



Republic of the Philippines

VILLASIS WATER DISTRICT

Ditoy Villasis, Danum Nalinis

FREEDOM OF INFORMATION MANUAL



(075) 632-1080

(075) 632-1093



09178615250

09255140915

Poblacion Zone 1, Villasis, Pangasinan, 2427

villasiswaterdistrict.gov.ph

facebook.com/VillasisWaterDistrict





TABLE OF CONTENTS

OVERVIEW 3

- Purpose of the Manual
- Structure of the Manual
- Coverage of the Manual
- FOI Receiving Officer
- FOI Decision Maker
- VWD Appeal and Review Committee
- Approval and Denial of Request to Information

DEFINITION OF TERMS 5

PROTECTION TO PRIVACY 7

STANDARD PROCEDURE 8

- Receipt of Request
- Time and Place to File the Request
- Request for Information Procedure
- Action on the Request
- Request for an Extension Time

REMEDIES IN CASE OF DENIAL 11

REQUEST TRACKING SYSTEM 12

SCHEDULE OF FEES 12

ADMINISTRATIVE LIABILITY 13

ANNEXES 14

- A. FOI FAQs
- B. Executive Order No. 02, s. 2016
- C. List of Exceptions to FOI
- D. FOI Request Form
- E. FOI Flowchart



OVERVIEW

Purpose of the Manual

The purpose of this People's Freedom of Information Manual (FOI Manual) is to provide the process to guide and assist Filipino Citizens in requesting for information under Executive Order No. 2, series 2016 on Freedom of Information (FOI).

Structure of the Manual

This Manual shall set out the rules and procedures to be followed by the Villasis Water District (VWD) when a request for access to information is received. The General Manager (GM), as the Head of the Agency, is responsible for all actions carried out under this Manual and may delegate this responsibility to his Executive Assistant or Administrative Division Head to act as the Decision Maker, who 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).

Coverage of the Manual

This manual shall cover all requests for information directed to Villasis Water District.

FOI Receiving Officer

There shall be an FOI Receiving Officer (FRO) designated by the General Manager who shall perform the functions provided under EO No.2, to wit:

- a. Receive all requests for information and forward the same to the appropriate department who has custody of the records;
- b. Monitor all FOI requests and appeals;
- c. Provide assistance to the FOI Decision Maker or General Manager;
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required;
- f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the General Manager for further evaluation; and



g. Deny the request based on:

- That the form is incomplete; or
- That the information is already disclosed in the VWD website, foi.gov.ph or at data.gov.ph.

FOI Decision Maker

The General Manager shall be the FOI Decision Maker (FDM) and shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. The VWD 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 subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by VWD.

VWD Appeal and Review Committee

There shall be a VWD Appeal and Review Committee composed of three (3) Members of the Board of Directors, to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the General Manager on the denial of such request.

Approval and Denial of Request to Information

The General Manager shall approve or deny all request of information. In case where the GM is on official leave, the GM may delegate such authority to his Executive Assistant or the Administrative Division Head.



DEFINITION OF TERMS

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

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

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.

EXCEPTIONS. Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.

FREEDOM OF INFORMATION (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2.

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 government office where the requesting party can call and ask questions about the FOI process or the pending FOI request.



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.

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which the identify 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.

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

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, 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.



PROTECTION TO PRIVACY

While providing for access to information, the VWD shall afford full protection to a person's right to privacy pursuant to Section 7 of EO No. 2, as follows:

a. The VWD 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 VWD shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;

c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the VWD, shall not disclose that information except as authorized by existing laws.



STANDARD PROCEDURE

A. Receipt of Request

The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing. A FOI Request Form (Attached as Annex A) must be filled-up completely;
- Submit valid proof of identification or authorization;
- Shall reasonably and specifically describe the information requested, and the reason for, or the purpose of the request to 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, and a copy of a duly recognized government ID with photo.

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.

B. Time and Place to File the Request

The requesting party shall submit all the requirements to the FOI Receiving Officer (FRO), at:

VWD Administrative Office
Villasis Water District
Poblacion Zone 1, Villasis, Pangasinan

The schedule for the filing of request to information is from 8:00 AM to 12:00 noon and 1:00 PM to 5:00 PM Monday to Thursday, and 8:00 AM to 12:00 noon and 1:00 PM to 4:00 PM on Friday.

The request shall be stamp "RECEIVED" by the FRO indicating the date and time of the receipt of the written request and the name and position of the officer who actually



received it, with a corresponding signature and a copy, furnished to the requesting party. The officer shall log the receipt of the same and conduct initial evaluation.

C. Request for Information Procedure

STEP 1 Requesting party files documentary requirements to the FRO.

STEP 2 FRO stamps "RECEIVED"; conduct initial evaluation and submit the request to appropriate Division or Department in custody of the information requested.

STEP 3 Decision Maker evaluates the request for approval or denial

STEP 4 If approved, Division/Department Head evaluates and processes the request; submits the complete document requested to the FRO within 15 (15) working days from the receipt of such request.

STEP 5 Complete requested information is submitted to the General Manager and the corresponding amount of fees.

STEP 6 Inform the requesting party of the action of the request

STEP 7 Requesting party pays the required fees at the Cashier and present receipt to the FRO.

STEP 8 FRO releases the information

D. Action on the Request

1. FRO shall recommend for approval or denial of the request to the Decision Maker.
2. If approved, upon receipt of the request for information from the FRO, the Division/Department concern shall:
 - a. Review the nature of the requests and shall make all necessary steps to locate or retrieve the information requested;
 - b. Transmit complete documents to FRO.
3. FRO shall notify the requesting party within fifteen (15) working days from receipt of the request unless extended. Service of notices and decisions shall either



through registered mail or electronic mail, unless the requesting party requests otherwise.

4. Complete requested information is submitted to the General Manager and the corresponding amount of fees.
5. Release of the document shall be made only upon payment of the required fees.
6. All follow-ups shall be directed to the FRO and not to the Division/Department Head or General Manager.

E. Request for an Extension Time

If the information requested requires extensive search of the VWD's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the Division/Department Head should inform the FRO.

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



REMEDIES IN CASE OF DENIAL

The request may be denied, in whole or in part, on the following grounds:

- a. The information is not made, received or kept in or under the custody or control of VWD.
- b. The information is publicly available or already disclosed.
- c. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012.
- d. The request entails disclosure of confidential information or is included in the list of exceptions as provided under EO No. 2.
- e. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by VWD.
- f. The document has been lost or destroyed thus can no longer be reproduced.

Notice of denial shall clearly set forth the ground/s for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the General Manager or a designated officer.

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

- a. Administrative FOI Appeal to the VWD Appeal and Review Committee:
 - a.1. Filing a written appeal to the VWD Appeal and Review Committee by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a.2. The appeal shall be decided by the General Manager upon the recommendation of the VWD Appeal and Review Committee within thirty (30)



working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

- b. Upon the exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

REQUEST TRACKING SYSTEM

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

SCHEDULE OF FEES

Free of Charge. The VWD shall not charge any fee for accepting requests for access to information.

Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information: The FRO shall immediately notify the requesting party in case there shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual or equivalent amount spent by VWD in providing the information to the requesting party.

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

Appeal on Notice of Denial: An amount of Two Thousand Pesos (PhP 2,000.00) shall be charged to the requesting party which shall cover administrative expenses, research fee among others. This excludes the reproduction and delivery of the Information.



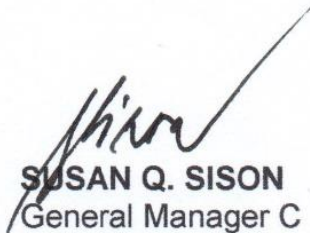
ADMINISTRATIVE LIABILITY

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

- a. 1st Offense - Reprimand;
- b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
- c. 3rd Offense - Dismissal from the service.

Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or VWD, which provides for more stringent penalties.


SUSAN Q. SISON
General Manager C



ANNEX “A” FOI FREQUENTLY ASKED QUESTIONS

1. What is FOI?

Freedom of Information (FOI) is the government’s response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order No. 2, signed on July 23, 2016, is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People’s Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.



5. What can I ask for under EO on FOI?

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.

6. What agencies can we ask information?

An FOI request can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

7. How do I make an FOI request?

- a. The requestor is to fill up a request form and submits to the VWD's FOI Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request shall be forwarded to the officials involved to locate the requested information.
- d. Once all relevant information is retrieved, the General Manager will check if any exemptions apply, and will recommend appropriate response to the request.
- g. The VWD shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the VWD may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.



9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request. If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the VWD will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The VWD will be sending a response, informing of an extension of processing period no longer than twenty (20) working days on top of the 15 working days, should the need arises.

11. What if I never get a response?

If the VWD fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the VWD Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the said Committee. If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the VWD Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the said Committee. If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.



**ANNEX “B”
Executive Order No. 02 series of 2016**

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.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary



ANNEX "C" LIST OF EXCEPTIONS

Confidential information which are protected or considered confidential pursuant to laws, rules and regulations, policies shall not be disclosed. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence. The following is the list of exceptions provided under EO No. 2, to wit;

1. Information covered under 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, their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.



ANNEX "D" FOI Request Form

This document may be reproduced
and is NOT FOR SALE

FOI Tracking Number:



FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016)
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◄) denotes a MANDATORY field.

A. Requesting Party

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. Title (e.g. Mr, Mrs, Ms, Miss)	2. Given Name/s (including M.I)	3. Surname
_____	◄ _____	◄ _____
4. Complete Address (Apt/House Number, Street, City/Municipality, Province)		
◄ _____		
5. Landline/Fax	6. Mobile	7. Email
_____	◄ _____	_____
8. Preferred Mode of Communication	<input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email <input type="checkbox"/> Postal Address	
	<i>(If your request is successful, we will be sending the documents to you in this manner.)</i>	
9. Preferred Mode of Reply	<input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Postal Address <input type="checkbox"/> Pick-Up at Agency	
10. Type of ID Given (Please ensure your IDs contain your photo and signature)	<input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID	
	<input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others _____	

B. Requested Information

11. Agency - Connecting Agency (if applicable)	◄ _____	◄ _____
12. Title of Document/Record Requested (Please be as detailed as possible)	◄ _____	
13. Date or Period (DD/MM/YY)	◄ _____	
14. Purpose	◄ _____	

15. Document Type	◄ _____	
16. Reference Numbers (if known)	◄ _____	
17. Any other Relevant Information	◄ _____	



C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature ◀ _____

Date Accomplished (DD/MM/YYYY) ◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) ◀ _____

Agency - Connecting Agency (if applicable, otherwise N/A) ◀ _____ ◀ _____

Date entered on eFOI (if applicable, otherwise N/A) ◀ _____

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name) ◀ _____

Decision Maker Assigned to Application (print name) ◀ _____

Decision on Application Successful Partially Successful Denied Cost

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY) ◀ _____

Date Documents (if any) Sent (DD/MM/YYYY) ◀ _____

FOI Registry Accomplished Yes No

RO Signature ◀ _____

Date (DD/MM/YYYY) ◀ _____

**ANNEX "E"
FOI Flowchart**

