



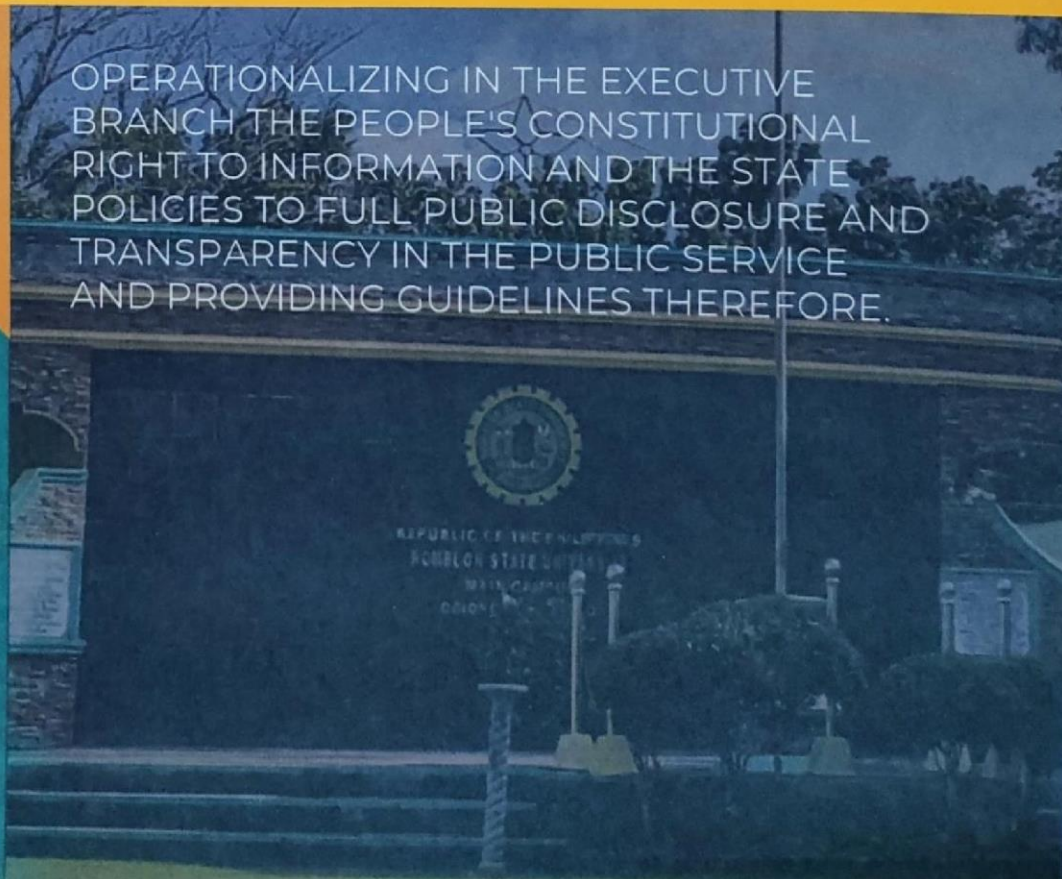
Republic of the Philippines
ROMBLON STATE UNIVERSITY
Romblon, Philippines



FREEDOM OF INFORMATION MANUAL

PURSUANT TO EXECUTIVE ORDER NO. 02, SERIES OF 2016

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





REPUBLIC OF THE PHILIPPINES
ROMBLON STATE UNIVERSITY
Odiongan, Romblon

**FREEDOM
OF
INFORMATION MANUAL**

**PURSUANT TO EXECUTIVE ORDER
NO. 02, SERIES OF 2016**

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S
CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO
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AND PROVIDING GUIDELINES THEREFOR



CERTIFICATION

The undersigned hereby certifies that the Freedom of Information (FOI) Manual of Romblon State University has been revised and updated for the Fiscal Year 2022 as requirement set forth by the Inter-Agency Task Force on the Harmonization of National Government Performance Monitoring, Information, and Reporting Systems (Task Force Administrative Order (AO) 25, s. 2011) and pursuant to section 8 of People's Freedom to Information (FOI) Manual of the Executive Order (EO) No. 02, series of 2016.

Section 5.1.a and 6.5.b of Task Force AO 25 MC No. 2018-1, provides that departments and agencies must comply with the enhanced FOI Program requirements, subject to conditions.


MERIAN P. CATAJAY-MANI, Ed.D., CESE
Name and Signature of the Head of Agency

3/27/2023

Date signed

RSU Vision

A research-based academic institution committed to excellence and service in nurturing globally competitive workforce towards sustainable development.

RSU Mission

Romblon State University shall nurture an academic environment that provides advanced education, higher technological and professional instruction and technical expertise in agriculture and fisheries, forestry, engineering and technology, education, humanities, sciences and other relevant fields of study and collaborate with other institutions and communities through responsive, relevant and research-based extension services.

RSU Quality Policy

Romblon State University commits to provide higher education through quality instruction, research, production, and community-based extension services that meet or exceed the requirements and expectations of the university's stakeholders. It will comply with international standards, applicable statutory and regulatory requirements, and continually improve the Quality Management System's effectiveness through periodic monitoring and evaluation toward sustained remarkable outcomes.

RSU Core Values

- Stewardship
- Competence
- Resilience
- Integrity
- Balance
- Excellence
- Service

These Core Values serve as our guiding principle in our efforts to make ROMBLON STATE UNIVERSITY a recognized HEI in the region and beyond.

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SECTION 1 OVERVIEW

1. Purpose:

The purpose of this Freedom of Information (FOI) Manual is to prescribe the procedures to be observed by the public and Romblon State University (RSU) in dealing with FOI requests/documents/records directed to the University pursuant to Executive Order (EO) No. 2, s. 2016 (Operationalizing in the Executive Branch the people's Constitutional Right to Information and the State policies to Full Public Disclosure and Transparency in the Public Service and providing Guidelines Therefor) dated 23 July 2016.

2. Objectives

This manual sets the rules and procedures to be followed by the University, whenever a request for access to information is received. The RSU President, Dr. Merian P. Catajay-Mani, shall be responsible for all actions carried out under this Manual and may delegate this responsibility to the designated FOI Receiving Officer (FRO), FOI Decision Maker (FDM), Data Protection Officer (DPO), and the respective Campus Directors of the University's satellite campuses. The University President may delegate the Central Appeals and Review Committee (CARC) members to act as the FDM. The FDM shall have overall responsibility for the initial decision on FOI requests, (e.g., to decide whether to release all the records, partially release the records, or deny access).

3. Coverage of the Manual

This Manual covers all requests for information/documents/records addressed to RSU Main Campus & its eight (8) satellite campuses, as follows:

<input type="checkbox"/> Main Campus	–	Liwanag, Odiongan, Romblon
<input type="checkbox"/> San Agustin Campus	–	San Agustin, Romblon
<input type="checkbox"/> Calatrava Campus	–	Calatrava, Romblon
<input type="checkbox"/> San Andres Campus	–	San Andres, Romblon
<input type="checkbox"/> Sta. Fe Campus	–	Sta. Fe, Romblon
<input type="checkbox"/> Sta. Maria Campus	–	Sta. Maria, Romblon
<input type="checkbox"/> Romblon Campus	–	Sawang, Romblon, Romblon
<input type="checkbox"/> San Fernando Campus	–	Fernando, Romblon
<input type="checkbox"/> Cajidiocan Campus	–	Cajidiocan, Romblon

SECTION 2 DEFINITION OF TERMS

FOI Receiving Officer (FRO)

The RSU FRO is under the Office of the Vice President for Administration and Finance (OVPAF). Mr. Reno U. Solidum, Records Officer, is designated as FRO of the University. The function of the FRO shall include receiving on behalf of RSU or any of its satellite campuses, all FOI requests. The FRO shall maintain a logbook of all FOI requests chronologically received for accountability purposes. Said FOI requests shall be forwarded to the appropriate person or office which has custody of the records. The FRO shall monitor all FOI requests and appeals, provide assistance to the FDM, provide assistance and support to the public with regard to FOI requests, compile statistical information as required and conduct initial evaluation of the request. The FRO shall also advise the requesting Party whether the request will be forwarded to the FDM for further evaluation, or deny the request based on valid reasons.

FOI Decision Maker (FDM)

The RSU FDM is the Vice President for Administration and Finance (VPAF) in the person of Dr. Tomas T. Faminial (Associate Professor V) as designated by the University President. The FDM, Data Protection Officer (DPO), and the CARC shall conduct evaluation of the FOI requests and has the authority to grant the request or deny it based on valid reasons. The designated officer is responsible for managing FOI requests submitted to RSU and its satellite campuses and in ensuring that said requests and handled in accordance with E.O. No. 2, s. 2016. The FDM is also responsible for making the final decision on any dispute or appeal in relation to a valid FOI requests.

data.gov.ph.

The Open Data Website that serves as the Government's comprehensive portal for all public government data is searchable, understandable, and accessible.

eFOI.gov.ph.

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

INFORMATION

Any records, documents, papers, reports, letters, contracts, minutes and transcript 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, or kept in or under the control and custody of the RSU pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by the RSU.

INFORMATION FOR DISCLOSURE

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

OFFICIAL RECORD/S

Information/documents/records produced or received by a public officer or employee of the RSU in an official capacity or pursuant to a public function or duty.

OPEN DATA

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

PUBLIC RECORDS

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

PUBLIC SERVICE CONTRACTOR

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

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 when put together with other information would directly or certainly identify an individual.

SENSITIVE PERSONAL INFORMATION

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

- (1) About an individual race, ethnic origin, marital status, age, color, and or political affiliations;
- (2) 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;
- (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.

ADMINISTRATIVE FOI APPEAL

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

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 requests received, processed, and pending at each government office.

CONSULTATION

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

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 EO No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI CONTACT

The name, designation, address, phone number and email address of the Officers where you can make an FOI request are as follows:

RENO U. SOLIDUM

Records Officer / FOI Receiving Officer

Central Records Management Office, Admin Bldg., RSU-Main Campus,
Liwanag, Odiongan, Romblon

Tel. #: 567-5615

Email address: records.rsu@gmail.com

FOI REQUEST

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

FOI RECEIVING OFFICE

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

FREQUENTLY REQUESTED INFORMATION

Information released in response to an FOI request that RSU determined to have become or is likely to become the subject of a subsequent request for substantially the same records.

FULL DENIAL

When RSU and its satellite campuses cannot release any records in response to an FOI request, because the requested information is exempted from disclosure in its entirety or, no records responsive to the request could be located.

FULL GRANT

When a RSU is able to disclose all records in full, in response to an FOI request.

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 in each track are processed on a first-in/first-out basis.

NO WRONG DOOR POLICY

Refer to guideline for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by any other government agencies under the Executive Branch.

PARTIAL GRANT/PARTIAL DENIAL

When RSU is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.

PENDING REQUEST OR PENDING APPEAL

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

PERFECTED REQUEST

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

PROACTIVE DISCLOSURE

Information made publicly available by RSU without waiting for any specific FOI request. RSU now posts on its website a vast amount of material concerning its functions, and its Mission and Vision.

PROCESSED REQUEST OR PROCESSED APPEAL

The number of FOI requests or appeals where RSU has completed its work and sent a final response to the requester.

RECEIVED REQUEST OR RECEIVED APPEAL

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

REFERRAL

When RSU locates a record that originated from, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process said record, and to provide the final determination directly to the requester. This process is called a “referral.”

SIMPLE REQUEST

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

SECTION 4 PROMOTION OF TRANSPARENCY IN GOVERNMENT

1. Duty to Publish Information

RSU shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in accordance with Republic Act No. 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, 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, functions, duties and responsibilities, and their profiles and curriculum vitae;
- d. work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. important rules and regulations, orders or decisions;

- f. current and important 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 a policy or the exercise of its powers.

2. Accessibility of Language and Form

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

3. Keeping of Records

RSU shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decision, resolution, enactments, actions, procedures, operations, activities, communication and documents received or filed with them and the data generated or collected.

SECTION 5 PROTECTION OF PRIVACY

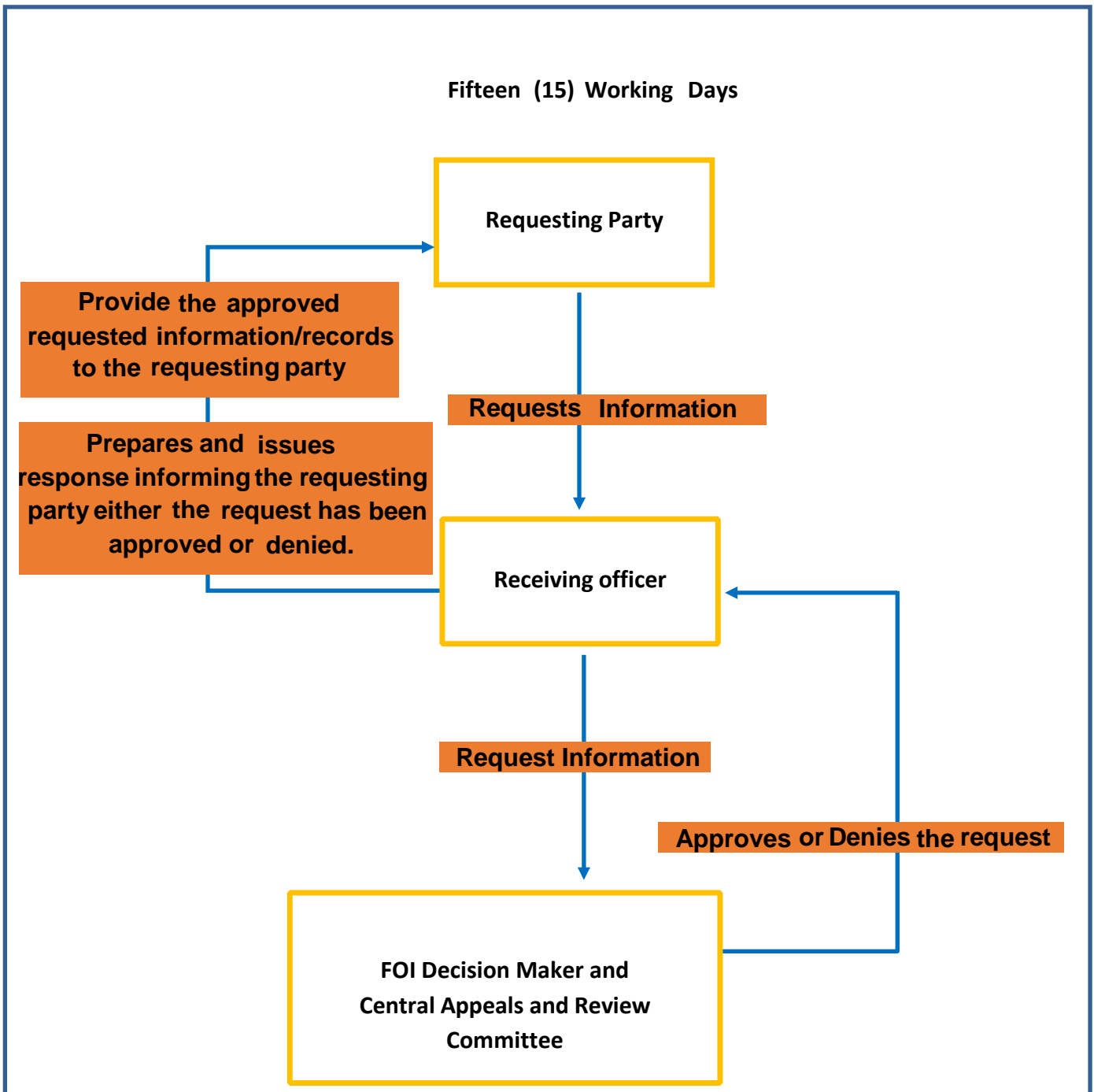
While providing access to information, RSU shall afford full protection to a person's right to privacy, as follows:

- a. RSU 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. RSU shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
- c. The FRO, FDM, or any employee or any official who has access, whether authorized or unauthorized to personal information in the custody of RSU shall not disclose that information except as authorized by the University or under existing laws.

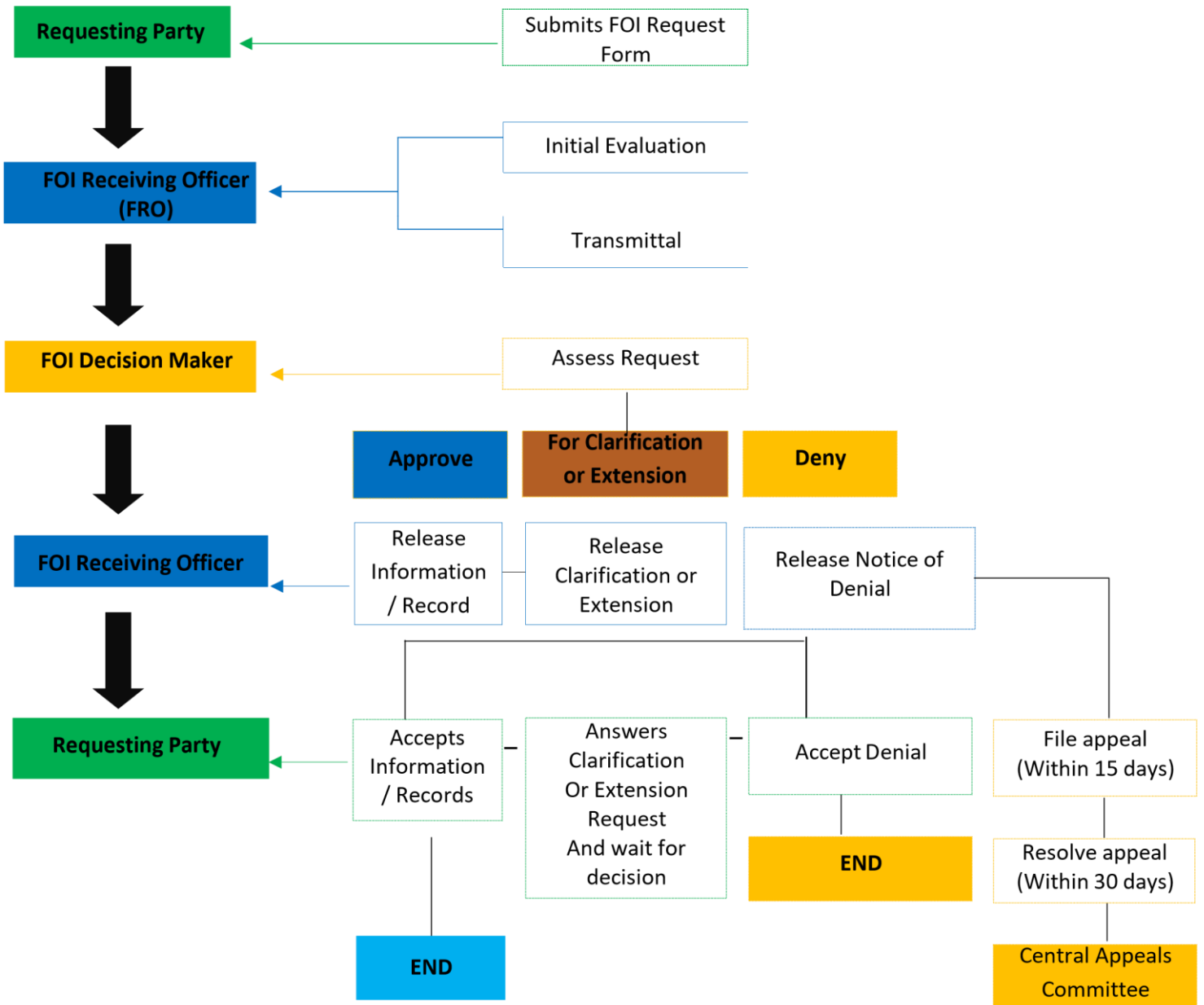
SECTION 6
STANDARD PROCEDURE

1. Receipt of Request for Information.

RSU FREEDOM OF INFORMATION FLOWCHART



**FLOW OF PROCEDURE
RSU FREEDOM OF INFORMATION (FOI)**



1.1 The designated FRO shall receive the RFI from the requesting party and check compliance of the following requirements:

- The request must be in writing;

- The request shall state the name and contact information of the requesting Party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for the information.

1.1 The designated FRO, RENO U. SOLIDUM, shall receive the request for information from the requesting party and check compliance of the following requirements:

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

The request can be sent through email, addressed to the University President, DR. MERIAN P. CATAJAY-MANI, or an Approving Officer, provided that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo. The RSU President address is as follows:

MERIAN P. CATAJAY-MANI, ED.D., CESE
SUC President II
Romblon State University
Odiongan, Romblon

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

1.3 The request shall be stamped received by the designated FRO, **RENO U. SOLIDUM**, indicating the date and time of the receipt of the written request with a corresponding signature and a copy furnished the requesting party. In case of email request, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic email. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number. The FOI Receiving Officer address:

RENO U. SOLIDUM
Records Officer / FOI Receiving Officer
Central Records Management Office, Admin Bldg., RSU-Main Campus, Liwanag,
Odiongan, Romblon

1.4 RSU and its campuses must respond to any 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 Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period. Art 13 of the New Civil Code shall be observed.

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

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

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

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

2. Initial Evaluation

After receipt of the information, the FRO shall evaluate the contents of the request.

2.1. Requests exempted from coverage: If the request is exempted from coverage, the FRO shall recommend the denial of the request for information to the FDM. The FDM shall evaluate the recommendation of the FRO and shall notify the requesting party of the decision of the request.

The following are the exceptions to the right of access to information, as recognized by the

Constitution, existing laws, or jurisprudence as stated in the Memorandum from the Executive Secretary, re: Inventory of Exceptions to Executive Order No. 2, S. 2016, dated 24th of November 2016:

- 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 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;

- 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 to information under laws, jurisprudence, rules and regulations.

2.2 Request relating to more than one campus other than the main campus of the University:

If a request for information is received which requires to be complied with, of different agencies, bureaus, and offices, the FRO shall forward such request to said concerned agency, bureau, or office and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such agencies, bureaus, and offices that they will be only provided the specific information that relates to their agencies, bureaus, and offices.

2.3. Request information is not in the custody of the University/No Wrong Door policy

In compliance with FOI-MC No. 21-05 or the 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,” the FRO shall have discussion and referral with the FDM then, FRO shall undertake the following steps:

- If the records requested refers to another institution/agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party 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; and
- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.4. Requested information is already posted and available on-line

If the information being requested is already posted and publicly available in the Romblon State University website (www.rsu.edu.ph), data.gov.ph or efoi.gov.ph, the

request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

3. Transmittal of Request by the FRO to the FDM

After receipt of the request for information, from the FRO, the FDM and the Central Appeals and Review Committee shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested to be submitted to the FRO within 10 days upon receipt of such request.

4. Role of FDM in processing the request

Upon receipt of the request for information from the FRO, the FDM, and CARC shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 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 RSU President or the respective Campus Directors, in case submission is beyond the 10-day period. If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 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 with the office concerned on the disclosability of the records before making any final determination.

5. Role of FRO to Transmit the information to the requesting party

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information from the FDM is complete. The FRO shall attach a cover/transmittal letter signed by the RSU President or Office of the Vice President for Administration/Academic Affairs/Research, Extension, and Training, Chief Administrative Office, and the respective Deans of the Colleges and Campus Directors of the satellite campuses and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

6. Request for an 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 of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. Notice to the requesting Party of the Approval/denial of the Request

Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the RSU President or any official duly designated by the RSU President for final approval.

8. Approval of request

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

9. Denial of Request

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall 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 provided shall be deemed a denial of the request to information. All denials on FOI request shall pass through the RSU President, Vice Presidents, Chief Administrative Officer and Campus Directors of the satellite campuses, as appropriate

SECTION 7 REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the RSU Legal Counsel

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 FOI request by the RSU may be appealed by filing a written appeal to the RSU Legal Counsel 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 RSU President upon the recommendation of RSU Legal Counsel within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

- c. The denial of the Appeal by the RSU President 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
2. Upon exhaustion of administrative FOI appeal remedies, the requesting Party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 8 REQUEST TRACKING SYSTEM

The RSU through its Planning Office in coordination with the Records Section shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 9 FEES

1. **No Request Fee.** The RSU shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by RSU in providing the information to requesting party. The RSU schedule of fee shall be posted by the all Offices of RSU.
3. **Exemption from Fees.** RSU may exempt any requesting party from payment of fees due to indecency, lack of funds, or similar circumstances, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 10 ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI

Failure to comply with the provisions of this Manual shall a ground for the following administrative penalties:

- a. 1stOffense - Reprimand;
- b. 2ndOffense - Suspension of one (1) to thirty (30) days; and

c. 3rd offense - Dismissal from service

2. Procedure

The revised Rules on administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. Provisions for More Stringent laws, Rules and Regulations

Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.


MERIAN P. CATAJAY -MANI, ED.D., CESE
SUC President II

ANNEX “A”

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 PROVIDING GUIDELINES THEREFOR**

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

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

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

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitution 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 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 letter, contracts, minutes and transcripts of official meeting, 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 any government office pursuant to law, executive orders, rules and regulation 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 (LGU's) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information

Every Filipino shall have access to information, 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 any inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of affectivity 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 Section 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for security their Statement 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 favour of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated exceptions circularized by the Office of the President provided in the preceding section.

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

In making such determination, the Head of Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public record, 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 and regulation.

SECTION 8. People's Freedom of Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one

hundred twenty (120) calendar days from the affectivity 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 acknowledgement 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 RSU rule 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, provided valid proof of his identification or authorization, reasonably describe the information. Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to the law, existing rule and regulations or it is one of the exceptions contained in the inventory or updated inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the correspondence signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (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 time.

- (f) Once a decision is made of such decision and directed to pay any applicable fees.

SECTION 10. Fees

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

SECTION 11. Identical or Substantially Similar Requests

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

SECTION 12. Notice of Denial

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

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

- (a) Denial of any request for access to information may be appealed to the Director of Legal and Legislative Service, following the procedure mentioned in Section 9 of this Order: Provided, that written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(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 ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

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

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

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

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

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

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

ANNEX “B”

Republic of the Philippines
Residential Communication Operation 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; 05 2

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. 3 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 (All) 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 All shall be required of all agencies onboarded 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, 27 day of August 2021.

JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

ANNEX "D"

NO WRONG DOOR POLICY FLOWCHART

