



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

19-12442
097.13 DPWH
11.29.2019

NOV 27 2019

DEPARTMENT ORDER)

No. **131**)
Series of 2019 *du* 11.29.19)

SUBJECT: Addendum to Department Order No. 62, series of 2017 Designation of the Freedom of Information (FOI) Champion

Pursuant to the provision of Freedom of Information Memorandum Circular No. 01, series of 2016 issued by the Presidential Communications Operations Office, the Undersecretary for Support Services is hereby designated as the DPWH FOI Champion.

This order shall take effect immediately.

MARK A. VILLAR
Secretary

17.1.1SAB/MAV/EPP

Department of Public Works and Highways
Office of the Secretary



WIN9K00538

897.13.DPH
04.24.2017



20 APR 2017

Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
Manila

DEPARTMENT)
ORDER)

NO. **62**)
Series of 2017)

SUBJECT: Designation of the Freedom of Information (FOI) Receiving Officer (FRO) and FOI Decision Maker (FDM), and Constitution of the Central Appeals and Review Committee (CARC)

For the purpose of ensuring that the people's constitutional right to be informed on matters of public concern is realized, the President issued Executive Order (E.O.) No. 2, Series of 2016. Pursuant thereto, this Department promulgated an FOI Manual to serve as a guide in handling requests for information under the said E.O.

Towards full accomplishment of the noble objectives of E.O. No. 2, Series of 2016 and the FOI Manual, Mr. ANDRO V. SANTIAGO of the Stakeholders Relations Service is hereby designated as the FRO. Accordingly, and as provided under the FOI Manual, the FRO shall:

1. Receive all requests for information and forward the same to the appropriate office which has custody of the pertinent records;
2. Monitor all FOI requests and appeals;
3. Provide assistance and support to the public and to the Department with regard to the implementation of the FOI Manual;
4. Compile statistical information, as required;
5. Conduct the initial evaluation of requests and, thereafter, advise requesting parties whether their requests will be forwarded to the FDM for further evaluation, or denied based on relevant grounds; and
6. Exercise any and all other functions required of him under the FOI Manual.

Immediately after designation, the FRO shall take all the necessary steps to set up an FOI Receiving Office at a conspicuous location on the ground floor of the DPWH Central Office, Bonifacio Drive, Port Area, Manila. To facilitate FOI request reception, the FRO may, at his discretion, deputize personnel in the regional and district offices who shall be authorized to receive FOI requests and to forward the same to the FOI Receiving Office. The FRO may issue such policies, rules, and regulations to govern the operations of the FOI Receiving Office; provided, that the non-issuance of such policies and rules shall not be a ground for inaction on any FOI request.

To cover the costs of processing FOI requests, the FRO shall be responsible for the preparation of a schedule of fees. For this purpose, the FRO may seek inputs from any DPWH office. The FRO must ensure that the fee schedule is publicly available and posted conspicuously at the FOI Receiving Office. All payments related to FOI requests must be issued corresponding official receipts.

Likewise, Atty. JUAN V. TALLION, JR. of the Legal Service is hereby designated as the FDM who shall, among other responsibilities set forth under the FOI Manual, conduct evaluations of FOI requests, and grant or deny the same based on the grounds set forth in the FOI Manual and pertinent laws, rules, and regulations. Decisions of the FDM shall be in written form and shall clearly state the facts of requests, and the basis for the grant or denial thereof.

Also, the CARC, which shall, along with other duties provided under the FOI Manual, evaluate and review decisions of the FDM on FOI requests, as well as provide expert advice to the Secretary, is hereby constituted and shall be composed of the following:

Designation	Designee
Chair	Director ESTRELLA T. DECENA-ZALDIVAR, Legal Service
Vice-Chair	Director ELIZABETH P. PILORIN, Stakeholder Relations Service
Members	Director MA. NIEVA S. DELA PAZ, Information Management Service Assistant Director REYNALDO P. FAUSTINO, Bureau of Research and Standards Engr. MELROSE I. PAILMA, Bureau of Construction Engr. JESUS I. OBA, Bureau of Design Engr. MADELYN B. LOYOLA, Planning Service Engr. MARY GRACE N. OBJA-AN, Procurement Service Ms. MARILOU M. CAMUA, Public-Private Partnership Service Mr. JOSE A. AGUINALDO, Unified Project Management Office

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

Within six (6) months from its constitution, the CARC shall promulgate its rules of procedure. In the interim, the CARC shall proceed with the disposition of FOI appeals following such processes as the Chair may determine, with due regard to the objects, spirit, and intents of the FOI Manual, all relevant laws, rules, and regulations, the rights of any person which may be involved, especially those pertaining to privacy and confidentiality, universally accepted practices, and such other considerations that may aid in the judicious resolution of FOI appeals.

The FRO, the FDM, and the Chair of the CARC are hereby directed to coordinate with the Office of the Undersecretary for Legal Affairs and Priority Projects regarding the DPWH's participation in the eFOI platform being administered by the Presidential Communications Operations Office, transitional matters, and all other FOI concerns as may be necessary or desirable for the Department's full compliance with policies on full public disclosure.

In case any FOI officer or CARC member, at any time, determines or encounters any issue or concern not covered by the FOI Manual or other pertinent Department issuances, or any impediment which works against the progressive realization of a full and meaningful FOI culture, the said officer or member shall immediately inform the Office of the Undersecretary for Legal Affairs and Priority Projects of the matter for appropriate action, including the revision of the FOI Manual and the promulgation of supplemental or amendatory issuances.

Nothing herein shall be construed as limiting the duties and responsibilities of FOI officials to the above-mentioned functions according to the objectives of E.O. No. 2, Series of 2016, the FOI Manual, and all other pertinent laws, rules, and regulations on full public disclosure.

The foregoing FOI officials shall exercise their duties and responsibilities until their respective replacements are designated by the Secretary through the issuance of the appropriate memoranda or letters of appointment.

This Order shall take effect immediately.



MARK A. VILLAR

Secretary

Department of Public Works and Highways
Office of the Secretary



WIN7A02966



Republic of the Philippines
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Malacañang, Manila

FOI - MC No. 01 s. 2016

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

FOR : All Agencies, Departments, Bureaus, Offices and Instrumentalities, Chartered Institutions, Government-Owned or – Controlled Corporations (GOCCs), including Government Financial Institutions (GFIs), Government Corporate Entities (GCE), and non-chartered GOCCs, and State Universities and Colleges.

SUBJECT : FREEDOM OF INFORMATION (FOI) Program

DATE : 11 November 2016

BACKGROUND

- 1.0 On 23 July 2016, President Rodrigo Roa Duterte signed Executive Order (EO) No. 2 entitled **Operationalizing in the Executive Branch of 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**. The Office of the President, through the Presidential Communications Operations Office (PCOO), was tasked to take the lead in the implementation of the FOI program including the preparation of a model manual and guidelines for the Executive Branch, including GOCCs and State Universities and Colleges.
- 2.0 Section 8 and 16 under EO 2 require all government offices in the Executive branch to prepare their respective People's FOI Manuals and implementing details (Agency FOI Manual) within one hundred twenty (120) days from the effectivity of the order.
- 3.0 On 25 November 2016, the 120th day from effectivity of the EO, the FOI program will be launched through an official government announcement which will also showcase the FOI manuals. To assist agencies with the compliance to the EO, this memorandum provides the essential guidelines and standard forms for FOI implementation.

MODEL AGENCY FOI MANUAL

- 4.0 As a guide for the agencies in the development of their agency FOI Manuals, the PCOO drafted a Model Agency FOI Manual (**Annex A**). This, however, only serves as a guide and does not limit agencies in crafting their own agency manuals.
- 5.0 The Agency FOI Manual details the internal FOI guidelines and defines the specific roles and responsibilities of the following agency personnel designated to handle agency FOI requests: **the FOI Champion**; the Decision Maker/s; and the Receiving Officer/s. It also includes provisions on the promotion of openness in government, protection of privacy, remedies in case of denial, charging of fees, and administrative liabilities. The manual should likewise contain the detailed FOI process flow; comprehensive list of exceptions; and templates for FOI responses.
- 6.0 On the other hand, the People's FOI Manual is a separate document designed for the general public to guide them in making FOI requests. It should include, among others the following:
 - 6.1 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;
 - 6.2 the person or office responsible for receiving requests for information;
 - 6.3 the procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order;
 - 6.4 the standard forms for the submission of requests and for the proper acknowledgment of requests;
 - 6.5 the process for the disposition of requests;
 - 6.6 the procedure for the administrative appeal of any denial for access to information; and,
 - 6.7 the schedule of applicable fees.

AGENCY INFORMATION INVENTORY

- 7.0 The Agency Information Inventory is a master list of all government information held by an agency, containing the title, description, and file type of each information (**Annex B**). This list will provide the scope and limitations of the types of information which can be requested from an agency. Any information requested not included in the agency inventory is considered a basis for denial of such request.

STANDARD FOI REQUEST FORM

- 8.0 An FOI request will only be considered valid if applied through the fully-accomplished Standard FOI Request Form (**Annex C**). If in case the Requesting Party cannot fill this out, the Receiving Officer is tasked to translate such request into the form.

- 9.0 This form is the standard form for all FOI requests submitted to agencies covered under Section 2 of the EO. Requesting parties are required to supply all information in the form and present at least one (1) valid government-issued ID. Once a request has been approved as valid, the Receiving Officer shall provide a stamped photocopy of the form to the Requesting Party.

STANDARD FOI REGISTRY

- 10.0 To facilitate a uniform tracking, monitoring and evaluation system for FOI program implementation, attached herein is the Standard FOI Registry sheet (**Annex D – accessible at <http://bit.ly/foipco>**) to be managed by FOI Receiving Officers. All FOI requests should be logged in to this form and should be updated accordingly. **Annex E** provides a comprehensive instructional note for accomplishing the FOI Registry.
- 11.0 The FOI Registry will be the basis for measuring agency performance and compliance alongside important FOI analytics to assess the initial financial costs of FOI implementation.
- 12.0 This is an interim solution to the standardized reporting procedure across the Executive Branch; moving forward, an online electronic FOI registry system will be developed.

FOI EXCEPTIONS

- 13.0 Section 4 of EO No. 2 states that “access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence”. The list of exceptions from the Office of the President will be forwarded and disseminated as soon as it becomes available. Agencies may refer to this master list in their respective FOI manuals.
- 14.0 This inventory of exceptions will be periodically updated to properly reflect any changes in the existing law and jurisprudence.

REQUIRED ACTIONS

- 15.0 In compliance to this memorandum, all agencies covered under EO No. 2 shall observe the following requirements before November 25, 2016:
- 15.1 Agencies are required to submit their **Agency FOI Manual and People’s FOI Manual** (.pdf/.doc). PCOO’s Model Agency FOI Manual can be converted into a People’s FOI Manual by removing its Section 3 (Promotion of Openness in Government), Annex E – 2 (Detailed FOI Request Process), Annex E – 3 (FOI Request Process in Days), and Annex G-1 to G-6 (FOI Response Templates).

15.2 All Heads of Agencies shall designate its **FOI Champion, Decision Maker/s, and Receiving Officer/s** who will handle its FOI implementation. Information about these FOI Officers should be submitted before November 18, 2016 (.pdf/.doc), enumerating the following:

- 15.2.1 Agency Name & Address;
- 15.2.2 Full Names;
- 15.2.3 Positions;
- 15.2.4 Email addresses; and
- 15.2.5 Landline & fax numbers.

16.0 All agencies are required to submit to the PCOO the Agency Information Inventory and the accomplished FOI Registry every quarter starting March 2017. Non-submission of these requirements will be labeled as non-compliance.

17.0 As part of the compliance to the EO, all requirements shall be submitted both in soft copies and hard copies.

17.1 Soft copies of the Agency FOI Model Manual, templates, and forms, provided as annexes to this memo, can be accessed and retrieved from this link:

<http://bit.ly/foipco>

17.2 Send all soft copies of submissions to foi@pco.gov.ph and foi.pco@gmail.com

17.3 Hard copies should be submitted to the following address:

Sec. JOSE RUPERTO MARTIN M. ANDANAR
Presidential Communications Operations Office (PCOO)
Office of the President
3F, New Executive Building, J.P. Laurel St.,
Malacañang Compound, Manila

COMPLIANCE

18.0 Section 15 of EO No. 2 states, "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".

19.0 Pursuant to this, PCOO will monitor and report on FOI program compliance to the Office of the Executive Secretary. The status of submissions will be published online via foi.gov.ph, which will be unveiled on November 25, 2016.

20.0 For compliance.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary