



Freedom of Information Manual

Revised Edition (2023)

TABLE OF CONTENTS

	PAGE
Section 1: Overview	2
1 Purpose	2
2 Structure of the Manual	2
3 Coverage of the Manual	2
4 FOI Receiving Officer	2
5 FOI Decision Maker	2
6 Approval and Denial of Request to Information	2
7 Central Appeals and Review Committee	3
Section 2: Definition of Terms	3
Section 3: Legal Bases of the FOI Manual	3
Section 4: Protection of Privacy	4
Section 5: Procedures	5
5.1. Standard Procedures	5
1 Receipt of Request for Information	5
2 Initial Evaluation	5
3 Records/Information Exempted from the Coverage of this Manual	6
4 Transmittal of Request by the FRO to the FDM	6
5 Role of FDM in Processing the Request	7
6 Role of FRO to Transmit the Information to the Requesting Party	7
7 Notice of the Request by the Coverage of this Manual	7
8 Approval of Request	7
9 Denial of Request	7
10 No Wrong Door Policy	8
5.2. Online FOI System	8
Section 6: Remedies in case of Denial	8
Section 7: Promotion of Transparency in the Governance	9
Section 8: Fees	10
Section 9: Administrative Sanction	10
Section 10: Miscellaneous Provisions	10
Annexes	
Annex A: Executive Order No.2	
Annex B: List of Exceptions to FOI	
Annex C: One Page FOI Manual	
Annex D: FOI Request Form	
Annex E: FOI Appeal Form	
Annex F: FOI Responsible Officers of CHMSU	

In adherence with Executive Order no. 02, also known as the Freedom of Information Order, signed by His Excellency Rodrigo R. Duterte on July 23, 2016, Specifically in Section 28, Article II, which provides directive towards Constitutional Right on full public disclosure of all information and the right of people to information matters of public concern, hence, the Carlos Hilado Memorial State University, in compliance of such, issues this University Freedom of Information (FOI) Manual subject to approval by the Board of Regents.

SECTION I. OVERVIEW

1. **PURPOSE:** This FOI Manual is to provide guidance on the process to direct and assist the CARLOS HILADO MEMORIAL STATE UNIVERSITY (CHMSU) and its campuses, in dealing with request of information received under E.O. No. 2. This Manual shall set out the rules, procedures and guidelines to be observed by CHMSU and in its campuses, when a request for access to information is received.
2. **Structure of the Manual:** The University President shall be responsible for all actions carrier out this Manual and may delegate this responsibility to the Chief Administrative Officer. The CHMSU President delegate the Chief Administrative Officer to act as Decision maker (DM) who shall have overall responsibility for the initial decision on FOI request (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 CHMSU and its campuses.
4. **FOI Receiving Officer:** The Records Officer is the FOI Receiving Officer (FRO) designated at CHMSU main campus.

The functions of the FRO shall include receiving on behalf of Carlos Hilado Memorial State University and its campuses, all request for information and forwards the same to the appropriate office who has custody of the records (Data Custodian); monitor all FOI request and appeals; provide assistance to the FOI Decision Maker; compile statistical information as required; and conduct initial evaluation of the request and advise the requesting party whether request will be forwarded to the FOI Decision Maker for further evaluation or deny the request based on incomplete form that the information is already disclosed in CHMSU Website.

The FRO shall maintain a logbook of all request chronologically received for accountability purposes.

5. **FOI Decision maker:** The designated FOI Decision Maker (FMD) who is the University Chief Administrative Officer shall conduct evaluation of the request for information and has the authority to grant the request, deny it based on the following; the information requested contains sensitive personal information protected by the Data Privacy Act of 2012; the information requested falls under the list of exceptions to the FOI; and the purpose for the request if information is contrary to existing laws/policies.
6. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information, in case his/her official leave, he/she may delegate to authority not below the rank of Director.

7. **Central Appeals and Review Committee:** The following Executive Officials are designated by the CHMSU President as the Appeals and Review Committee for all the CHMSU campuses.

Chair: Vice President for Research and Extension

Co-Chair: Vice President for Academic Affairs

Member: Director for Planning, Monitoring and Evaluation

SECTION 2: DEFINITION OF TERMS

Administrative FOI Appeal: An independent review of the initial determination made in response to an FOI request in accordance with the procedures established herein.

Consultation: The process of soliciting for the views of other government agency as to the disclosability of the records which are found to contain information to interest to such other government agency when which are searchable, understandable, accessible.

Data.gov.ph: The Open Data website that serves as the government's comprehensive portal for all public government data which are searchable, understandable and accessible.

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

Exceptions: Information that should not be released or disclosed in response to an FOI request because they are protected by the Constitution, laws or Jurisprudence.

Freedom of Information: The name Executive Branch recognizes the guaranteed right of the people to information on matters of public concern which 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 address and phone number at each government office where you can make an FOI request.

Information: Any records, documents, papers, reports, letters, contact, minute and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, recorded, stored or archived in whatever format, whether offline, or online, which, are made, received or kept or under the control and custody of any government office pursuant to law, executive order, and rules and regulation or in connection with the performance or transactions of official business by any government office.

Information for Disclosure: Information that promotes the awareness and understanding of policies, program, activities, rules or revisions affecting the public, government agencies and the community and 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 date, these type of information can already be posted in government website, such as data.gov.ph without need for written request from the public.

Official Records: 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: Publicly available data structured in a way that enables the data to be fully discoverable for specific FOI request.

Proactive Disclosure: Disclosure of information made by the University without waiting for specific FOI request.

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

Personal Information: Any information, 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.

Referral: The process to be undertaken by the University whenever it has in its possession a record that originated with, or is otherwise of primary interest to another agency.

Sensitive Personal Information: As defined in the Data Privacy act of 2012, this shall refer to personal information;

- I. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations.
- II. About an individual health, education, genetic or sexual life of a person or to any proceeding 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.
- III. 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
- IV. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3: LEGAL BASES OF THE FOI MANUAL

The 1987 Philippines Constitution
Executive order no. 02, dated July 23, 2016
Data Privacy Act of 2012
RA 9470 (The National Archives of the Philippines Act)

SECTION 4: PROTECTION OF PRIVACY

While providing for access to information, the University and its campuses, units and offices shall afford full protection to a person's right to privacy as follows:

1. The University, its campuses, units and offices shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. The University, its campuses, unit and offices shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leak or premature disclosure;
3. Any official or employee of the University or who has access, to personal information in the custody of the office, shall not disclose the information except as authorized by existing laws.

SECTION 5: PROCEDURES

5.1 Standard Procedures

1. Receipt of Request for Information.

- 1.1 The FOI receiving officer shall receive the request for information from the requesting party and check compliance of the following:
 - 1.1.1 The request must be in writing
 - 1.1.2 The request shall state the name and contact information of the requesting party, as well as provides valid proof of identification or authorization
 - 1.2 The request shall be stamped received by FRO, indicating the date and time of the receipt of the written request, and name, title, and position of the public officer who received it. With a corresponding signature and a copy, furnished to the requesting party
 - 1.3 In case of email request, the email shall be printed out and the Fro shall follow the previously mentioned procedure. In addition, the FRO shall input the details of the request on the logbook and allocate a reference number therein. Further, the FRO shall also acknowledge the email request by electronic mail.
 - 1.4 The University must respond to request promptly, within the fifteenth (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.
- 2. Initial Evaluation.** After the receipt of the request for information, the FRO shall evaluate the contents of the request and initially determine if the requested information may be allowed to be given or is subject to the exception as enumerated in 3, herein.
- 2.1 Request relating to more than one office other than the CHMSU:** If a request for information is received which requires to be complied with/of different attached agencies, bureaus and offices, the FRO shall forward such request to the said attached agency, bureau and office concerned 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.

2.2 Requested information is not in the custody of the CHMSU and its campuses:

If the requested information is not in the custody of the CHMSU and its campuses, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the records requested refer to another department, the request will be immediately transferred to such appropriate department 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.
- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

3. Records/Information Exempted from the Coverage of this Manual. The following records/documents are exempted from the coverage of this manual hence should not be released or disclosed: (general statement) intrusion on privacy;

- 3.1 Minutes of the meeting of the CHMSU board of Regents, its Financial committee and other committee
- 3.2 Minutes of the meeting of the University Administrative Council
- 3.3 Minutes of the meeting of the University Academic Council
- 3.4 Judicial affidavits filed in all cases involving the University
- 3.5 All pending cases involving the University and its employees
- 3.6 201 files of all employees
- 3.7 Documents of the University Selection Board
- 3.8 BAC Minutes of Meetings
- 3.9 Abstract of Bids/Bid documents/Bid proposals
- 3.10 TWG Recommendation
- 3.11 OPCR's and IPCR's
- 3.12 Financial Reports and financial documents not yet audited by the commission on audit
- 3.13 Minutes of TWG meetings
- 3.14 All reports not in the final form
- 3.15 Inter-office and inter-agency memoranda/correspondences
- 3.16 Student records
- 3.17 Pay slip

4. Transmittal of Request by the FRO to the FDM. The copy of the request shall be forwarded to the FDM within one (1) day from receipt of the written request. The FRO shall record the date and time of the receipt in a record book with the corresponding signature of the receiver.

5. **Role of FDM in Processing the Request.** Upon receipt of the request for information from the Fro, the FDM shall assess and clarify the request if necessary. In assessing, the FOI Decision Maker must first consider the following:

- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
- The information requested falls under the list of exceptions
- The purpose for the request is contrary to existing laws/policy

If any of the above three instances is present, the FOI Decision Maker will immediately deny the request with notice to the requesting party of the grounds of such denial.

If the request is valid in form and substance, the FOI Decision Maker may proceed in retrieving the information requested. He or she shall then forward the request to the appropriate head of office to make all necessary steps to locate and retrieve the information requested. The head of the office shall make sure that the complete information requested to the FDM within 5 working days upon receipt of such request. The FDM shall then ensure that the information requested be approved and submitted back to the FRO for release within 5 working days. The FRO shall note the date and time of receipt of the information from the FDM.

If the FDM needs further details 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 received 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 agency concerned on the disclosability of the records before making any final determination.

6. **Role of FRO to Transmit the Information to the Requesting Party.** Upon the receipt of the requested information from the FDM, the Fro shall collate and ensure that the information is complete. He/she shall attach a cover/transmittal of such to the requesting party within 15 working days upon receipt of the request for information.
7. **Notice if the Requesting Party of the Approval/Denial of the Request.** Once the FDM approved or denied the request, he/she shall immediately notify the FRO and the FRO shall prepare the response to the requesting party in writing.
8. **Approval request.** In case of approval, the FRO shall ensure that all records that have been retrieve and considered be check before release. He/she prepares the letter informing the requesting party within the prescribe period that the request was granted.
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 and grounds for the denial and the circumstances on which the denial is based.

10. **No Wrong Door Policy.** When 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 or GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request.

5.2 ONLINE FOI SYSTEM

For on-line submission of request, the following steps should be followed:

1. Go to www.foi.gov.ph to your browser's home address.
2. click the Sign Up button and provide all the required fields. attach a valid ID to create an account.
3. Once logged in, you will be directed to your Dashboard. The Dashboard contains all the FOI requests of the account owner.
4. Click the Make Request button then select the name of the agency you wish to ask.
5. You will now be directed to the Make a Request Page. Accomplish all fields then click Send My Request.
6. The agency will evaluate your request and will notify you within 15 working days.
7. The agency will prepare the information for release, based on your desired format. It will be sent to you depending on the receipt preference.

Undertaking

That the requesting party acknowledged that the requested information/document will not be used for any purpose other than what is indicated in the request as approved and it shall be not used for any purpose contrary to law, good outcomes, and public policy.

SECTION 6: REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail of the following remedies:

1. **Appeal to the University President.** The requesting party whose request for information has been denied by the FDM has fifteen (15) calendar days from the notice of denial within which to appeal such denial of the request to the office of the University President.
2. **Period to Decide.** The appeal shall be decided by the University president with in thirty (30) working days from the filing of the said appeal. Failure to decide the appeal within the 30-days period shall be deemed a denial of the appeal.

3. **Appeal to the Board of Regents.** The denial by the University President or the lapses of the period to respond to the request may be appealed further to the University Board of Regents within thirty (30) working days from the notice of the denial of the appeal.

Resort to Court Action. Upon exhaustion of all administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court

No appeal to the University President or to the Board of Regents shall be entertained unless the following requisites are complied with; it must be in writing and must contain; The full name and office address of the FDM who denied the request for information; a narration of the relevant and material facts leading to the filing of the appeal; certified true copies of the documentary evidence and affidavit of witnesses, if any,

SECTION 7: PROMOTING OF TRANSPARENCY IN THE GOVERNANCE OF CARLOS HILADO MEMORIAL STATE UNIVERSITY

1. **Duty to Publish Information.** The University shall regularly publish, print and disseminate at no cost to the public and in accessible form, in conjunction with Act 9485 (Anti-Red Tape Act of 2007) and through their website, timely, true, accurate and updated key information including but not limited to:

- 1.1. A description of its mandate, structure, powers, functions, duties and decision-Making processes;
- 1.2 A decision of frontline services it delivers and the procedure by which such Services maybe availed of;
- 1.3 The names of its key officials, their powers, functions and responsibilities;
- 1.4 Work programs, development plans, investment plans, projects and performance Targets and accomplishments, budgets, revenue allotments and expenditures;
- 1.5 Important rules and regulations, orders or decisions;
- 1.6 Current and important database and statistics that it generates;
- 1.7 Biddings processes and requirements;
- 1.8 Mechanisms and procedures by which the public may participate in or otherwise influence the information of policy or the exercise of its powers; and
- 1.9 Statements of Assets and Liabilities and Net Worth

2. **Keeping of Records.** The University shall create and/ or maintain in appropriate formats accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedure, operation, activities, communications and documents received or filed with them and the data generated or collected.

SECTION 8: FEES

1. **Fees.** The University, units, or offices shall not charge any fee for accepting incoming and releasing of request for information.

2. **Reasonable cost of production and copying of information.** The FRO shall immediately notify the requesting party in case there shall be reproduction and copying fee in order to provide the information. Such fee shall be actual amount spent by the University or any of its campuses, units or offices in providing the information to the requesting party.

3. **Exemption from fees.** The University or any of its campuses, units or offices may exempt any requesting party from payment of fees due to indigency, lack of funds or similar circumstance, upon request and subject to the showing of proof of any such circumstances.

SECTION 9: ADMINISTRATIVE LIABILITY

Non-compliance with the FOI. Failure to comply with any of the provisions of this Manual shall be ground for administrative penalties.

SECTION 10: MISCELLANEOUS PROVISIONS

1. Application of relevant laws and issuances. The provision of RA 9470 and its IRR as well as other relevant issuances shall be supplementary applied in all matters not covered by this manual.

2. Effectively: This Manual shall take effect upon the approval of the local Administrative Council of Carlos Hilado Memorial State University, and the Board of Regents.

**ANNEX A
EXECUTIVE ORDER NO. 2**

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to 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:

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

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

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

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

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

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

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

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the

Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

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

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

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

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

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

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

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

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

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

hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

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

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

(a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government

office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period. (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary



R Duterte



CERTIFIED COPY:


MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

6

7-28-2016

ANNEX B
List of Exceptions to FOI

**Office of the President
of the Philippines
Malacañang**

MEMORANDUM FROM THE EXECUTIVE SECRETARY

TO: All Heads of Departments, Bureaus and Agencies of the National/Local Governments Including Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and All Others Concerned

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

DATE: 24 November 2016

Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

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

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

For your information and guidance.


SALVADOR C. MEDIALDEA

CERTIFIED COPY:

MARIANITO M. DIMANDAL
DIRECTOR IV
MALACAÑANG RECORDS OFFICE

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:¹⁸

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) specifically established by an executive order or an act of Congress to be kept classified.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual¹⁹ and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²⁰

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of

¹³ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁴ Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

¹⁵ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

¹⁶ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

¹⁷ Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

¹⁸ Section 3(l), *Data Privacy Act of 2012*.

¹⁹ Article 26(2), *Civil Code*.

²⁰ Section 11, *Data Privacy Act of 2012*.

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;² and
 - b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;⁵
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and

² This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

³ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

⁴ Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

⁵ *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

⁶ *Akbayan v. Aquino*, *supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

- c. Patent applications, the publication of which would prejudice national security and interests;⁷
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;⁸
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;⁹
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹⁰
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

⁷ The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

⁸ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

⁹ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

¹⁰ Section 3(b), Rule IV, Rules on CCESPOE.

¹¹ Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

¹² Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;²¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;²³
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁴
 - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;²⁵
 - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;²⁶
 - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;²⁷
 - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁸
 - (7) names of victims of child abuse, exploitation or discrimination;²⁹

²¹ Section 4, *Data Privacy Act of 2012*.

²² *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

²³ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁴ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

²⁵ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁶ Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

²⁷ Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

²⁸ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

²⁹ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³⁰
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹
 - (10) names of students who committed acts of bullying or retaliation;³²
 - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and³³
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁴
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁵

³⁰ Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

³¹ Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

³² Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³³ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

³⁴ Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁵ Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁶
- c. Records and reports submitted to the Social Security System by the employer or member;³⁷
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁸
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;³⁹
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴⁰
- g. Documents submitted through the Government Electronic Procurement System;⁴¹
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;⁴²
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴³
- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁴⁴

³⁶ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

³⁷ Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

³⁸ Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁹ Section 34, *Philippine Competition Act (PCA)*, RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

⁴⁰ Section 81, EO No. 226 (s. 1987), as amended.

⁴¹ Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴² Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴³ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

⁴⁴ Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

- k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;⁴⁵
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁶
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁴⁷
 - n. Information on registered cultural properties owned by private individuals;⁴⁸
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁴⁹ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁰
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵¹
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

⁴⁵ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁴⁶ Section 10, *Safeguard Measures Act*.

⁴⁷ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

⁴⁸ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁴⁹ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁰ Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

⁵¹ Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵²
- b. Matters involved in an Investor-State mediation;⁵³
- c. Information and statements made at conciliation proceedings under the *Labor Code*;⁵⁴
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁵
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁵⁶
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁵⁷
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁸
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁵⁹
- i. Investigation report and the supervision history of a probationer;⁶⁰
- j. Those matters classified as confidential under the *Human Security Act of 2007*;⁶¹

⁵² Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁵³ Article 10, International Bar Association Rules for Investor-State Mediation.

⁵⁴ Article 237, *Labor Code*.

⁵⁵ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁵⁶ Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁵⁷ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁵⁸ Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

⁵⁹ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁰ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶¹ Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶² and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁶³
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁶⁴
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁶⁵ and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);

⁶² Section 14, Civil Service Commission Resolution No. 01-0940.

⁶³ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.

⁶⁴ Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

⁶⁵ Article 7, UNCITRAL Transparency Rules.

- b. Testimony from a government official, unless pursuant to a court or legal order;⁶⁶
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁶⁷
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁶⁸
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁶⁹
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁰ and
- g. Attorney-client privilege existing between government lawyers and their client.⁷¹

⁶⁶ *Senate v. Neri, supra; Senate v. Ermita, supra.*

⁶⁷ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

⁶⁸ *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁶⁹ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

⁷⁰ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁷¹ Canon 21 of the *Code of Professional Responsibility.*

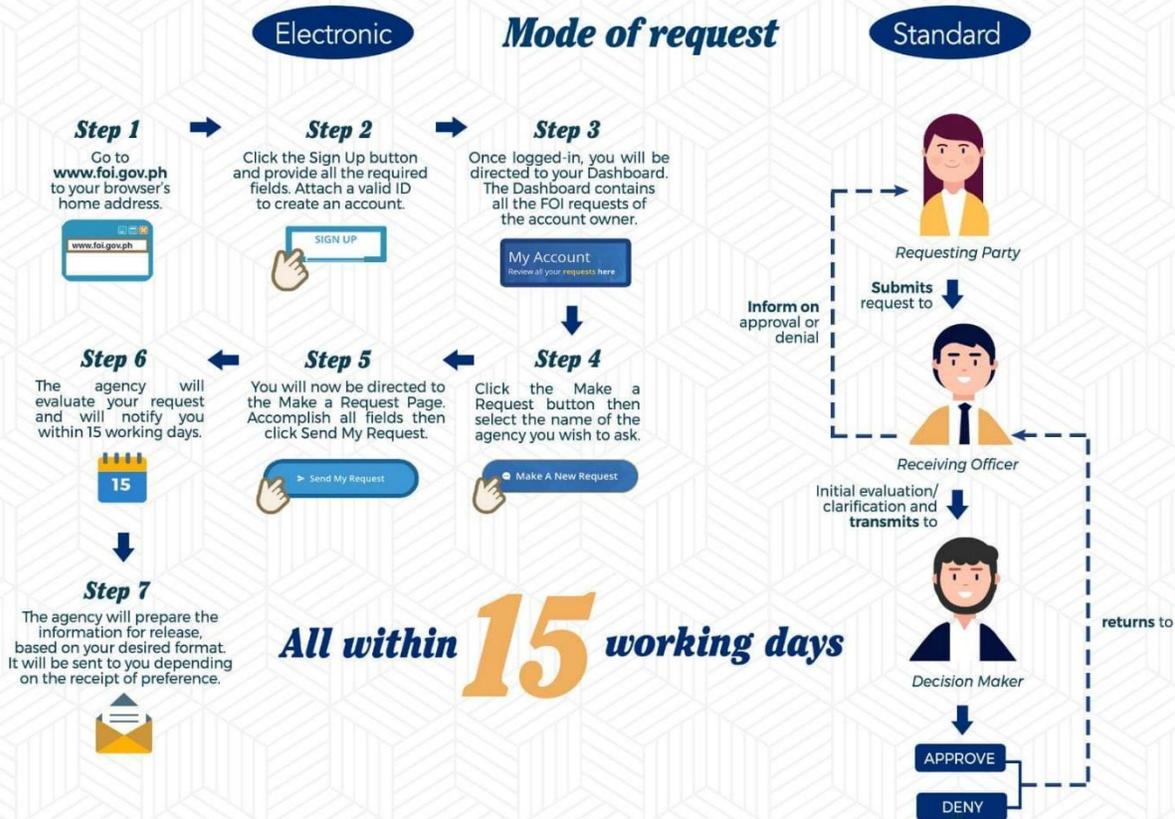
ANNEX C
ONE PAGE FOI MANUAL

Freedom of Information Program

Agency: CARLOS HILADO MEMORIAL STATE UNIVERSITY

Receiving Officer: REBECCA C. GEGANTONI
Designation: RECORDS MANAGEMENT OFFICER
Office: RECORDS MANAGEMENT OFFICE

Receiving Office: RECORDS MANAGEMENT OFFICE, 2ND FLOOR,
ADMINISTRATION BLDG., CHMSU, MABINI ST., TALISAY CITY, NEGROS OCCIDENTAL
Contact No.: 0977 805 4060 **Email:** fro@chmsu.edu.ph
+63 (34) 712-0006 local 114



FOI Appeals

If you are not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the response by writing to email: records.office@chmsu.edu.ph. Your review request should explain why you are dissatisfied with the response, and should be made within **15 calendar days** from the date when you received this letter. We will complete the review and tell you the result within 30 calendar days from the date when we receive your appeal.



**FREEDOM OF INFORMATION
PHILIPPINES**

Be **informed**. Be **engaged**. Know your government better.

**ANNEX D
FOI REQUEST FORM**



Carlos Hilado Memorial State University

Alijis Campus · Binalbagan Campus · Fortune Towne Campus · Talisay (Main) Campus

A leading GREEN institution of higher learning in the global community by 2030

(Good governance, Research-oriented, Extension-driven, Education for Sustainable Development, and Nation-building)

Records Management Office

CHMSU FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2 S 2016)

Please read the following information carefully before proceeding with your application. Use blank ink and NEATLY write in BLOCK letters. Improper or incorrectly filled-out forms will not be acted upon. Mark circles with check "v" where necessary. Note: *****(asterisk) denotes a **MANDATORY** field.

Requesting Party

Request Form No.: _____

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. **Mr./Mrs./Miss*** **First Name*** **Middle Name*** **Last Name***

2. _____
Complete Address (Apt. /House Number, Street, Municipality, Province) *

3. _____ Male Female
Age* **Sex*** _____ **Phone Number*** _____ **Landline*** _____ **Email Address***

4. Preferred Mode of Communication*:(if your Request has been approved we will be sending the documents to you in this manner)
 Landline Mobile Number Email Postal Address Others: _____

5. Preferred Mode of Reply*:
 Email Fax Postal Address Pick-up at Agency

6. Type of ID Given*:(Please ensure your ID(s) contain your photos and signature)
 Passport Driver's License SSS/GSIS No. Postal ID
 Voter's ID School ID Company ID Others: (Specify) _____

A. Requested Information

7. Agency Connecting Agency* (If Applicable) _____

8. Title of Document/Record(s)* _____

9. Date or Period* (DD/MM/YYYY) _____

10. Purpose* _____

11. Document Type* _____

12. Reference Number(s):(if known) _____

13. Any other Relevant Information _____

B. Declaration

I declare and certify that the information provided in this form is complete and correct. I am aware that giving false or misleading information or using forged documents is a criminal offense. I bind myself to use the requested information only for the specific stated and subject to such other conditions as may be prescribed by Carlos Hilado Memorial State University (CHMSU).

Signature over Printed Name*

Date Accomplished* (DD/MM/YYYY)

C. FOI Receiving Officer (Internal Use Only)

Name & Signature

Agency-Connecting Agency

Proof of ID Presented (Photocopies of Original should be attached)
 Passport Driver's License SSS/GSIS No. Postal ID
 Voter's ID School ID Company ID Others: (Specify) _____

This request is recommended to be: **Approved** **Denied** (If denied, please mark the Reason for Denial)
 Invalid Request Incomplete Data Available in Website Others: _____

Decision Maker: (Printed Name & Signature) _____

Decision on Application: (If denied, please mark the Reason for Denial)
 Successful Partially Successful Invalid Request Denied (Reasons): _____
 Incomplete Data Available in Website Exception (Specify) _____

Released/Sent by: _____ Date: _____ Received by: _____ Date: _____

FOI Registry Accomplished: YES NO FRO Signature/Date: _____
If NO, reason: _____

RMO-TAL-F.03
REVISION 2
OCTOBER 5, 2022

Annex E
FOI Appeal Form



Carlos Hilado Memorial State University

Alijis Campus · Binalbagan Campus · Fortune Towne Campus · Talisay (Main) Campus

A leading GREEN institution of higher learning in the global community by 2030
(Good governance, Research-oriented, Extension-driven, Education for Sustainable Development, and Nation-building)

Records Management Office

FOI APPEAL FORM

Appeal Form Control No.: _____

Control Number of the FOI Request Form for reference: _____

Purpose: _____

NAME: _____ CONTACT NO.: _____
SIGNATURE: _____ DATE: _____
ADDRESS: _____

PROOF OF IDENTITY

Valid ID presented: _____

ID Number: _____

HOW WOULD YOU LIKE TO RECEIVE THE INFORMATION

- Email: _____
 Pick Up (Office hours): _____
 Postal: _____
 Others: _____

RECEIVED BY: _____ DATE/TIME: _____

REMARKS: _____

SUBMITTED TO: _____

DATE/TIME OF SUBMISSION: _____

CERTIFIED BY: _____

TYPE OF TRANSACTION CONDUCTED: _____

RMO-TAL-F.17
REVISION 0
OCTOBER 15, 2022

Annex F
FOI Responsible Officers of CHMSU

FOI Responsible Officers of CHMSU

Designation:	FOI Receiving Officer (FRO)
Name:	Rebecca C. Gegantoni <i>Administrative Officer V</i>
Contact Details:	(034) 712-0004 Local 114
E-mail:	fro@chmsu.edu.ph
Office Address:	Records Management Office, Second Floor Administration Building, Carlos Hilado Memorial State University, Mabini St., Talisay City, Negros Occidental

Designation:	FOI Decision Maker (FDM)
Name:	Rosalinda S. Tuvilla, JD <i>Vice President for Administration and Finance/ Chief Administrative Officer</i>
Contact Details:	(034) 712-0004 Local 114
E-mail:	fdm@chmsu.edu.ph