Freedom of Information
People's Manual

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SECTION 1: OVERVIEW

1. Purpose of the Manual: The purpose of this FOI Manual (Manual) is to provide a guide to assist the public in filing Freedom of Information (FOI) requests under Executive Order (E.O.) No. 2, s. 2016. **(Annex "A")**

2. Structure of the Manual: This Manual sets out the rules and procedures to be followed by the public in filing an FOI request. The Solicitor General is responsible for all actions carried out under this Manual. An Assistant Solicitor General or Director shall act as an Initial Decision Maker (IDM), who shall have overall responsibility for the initial decision on FOI requests.

Any action taken by the IDM on any request for information shall be subject to the review and approval of the Solicitor General. No information shall be released without the approval of the Solicitor General, or by the Assistant Solicitor General acting as Officer-in-Charge.

3. Coverage of the Manual: This Manual shall cover all FOI requests directed to the OSG.

4. Freedom of Information Receiving Officer: The Freedom Receiving Officer (FRO) shall come from the Docket and Management Service (DMS). The FRO shall hold office at the ground floor of the OSG Main Building.

The FRO, before forwarding an FOI request to the Point Person (PP), shall conduct an initial evaluation on the request and advise the requesting party whether the request will be forwarded to the PP for further evaluation, or may be denied based on the following grounds:

a. The request form is incomplete;
b. The requesting party refuses to sign the undertaking stated in the FOI request form; or
c. The information is already disclosed on the OSG's Official Website (osg.gov.ph), data.gov.ph, eFOI.gov.ph.

5. Point Person: All lawyers of the Legal Division and staff of the Service Divisions are considered PPs for FOI requests pertaining to cases assigned to them and/or documents and information in their official custody.

PPs may deny FOI requests on the following grounds or reasons:

a. The OSG does not have the information requested;
b. The information requested contains sensitive personal information protected by Republic Act No. 10173 or the Data Privacy Act of 2012;
c. The information requested falls under the list of exceptions to right of access to information (**Annex "B"**); or
d. The request is identical or substantially similar to a request by the same requesting party whose request has already been previously granted or denied by the OSG.

6. Initial Decision Maker and Solicitor General: The IDM shall review the recommendation of the PP and shall either approve, deny or return the recommendation to the PP for revision. In all cases, the Solicitor General shall approve or deny all FOI requests after initial action of the IDM.

SECTION 2: DEFINITION OF TERMS

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

ADMINISTRATIVE FOI APPEAL. An independent review of the determination made in response to an

FOI request. Requesting parties who are dissatisfied with the response on their request have the right to file a Motion for Reconsideration with the Solicitor General. Thereafter, an appeal may be filed with the Office of the President (OP).

COMPLEX REQUEST. An FOI request that an agency anticipates will involve a considerable volume of materials or which cannot be processed within the original period of fifteen (15) work days.

EXCEPTIONS. Information that should not be released and disclosed in response to an 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, s. 2016. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation in all levels of social, political and economic decision-making.

FOI CONTACT. The name, address and phone number of the OSG where a person can make an FOI request.

FOI REQUEST. A written request submitted to a government office personally or by email asking for records or information relating to the functions and duties of the OSG. An FOI request can generally be made by any Filipino to any government office.

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request during government office hours.

FREQUENTLY REQUESTED INFORMATION. Information released in response to an FOI request that the OSG determines have become or are likely to become the subject of subsequent requests.

FULL DENIAL. When the OSG cannot release any records in response to an FOI request, because the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When a government office is able to disclose all records in full in response to an 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, and 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.

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

PARTIAL GRANT/PARTIAL DENIAL. When the OSG is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal on which the OSG has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

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

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.

PROCESSED REQUEST OR PROCESSED APPEAL. An FOI request or administrative appeal where the agency has completed its work and sent a final response to the requester.

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.

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

a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;

b. About an individual's health, education, genetic or sexual life of a person, or to any proceedings 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;

c. 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

d. Specifically established by an executive order or an act of Congress to be kept classified.

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

SIMPLE REQUEST. An FOI request that an agency anticipates will involve a small volume of material or which can be processed relatively quickly.

UNDERTAKING. A statement provided in the FOI request that the information obtained by the requesting party shall not be used for a purpose other than that stated in the request, and that the requesting party shall pay the reasonable expenses incurred in producing the information.

WORK DAY. A work day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines or a local holiday in Makati. In computing for the period, Art. 13 of the New Civil Code shall be observed.

SECTION 3. PROTECTION OF PRIVACY

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

a. The OSG 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 OSG 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, PP, IDM or the Solicitor General who has access, whether authorized or unauthorized, to personal information in the custody of the OSG, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE *(See **Annex "C"** for flowchart)*

1. Filing an FOI Request

1.1 Any citizen of the Republic of the Philippines may file an FOI request pertaining to any information relating to the functions and duties of the OSG.

1.2 Any citizen desiring to file an FOI request shall fill up an FOI request form and file it at the DMS of the OSG located at the ground floor of the OSG Main Building and must be:

- In writing, stating the name and contact information of the requesting party, as well as provide valid proof of identification (i.e., a government issued ID with photo) or, in case of a representative, the authorization of the requesting party, and signature of the requesting party;
- The request shall reasonably describe the information requested and the reason for, or purpose of, the FOI request (See **Annex "D"**); and
- The requesting party shall sign an undertaking stating that the information shall not be used for any purpose other than the reason stated in the request.

The request can also be made through email, *provided* that the requesting party shall attach in the e-mail a scanned copy of the signed FOI application request, and a copy of a duly recognized government issued identification card with photo. The FOI request shall be acknowledged by the FRO through e-mail within twenty-four (24) hours from the time the request is received, except when the request is received on a Saturday, Sunday, a day which is declared a national public holiday in the Philippines or local holiday in Makati, in which case the e-mail shall be acknowledged on the next work day. The FRO shall also provide notice of the undertaking mentioned in paragraph 1.1 which should be acknowledged by the requesting party.

An FOI request can also be done through the eFOI platform (foi.gov.ph) administered by the PCOO.

1.3 A request for information may be received by any of the following FROs of the OSG:

CRIMINAL CASES DIVISION	**8988-1674 Local 666**
1. Leah Villas-Villostas	lvvillostas@osg.gov.ph
2. Hazel Stephanie C. Ong	hcong@osg.gov.ph
SPEC. PRO & LAND CASES DIVISION	**8988-1674 Local 665/669**
1. Edgardo Zapanta	ebzapanta@osg.gov.ph
2. Karen Buquing	kbbuquing@osg.gov.ph
CIVIL CASES DIVISION	**8988-1674 Local 667**
1. Jenny Rose Anne M. Ignacio	jmignacio@osg.gov.ph
2. Edsel A. Camazo	ecamazo@osg.gov.ph

1.4 If the requesting party is unable to make a written request because of illiteracy or disability, the FRO shall assist him/ her in making a request which must be authenticated by the requesting party by signing it or by affixing the requesting party's thumb mark on the space above his/ her name and on the Undertaking.

1.5 After the request has been completed, the request shall be stamped received and signed by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title

and position of the FRO. A copy of the request shall be furnished to the requesting party. In case of requests sent through e-mail, the request and accompanying undertaking, processed following the procedure mentioned above, shall be acknowledged also through email.

1.6. The OSG must respond to the FOI request not later than fifteen (15) work days following the date of receipt of the request.

The date of receipt of the request is the day on which the request is physically or electronically delivered to the OSG, or directly into the email inbox of a FRO; Provided, that, if the OSG has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received shall be considered the date of receipt.

1.7. An exception to this will be where the request has been emailed to a FRO who is absent or is otherwise not available, whose email generates an automatic 'out of office' message with instructions where to send the request instead. In such case, the date of receipt will be the day the request arrives in the inbox of alternative contact.

Should the requested information need further details to be identified or located, the FRO may clarify the details from the requesting party and the fifteen (15) work days shall be suspended from the time the request for additional information is sent and will resume the day after the FRO receives the needed information. Failure of the requesting party to provide the information requested within sixty (60) days from the time he is informed of the request for additional information, shall be considered an abandonment of the request.

1.8. The requesting party may follow-up on the FOI request at the DMS, where the request is filed from Monday to Friday, from 8:00AM to 5:00PM. For requests submitted through e-mail, the requesting party may follow-up on the request by sending an e-mail to the published e-mail address of the concerned FRO.

1.9. The FRO shall accept all fully compliant FOI requests even if the information is not in the possession of the OSG. The FRO shall instead refer the request to the appropriate government agency which is the proper repository or custodian of the requested information through the most expeditious manner but not exceeding three (3) work days from receipt of the request.

1.9.1. When the requested information is not in the possession of the OSG, but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by the OSG to GA2 through the most expeditious manner but not exceeding three (3) work days from the receipt of the request. This shall be considered as the "First Referral" and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If the OSG fails to refer the request within three (3) work days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply. If the OSG, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the "Second Referral" and another fresh period of fifteen work days shall be applied by GA3.

Pursuant to FOI-MC No. 21-05, referrals under this provision shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the

referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred. (See Annex "E")

2. Initial Evaluation. After receipt of an FOI request or eFOI request, the FRO shall evaluate the request and forward the same to the PP within twenty-four (24) hours from the time the request is received.

3. Transmittal of the FOI request by the FRO to the PP: After evaluating the FOI request or eFOI request, the FRO shall notify the Division or the PP handling the case and forward the request to the PP within twenty-four (24) hours from the receipt of the FOI request.

4. Role of the Point Person in processing the FOI request: The PP shall act immediately, within four (4) work days, on FOI requests upon receipt and determine, through best efforts, whether the information requested is covered by the right to information or whether the request falls within the coverage of Section 1, paragraph 5 of this Manual.

4.1. If the PP needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall suspend the running of the fifteen (15) work day period and will resume the day after receipt of the required clarification from the requesting party.

5. Extension of Time for Acting on FOI Requests: The PP, through the FRO, shall notify the requesting party of the need to extend the period to act on the FOI request considering that it requires extensive search of the government's office records, facilities, or examination of voluminous records, or the OSG is affected by the occurrence of fortuitous events, other analogous cases or complex requests, or due to fortuitous events, which extension shall not exceed twenty (20) work days, unless exceptional circumstances warrant a longer period.

6. Role of Assistant Solicitor General or Director as Initial Decision Maker: All recommendations made by the PP on the FOI request, shall be reviewed by the IDM of the division where the PP is assigned. The IDM shall act on the recommendation of the PP within two (2) work days from the time the same is submitted to him/ her for review.

7. Role of the Solicitor General: The Solicitor General shall act on the recommendation of the IDM concerned within three (3) work days from the time the recommendation of the IDM is submitted to him/ her for review.

8. Notice to the Requesting Party of the Approval/Denial of the FOI request: After the Solicitor General approves or denies the request, the PP shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by e-mail. For eFOI requests, the PP shall update the status of the request in the PP Dashboard to notify the requesting party of the progress of the request.

9. Approval of Request: Within five (5) work days from approval, the FRO shall inform the requesting party when the requested information or record will become available. Before the information is released, the FRO should require the requesting party to present the identification card presented when the request was made or other competent proof of identity and direct the requesting party to pay the applicable fees, if any.

9.1. It shall be the duty of the requesting party to claim the information requested within fifteen (15) work days from the time he is notified that the requested information is ready and available for pick-up. Failure of the requesting party to claim the information or record requested within fifteen (15) work days of the release date shall result in the appropriate disposal of the document or information requested.

10. Denial of Request: In case of denial of the FOI request, whether in whole or in part, the requesting party shall be notified in writing or e-mail by the FRO within five (5) work days the denial of the request. The notice shall clearly set forth the ground/s for the denial, and the reasons

thereof. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request for information.

10.1. For eFOI requests, in addition to the requirements above, the PP shall update the status of the request in the PP Dashboard and state therein the reason for the denial of the request, whether in whole or in part, within five (5) days from the approval of the report denying the request.

SECTION 5. REMEDIES IN CASE OF DENIAL

A requesting party who is not satisfied with the decision on his/ her FOI request may avail of the following remedies:

1. A **written** Motion for Reconsideration on the decision of the Solicitor General may be filed by the requesting party within fifteen (15) **calendar** days from the time the notice of denial is received by the requesting party or lapse of the period to act on the FOI request without any action taken thereon. **The Motion for Reconsideration shall be decided by the Solicitor General within thirty (30) work days from the filing of said written Motion for Reconsideration. Failure to resolve the Motion for Reconsideration within the thirty (30) day period shall be deemed a denial of the Motion for Reconsideration.**

   Failure to file the necessary Motion for Reconsideration will bar the requesting party to resort to other remedies.

2. An Administrative FOI Appeal to the Office of the President (OP) pursuant to Administrative Order No. 22, s. 2011 may be filed, *provided* that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from notice of denial of the Motion for Reconsideration.

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

SECTION 6. FEES

1. No Request Fee. The OSG shall not charge any fee for accepting requests for access to information.

2. Reasonable Cost of Reproduction and Copying of the Information: For purposes of recovering the incidental costs of generating, processing, reproduction, copying, printing or other expenses incurred to produce the information, the OSG shall charge P5.00 per page.

3. Undertaking to Pay Costs of Reproduction and Copying of the Information: No information or document shall be released unless the cost of reproduction or copying information mentioned in Section 6(2) is settled by the requesting party.

4. Exemption from Fees: The Solicitor General may, upon request, exempt any requesting party from payment of fees, on the ground that the requesting party is an indigent. A requesting party seeking to be exempted from payment of fees must execute a duly notarized Affidavit of Indigency.

SECTION 7. ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI. Upon a valid complaint of a requesting party, the failure to comply by the FRO or PP 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.

2. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of administrative cases for failure to comply with the provisions of this Manual.

3. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any applicable law, rule, or regulation prescribed by any body or agency, which provides for more stringent penalties.

DARLENE MARIE B. BERBERABE
Solicitor General

Annex "A"

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 Article 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 9 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, other analogous cases or complex request. 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 9 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 "B"

Exceptions to Right of Access to Information

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

1. Information covered by Executive privilege;

2. Privileged information relating to national security, defense or international relations;

3. Information concerning law enforcement and protection of public and personal safety;

4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;

5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;

6. Prejudicial premature disclosure;

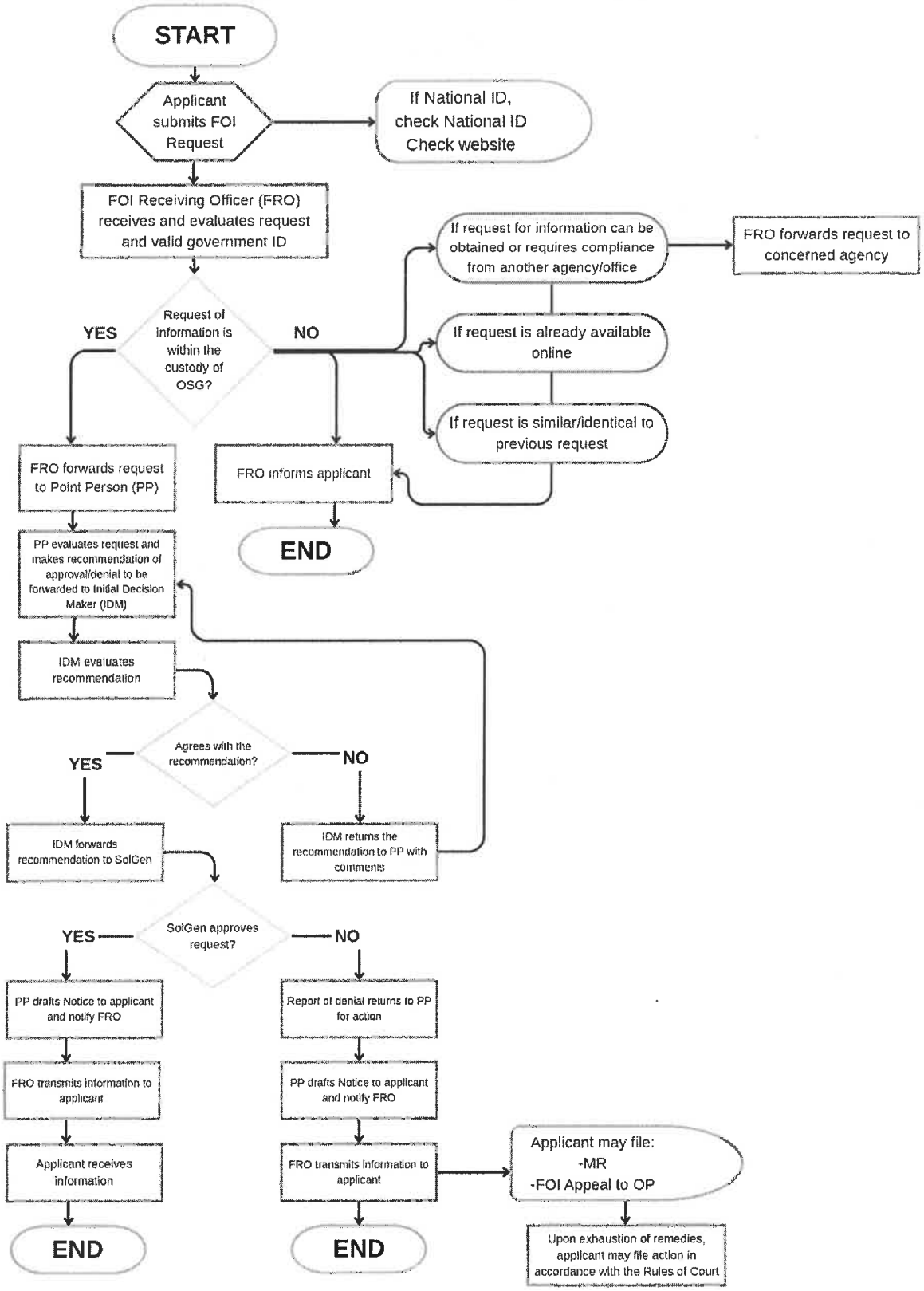
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;

8. Matters considered confidential under banking and finance laws, and their amendatory laws; and

9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

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

Freedom of Information Request Flow Chart



Annex "D"

Request Form

Office of the Solicitor General
134 Amorsolo Street, Legaspi Village, Makati City

FOI Request Form

Title of the Document: _____

Year covered: _____

Purpose:

_____

_____

_____

Name: _____ *Contact Nos.* _____

Signature: _____ *Date*: _____

Address: _____ *Proof of Identity:*

Passport No. _____

Driver's License _____

Other _____

How would you like to receive the information?

☐ Email
_____

☐ Fax
_____

☐ Postal Address
_____

☐ Other
_____

Submitted to: _____
(Signature)

Date / Time of Submission: _____

Certified by: _____

_____
(Signature)

Type of action conducted:

_____

(Received by):

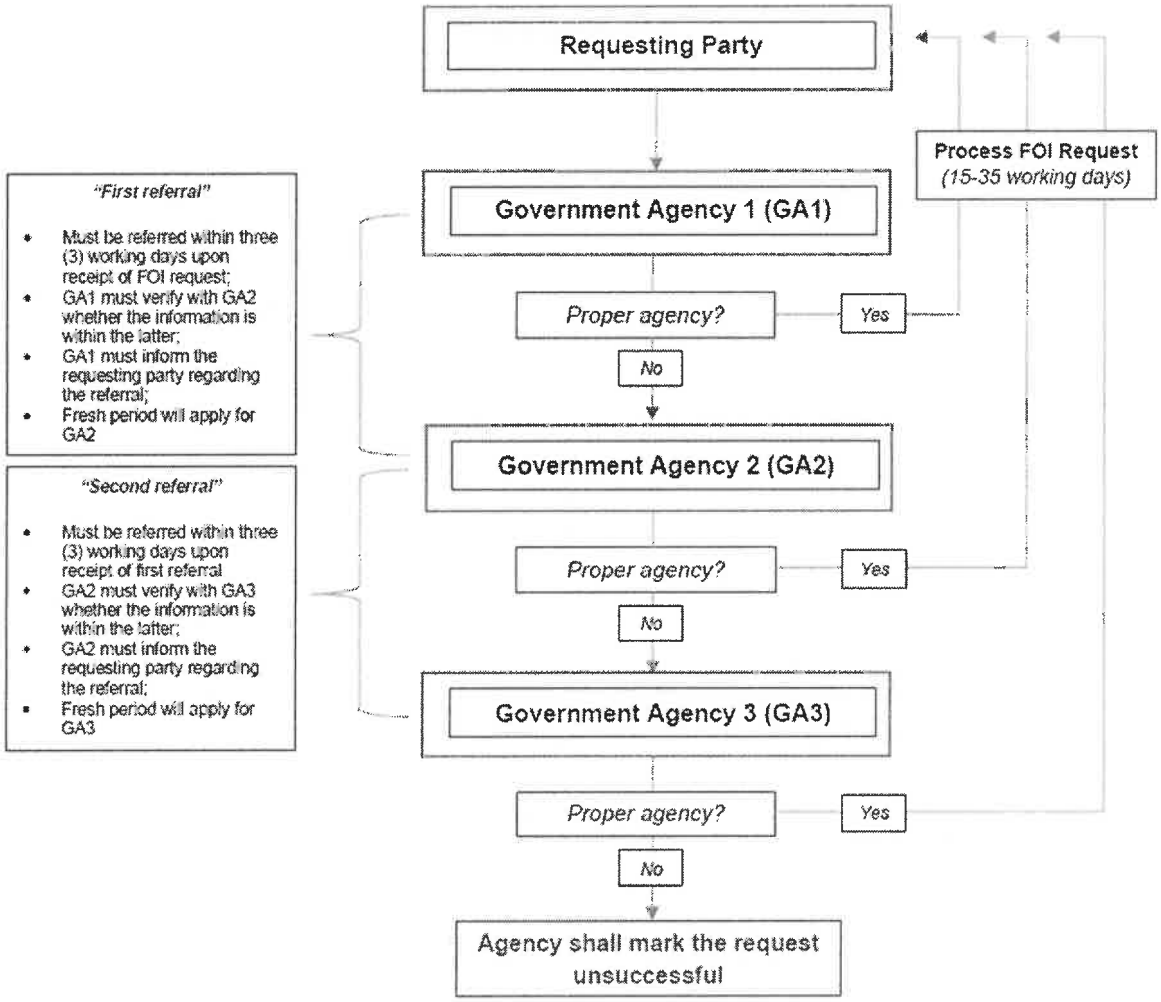
_____
FOI Receiving Officer

Undertaking:

The requesting party undertakes not to use the information requested for a purpose different from the reason(s) stated in the request.

Annex "E"

NO WRONG DOOR POLICY FLOWCHART



NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.