit the FOI Request, with its comment, within fifteen (15) days from receipt to the Central Appeals and Review Committee;
- b. Proof of service of a copy of the appeal statement/memorandum to the FOI Decision Maker;
- c. Proof of payment of the appeal fee; and
- d. A statement or certificate of non-forum shopping.

When an appellant-requester fails to comply with any of the above requirements within the reglementary period, the Central Appeals and Review committee shall direct compliance within a period of not more than ten (10) days from receipt thereof, with a warning that failure to comply shall be construed as a failure to perfect an appeal and shall cause the dismissal of the appeal with prejudice to its refiling.

Section 5. Effect of Filing – Except where a temporary restraining order is issued by a competent court, an appeal shall not stop the decision from being executory.

Section 6. Decision of the Appeal – The Appeal be decided within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the aforesaid period shall be deemed a denial of the appeal.

Section 7. When to Remand an Appealed request to FOI Decision Maker of origin – If on appeal, the Central Appeals and Review Committee finds that the FOI Decision Maker violated the appellant-requester's right to freedom of information as the requested information is not covered by the exceptions or information that should not be released and disclosed.

Source: Revised Rules on Administrative Cases in Civil Service
FOI Manual
EO No.2, July 23, 2016.




BULACAN AGRICULTURAL STATE COLLEGE

Pinaod, San Ildefonso, Bulacan, Philippines 3010

Landline No.: (044) 816-7121



BASC FREEDOM OF INFORMATION REQUEST FORM

	Republic of the Philippines BULACAN AGRICULTURAL STATE COLLEGE Pinaod, San Ildefonso, Bulacan 3010	Document No.: BASC-FOI-QSF-01
	PORMULARYO NG KAHILINGAN FOI REQUEST FORM	Rev. No.: 00
		Effectivity Date: 09/02/2020

TITULO NG DOKUMENTO (Title of the Document) _____

MGA TAON/PANAHONG SAKLAW (Year) _____

LAYUNIN (Purpose) _____

PANGALAN / (Name) _____

CONTACT Nos. _____

LAGDA / (Signature) _____

PETSA (Date) _____

TIRAHAN / (Address) _____

KATIBAYAN NG PAGKAKAKILANLAN (Proof of Identity)

Passport No. _____

Driver's License _____

Other _____

PARAAN NG PAGTANGGAP NG MGA IMPORMASYON

(How would you like to receive the information?)

- ☐ Email _____
- ☐ Fax _____
- ☐ Postal Address _____
- ☐ Pick-up (Office hours) _____

Gawaing itinalaga kay:

(Submitted to)

(Lumagda sa ibaba ng pangalang nakalimbag)

Petsa / Oras ng Pagkatalaga:

(Date / Time of Submission)

Taong nagpapatunay ng Gawaing Natapos:

(Certified by)

(Lumagda sa ibaba ng pangalang nakalimbag)

Uri ng isinagawang aksiyon:

(Type of Action Conducted)


Iniskedyul ni (Received by):

FOI Receiving Officer


Remarks:



DOCUMENT REQUISITION SLIP

	Republic of the Philippines BULACAN AGRICULTURAL STATE COLLEGE Records and Archives Management Office Pinaod, San Ildefonso, Bulacan 3010
	<p align="center">DOCUMENT REQUISITION SLIP Access and Release of Records Through Freedom of Information (FOI)</p> <p>Date of Request: _____</p> <p>Dear Sir/Madam:</p> <p>I would like to request from your good office copy/copies of the following document/s:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>I hereby affirm that the above documents will be use exclusively for _____.</p> <p>_____ Name & Signature</p> <p>Released by: _____ Date: _____ Remarks: _____</p>

QRDI-MP-REC02-003/REV.00 (07.08.2021)

	Republic of the Philippines BULACAN AGRICULTURAL STATE COLLEGE Records and Archives Management Office Pinaod, San Ildefonso, Bulacan 3010
	<p align="center">DOCUMENT REQUISITION SLIP Access and Release of Records Through Freedom of Information (FOI)</p> <p>Date of Request: _____</p> <p>Dear Sir/Madam:</p> <p>I would like to request from your good office copy/copies of the following document/s:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>I hereby affirm that the above documents will be use exclusively for _____.</p> <p>_____ Name & Signature</p> <p>Released by: _____ Date: _____ Remarks: _____</p>

QRDI-MP-REC02-003/REV.00 (07.08.2021)



FOI RESPONSE TEMPLATE -- UNDER EXCEPTIONS

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 exactly, unless it is too long/complicated>. Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide [some of]* the information you have requested because an exception(s) under section(s) <insert specific section number(s) applies are explained in the annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to <insert name of Secretary an postal / e-mail address>. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result, within 30 calendar days from the date when we receive your review request.

If you are not satisfied with result of the review, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s.2011).

Thank you.

Respectfully,

FOI Receiving Officer



FOI RESPONSE TEMPLATE -- DOCUMENT ENCLOSED

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 exactly, unless it is too long/complicated>.

Response to your request

You FOI request is approved. I enclosed a copy of [some / most / all]* of the information you requested [in the format you asked for]

Thank you.

Respectfully,

FOI Receiving Officer



FOI RESPONSE TEMPLATE - ANSWER

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 exactly, unless it is too long/complicated>.

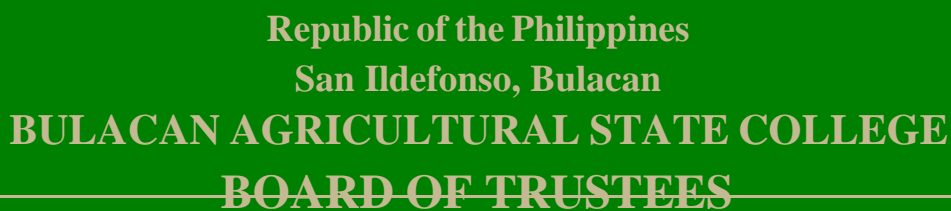
Response to your request

Your FOI request is approved. The answer to your request is <insert answer>

Thank you.

Respectfully,

FOI Receiving Officer



VIA ZOOM

[illegible]

MATTERS FOR APPROVAL

1. Academic Matters

Agenda 1: BASC Freedom of Information Manual (FOI)

Therebeing no further discussions, on motion by Trustee Porciuncula and duly seconded by Trustee Bautista, the Board passed:

BASC BOT RESOLUTION 20-1319

APPROVING the Bulacan Agricultural State College Freedom of Information (FOI) Manual

APPROVED

[illegible]

I hereby certify as to the correctness of the above.

Minutes prepared by:


BEAT T. VINCULADO
Secretary

Noted by:

Noted by:



Hon. JAMESON H. TAN
Vice Chairperson, BASC Board of Trustees



FOI RECEIVING OFFICE (FRO) INFORMATION

FOI RECEIVING OFFICE (FRO)	
FOI Receiving Office	BASC RECORDS AND ARCHIVES MANAGEMENT OFFICE
FOI Receiving Officers	MS. MARILYN P. ALVAREZ Records Officer MR. JOHN RAYMOND R. VALMOCINA Records Custodian
Address	RECORDS AND ARCHIVES MANAGEMENT OFFICE Main Campus, Administration Building Bulacan Agricultural State College Pinaod, San Ildefonso 3010, Bulacan
Contact Number	(044) 816-7121
E-mail Address	efoi@basc.edu.ph

Approved:


JAMESON H. TAN, CESE
President III