

REPUBLIC OF THE PHILIPPINES
NORTHERN BUKIDNON STATE COLLEGE
KIHARE, TANKULAN MANOLO FORTICH BUKIDNON

FREEDOM OF INFORMATION MANUAL

PURSUANT TO EXECUTIVE ORDER
NO. 02, SERIES OF 2016





Republic of the Philippines
NORTHERN BUKIDNON STATE COLLEGE
(Formerly Northern Bukidnon Community College) R.A.11284
Manolo Fortich, 8703 Bukidnon • 09958450907 • boardsecretary@nbsc.edu.ph
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OFFICE OF THE COLLEGE AND BOARD SECRETARY

COLLEGE AND BOARD SECRETARY'S CERTIFICATION

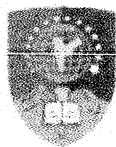
This is to certify that the **BOARD OF TRUSTEES RESOLUTION NO. 080, s. 2025** **“RESOLUTION APPROVING THE NORTHERN BUKIDNON STATE COLLEGE FREEDOM OF INFORMATION MANUAL OF OPERATIONS”** has been **APPROVED** by the NBSC Board of Trustees during its 2nd Quarter Regular Meeting last August 6, 2025 at the Northern Bukidnon State College, Manolo Fortich, Province of Bukidnon, Philippines.

This certification is hereby issued for documentation and reference relative to the approval and implementation of the aforesaid Board Resolution.

Issued this 2nd day of October, 2025, at Northern Bukidnon State College,
Manolo Fortich, Bukidnon, Philippines.

CAROLINE LAARNI R. SEREÑAS
College and Board Secretary

NBSC



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NORTHERN BUKIDNON STATE COLLEGE
Office of the College and Board Secretary
CERTIFIED TRUE COPY

CAROLINE LAARNI R. SEREÑAS, MPS
College and Board Secretary- Designate
Date: 30 SEP 2025
Ctrl No.: 2025-047-001

BOARD OF TRUSTEES

RESOLUTION NO. 080, s. 2025

RESOLUTION APPROVING THE NORTHERN BUKIDNON STATE COLLEGE FREEDOM OF INFORMATION MANUAL OF OPERATIONS

WHEREAS, the purpose of this Freedom of Information (FOI) Manual is to outline the procedures by which Northern Bukidnon State College, along with its units and offices, processes requests for information in accordance with Executive Order (E.O.) No. 2, s. 2016 on Freedom of Information;

WHEREAS, this manual covers all requests for information submitted to the Freedom of Information Unit of Northern Bukidnon State College, ensuring that such requests are processed in a manner that is inclusive, gender-sensitive, and respectful of all individuals, regardless of sex, gender identity, or expression;

WHEREAS, this policy shall take effect immediately and shall remain in force until otherwise revoked or amended by the undersigned or by any competent authority;

NOW, THEREFORE, on the motion of Hon. Julius S. Gabinete and duly seconded by Hon. Christie Jean Villanueva-Ganiera, and with the concurrence of the Northern Bukidnon State College (NBSC) Board of Trustees in view of the foregoing, be it:

RESOLVED, AS IT IS HEREBY RESOLVED, to APPROVE THE NORTHERN BUKIDNON STATE COLLEGE FREEDOM OF INFORMATION MANUAL OF OPERATIONS.

SO RESOLVED

APPROVED.

Approved this 6th day of August 2025, at Northern Bukidnon State College, Manolo Fortich, Province of Bukidnon, Philippines

CAROLINE LAARNI R. SEREÑAS, MPS
College and Board Secretary- Designate
Date: 31 SEP 2025
Ctrl No.: 2025-047-001

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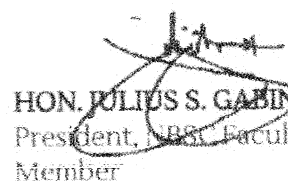
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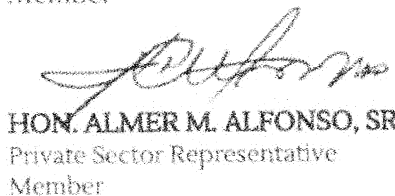
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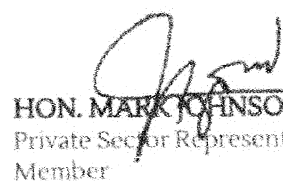
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President, NBSC Central Student Government
Member



HON. ALMER M. ALFONSO, SR.
Private Sector Representative
Member



HON. MARK JOHNSON L. MALAGAR
Private Sector Representative
Member

I certify the correctness and the authenticity of the foregoing resolution. Done this 6th day of August 2025, at Northern Bukidnon State College, Manolo Fortich, Province of Bukidnon, Philippines.



CAROLINE LAARNI R. SEREÑAS
Board Secretary, Designate

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NORTHERN BUKIDNON STATE COLLEGE
Freedom of Information (FOI)
SECTION I: OVERVIEW

1. Purpose of the Manual

The purpose of this Freedom of Information (FOI) Manual is to outline the procedures by which Northern Bukidnon State College, along with its units and offices, processes requests for information in accordance with Executive Order (E.O.) No. 2, s. 2016 on Freedom of Information. (See Annex “E”)

In support of the College’s commitment to inclusive and gender-responsive governance, this manual also promotes the integration of gender-sensitive practices in the handling of information requests. This includes using gender-fair language in communications and forms, ensuring equitable access to information for all individuals regardless of sex, gender identity, or expression, and the confidential treatment of gender-sensitive or personal information in compliance with data privacy regulations and ethical standards.

2. Structure of the Manual

This manual establishes the rules and procedures that the College shall follow upon receiving a request for information. The Freedom of Information (FOI) Unit Head shall be responsible for overseeing all actions undertaken in accordance with this manual.

In support of inclusive and gender-sensitive governance, the FOI Unit shall ensure that all information requests are processed fairly and equitably, regardless of sex, gender identity, or expression. Gender-fair language and the confidential handling of sensitive or personal information shall be observed in all FOI-related transactions.

3. Coverage of the Manual

This manual shall cover all requests for information submitted to the Freedom of Information Unit of Northern Bukidnon State College, ensuring that such requests are processed in a manner that is inclusive, gender-sensitive, and respectful of all individuals, regardless of sex, gender identity, or expression.

4. FOI Unit Head

The College shall establish a Freedom of Information (FOI) Unit, which shall be situated in the Records and Archival Office within the Central Administrative Building.

The functions of the designated FOIU Head include the following:

- a. Receiving in behalf of the college and its branches all requests for information;
- b. Conduct initial evaluation of the request;
- c. Forward the FOI request to the appropriate office who has custody of the records;
- d. Monitor all FOI requests and appeals; provide assistance to the Decision Makers;
- e. Provide assistance and support to the public and staff with regard to FOI;
- f. Compile statistical information as required.

5. FOI Decision Maker

The Decision Makers (DMs) refer to the college's executive officials. They are responsible for determining the appropriate action on Freedom of Information (FOI) requests, including the full release, partial release, or denial of requested records. They shall communicate their decision to the designated FOI Unit Head or Coordinator and provide a detailed explanation in cases where the request is partially or fully denied.

6. Approval and Denial of Request to Information

The Decision Makers shall approve or deny all requests for information. In their absence on the day a request is received, this authority shall be automatically delegated to the designated Officer-in-Charge.

SECTION II: DEFINITION OF TERMS

1. Information

This means any records, documents, papers, reports, letters, contracts, minutes, and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, 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 under law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

2. Information for Disclosure

Information promotes the awareness and understanding of policies, programs, activities, rules, or revisions affecting the public, government agencies, community, and economy. It also includes information that encourages familiarity with the government's general operations, thrusts, and programs. In line with proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without requiring written requests from the public.

3. Official Records

This refers to any information produced or received by a public officer, employee, or government office in an official capacity or pursuant to a public function or duty.

4. Public Records

This includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

5. Personal Information

This 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.

6. Sensitive Personal Information

As defined in the Data Privacy Act of 2012 (Republic Act No. 10173), sensitive personal information is any 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 their denials, suspension or revocation, and tax returns; and
4. Any information specifically established by an executive order or an act of Congress to be kept classified.

SECTION III: GLOSSARY OF TERMS

1. **Administrative FOI Appeal**

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

2. **Annual FOI Report**

A report 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 request received, processed, and pending at each government office.

3. **Confidential Information**

Information which could potentially undermine public interest and the privacy and integrity of personal information; and includes the following:

- a. Information affecting the reputation of individuals or the college in general
- b. Communications of the college, like directives and other information whereby policy formation is still in progress.
- c. Information for general disclosure but not yet completed or contingent upon the accomplishment of other actions or the existence of certain conditions.

4. **Consultation**

When a government office locates a record that contains information of interest to another office, it will ask that agency for its views on the disposability of the records before making any final determination.

5. **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.

6. **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 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.

7. FOI Contact

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

8. 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.

9. FOI Receiving Office (FRO)

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

10. Frequently Requested Information

Information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

11. Full Denial

When the college cannot release any records in response to a FOI request, because the requested information is exempt from disclosure in its entirety or, no records responsive to the request could be located.

12. Full Grant

When a government office is able to disclose all records in full in response to a FOI request.

13. Information

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

14. Information for Disclosure

Information promoting the awareness and understanding of policies, programs, activities, rules, or revisions affecting the public, government agencies, community, and economy. It also includes information that encourages familiarity with the government's general operations,

thrusts, and programs. In line with the concept of proactive disclosure, this type of information can already be posted to government websites without requiring written requests from the public.

15. 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 (FIFO) basis.

16. News and Information Bureau

This office shall be headed by the designated Information Officer, who is tasked with formulating, developing, and implementing a system information program for the college, including strategies to support its specific programs and projects.

17. Official Records

Refer to any information produced or received by a public officer or employee, or a government office in an official capacity or pursuant to a public function or duty.

18. Open Data

Refers to publicly available data structured in a way that enables the data to be fully discernable and usable by end users. It is consistent with following principles of Public, Accessible, Described, Reusable, Complete, Timely, and Managed Post-Release.

19. Online Information Dissemination Bureau

This unit shall be under the Information Office tasked with tracking, developing, recording and posting information into the official online website of the college in coordination with its different offices/departments and branches.

20. Partial Grant/Partial Denial

When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

21. Pending Request or Pending Appeal

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

22. Perfected Request

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

23. 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 or certainly identify an individual.

24. Proactive Disclosure

The act of making information publicly available by government agencies without waiting for specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

25. 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.

26. Public Records

Include information required by laws, executive orders, rules, or regulations to be entered, kept, or made publicly available by a government office.

27. Public Service Contractor

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

28. Received Request or Received Appeal

An FOI request or administrative appeal that an agency has received within a fiscal year.

29. 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.

30. Sensitive Personal Information

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

- a. About an individual race, ethnic origin, marital status, age, color and religious philosophical or political affiliations;
- b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c. 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
- d. Specifically established by an executive order or an act of Congress to be kept classified.

31. Simple Request

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

SECTION IV: PROMOTION OF TRANSPARENCY IN GOVERNMENT

1. Access to Information

The College 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 E.O. 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.

2. Duty to Publish Information

The College 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 its 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, program of receipts and expenditures;
- e. Important rules and regulations, orders or decisions;

- f. Current and important database 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.

3. Accessibility of Language and Form

The College shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

4. Keeping of Records

The College 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.

5. Exceptions

Access to information shall be denied when the information falls under any of the exceptions as provided for herein or in the attached list.

SECTION V: PROTECTION OF PRIVACY

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

- a. The College shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The College shall protect personal information in its custody or under its 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 the College, shall not disclose that information except as authorized by the College or under existing laws.

SECTION VI: STANDARD PROCEDURE

(See Annex C for Flowchart)

1. Receipt of Request for Information

1.1 The FOIU Staff shall receive the request for information from the requesting party and check the compliance of the following requirements:

- a) The request must be clearly stipulated using the FOI Request Form;
- b) The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification of authorization;
- c) The request shall reasonably describe the information requested, and the reason for, or purpose of the request for information. (See *Annex "A"*).
- d) The request can be made in person or through email. If done via email, the requesting party shall attach in the email a scanned-copy of the FOI Request Form, and a copy of duly recognized government ID with photo.

1.2 The FOIU staff shall check the validity of the request. In case the request is not compliant with the requirements, the FOIU Staff shall provide reasonable assistance to enable the requesting party to comply.

1.3 After validation, the request shall be stamped received by the FOIU Staff, indicating the date and time of receipt. Then, the request details shall be immediately documented in the FOI request logbook, and a tracking number shall be allocated. In case of email requests, the email shall be printed out, followed by the procedure mentioned above, and acknowledged by the FOIU Staff.

1.4 The college must respond to any FOI request promptly within fifteen (15) working days following the date of receipt of the request. A working day is any day other than Saturday, Sunday, or a day that is declared a national public holiday in the Philippines. Article 13 of the New Civil Code shall be observed in computing for the period.

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 the FOI Unit; 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 is when the request has been emailed to an absent member or staff member, which has generated an 'out of office' message with instructions on redirecting the message to another contact. In this case, the date of receipt will be the day the request arrives in that contact's inbox.

Should the requested information need further details to identify or locate, the working days will commence the day after the requested clarification from the requesting party is received.

2. Initial Evaluation

After receipt of the request for information, the FOIU Staff shall evaluate the contents of the requests.

2.1 Requests exempted from coverage.

If the request is exempted from coverage, the FOI Unit shall recommend the denial of the request for the information to the DM. The DM shall evaluate the recommendation of the FOI Unit and shall advise the FOI Unit to notify the requesting party of the decision of the request.

The following are the exceptions:

Documents related to a pending case before a judicial and quasi-judicial agencies;

- 201 Files
- Personnel Selection Board and Faculty Selection Board Documents
- Statement of Assets, Liabilities and Net Worth
- Resolutions of the Board of Trustees except Excerpt thereof
- Minutes of the Meetings of the Board of Trustees, Finance Committee and Executive Committee
- Bids and Awards Minutes of meetings
- Abstract of Bids
- Technical Working Group Recommendation
- Individual Performance Commitment Review
- Financial Report not yet audited by the Commission on Audit
- Minutes of Technical Working Group meetings
- All reports not in the final form
- Inter-office and inter-agency memorandum/correspondence
- Office recommendation as member of inter-agency task force/committee/body

- All documents listed in Annex "B" hereof and all other documents that may be categorized by laws, rules and regulations as confidential in nature.

2.2 Request relating to more than one office other the college.

Suppose a request for information is received and requires compliance with different attached agencies, bureaus, and offices. In that case, the FOI Unit shall forward such request to the attached agency, bureau, and office concerned, ensure that it is well coordinated, and monitor its compliance. The FOI Unit shall also make it clear to the respective Record Offices of such agencies, bureaus, and offices that they will only be provided with the specific information that relates to their agencies, bureaus, and offices.

2.3 Requested information is not in the custody of the college.

If the requested information is not in the custody of the college, upon referral and discussions with the DM, the FOI Unit shall undertake the following steps:

- Suppose the information or records requested refer to another government agency. In that case, the request will be immediately transferred to such appropriate government office up to two (2) referrals through the most expeditious manner. 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 has control over the said information or records. The transferring office must inform the requesting party of the referral and that the information is not held within the 15-working-day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- If the records refer to an office not within the coverage of E.O. No. 2 (*See Annex "E"*), the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.4 Requested information is already posted in the college website.

Should the information being requested is already uploaded in the website, the FOI Unit shall inform the requesting party of the said fact and give them the web address where the information is posted.

2.5 Requested information is substantially similar or identical to the previous request.

The FOI Unit shall deny an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied. However, the FOI Unit shall inform the applicant of the reason of such denial.

3. Transmittal of Request by the FOI Unit to the DM

After receipt of the request for information, the FOI Unit shall evaluate the requested information, identify the responsible DM, and notify him/her of such request. A copy of the request shall also be forwarded to such DM within one (1) day of receipt. The FOI Unit shall record the date, time, and name of the DM who received the request in the FOI request logbook with the corresponding signature acknowledging receipt. The FOI Unit will report to the College President or his/her duly authorized representative if the submission is beyond the 10-day period.

4. Role of DM in Processing the Request

Upon receipt of the request for information from the FOI Unit, the DM shall assess and clarify the request if necessary. He or she shall take all necessary steps to locate and retrieve the information requested and submit it to the FOI Unit within 10 days of receipt.

If the DM needs further details to identify or locate the information, he/she shall, through the FOI Unit, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and commence the day after it receives the required clarification from the requesting party.

If the DM determines that a record contains information of interest to another office, the DM shall consult with the office concerned about the records' disposability before making any final determination.

5. Role of FOI Unit to transmit the information to the requesting party

The FOI Unit Head/Staff shall collate and ensure that the information is complete. He/She shall ensure the transmittal of such to the requesting party within 15 days upon receipt of its request for information.

6. Request for a Time Extension

Suppose the information requested requires an extensive search of the office, records facilities, examination of voluminous records, the occurrence of fortuitous events, or other analogous cases. In that case, the DM should inform the FOI Unit.

The FOI Unit shall inform the requesting party of the extension and set forth the reasons for such extension. In no case shall the extension period exceed twenty (20) working days on top of the mandated fifteen (15) days to act out the request unless exceptional circumstances warrant a more extended period.

7. Approval of Request

In case of approval, the FOI Unit shall ensure that all records that have been retrieved and considered be checked for possible exemptions and shall also inform or consult the other officials/offices with key interests to the said records, if necessary, before actual release. The FOI Unit shall notify the requesting party through text message or email within the prescribed period that the request was granted and be directed to pay the applicable fee, if any.

8. Denial of Request

If the request is denied wholly or partially, the FOI Unit shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the 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 provided shall be deemed a denial of the information request. All denials on FOI requests shall pass through the Office of the College President.

9. Issue Response

The FOI Unit shall notify the requesting party when the information or record is already available for release. If the requestor requests a specific format, the FOI Unit shall comply with their preference (if practical). The FOIU staff shall then update the response details in the FOI request logbook.

FOI REQUEST PROCESS IN DAYS

Day 1	Day 2 – 4	Day 5 - 8	Day 9 - 10	Day 11 - 15
RECEIVE REQUEST ☐ The requestor will ask for the FOI request form. ☐ The requestor will fill out the Form with necessary details. ☐ The FOIU Staff will check for its validity. ☐ After validated, it will be recorded to the FOI request logbook. ☐ The FOIU Staff will discuss the request with the Decision Maker/ FOIU Head CLARIFY REQUEST (If necessary) ☐ If request is not specific, the FOIU Staff will ask for clarification (15 working day clock stops). ☐ Provided appropriate advice and assistance to requester. ☐ When clarification is received, NEW working day period starts. ☐ If no clarification received, close request (after 60 days from receipt) and notify requestor. ☐ The action taken will be forwarded to the DM.	ASSESS REQUEST ☐ In assessing the request, the following questions should be addressed properly: * Does the agency hold the information requested? * Is the Information already accessible? * Is the request a repeat of a previous request from the same requestor? ☐ After assessment, the process will proceed. REFERRAL OF REQUEST ☐ When request is unavailable, it will be referred to other government agencies up to 2 referrals. ☐ Upon referral, it signifies that the other agency is the proper custodian of the requested information or records. ☐ The requesting party shall be notified, and will be provided rationale thereof including details of the other agency (custodian of request). LOCATE RECORDS/DOCUMENTS ☐ After assessment, the FOIU Staff will locate the requested information/documents. ☐ Obtain all relevant Information. ☐ Once located, prepare schedule for release. INFORM OFFICIALS WITH KEY INTEREST ☐ Prior to release, inform officials with key interest to the records.	CONSIDER RESPONSE OF OFFICIALS ☐ After consultation, review content of documents and apply relevant exceptions if necessary. ☐ Consider comments/ advice of officials, if applicable.	CLEARING RESPONSE (If necessary) ☐ Before release, FOIU Staff will seek clearance from secretary or head of agency (if necessary).	ISSUE RESPONSE ☐ Prepare the information or record for release. Scan or photocopy documents for future reference. ☐ If the requestor asked for a certain format, comply with their preference (if practical). ☐ After release, the FOIU Staff will update the details in the FOI request Logbook and document response.

Notes:

1. This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
2. Each FOI request is different, so not all of these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. However, it is always important to allow sufficient time for Decision Makers, etc. to clear FOI responses before expiry of the 15 working day deadline.
3. For any request, it is essential to start looking at it as soon as it is received, to access what work needs to be done to plan that work so that the request is answered on time. This table is intended to help with that planning.

SECTION VII: 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:

1. Appeal to the Appeals and Review Committee. Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the request by any of the head of office/section/unit, may be appealed by filing a written appeal to the Central Appeals and Review Committee of the college 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 College Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within 30-day period shall be deemed a denial of the appeal.
 - c. The denial of the Appeal by the head of office/section/unit or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
 - d. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION VIII: REQUEST TRACKING SYSTEM

The college through the FOI Unit in coordination with the Information and Communications Technology Management Office (ICTMO) with the Records and Archival Office, shall establish a system to trace the status of all requests for information received, which may be paper based, on-line or both.

SECTION IX: FEES

1. No Request Fee

The college shall not charge any fee for accepting requests for access to information.

2. Reasonable Cost of Reproduction and Copying of the Information

The FOI Unit shall immediately notify the requesting party in case there shall be a reproduction and copying fee to provide the information. Such fee shall be the actual amount spent in providing the information to the requesting party. The schedule of fees shall be posted in conspicuous places.

3. Exemption from Fees

The College may exempt any requesting party from payment of fee due to indigency, lack of funds, or similar circumstances, upon request stating the valid reason why such requesting party shall not pay the fee.

In case the requesting party cannot pay the required fees, the FOI Unit may provide digital or electronic copy.

SECTION X: ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI

Failure to comply of the FOU Head, DMs or authorized Head of Offices, to this Manual may be a ground for administrative and disciplinary sanctions subject to existing laws. The requesting party shall submit a written complaint to the Office of the College President stating the grounds and reasons for filing such complaint. The College President shall forthwith follow the mechanism in place in handling such complaints.

- 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.



Republic of the Philippines
NORTHERN BUKIDNON STATE COLLEGE

Manolo Fortich, 8703 Bukidnon

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records@nbsc.edu.ph

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Records and Archival Office

FOI Response to Completion of FOI Request Form

(Date)

(NAME OF REQUESTING PARTY)

(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

Thank you for your request dated _____ under Executive Order
No. 2 (s. 2018) on Freedom of Information in the Executive Branch.

You asked for _____.

After reviewing your request, we found that the following essential details are
missing: _____. To proceed with the
processing of your request, kindly provide the necessary information at your
earliest convenience.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



NorthernBukidnonStateCollege



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FOI Response for Clarification

(Date)

(NAME OF REQUESTING PARTY)

(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

In order to fully process your request, may we ask for the following clarificatory
details:

_____.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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FOI Response for Extension of Period

(Date)

(NAME OF REQUESTING PARTY)

(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

Since your request requires extensive search of the records and facilities of (Name of office concerned) or because of (mention specific fortuitous event) which is beyond our control, we are asking for an extension of _____ days in order to fully process your request.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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FOI Response for Approval of Request

(Date)

(NAME OF REQUESTING PARTY)

(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

Your FOI request has been **APPROVED**. Enclosed is a copy of _____, as requested. Kindly be reminded that the information provided should only be used for the purpose stated in your request.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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**FOI Response for Denial of Request
(Contrary to laws, rules, and regulations)**

(Date)

(NAME OF REQUESTING PARTY)
(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

Your FOI request is DENIED because it is contrary to (cite specific provision law,
rule or regulation). If you would like to appeal this denial, you may submit and
appeal within fifteen (15) days from the receipt of this letter.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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**FOI Response for Denial of Request
(falls under the list of exceptions)**

(Date)

(NAME OF REQUESTING PARTY)
(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

Your FOI request is DENIED because it falls under the list of exceptions,
specifically (cite ground for exemption). If you would like to appeal this denial, you
may submit an appeal within fifteen (15) days from the receipt of this letter.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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FOI Response to Similar to Previous Request

(Date)

(NAME OF REQUESTING PARTY)

(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

Since your requested information is substantially similar or identical to your previous request dated _____, the (name of concerned office) shall not act upon your request. Please be guided accordingly.

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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Records and Archival Office

FOI Response for Request Available Online

(Date)

(NAME OF REQUESTING PARTY)

(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

We would like to inform you that your requested information can be FOUND ONLINE at the website of the (name of concerned office). Your requested information can be found at the following links:

(links)

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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Records and Archival Office

FOI Response for Information Not in Custody
(information not with the agency under the executive agency)

(Date)

(NAME OF REQUESTING PARTY)
(Address of Requesting Party)

Dear _____,

Greetings from Northern Bukidnon State College!

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

You asked for _____.

We would like to inform you that (name of concerned office) is NOT IN
POSSESSION of the information you have requested. As such, we have
transmitted the same to (name of agency) which can properly process your
request. You may follow up with (name of contact person) at this number (contact
number of agency).

Thank you and God bless!

Respectfully,

Records and Archival Office/
Freedom of Information Unit



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ANNEX "A"

FOI REQUEST FORM

 Republic of the Philippines NORTHERN BUKIDNON STATE COLLEGE Manolo Fortich, 8703 Bukidnon Creando Futura, Transformationis vitae a Deo	
FREEDOM OF INFORMATION REQUEST FORM	
Please read the following information carefully before proceeding with your application. Use black or blue ink and write neatly in BLOCK letters. Applications that are improperly or incorrectly filled out will not be processed. Tick or mark the boxes with (✓) when necessary. <i>Pakibasa nang mabuti ang sumusunod na impormasyon bago ipagpatuloy ang iyong aplikasyon. Gumamit ng itim o asul na tinta at isulat nang maayos gamit ang MALALAKING TITIK. Ang mga aplikasyon na hindi wastong o maling napunan ay hindi ipoproceso. Lagyan ng tsek (✓) o markahan ang mga kahon kung kinakailangan.</i>	
A. REQUESTING PARTY	
You are required to provide your name and address for correspondence. Providing additional contact details will help us process your application and communicate with you according to your preferred manner. <i>Kinakailangan mong ibigay ang iyong pangalan at address para sa pakikipag-ugnayan. Ang pagbibigay ng karagdagang detalye sa pakikipag-ugnayan ay makakatulong sa amin na maproseso ang iyong aplikasyon at makipag-ugnayan sa iyo ayon sa iyong nais na paraan.</i>	
Name/Pangalan: (for Internal Requestor only) Division/Office (Dibisyon/Opisina):	FOI Request No. (to be used by FOI requestee official)
Address/Tirahan:	Gender/Kasarian:
Mode of Receiving the Information/ Paraan ng Pagtanggap ng Impormasyon:	Contact No. Email:
☐ Email ☐ Fax ☐ Postal Address ☐ Pick-up (Official Hours)	Proof of Identify/ Katibayan ng pagkakakilanlan: (ID that contains your photo and signature)
☐ Passport: ☐ Driver's License : ☐ Others (please specify):	
B. REQUESTED INFORMATION	
Title of Document/Record Requested (Please be on detailed as possible) Titulo ng Dokumento (Pakilagay ang pinakadetaladong impormasyon hanggang maari)	
Year/Taon:	
Purpose/Layunin:	
C. DECLARATION	
I hereby declare that the information provided in this form is complete and correct and 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 request. I further declare that any and all information provided by the College under this request shall only be used for the purpose herein stated, otherwise, I may be subjected to appropriate sanctions, which I am fully aware of. <i>Aking ipinahahayag na ang impormasyong aking ibinigay ay kumpleto at tama at ako ay nagpakita ng isang ID na ibinigay ng pamahalaan upang patunayan ang aking pagkakakilanlan. Aking naintindihan na isang pagkakasala ang magbigay ng nakakaalalang na impormasyon tungkol sa aking pagkakakilanlan, at ito ay maaaring magresulta sa hindi pagproseso ng aking kahilingan.</i> <i>Akin ding ipinahahayag na ang anumang na lahat ng impormasyong ibinigay ng Unibersidad sa pamamagitan ng kahilingang ito ay akin lamang gagamitin sa layunin nakasaad, kung hindi naman, ako ay maaaring mapailalim sa naayong kaparusahan, kung saan ay lubos kong nauunawaan.</i> _____ Signature Date: _____	
D. FOI RECEIVING OFFICER (INTERNAL USE ONLY)	
Received by: _____ Signature over Printed Name FOI Coordinator	This request is recommended to be: ☐ Approved ☐ Denied ☐ Reason: _____
Date and Time Received: Certified action is done:	Type of Action Conducted: ☐ Approved ☐ Disapproved ☐ Reason: _____
Received by: _____ Signature over Printed Name Date Signed: _____ Decision Maker (DM)	Remarks:

"In accordance with Republic Act No. 10773, also known as the Data Privacy Act of 2012, Northern Bukidnon State College upholds its commitment to protecting and respecting the privacy of its customers and stakeholders. The College ensures that all information collected is processed in compliance with the principles of transparency, legitimate purpose, and proportionality, as mandated by the Data Privacy Act of 2012."

ANNEX “B”

LIST OF EXCEPTIONS

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:

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

**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;

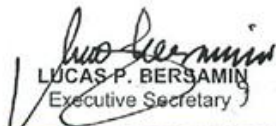
NOW THEREFORE, the attached updated Inventory of Exceptions is hereby circularized for the guidance of all government offices and instrumentalities covered by EO No. 02 and the general public.

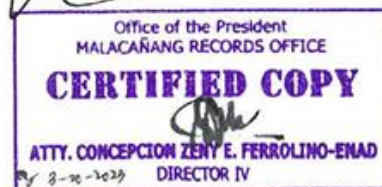
The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

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



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*; *Sereno 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 carjacked vehicles and apprehension of the persons charged with carjacking;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 Carjacking 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).

- o. Information on registered cultural properties owned by private individuals;⁵²
 - p. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵³
 - q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁴
 - 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;⁵⁵ 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*.⁵⁶
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 where 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.⁵⁷
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:

⁵² Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁵³ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁴ 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).

⁵⁵ Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

⁵⁶ Section 16, *The Anti-Terrorism Act of 2020* (RA No. 11479).

⁵⁷ Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵⁸
- b. Matters involved in an Investor-State mediation;⁵⁹
- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁶⁰
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶¹
- 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;⁶²
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁶³
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁶⁴
- 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*;⁶⁵
- i. Investigation report and the supervision history of a probationer;⁶⁶
- j. Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;⁶⁷

⁵⁸ 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.

⁵⁹ Article 10, International Bar Association Rules for Investor-State Mediation.

⁶⁰ Article 237, *Labor Code*.

⁶¹ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶² 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.

⁶³ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁶⁴ 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.

⁶⁵ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁶ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶⁷ 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.

- 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

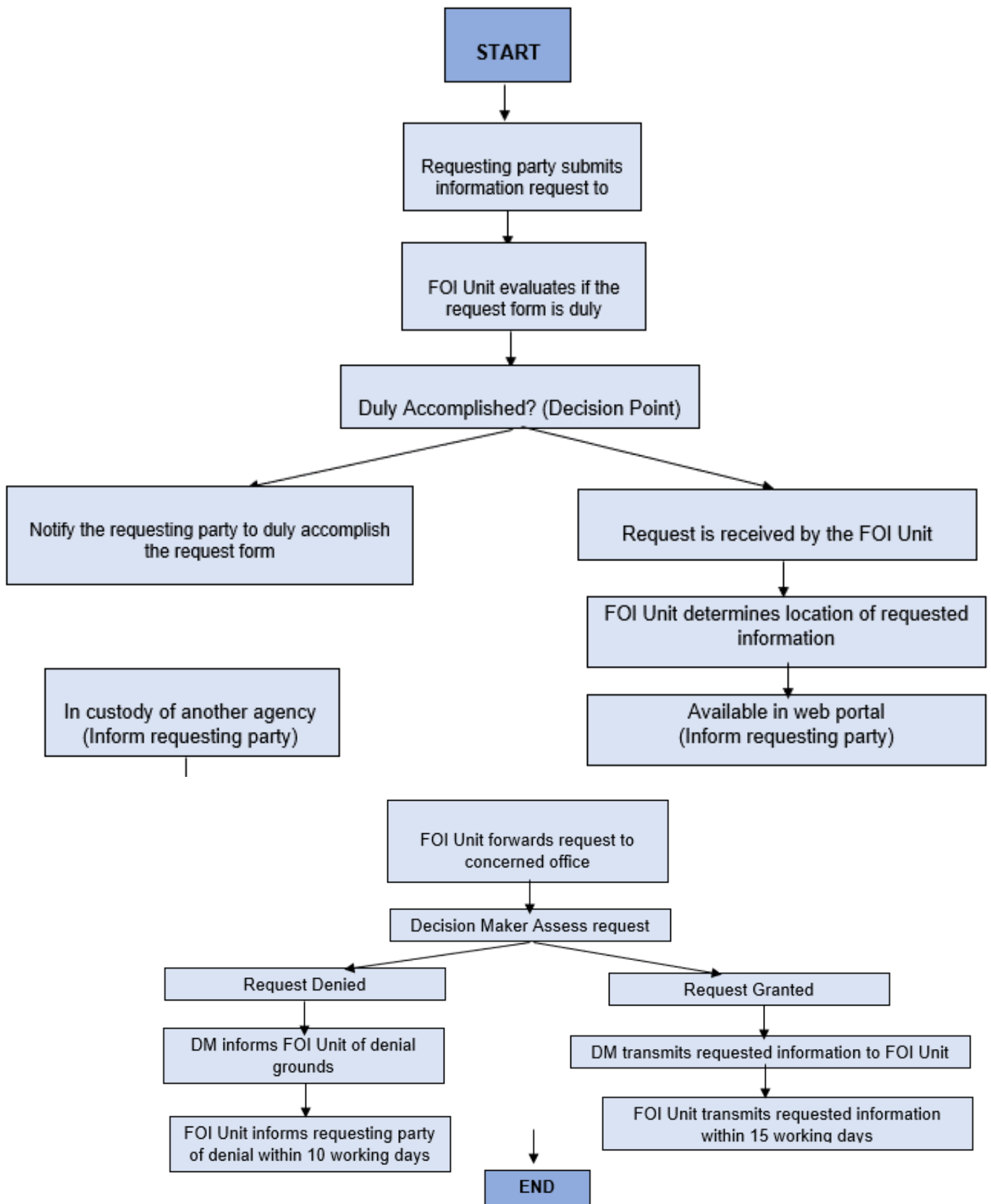
A. Reyes, G.R. No. 163155, 21 July 2006; and Questionnaires in the Professional Regulation Commission test banks, pursuant to *Antolin-Rosero v. Professional Regulation Commission*, G.R. No. 220378, 30 June 2021.

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

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

ANNEX “C”

REQUEST FOR INFORMATION FLOWCHART



ANNEX “D”

EXECUTIVE ORDER NO. 02

**MALACAÑANG PALACE
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

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

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

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

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

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

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

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

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

(c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

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

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

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

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

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

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

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

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

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

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

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;

(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

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

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

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

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of 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.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

By the President:

(Sgd.) SALVADOR C. MEDIALDEA
Executive Secretary

ANNEX "E"

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

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*; *Sereno 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. Mediaidea*, 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 camapped vehicles and apprehension of the persons charged with camapping;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 Camapping 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).

- o. Information on registered cultural properties owned by private individuals;⁵²
 - p. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵³
 - q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁴
 - 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;⁵⁵ 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*.⁵⁶
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 where 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.⁵⁷
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:

⁵² Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁵³ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁴ 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).

⁵⁵ Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

⁵⁶ Section 16, *The Anti-Terrorism Act of 2020* (RA No. 11479).

⁵⁷ Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵⁸
- b. Matters involved in an Investor-State mediation;⁵⁹
- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁶⁰
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶¹
- 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;⁶²
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁶³
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁶⁴
- 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*;⁶⁵
- i. Investigation report and the supervision history of a probationer;⁶⁶
- j. Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;⁶⁷

⁵⁸ 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.

⁵⁹ Article 10, International Bar Association Rules for Investor-State Mediation.

⁶⁰ Article 237, *Labor Code*.

⁶¹ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶² 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.

⁶³ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁶⁴ 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.

⁶⁵ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁶ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶⁷ 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.

- 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 “F”



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;

7th Floor Times Plaza Building, United Nations Ave., Ermita, City of Manila, Philippines

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