



DA RFO 02

FREEDOM OF INFORMATION

MANUAL

A food-secure Philippines
with prosperous farmers and fisherfolk



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SECTION I: OVERVIEW

1. PURPOSE

The purpose of this FOI Manual is to provide the process to guide and assist the DA RFO 02 Officers and Employees in dealing with requests for access to information from any person pursuant to Executive Order (E.O.) No. 02 otherwise known as Freedom of Information (FOI) Law.

2. STRUCTURE OF THE MANUAL

This Manual shall set out the rules and procedures to be followed by the DA RFO 02, when the request for access to information is received. The DA RFO 02 Regional Executive Director is responsible for all actions carried out under this Manual and may designate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests (i.e to decide whether to release all the records, partially release the records or deny access).

3. COVERAGE OF THE MANUAL

The Manual shall cover all requests for information directed to the Department of Agriculture Regional Field Office No. 02 and its Research Centers and Experiment Stations (RCES) namely:

- a. Batanes Experiment Station (BES)
- b. Northern Cagayan Experiment Station (NCES)
- c. Southern Cagayan Experiment Station (SCRC)
- d. SCRC Annex or Cagayan Breeding Station (CBS)
- e. Isabela Experiment Station (IES)
- f. Cagayan Valley Research Center (CVRC)
- g. CVRC Annex
- h. Nueva Vizcaya Experiment Station (NVES)
- i. Quirino Experiment Station (QES)

4. FOI RECEIVING OFFICE (FRO)

There shall be an FOI Receiving Office (FRO) at the DA RFO 02 and its Research Center and Experiment Stations (RCES). The FRO shall be composed of the Public Assistance and Complaint Desk (Malasakit Center), the Records Unit and its equivalent in the RCES.

The functions of the FRO shall include receiving of requests for information in the prescribed FOI Request Form, forward the same to the Office of the Regional Executive Director and to be routed to the appropriate office who has custody of the records; monitor FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; and conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request outright based on:

- a. That the FOI Request Form is incomplete; or
- b. That the information is already disclosed in the DA RFO 02 Official Website (<http://rfo02.da.gov.ph/>).

5. FOI DECISION MAKER

There shall be an FOI Decision Maker (FDM) in the person of the Regional Executive Director, assisted by the OIC-Regional Technical Directors (OIC-RTDs), different Division Chiefs, RCES Managers, Section and Unit heads, who shall conduct evaluation

and validation on the requested information and the FDM has the authority to grant or deny it based on the following:

- a. The DA-RFO2 and its RCES does not have the information requested;
- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI; or
- d. The request is an unreasonable and subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the FDM.

6. APPROVAL AND DENIAL OF REQUEST TO INFORMATION

The FDM shall approve or deny all request for information. In case where the FDM is on official leave or on official travel, such responsibility may be delegated to his OIC-RTDs or designated Officer-in-Charge. *(with clearance on-line to the FDM)*

7. CENTRAL APPEAL AND REVIEW COMMITTEE

There shall be a central appeal and review committee composed of the FDM, assisted by the OIC-RTDs, concerned Division Chiefs, RCES Managers, Section and Unit heads to review and analyze appeal on the denial of request for information.

SECTION II: DEFINITION OF TERMS

The official website of the Department of Agriculture Regional Field Office No. 02: <http://rfo02.da.gov.ph/>

Information

Shall mean any records, documents, papers, reports, letters, contracts, minutes, or 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.

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 the concept of proactive disclosure and open data, these types of information can already be posted to government websites, without need for written requests from the public.

Official Record/s

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

Open Data

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

Public Records

It shall include information required by laws, executive orders, rules, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

Personal Information

It shall refer to any information, (i.e. Personal Data Sheet) whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

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 religious philosophical 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, license 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.

Consultation

A process 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.

FOI.gov.ph

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

Exceptions

Privileged Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence involving national security, defense or international relations (see General List of Exceptions, Annex "B").

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. 02, Series of 2016. This right is indispensable to the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision making.

FOI Request

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

FOI Receiving Office

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

Multi Track Processing

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

Partial Grant/Partial Denial

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

Pending Request or Pending Appeal

An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time (15 working days per R.A. No. 6713).

Perfected request

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

Proactive Disclosure

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

Processed Request/Processed Appeal

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

Received Request or Received Appeal

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

Referral

A process when a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester.

SECTION III: PROTECTION OF PRIVACY

While providing for access for information, the DA-Regional Field Office shall afford full protection to person's or officials' and employees' right to privacy, as follows:

- a. The DA RFO 02 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 DA RFO 02 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, who has access, whether authorized or unauthorized, to personal information in the custody of the DA-Regional Field Office, shall not disclose that information except as authorized by existing laws or with a written consent by the concerned official or employee.

SECTION IV: STANDARD PROCEDURE

1. Receipt of Request for Information

- a. The FOI Receiving Office shall receive the request for information from the requesting party and check compliance of the following requirements:

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

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI Request Form, Company or School ID and a copy of valid government ID with photo and signature.

- b. 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 produce it in writing.
- c. The request shall be stamped received by the FRO authorized personnel, indicating the date and time of the receipt of the written request, and the name of the attending staff who actually received it and a copy shall be furnished to the requesting party.

In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail.

The FRO shall input the request on the incoming communications database with a corresponding control number.

- d. The DA-Regional Field Office must respond to requests promptly, within 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 or non-working holiday in the Philippines

or in Tuguegarao City, Cagayan. 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:

- The day on which the request is physically or electronically delivered/ received in the FRO, or directly into the official email of the DA RFO 02.
 - If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
- e. Should the requested information need further details to identify or locate, then the 15 working days will commence on the day after it receives the required clarification from the requesting party. The first day shall be excluded and the last day included.

2. Initial Evaluation

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

- a. Request relating to more than one office under the DA RFO 02
 - If a request for information received is not only addressed to the Regional Executive Director (RED), said communication shall be logged with corresponding control numbers in the incoming communication and shall be forwarded to copy-furnished personnel.
- b. Requested information is not in the custody of the DA RFO 02
 - If the requested information is not in the custody of DA RFO 02, the FRO shall undertake the following steps:
 1. If the records requested refer to another department, organization or institution, the request will be treated as incoming communication, forwarded to the RED for his action and may be endorsed to the appropriate office through the fastest means possible, copy-furnished the requesting party
 2. If the records refer to an office not within the coverage of EO No. 02, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- c. Requested information is already posted and available online
 - Should the information being requested is already posted and publicly available in the DA RFO 02 website (<http://rfo02.da.gov.ph/>), the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- d. 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 party, the request shall

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

3. Transmittal of Request by the FRO to the FDM

After receipt and initial evaluation of request for information, the Records Unit shall scan, assign a control number and log such information to the incoming communications log book.

Said communication shall then be transmitted to the FDM (Regional Executive Director) to be routed to the concerned Division, RCES, Section or Unit for their corresponding action.

4. 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 requesting party shall be informed of the said need for 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. (i.e. not exceeding 40 days for inter-agency actions per IRR of Republic Act no. 11302, otherwise known as Ease of Doing Business and Efficient Government Service Delivery Act of 2018).

5. Notice to the Requesting Party on the Approval/Denial of the Request

Once the request for information is approved or denied, the personnel directed by the Regional Executive Director to act on the received communication 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 RED or designated Officer-in-Charge for final approval. A maximum of three (3) signatories or officers directly supervising the DA RFO 02 shall be responsible for the issuance of a requested document.

6. Approval of Request

In case of approval, the FRO shall ensure that all records have been retrieved and considered be checked for possible exemptions, prior to actual release.

Once requested information with approved transmittal is forwarded to the records unit for delivery, the said communication shall be scanned, recorded and assigned with a control number under outgoing communications.

7. Denial of Request

In case of denial of the request wholly or partially, the concerned personnel to whom the RED has directed the action from, 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 are based. Failure to notify the requesting party of the action taken on the request within the statutory period provided shall be deemed a denial of the request to information. All denials on FOI request shall pass through the Regional Executive Director or designated Officer-in-Charge.

SECTION V: REMEDIES IN CASE OF DENIAL OF REQUEST

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

1. Administrative FOI appeal to the DA-Regional Field Office No. 02's Central Appeal and Review Committee:
 - a. Denial of a request may be appealed by filing a written appeal to the RED within fifteen (15) calendar days from receipt of the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the RED upon the recommendation of the Central Appeal and Review Committee (concerned Division Chief, RCES Manager, Section or Unit head) within the 30-working day from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal; and
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 VI: FEES

1. NO REQUEST FEE

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

2. REASONABLE COST OF REPRODUCTION AND DELIVERY OF THE INFORMATION

The requesting party shall immediately be notified in case there shall be a significant reproduction, and delivery costs in order to provide the information. Such fee shall be the actual amount spent by the office in providing the information to the requesting party.

3. EXEMPTION FROM FEES

The FRO may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION VII: REQUEST FOR TRACKING SYSTEM

The FRO shall establish a system to trace the status of all requests for information received by it, which may be paper-based, internet-based or both.

SECTION VIII: ADMINISTRATIVE LIABILITY

1. NON-COMPLIANCE WITH FOI

All officials and employees of the DA-RFO 02 who failed to act or comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- | | |
|----------------------------|--|
| a. 1 st Offense | -Reprimand |
| b. 2 nd Offense | -Suspension of one (1) to thirty (30) days |
| c. 3 rd 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.

SECTION IX: EFFECTIVITY

The Department of Agriculture Regional Field Office No. 2 highly supports the implementation of Executive Order No. 02, Series of 2016 otherwise known as the Freedom of Information Law that institutionalizes the policy of full disclosure and transparency in public service.

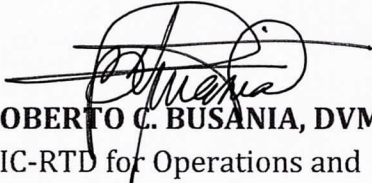
This **Freedom of Information Manual** is hereby adopted to serve as the basis for implementing the FOI Law and shall take effect immediately upon its posting in the DA RFO 02's Transparency Seal (TS) page and submission to the electronic FOI portal (www.foi.gov.ph).

Recommending Approval:



ROSE MARY G. AQUINO

OIC-RTD for Research, Regulatory
and Administration



ROBERTO C. BUSANIA, DVM

OIC-RTD for Operations and
Extension

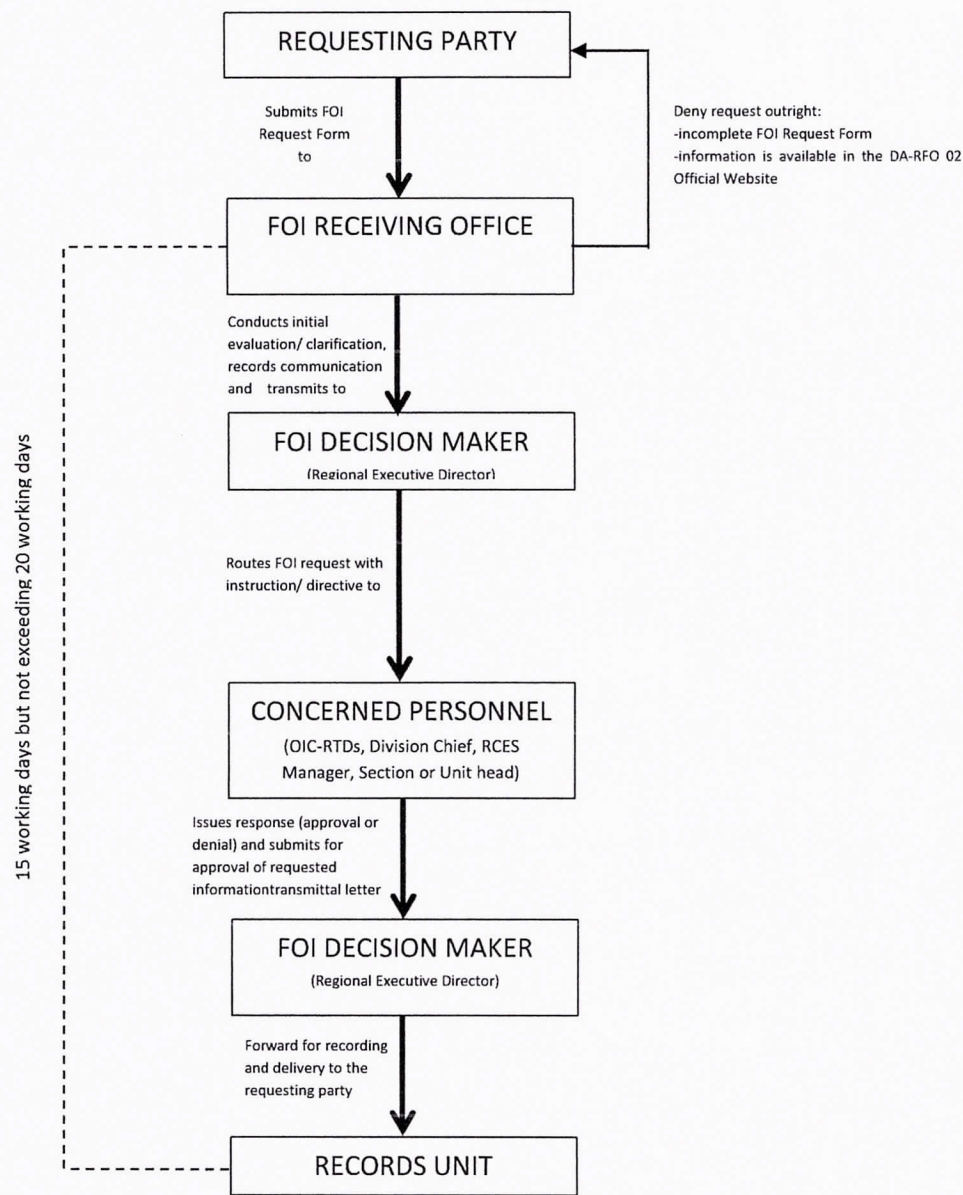
Approved:



NARCISO A. EDILLO, MA-Ed.

Regional Executive Director

FLOW CHART





PORMULARYO NG KAHILINGAN (FOI)
FOI Request Form

Titulo ng Dokumento *(Title of the Document)*

Mga Taon/Panahong Saklaw *(Year)*

Layunin *(Purpose)*

Pangalan *(Name)*

Lagda *(Signature)*

Tirahan *(Address)*

Paraan ng Pagtanggap ng Impormasyon
(How would you like to receive the information?)

Contact No.

Petsa *(Date)*

Katibayan ng Pagkakakilanlan
(Proof of Identity)

Passport no.

Driver's License

Others

Email

Fax

Postal Address

Pick-up *(Office hours)*

Received by:

FOI Receiving Officer

Gawaing itinalaga kay: *(Routed to)*

(Lumagda sa ibaba ng pangalang nakalimbag)

Petsa/Oras ng Pagkatalaga: *(Date/Time of Routing)*

Taong nagpapatunay ng Gawaing Natapos: *(Certified by)*

(Lumagda sa ibaba ng pangalang nakalimbag)

Uri ng isinagawang aksyon: *(Type of action Conducted)*

Remarks:

LIST OF EXCEPTIONS

INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (S. 2016)

Exceptions to Right of Access to Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

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

¹ These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

For the complete list of the Inventory of Exceptions to Executive Order (EO) No. 2, s. 2016 issued by the Office of the Executive Secretary, you may download the softcopy at bit.ly/foipco.

ANNEX "A"



MALACANAN 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 OF FULL PUBLIC DISCLOSURE AND TRANSPARENCY
IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES
THEREFOR**

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

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

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

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

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

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

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

THE PRESIDENT OF THE PHILIPPINES

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 recordings, magnetic or other tapes, electronic data, computer-stored data, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as

the need to do so arises, for circularization as hereinabove stated

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

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

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

own People's FOI Manual, which shall include, among others, the following information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 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 wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, 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 for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 party may file the appropriate judicial action 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 and 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.

By the President


SALVADOR C. MEDIALDEA
Executive Secretary







CERTIFIED COPY:

MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE