



DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS

# **FREEDOM OF INFORMATION**

**AGENCY FOI MANUAL**

**DPWH People's Freedom of Information (FOI) Manual****TABLE OF CONTENTS**

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## **SECTION 1: OVERVIEW**

1. **Objective:** The purpose of this DPWH FOI Manual (Manual) is to provide the process to guide and assist the DPWH and all its offices in dealing with requests for information received under Executive Order (E.O.) No. 2, Series of 2016<sup>1</sup>. (**Annex "A"**)
2. **Structure and Scope:** This Manual sets out the rules and procedures to be followed by all DPWH offices when acting on FOI requests. The DPWH Secretary shall be responsible for all actions carried out under this Manual, and may delegate such responsibility to DPWH undersecretaries and heads of DPWH offices.  

The DPWH Secretary may designate a specific officer to act as the FOI Decision Maker (FDM), who shall have overall responsibility for initial decisions on FOI requests (i.e., to decide to wholly or partially release all the records, or deny the same).
3. **Coverage of the Manual:** This Manual shall cover all FOI requests directed to the DPWH.
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated by the DPWH Secretary. The FRO shall preferably come from the Legal Service, the Stakeholders Relations Division, the Information Management Service, the Procurement Service, the Financial and Management Service, Human Resource and Administrative Service, or its equivalent, in the DPWH. The FRO shall hold office at Ground Floor, DPWH Central Office Building, Bonifacio Drive, Port Area, Manila.

The functions of the FRO shall include receiving on behalf of the DPWH or any of its Bureaus, Services, Unified Project Management Offices, Regional Offices and District Engineering Offices, and attached agencies, all requests for information and forwarding the same to the appropriate office who has custody of the records; monitoring all FOI requests and appeals; providing assistance and support to the public and DPWH staff with regard to the implementation of the Manual; compiling statistical information as required; and, conducting initial evaluation of the request and advising the requesting party whether the request will be (i) forwarded to the FOI Decision Maker for further evaluation, or (ii) denied based on the following grounds:

- a. That the FOI Request form is incomplete; or
  - b. That the information is already disclosed in DPWH's Website, or at [foi.gov.ph](http://foi.gov.ph), or at [data.gov.ph](http://data.gov.ph).
5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the DPWH Secretary, with a rank of not lower than a Division Chief or its equivalent, who shall conduct an evaluation of FOI requests and has the authority to grant or deny FOI requests based on the grounds enumerated under Section 6 of this Manual. In case the FDM is on leave, incapacitated, or unable to discharge the duties of FDM for any reason, the Secretary may delegate such authority to a DPWH officer until the FDM is able to resume exercising the functions of such post, or until a new FDM is designated.
  6. **FOI Central Appeals and Review Committee:** The DPWH FOI Central Appeals and Review Committee (CARC) shall evaluate and review the decisions of the FDM on the

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<sup>1</sup> *Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor.*

grant or denial of FOI Requests. The CARC shall also provide expert advice to the DPWH Secretary on the denial of FOI requests.

The CARC shall be composed of the following:

Chair:	The Director of the Legal Service
Vice-Chair:	The Director of the Stakeholders Relations Service
Members:	The Director of the Information Management Service The Assistant Director of the Bureau of Research and Standards Representative from the Bureau of Construction Representative from the Bureau of Design Representative from the Planning Service Representative from Procurement Service Representative from Public-Private Partnership Service Representative from UPMO

For purposes of issuing a decision, the presence of the Chair or the Vice-Chair along with six (6) members of the CARC shall constitute a quorum. The vote of the majority present at a quorum is required to render a decision.

## **SECTION 2: DEFINITION OF TERMS**

1. **Annual FOI Report.** A report prepared annually by the DPWH and other government agencies detailing the administration of the FOI, and filed by each government agency with the Presidential Communications Operations Office. Annual FOI Reports contain information and statistics on the number of FOI requests and appeals received, processed, and pending at each government agency.
2. **Consultation.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation."
3. **data.gov.ph.** The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.
4. **DPWH.** The Department of Public Works and Highways.
5. **DPWH Website ([www.dpwh.gov.ph](http://www.dpwh.gov.ph)).** The official website of the DPWH.
6. **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. These include:
  - a. Information covered by Executive privilege;
  - b. Privileged information relating to national security, defense or international relations;
  - c. Information concerning law enforcement and protection of public and personal safety;
  - d. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;

- e. Information, documents, or records known by reason of official capacity and are deemed 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;
  - f. Prejudicial premature disclosure;
  - g. Records of proceedings or information from proceedings, which, pursuant to law or relevant rules and regulations are treated as confidential or privileged;
  - h. Matters considered confidential under banking and finance laws, and their amendatory laws; and
  - i. Other exceptions to the right of information under laws, jurisprudence, rules, and regulations.
7. **FOI Contact.** The name, address and phone number at each government office where an FOI request can be made.
  8. **FOI Receiving Office.** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.
  9. **FOI Request.** A written request submitted to a government office personally or by electronic mail (e-mail) asking for information and/or records on any topic. Subject to applicable requirements, an FOI Request can be made by any Filipino to any government office.
  10. **FOI Website (eFOI.gov.ph).** The website that serves as the government's comprehensive website for all FOI-related information. Among other features, the FOI Website provides a central resource to help the public understand FOI, find information or records that are available online, and learn how to make a request for information. The site also promotes agency accountability for the administration of the FOI by graphically displaying detailed statistics contained in Annual FOI Reports for comparison with other agencies.
  11. **Freedom of Information (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order NO. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.
  12. **Frequently Requested Information.** Information released in response to an FOI Request that the DPWH or any other government agency determines to have become or is likely to become the subject of subsequent requests for substantially the same records.
  13. **Full Denial.** When the DPWH or any of its offices cannot release any records in response to an FOI Request due to any of the reasons under Section 6.
  14. **Full Grant.** When a government office is able to disclose all records in full in response to a FOI request.
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15. **Information.** Records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
  16. **Information for Disclosure.** Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with concept of proactive disclosure and open data, these types of information can already be posted on government websites, such as data.gov.ph, without need for written requests from the public.
  17. **Multi-Track Processing.** A system that divides incoming FOI requests according to their complexity so that simple requests requiring a relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
  18. **Official Record(s).** 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.
  19. **Open Data.** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
  20. **Partial Grant/Partial Denial.** When the DPWH or a government office is able to disclose portions of the records in response to an FOI Request, but must deny other portions of the request.
  21. **Pending Request or Appeal.** An FOI or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.
  22. **Perfect Request.** An FOI Request, which reasonably describes the records, sought and is made in accordance with the regulations of the DPWH or other applicable government office.
  23. **Personal Information.** 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 information which, when put together with other information, would directly and certainly identify an individual.
  24. **Proactive Disclosure.** Information made publicly available by the DPWH or other government agencies without waiting for a specific FOI request.
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25. **Processed Request or Processed Appeal.** Requests or appeals in relation to which the work has been completed and a final response to the requester has been sent by the DPWH or other government agencies.
26. **Public Records.** Information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
27. **Public Service Contractor.** A private entity that has any dealing, contract, and/or transaction with the DPWH or other government agency.
28. **Received Request or Received Appeal.** An FOI Request or administrative appeal that the DPWH or a government agency has received within a fiscal year.
29. **Referral.** A process whereby a record, located by the DPWH or a government office, that originated with, or is of otherwise primary interest to another agency, is forwarded by the DPWH or such government office to the other agency ("Agency of Interest") so that the Agency of Interest can process the record and 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 is not limited to, social security numbers, previous or current health records, licenses, denials, suspensions or revocations of licenses, 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 the DPWH or a government agency anticipates will involve a small volume of materials or which may be processed relatively quickly.

### **SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT**

1. **Duty to Publish Information.** The DPWH 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 the DPWH 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 processes;
  - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of by the public;
  - c. The names of its key officials, their powers, functions and responsibilities, their profiles and curriculum vitae;

- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
  - e. Important rules and regulations, orders or decisions;
  - f. Current and important 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.
2. **Accessibility of Language and Form.** The DPWH shall endeavor to translate key information into major Filipino dialects and present them in popular form and means.
  3. **Keeping of Records.** The DPWH shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

#### **SECTION 4. PROTECTION OF PRIVACY**

1. While providing for access to information, the DPWH shall afford full protection to a person's right to privacy, as follows:
  - a. The DPWH 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 DPWH 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 official who has access, whether authorized or unauthorized, to personal information in the custody of the DPWH, shall not disclose that information except as authorized by existing laws.

#### **SECTION 5. REQUIREMENTS FOR MAKING AN FOI REQUEST**

1. Except as provided in Section 7(1.2), an FOI Request must:
  - a. be in writing;
  - b. state the name and contact information of the requesting party;
  - c. include a government-issued proof of identification; and
  - c. reasonably describe the information requested and the reason for, or purpose of, the FOI Request. (See "***Annex B***")

#### **SECTION 6. GROUNDS FOR DENYING AN FOI REQUEST**

1. The FDM may deny an FOI request on any of the following grounds:
    - a. The DPWH does not have the information requested;
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- b. The information requested contains sensitive personal information protected under Republic Act (R.A.) No. 10173 or the Data Privacy Act of 2012<sup>2</sup>;
- c. The information requested falls under the list of exceptions to FOI; or
- d. The request is an unreasonable subsequent identical or substantially similar request from the same party, whose earlier request had already been previously granted or denied by the DPWH;
- e. No record responsive to the request could be located.

## **SECTION 7. STANDARD PROCEDURE**

### **1. Receipt of Request for Information.**

- 1.1. The request may be made through e-mail, provided that the requesting party shall attach to the e-mail a scanned copy of the completely filled-out FOI Request application, and a copy of a government-issued ID with photo.
- 1.2. In case the requesting party is unable to make a written request because of illiteracy or disability, the requesting party may make an oral request and the FRO shall reduce such request into writing. The FOI Request must comply with the requirements of Section 5.
- 1.3. The FRO shall review the FOI Request for purposes of determining compliance with the requirements of Section 5. If the FOI Request fails to comply with any of the requirements of Section 5, the FRO shall notify and provide the requesting party with a written list of the requirement(s) which must be submitted.
- 1.4. If the FRO finds that the FOI Request complies with Section 5, the FRO shall encode the details of the FOI request into the FOI Request Tracking System and generate a tracking number.
- 1.5. Following the procedure in Section 7(1.4), the FRO shall then stamp the FOI Request with the word "RECEIVED" and indicate:
  - a. The date and time of receipt;
  - b. The name, rank, title, and position of the public officer who received the FOI Request;
  - c. The tracking number; and
  - d. The signature of the FRO.

The FRO shall provide the requesting party with a receiving copy of the FOI Request.

- 1.6. In case of FOI Requests received by e-mail, the FRO shall print-out the FOI Request, the requesting party's proof of identity, and other attachments. The FRO shall acknowledge receipt of the FOI Request by e-mail and follow the procedure in Section 7 (1.3 to 1.5).

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<sup>2</sup> *Data Privacy Act of 2012.*

## 2. Response Period for Requests.

2.1. All DPWH Offices must respond to an FOI Request promptly within the fifteen (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically received by the FRO, or received by a DPWH e-mail account created specifically for incoming FOI Requests.
- b. The date on which the necessary clarification is received if the DPWH office has asked the requesting party for further details to identify and locate the requested information. From the date the DPWH asks for clarification, the fifteen (15) working day period is tolled until the requesting party has submitted the necessary clarification.

Should the requested information need further details to identify or locate, then the fifteen (15) working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after forty (40) calendar days, the request shall be closed.

**3. Initial Evaluation.** After receipt of the FOI Request, the FRO shall evaluate the contents of such request.

**3.1 Request relating to more than one office under the DPWH:** If an FOI Request requires information from another agency, bureau and/or office, the FRO shall forward such request to the agency, bureau and/or office concerned. The FRO shall ensure that the request for information is well-coordinated and monitor compliance by such agency, bureau and/or office. The FRO shall also coordinate with the respective FROs of such agency, bureau and/or office so that only the specific information relating to their agency, bureau and/or office will be provided.

**3.2 Requested information not in the custody of the DPWH:** If the requested information is not in the custody of any DPWH office, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- a. If the records requested refer to another government agency or department, the request will be immediately transmitted to such appropriate agency or department through the most expeditious manner. Within fifteen (15) working days, the DPWH must inform the requesting party that the request has been transmitted to the appropriate agency or department. Thereafter, the DPWH is relieved of any further responsibility arising out of the request. Upon receipt of the transmitted request, the receiving agency or department shall be given a fresh period of fifteen (15) working days within which to respond.

- b. If the records refer to an office not within the coverage of E.O. No.2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

**3.3 Requested information is already posted and available online:** If the information being requested is already posted and publicly available in the DPWH Website ([www.dpwh.gov.ph](http://www.dpwh.gov.ph)), the FRO shall inform the requesting party of such fact and provide them the website link where the information is posted.

**3.4. Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to a previous request by the same requesting party, the request shall be denied. However, the FRO shall inform the requesting party of the reason of such denial.

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

**5. Role of FDM in processing FOI Request:** Upon receipt of the FOI Request from the FRO, the FDM shall assess and clarify if the request is necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within fifteen (15) working days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the DPWH Secretary, in case the submission is beyond the 15-working day period.

If the FDM needs further details to identify or locate the information, the FDM shall, through the FRO, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working day period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult the agency concerned on whether or not the subject information may be disclosed before making any final determination.

**6. Role of FRO in transmitting the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. The FRO shall attach a cover/transmittal letter signed by the FRO.

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

The FRO shall inform the requesting party in writing (in paper or through e-mail) that an extension of time is required to respond to the FOI Request, setting forth the reasons for the delay. The extension of time to respond to an FOI Request may not exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request (as provided in Section 7(2)), unless exceptional circumstances warrant a longer period.

**8. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approves or denies an FOI Request, the FDM shall immediately notify the FRO who shall prepare the response to the requesting party either in writing (in paper or through e-mail). A copy of the written response prepared by the FRO shall be provided to the DPWH Secretary.

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

**10. Denial of Request:** In case of Full Denial or Partial Denial of an FOI Request, the FRO shall notify the requesting party of the denial, in writing, within the prescribed period under Section 7(2). The notice shall clearly set forth the ground(s) for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the FOI Request. The requesting party may ask for a reconsideration of the denial within five (5) working days from receipt of the notice of denial.

### **SECTION 8: REMEDIES IN CASE OF DENIAL**

A person whose FOI Request has been denied may resort to the remedies set forth below:

**1. Appeal to the DPWH CARC.**

- a. The requesting party may appeal a Full Denial or Partial Denial of an FOI Request by filing a written appeal to the DPWH CARC within fifteen (15) calendar days from receipt of the notice of denial of the FOI Request.
- b. The appeal shall be decided by the DPWH CARC within fifteen (15) working days from the receipt of the written appeal.

**2. Appeal to the DPWH Secretary.**

- a. The decision of the DPWH CARC may be appealed by the requesting party by filing a written appeal to the DPWH Secretary within ten (10) calendar days from receipt of the DPWH CARC decision.
- b. The appeal shall be decided by the DPWH Secretary within thirty (30) working days from the receipt of the written appeal.

3. Upon exhaustion of remedies under Section 8, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

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## **SECTION 9. REQUEST TRACKING SYSTEM**

The DPWH shall establish a system to track the status of all FOI Requests received by it, either paper-based or by e-mail.

## **SECTION 10. COSTS**

1. **No Request Fee:** The DPWH shall not charge any fee for accepting FOI Requests.
2. **Reasonable Cost of Reproduction and Photocopying of the Information:** The FRO shall immediately notify the requesting party in case there is any reproduction or photocopying cost involved in providing the information. The requesting party shall pay to the DPWH the amount necessary to cover such reproduction or photocopying cost. The DPWH shall issue to the requesting party an official receipt detailing the reproduction or photocopying cost(s).
3. **Exemption from Costs:** The DPWH may exempt a requesting party from payment of costs based on reasonable grounds such as poverty or indigence. The requesting party must make a written request stating the reasons to support the request for exemption. The DPWH may require the requesting party to provide sufficient evidence to support the ground(s) for granting such exemption from costs.

## **SECTION 11. ADMINISTRATIVE LIABILITY**

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the imposition of the following administrative penalties on the officer responsible for the violation:
    - a. 1<sup>st</sup> Offense - Reprimand
    - b. 2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days; and
    - c. 3<sup>rd</sup> 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, rule, or regulation prescribed by anybody or agency, which provides for more stringent penalties.
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**ANNEX “B”**

MALACAÑAN PALACE  
MANILA

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 02**

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

**WHEREAS**, pursuant to 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 AGENCYS, 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, AGENCYs, 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 AGENCY 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 AGENCY 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

Agency Model FOI Manual (Updated as of 11 November 2016)  
Presidential Communications Operations Office

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 9 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;



- (f) The procedure for the administrative appeal of any denial 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 9 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

DRAFT

# Freedom of Information Request Form

Send this form direct to the agency holding the documents, together with the application fee.

## FREEDOM OF INFORMATION REQUEST

**Date:** \_\_\_\_\_

**Surname:** \_\_\_\_\_

**First Name(s):** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Postcode:** \_\_\_\_\_

**Phone contact no. (Home):** \_\_\_\_\_

**(Business):** \_\_\_\_\_

**I would like access to the following document(s):**

Indicate whether you would like to inspect the documents and/or obtain a copy of the documents:

I want a copy of the document(s) .....

I want to inspect the document(s) .....