



Republic of the Philippines  
**DEPARTMENT OF FINANCE**

Roxas Boulevard Corner Pablo Ocampo, Sr. Street  
Manila 1004

**DEPARTMENT ORDER NO. 073.2022**

September 22, 2022

**SUBJECT: CONTACT DETAILS OF NEWLY DESIGNATED DOF FOI FOCAL PERSONS**

**WHEREAS**, Executive Order (EO) No. 2, series of 2016, was issued by then President Rodrigo R. Duterte on July 23, 2016 to operationalize the People's Constitutional Right to Information;

**WHEREAS**, the Department of Finance (DOF) through the Department Order No. 061-2016 has promulgated its Freedom of Information Manual in compliance with Sections 8 and 16 of EO No. 2, series 2016;

**WHEREAS**, Section 5 (c) of Memorandum Circular No. 2022-1, under Agency Accountabilities, provides that agencies covered by EO No. 2, series 2016 must comply with the set of FOI Program requirements. Compliance with these requirements, will be used as one of the bases in determining the eligibility of responsible units and individuals; and

**WHEREAS**, FOI Memorandum Circular No. 22-01 dated May 2, 2002 requires all Agencies, Departments, Bureaus, Offices and instrumentalities of the Executive Branch including Government-Owned and/or Controlled Corporations (GOCCs), State Universities and Colleges (SUCs), and Local Water Districts (LWDs), to update its list of FOI Focal Persons as one of the criteria for the eligibility to Fiscal Year 2022 Performance-Based Bonus (PBB).

**NOW, THEREFORE**, in consideration of the foregoing premises, it is hereby ordered:

1. **Contact Details of FOI Decision Maker and its Alternate.** – As provided for under Section 4.0 of the DOF FOI Manual, the Undersecretary for Policy Development and Management Services Group (PDMSG) shall act as the FOI Decision Maker (FDM) of the DOF-OSEC, the location and contact information of which are as follows:

FOI Decision Maker / PDMSG Undersecretary	Undersecretary Maria Edita Z. Tan
Address	6 <sup>th</sup> Floor DOF Building, BSP Complex, Roxas Boulevard, Malate, Manila 1004
Website	<a href="http://www.dof.gov.ph">www.dof.gov.ph</a>

Telephone No.	5317-6363 local 1217 8523-5671
E-mail	meztan@dof.gov.ph

Alternate FOI Decision Maker	Director Angelica I. Sarmiento
Address	5 <sup>th</sup> Floor DOF Building, BSP Complex, Roxas Boulevard, Malate, Manila 1004
Website	www.dof.gov.ph
Telephone No.	5317-6363 local 2302 8525-4451
E-mail	asarmiento@dof.gov.ph

2. **Contact Details of FOI Receiving Officer and its Alternate.** – As provided for under Section 4.0 of the DOF FOI Manual, the FOI Receiving Office of the DOF shall be the Central Records Management Division (CRMD), the location and contact information of which are as follows:

FOI Receiving Officer / CRMD Head	Ms. Rhodora V. Reyes
Address	Ground Floor DOF Building, BSP Complex, Roxas Boulevard, Malate, Manila 1004
Website	www.dof.gov.ph
Telephone No.	5317-6363 local 2170
E-mail	rreyes@dof.gov.ph

Alternate FOI Receiving Officer	Ms. Charizza E. Sulapas
Address	Ground Floor DOF Building, BSP Complex, Roxas Boulevard, Malate, Manila 1004
Website	www.dof.gov.ph
Telephone No.	5317-6363 local 2172
E-mail	csulapas@dof.gov.ph

For the guidance and strict compliance of all concerned.



**BENJAMIN E. DIOKNO**  
Secretary

SEP 30 2022





Republic of the Philippines  
**DEPARTMENT OF FINANCE**  
Roxas Boulevard Corner Pablo Ocampo, Sr. Street  
Manila 1004

**DEPARTMENT ORDER NO. 054 2017**  
10 August 2017

**SUBJECT: SUPPLEMENTING THE DOF FREEDOM OF  
INFORMATION MANUAL PROMULGATED UNDER  
DEPARTMENT ORDER NO. 061-2016**

**WHEREAS**, the Department of Finance (DOF) promulgated its Freedom of Information (FOI) Manual under Department Order No. 061-2016;

**WHEREAS**, the DOF's FOI Manual was published in the Manila Standard on 23 November 2016, and became effective fifteen (15) days later, or on 08 December 2016;

**WHEREAS**, through a letter dated 07 July 2017, the Presidential Communications Operations Office acknowledged the promulgation of the DOF's FOI Manual and recommended minor points for improvement therefor;

**NOW, THEREFORE**, in consideration of the foregoing premises, it is hereby ordered:

1. *Inventory of FOI Exceptions Circularized by the Office of the President.* – The inventory of exceptions to the right to access of information which was circularized by the Executive Secretary through his Memorandum dated 24 November 2016, and which is referred to under Section 3.1(a)(i) of the DOF FOI Manual, shall be attached to and made an integral part of the DOF FOI Manual.

2. *Contact Details of FOI Receiving Office and FOI Receiving Officer.* – As provided for under Section 4.0 of the DOF FOI Manual, the FOI Receiving Office of the DOF shall be the Central Records Management Division (CRMD), the location and contact information of which are as follows:

<i>CRMD Head</i>	Ms. Rhodora V. Reyes
<i>Address</i>	DOF Building, BSP Complex, Roxas Boulevard, Malate, Manila 1004
<i>Website</i>	<a href="http://www.dof.gov.ph">www.dof.gov.ph</a>
<i>Telephone No.</i>	+63-2-5268470
<i>E-mail</i>	<a href="mailto:crmd@dof.gov.ph">crmd@dof.gov.ph</a> <a href="mailto:rreyes@dof.gov.ph">rreyes@dof.gov.ph</a>

This Order shall take effect fifteen (15) days after publication in a newspaper of general circulation.

For the guidance and strict compliance of all concerned.

  
**CARLOS G. DOMINGUEZ**  
Secretary







Republic of the Philippines  
**DEPARTMENT OF FINANCE**  
Roxas Boulevard Corner Pablo Ocampo, Sr. Street  
Manila 1004

**DEPARTMENT ORDER NO. 061.2016**  
07 November 2016

**SUBJECT: PRESCRIBING THE PEOPLE'S FREEDOM OF INFORMATION  
MANUAL FOR THE DEPARTMENT OF FINANCE**

**WHEREAS**, Section 7, Article III of the 1987 Constitution guarantees the right of the people to information on matters of public concern, and provides that access to official 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, shall be afforded the citizen, subject to such limitations as may be provided by law;

**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**, Executive Order No. 2 (2016) was issued by the President to operationalize 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 provide guidelines therefor;

**WHEREAS**, Executive Order No. 2 (2016) directs every government office to prepare its own People's Freedom of Information (FOI) Manual;

**WHEREAS**, based on jurisprudence, while access to official records may not be prohibited, it certainly may be regulated by a public officer pursuant to either statutory law or his inherent power to control his office and the records under his custody, by exercising some discretion as to the manner in which persons desiring to inspect, examine, or copy the record may exercise their rights;

**WHEREAS**, there is a need to prescribe guidelines and procedures for requests for access to information, official records, and public records which are made, received, or kept in or under the control and custody of the DOF;

**NOW, THEREFORE**, in consideration of the foregoing premises, the Freedom of Information (FOI) Manual of the DOF, attached to this Department Order and made an integral part hereof, is hereby promulgated.

The Central Appeals and Review Committee of the Department of Finance – Office of the Secretary, as referred to in the FOI Manual, shall be initially composed of the following officials:

Undersecretary, Legal Services Group  
Undersecretary, Revenue Operations Group  
Assistant Secretary, International Finance Group

If any section or part of the FOI Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

All orders, rules and regulations, memoranda, circulars and issuances or any part thereof inconsistent with the provisions of the FOI Manual are hereby repealed, amended or modified accordingly.

The FOI Manual shall take effect fifteen (15) days after publication in a newspaper of general circulation.

For the guidance and strict compliance of all concerned.

  
**CARLOS G. DOMINGUEZ**  
Secretary 







# **Department of Finance**

## **Freedom of Information (FOI) Manual**

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## 1.0 Overview

### 1.1 Purpose

This Freedom of Information (FOI) Manual is promulgated to prescribe guidelines and procedures to access information in the DEPARTMENT OF FINANCE pursuant to Executive Order No. 2 (2016) entitled "*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*", for the guidance of the public and the government officials concerned.

### 1.2 Responsibility

The responsibility for all actions of the DEPARTMENT OF FINANCE carried out under this FOI Manual is hereby delegated to the Undersecretary for the Policy Development and Management Services Group (PDMSG).

### 1.3 Scope

This FOI Manual shall cover requests for access to information filed with:

- the DEPARTMENT OF FINANCE – OFFICE OF THE SECRETARY (DOF-OSEC); and
- all the attached bureaus and agencies of the DEPARTMENT OF FINANCE, until such time as FOI manuals specific to each of the attached bureaus and agencies shall have been adopted and promulgated separately by the attached bureaus and agencies.

## 2.0 Definition of Terms

For purposes of this Manual, the following terms shall mean:

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
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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/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.

**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.

**Personal Information** Shall refer 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.

The term shall cover information about a natural person, whether from the public or the private sector, the disclosure of which would constitute an unwarranted invasion of his or her personal privacy, which may include signatures, addresses, telephone numbers, identification numbers, family members, or similar information.

**Privileged Information** Shall refer to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.

**Sensitive Personal Information** Shall refer to personal information:

- (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;

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(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.

### 3.0 General Guidelines

#### 3.1 People's Right 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. There shall be a legal presumption in favor of access to information, official records and public records, and no request for access may be denied by the Department of Finance and its attached bureaus and agencies except under any of the following circumstances:

- a. The information requested falls under any of the exceptions provided for in the Constitution, existing law or jurisprudence, including:
  - i. the items contained in the inventory of exceptions prepared by the Department of Justice and the Office of the Solicitor General, and circularized by the Office of the President, pursuant to Section 4 of Executive Order No. 2 (2016);
  - ii. Personal Information, Privileged Information and Sensitive Personal Information, *except* the following:
    - (1) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual;
    - (2) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;

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- (3) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit; and
  - (4) Personal information processed for journalistic, artistic, literary or research purposes.
- iii. information which is specifically authorized to be kept secret under guidelines established by an executive order, and in fact properly classified pursuant thereto: *Provided*, That 1) The information directly relates to national security or defense and its revelation may cause grave damage to the national security or internal and external defense of the State; or 2) The information requested pertains to the foreign affairs of the Republic of the Philippines, when its revelation shall unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states;
  - iv. information which consists of records of minutes and advice given and opinions expressed during decision-making or policy formulation, invoked by the Chief Executive to be privileged by reason of the impairment of the Chief Executive's deliberative process that would result from the disclosure thereof;
  - v. information pertaining to internal and/or external defense, law enforcement, and border control, when the disclosure thereof would: (i) unduly compromise or interfere with any legitimate military or law enforcement operation; or (ii) unduly compromise or interfere with the prevention, detection or suppression of criminal activity, the effective implementation of immigration controls and border security; or (iii) deprive a person of a right to a fair trial or an impartial adjudication; or (iv) lead to the disclosure of the identity of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; or (v) disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or



prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (vi) endanger the life or physical safety of any individual;

- vi. information consisting of drafts of orders, resolutions, decisions, memoranda or audit reports by the Department of Finance, its bureaus and agencies, or any of their respective offices/units in the exercise of their adjudicatory and/or audit function;
  - vii. information pertaining to trade secrets and commercial or financial information or intellectual property obtained from a natural or juridical person other than the requesting party, whenever the revelation thereof would seriously prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition;
  - viii. information classified as privileged communications in legal proceedings by law or by the Rules of Court, unless the person entitled to the privilege has waived it;
  - ix. information of a nature that its premature disclosure would likely frustrate the effective implementation of a proposed official action: *Provided*, That the information shall be accessible once the anticipated danger has ceased
- b. The information requested is not kept in or under the control and custody of the Department of Finance, or any of its attached bureaus and agencies, as the case may be, depending on where the request is filed;
  - c. Any of the requirements, conditions, or procedure prescribed under this FOI Manual is not complied with, such as failure to state a legitimate purpose for the request, without prejudice to the re-filing of the request upon proper compliance with the requirements, conditions and procedure;
  - d. The information requested is already posted and available online; or
  - e. The request substantially pertains to information previously requested by the same requesting party whose request has already been previously granted or denied by the Department of Finance.

### **3.2 Proactive Disclosure**

The Department of Finance and its attached bureaus and agencies shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision making processes;
- b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

### **3.3 Accessibility of Language and Form**

The Department of Finance and its attached bureaus and agencies shall, as much as practicable, endeavor to translate key information into major Filipino languages and present them in popular form and means.

### **3.4 Keeping of Records**

The Department of Finance and its attached bureaus and agencies shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

### **3.5 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. Responsible officers under Section 4.0 shall ensure that Personal Information in the custody or under the control of the Department of Finance and its attached bureaus and agencies 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 Manual or existing law, rules or regulations;
- b. Each office/unit of the Department of Finance and its attached bureaus and agencies must protect Personal Information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of Personal Information which may unduly expose the individual whose personal information is requested to vilification, harassment or any other wrongful acts;
- c. Any employee or official of the Department of Finance and its attached bureaus and agencies who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized pursuant to existing laws, rules or regulations.

### **3.6 Proper Venue**

In the interest of efficiency, and in order that information requested may be released to the requesting party in the most expeditious manner, requests for information shall, as much as possible, be filed with the proper agency having custody of the requested information, with due regard to the respective mandates and official functions and duties of the Department of Finance and its attached bureaus and agencies.

### **3.7 Deadline for Processing of Requests**

Requests for access to information shall be processed by the Department of Finance, or its attached bureaus and agencies, as the case may be, as promptly as possible. Generally, the requested information, or the appropriate response to the request, shall be released to the requested party not later than fifteen (15) working days following the date of receipt of the request.

Inaction within the period herein provided shall be deemed a denial of the request for access to information, without prejudice to the filing of the appropriate administrative action/s against the responsible officers.



## 4.0 Responsibilities

### FOI Receiving Office/ Officer

The Central Records Management Division shall act as the FOI Receiving Office of the DOF-OSEC. Each of the bureaus and agencies attached to the Department of Finance shall designate its own FOI Receiving Office/Officer, preferably from its Public Assistance of Information Office, or its equivalent.

The FOI Receiving Office/Officer shall have the primary responsibility for the receiving of requests for access to information. It shall also have the following duties and functions:

- monitor all FOI requests and appeals;
- provide assistance to the FOI Decision Maker;
- provide assistance and support to the public and staff with regard to FOI;
- compile statistical information as required; and
- conduct initial evaluation of the request and either (1) advise the requesting party that the request will be forwarded to the FOI Decision Maker for further evaluation, or (2) deny the request if the form is incomplete, or the information being requested is already disclosed in the official website of the Department of Finance or its attached bureaus and agencies, as the case may be, or at [data.gov.ph](http://data.gov.ph).

### FOI Decision Maker

The Undersecretary for PDMSG shall act as the FOI Decision maker (FDM) of the DOF-OSEC. Each of the bureaus and agencies attached to the Department of Finance shall designate its own FOI Decision Maker, with a rank of not lower than a Director or its equivalent.

The FDM shall have the primary responsibility for the evaluation of requests for access to information, and is authorized to grant or deny the request based on the provisions of this Manual.

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Central Appeals and Review Committee

The Central Appeals and Review Committee (CARC) of the Department of Finance and its attached bureaus and agencies shall be composed of three (3) officials with a rank not lower than Assistant Secretary or its equivalent, designated by the respective heads of agencies.

The CARC is authorized to review, *motu proprio* or upon application of any person, the grant or denial of request for access to information.

## 5.0 Procedure

### 5.1 Filing and Receiving Requests for Information

5.1.1 Any person who intends to request access to information shall prepare, in duplicate copies, a written request using the form prescribed under Annex "A" hereof. The request shall state the following:

- a. name and contact information of the requesting party;
- b. valid proof of his identification or authorization;
- c. reasonable and specific description of the information requested;
- d. reason for, or purpose of, the request for information; and
- e. requested mode of release of information (i.e. by electronic mail or by pick-up).

5.1.2 The request form shall be filed with the FOI Receiving Office/Officer, which shall receive the same after examining the valid proof of identification of the requesting party and after checking the compliance with the requirements specified above.

5.1.2.1 The FOI Receiving Office/Officer shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

5.1.2.2 In case the requesting party is unable to make written request because of illiteracy or due to being a person

with disability, he or she may make an oral request and the FOI Receiving Office/Officer shall reduce it in writing.

- 5.1.2.3 The request may be made through electronic mail, provided that the requesting party shall attach in the e-mail scanned copies of the duly accomplished FOI Request Form and a duly recognized government ID with photo.

For DOF-OSEC, e-mail requests may be sent to [centralrecords@dof.gov.ph](mailto:centralrecords@dof.gov.ph).

- 5.1.3 The FOI Receiving Office/Officer shall assign a unique trace number for every request received, and both the two (2) copies of the written request form shall be stamped received, indicating the date and time of receipt and the name, position, signature of the receiving records officer.

- 5.1.3.1 The FOI Receiving Office/Officer shall determine the deadline for release of the requested document or the response of the Department of Finance or its attached bureaus and agencies, as the case may be, which shall be fifteen (15) working days from receipt of the request, unless an extension of time is requested by the FOI Decision Maker in accordance with Section 5.3.6 of this Manual.

- 5.1.3.2 One original copy of the FOI Request Form shall be returned to the requesting party and the other original copy shall be retained with the CRMD for processing of the request.

- 5.1.3.3 The FOI Receiving Office/Officer shall keep in its file a copy of the valid proof of identification of the requesting party.

## **5.2 Initial Evaluation by the FOI Receiving Office/Officer**

Immediately upon receipt of the FOI Request Form, the FOI Receiving Office/Officer shall conduct initial evaluation of the request, as follows:

- 5.2.1 If the information requested is posted online and publicly available in the website of the Department of Finance or its attached bureaus



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and agencies, or at [data.gov.ph](http://data.gov.ph) or [foi.gov.ph](http://foi.gov.ph), the FOI Receiving Office/Officer shall inform the requesting party and provide the website link where the information is posted.

- 5.2.2 The FOI Receiving Office/Officer shall also verify if the information requested is in the custody of the agency where the request is filed, and note the results of the verification for the consideration of the FOI Decision Maker.
- 5.2.3 The FOI Receiving Office/Officer shall also verify if the requested information is substantially similar or identical to a previous request by the same requesting party, and note the results of the verification for the consideration of the FOI Decision Maker.
- 5.2.4 The initial evaluation of the request shall be completed by the FOI Receiving Office/Officer within one (1) working day from the filing of the request, immediately after which the FOI Receiving Office/Officer shall forward the FOI Request Form with recommendation/s to the FOI Decision Maker.

### **5.3 Evaluation by the FOI Decision Maker**

- 5.3.1 Upon receipt of the FOI Request Form, the FOI Decision Maker shall evaluate the same, and decide whether to grant or deny the request for access to information based on the provisions of this Manual.
- 5.3.2 The decision to grant or deny the request for access to information may be made wholly, as when it covers all items mentioned in the request, or partially, as when some items are approved and some are not.
- 5.3.3 In case of denial of the request, either wholly or partially, the FOI Decision Maker shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.
- 5.3.4 If further details are necessary in order to identify and/or locate the information requested, the FOI Decision Maker shall request for clarification from the requesting party. In such case, the deadline of fifteen (15) working days prescribed under Section 3.7 shall start to run only upon receipt of the clarification from the requesting party.

5.3.5 If the request pertains to information of interest to another government agency, the FOI Decision Maker shall first consult with the government agencies concerned on the disclosability of the information prior to making a final determination.

5.3.6 Under the following circumstances, the FOI Decision Maker may request for an extension of time, setting forth the reasons for such extension:

- the information requested requires extensive search of the records facilities;
- the information requested requires examination of voluminous records;
- occurrence of fortuitous events; or
- other analogous cases.

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.

#### **5.4 Release of Information Upon Approval of FOI Decision Maker**

In case of approval by the FOI Decision Maker, the FOI Receiving Office/Officer shall collate and ensure that the information is complete and released to the requesting party within 15 working days from receipt of the request for access to information. Prior to actual release, the FOI Receiving Office/Officer shall ensure that all items in the request were considered by the FOI Decision Maker. The FOI Receiving Office/Officer shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and directing the requesting party to pay the applicable fees, if any, pursuant to the provisions of this Manual.

#### **5.5 Fees**

5.5.1 The Department of Finance and its attached bureaus and agencies shall not charge any fee for accepting and processing requests for access to information.

5.5.2 However, the FOI Receiving Office/Officer may charge fees to cover reasonable costs of reproduction and/or authentication and certification, as the FOI Decision Maker may determine.

*JK*



- 5.5.3 The Department of Finance and its attached bureaus and agencies may exempt any requesting party from the payment of fees upon the showing of a valid reason why such requesting party shall not pay the fee.

A flowchart illustrating the procedure provided for in this Manual is attached is Annex "B" of this Manual.

## **6.0 Remedies in Cases of Denial of Requests for Access to Information**

### **6.1 Administrative Appeal Within the Agency**

A person whose request has been denied by the FOI Decision Maker may, within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request, file an administrative appeal to the Central Appeals and Review Committee.

The appeal shall be decided by the Central Appeals 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.

### **6.2 Administrative Appeal to the Office of the President**

The denial of the appeal by the Central Appeals and Review Committee or the lapse of the period to decide on the appeal may be further appealed to the Office of the President under Administrative Order No. 22 (2011).

### **6.3 Judicial Review**

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

## **7.0 Tracking System for FOI Requests**

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

*Handwritten signature*

## **8.0 Administrative Liability**

### **8.1 Non-compliance with FOI Manual**

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

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

### **8.2 Procedure in Administrative Cases**

The Revised Rules on Administrative Cases in the Civil Service, adopted and promulgated by the Civil Service Commission through Resolution No. 1101502 dated 08 November 2011 shall be applicable in the disposition of cases under this Manual.

### **8.3 Provisions for More Stringent Laws, Rules and Regulations**

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

## **9.0 Miscellaneous Provisions**

### **9.1 Separability Clause**

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

### **9.2 Repealing Clause**

All orders, rules and regulations, memoranda, circulars and issuances or any part thereof inconsistent with the provisions of this Manual are hereby repealed, amended or modified accordingly.

### **9.3 Effectivity**

This Manual shall take effect fifteen (15) days after publication in a newspaper of general circulation.



## ANNEX "A"

### FOI Request Form Template

#### DEPARTMENT OF FINANCE FOI Request Form

Request No. \_\_\_\_\_

Date: \_\_\_\_\_  
(mm/dd/yyyy)

Requestor's Name:		
<i>Last name</i>	<i>First name</i>	<i>M.I.</i>
Home Address:		
Email address:		Contact Number:
Valid Identification Presented/No.:		Issuing Agency/Expiry Date:
Name of Agency, Organization or Business, for which request is being made (if any):		
Specific description of information, official record/s, or public record/s requested:		
Purpose of request for information, official record/s, or public record/s:		
Requested mode of release of information (please check):		
<input type="checkbox"/> Email <span style="margin-left: 100px;"><input type="checkbox"/> Pick-up (<i>office hours</i>)</span>		

I certify that the above information, official record/s, or public record/s is/are being requested in good faith and the same shall not be used for any purpose contrary to law, to harass any person, to commit any injustice, or for any purpose other than the purpose/s declared above.

\_\_\_\_\_  
Signature of Requestor

*To be accomplished by the Department of Finance:*

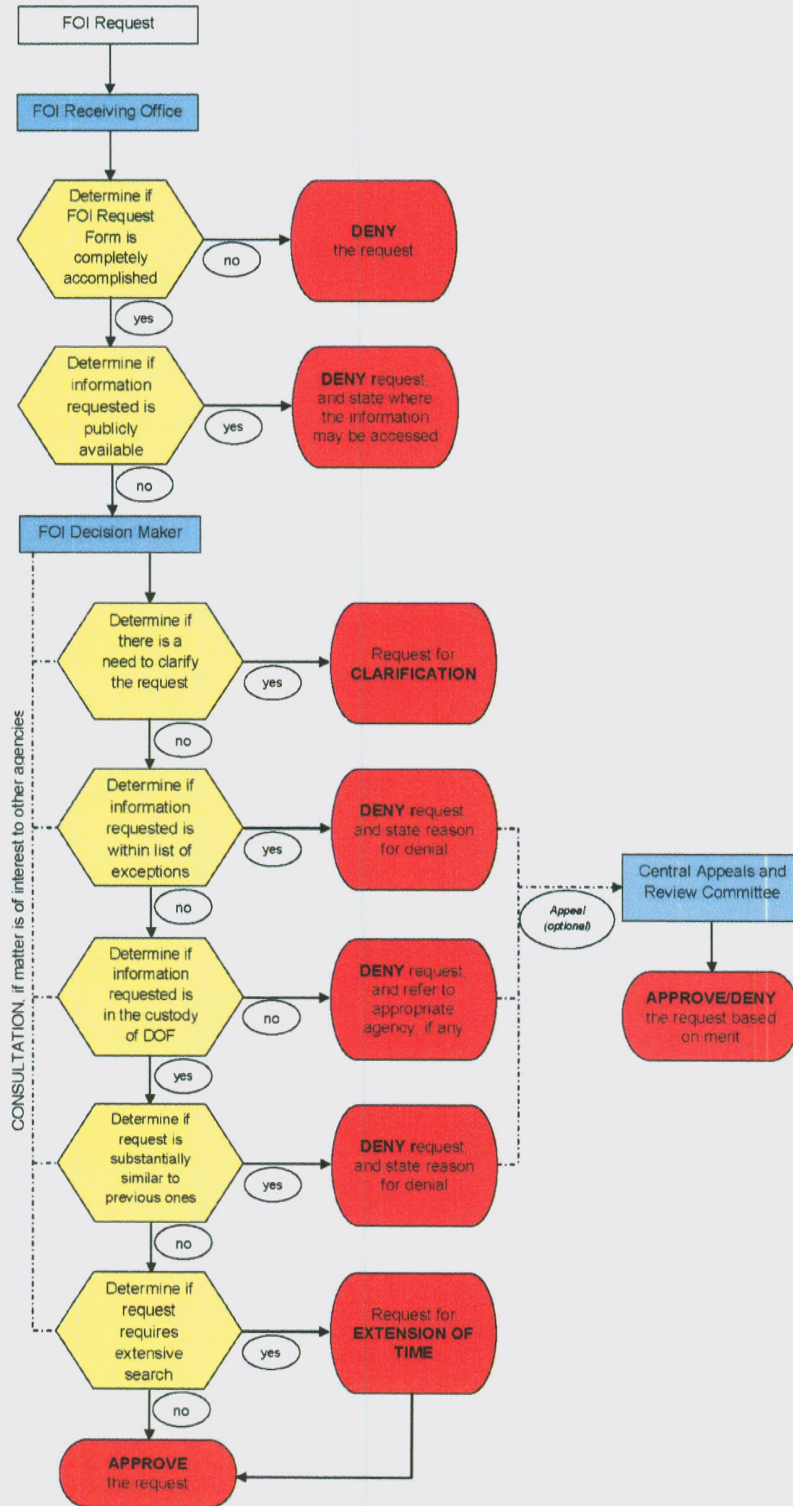
<b>FOI Receiving Office/CRMD</b> Date & time of receipt of request: _____  Receiver's name, position & signature: _____  Date of expected release of decision: _____  Date of actual release of decision: _____	<b>FOI Decision Maker</b> Name/Position : Gil S. Beltran/Undersecretary Action: <input type="radio"/> Clarification Particulars: _____ <input type="radio"/> Approval <input type="radio"/> Extension until _____ Reason: _____ <input type="radio"/> Denial Reason: _____ Signature : _____
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*If request is approved:*  
 Cost of reproduction : \_\_\_\_\_  
 Official Receipt No./date: \_\_\_\_\_

*h*

## ANNEX "B"

### Process Flowchart



*K*



**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

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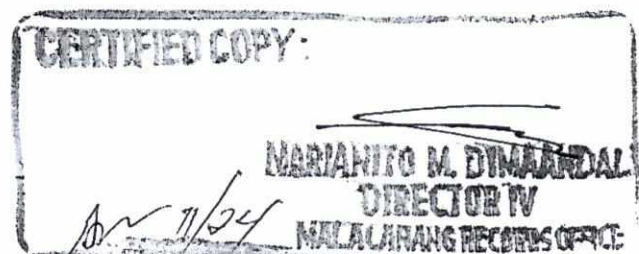
Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

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  
N



## **Exceptions to Right of Access to Information**

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

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

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



For the 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;<sup>2</sup> 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;<sup>3</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>4</sup>
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;<sup>5</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>6</sup> and

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<sup>2</sup> 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.

<sup>3</sup> *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).

<sup>4</sup> 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.

<sup>5</sup> *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."

<sup>6</sup> *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;<sup>7</sup>
- 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;<sup>8</sup>
  - 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;<sup>9</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>10</sup>
  - d. Any information given by informants leading to the recovery of carjacked vehicles and apprehension of the persons charged with carjacking;<sup>11</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>12</sup>
- 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:

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<sup>7</sup> 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).

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

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

<sup>10</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>11</sup> Section 19, *New Anti Carjacking Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

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

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

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

- (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 individual<sup>19</sup> 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.<sup>20</sup>

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

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<sup>13</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>14</sup> 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.

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

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

<sup>17</sup> 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).

<sup>18</sup> Section 3(l), *Data Privacy Act of 2012*.

<sup>19</sup> Article 26(2), *Civil Code*.

<sup>20</sup> Section 11, *Data Privacy Act of 2012*.



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;<sup>21</sup>

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>22</sup> 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;<sup>23</sup>
  - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>24</sup>
  - (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;<sup>25</sup>
  - (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;<sup>26</sup>
  - (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;<sup>27</sup>
  - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>28</sup>
  - (7) names of victims of child abuse, exploitation or discrimination;<sup>29</sup>

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<sup>21</sup> Section 4, *Data Privacy Act of 2012*.

<sup>22</sup> *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.

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

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

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

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

<sup>27</sup> 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.

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

<sup>29</sup> 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;<sup>30</sup>
  - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;<sup>31</sup>
  - (10) names of students who committed acts of bullying or retaliation;<sup>32</sup>
  - (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; and<sup>33</sup>
  - (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;<sup>34</sup>
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;<sup>35</sup>

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<sup>30</sup> 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*.

<sup>31</sup> 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.

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

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

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

<sup>35</sup> 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*.