



Republic of the Philippines  
Department of Education  
**DIVISION OF MISAMIS ORIENTAL**  
Del Pilar-Velez St., Cagayan de Oro City



March 28, 2017

**DIVISION MEMORANDUM**

No. 139 s. 2017

TO: School Heads  
This Division

FROM: **CHERRY MAE L. LIMBACO, PhD., CESO V**  
Schools Division Superintendent

SUBJECT: **ACCESS TO INFORMATION, PUBLIC RECORDS AND OFFICIAL RECORDS**

1. Pursuant to Executive Order No. 2, s. 2016 signed by President Rodrigo R. Duterte and DepEd Order No. 72, s. 2016, DepEd Division of Misamis Oriental, echoes the guidelines of full public disclosure and transparency in the Division.
2. The following sections of DepEd Order No. 72, s. 2016, otherwise known as the Department of Education People's Freedom of Information Manual and Implementing Details, are hereby given emphasis:

***Section 7. FOI Request.** Every Filipino who requests access to information from the Department shall submit a written request reasonably describing the information requested and the reason for or purpose of the request. The request shall state the name and contact information of the requesting party, who shall also provide proof of his or her identification. The requester may submit the request in person or by electronic or regular mail, and may use the request form prescribed by the Department.*

***Section 8. Where an FOI Request may be Submitted.** An FOI request may be submitted at the following central and field offices of the Department:*

- a. Public Assistance Action Center at the Central Office;
- b. Regional Office;
- c. Schools Division Office; and
- d. School.

*The Department shall publish in its website updated information on the location and contact details of the above offices and the names of all FOI Receiving Officers as defined in this Manual. In addition, all central and field offices of the Department shall make such information readily available to any FOI requester.*



**Section 9. FOI Receiving Officer.** *The Department shall designate the FOI Receiving Officer/s (FOI RO) at the Public Assistance Action Center of the Central Office, the Regional Office, Division Office, and Schools. Upon receiving an FOI request, the FOI RO shall:*

- a. *Provide reasonable assistance, free of charge, to enable requesters especially those with special needs to comply with the request requirements;*
- b. *Stamp the FOI request as "received", indicating the date and time of the receipt, the request reference number, the name of the FOI RO, and his/her signature. A copy thereof shall be furnished the requesting party;*
- c. *In case the FOI Request is sent by electronic mail, the FOI RO shall print the request and follow the procedure for stamping the request as "received". The request shall be acknowledged by electronic mail, with a scanned copy of the printed request bearing the "received" stamp attached thereto;*
- d. *In case the FOI request is sent by regular mail, the FOI RO shall follow the procedure for stamping the request as "received", and furnish a copy thereof to the requester together with the notice of the disposition of the request when such has already been made;*
- e. *The FOI RO shall enter the request in the FOI Tracking System; and*
- f. *If the information requested is readily accessible to the FOI RO and known to him or her to be routinely made available to the public, the FOI RO shall release the same following Section 11 (b) of this Manual; otherwise, the FOI RO shall forward the request to the FOI DM not later than the next working day following the receipt of the request, for appropriate action.*

*No request shall be refused acceptance unless the reason for the request is contrary to law or existing rules or regulations.*

**Section 11. Disposition of FOI Requests.** *The following procedures shall govern the disposition of FOI requests:*

- a. *The Department shall respond to an FOI request as soon as practicable but not exceeding fifteen (15) working days from receipt of the request, unless extended whenever the request requires extensive search, or examination of voluminous records, or affected by the occurrence of any fortuitous event preventing access, or other analogous cases. In no case shall the extension go beyond twenty (20) working days counted from the end of the original fifteen (15) working days period, unless exceptional circumstances warrant a long period. The response refers to the decision of the Department to grant or deny access to the information requested.*
- b. *If the information requested is not readily accessible to the FOI RO, and such is known to him or her to be routinely made available to the public,*

*Enclosure: as stated.*

*/sjd*



Republic of the Philippines  
Department of Education  
**DIVISION OF MISAMIS ORIENTAL**  
Del Pilar-Velez St., Cagayan de Oro City



*the FOI RO shall release the same to the requester as soon as practicable and in no case beyond fifteen (15) working days from receipt of the request;*

- c. If the information requested is not readily accessible to the FOI RO, and/or such is not known to him or her to be routinely made available to the public, the FOI RO shall promptly forward the request to the relevant FOI DM/s for determination of the response to the request; and*
- d. The FOI DM shall undertake the following actions leading to the determination of the response on the request:*
  - i. Coordinate with the relevant office or personnel to determine the existence of the requested information, and to direct the retrieval and submission of the same if available;*
  - ii. Determine whether the period to respond needs to be extended should any of the grounds for extension be present;*
  - iii. Determine whether the information clearly falls under any of the inventory of exceptions under Section 5 of this Manual;*
  - iv. In case the request is a subsequent identical or substantially similar request by the same requesting party, determine whether it constitutes an unreasonable request;*
  - v. In case the information requested constitutes or contains personal information, determine the appropriate measures to balance the requester's interest in disclosure and the duty to protect the privacy of the individual concerned; and*
  - vi. Determine whether to grant or deny the request based on the law, facts, and circumstances.*

**Section 14. Fees.** *No fees shall be charged for accepting FOI requests. However, the Department may charge a reasonable fee to reimburse actual costs of printing or reproduction of the information. The Department shall publish the applicable schedule of fees.*

3. A copy of DepEd Order No. 72, s. 2016 and Executive Order No. 2, s. 2016 are herein attached for your perusal.
4. Should you have any queries on the construction and implementation of the said Executive Order, contact Atty. Stacykitz J. Dagbay, Legal Officer III, DepEd Division of Misamis Oriental for assistance.
5. Wide and immediate dissemination of this Memorandum is hereby enjoined.

Very truly yours,

**CHERRY MAE L. LIMBACO, Ph. D., CESO V**  
Schools Division Superintendent



Republic of the Philippines  
**Department of Education**

25 NOV 2016

DepEd ORDER  
No. **72**, s. 2016

**DEPARTMENT OF EDUCATION PEOPLE'S FREEDOM OF INFORMATION  
MANUAL AND IMPLEMENTING DETAILS**

To: Undersecretaries  
Assistant Secretaries  
Bureau and Service Directors  
Regional Directors  
Schools Division Superintendents  
Public Elementary and Secondary Schools Heads  
All Others Concerned

1. Pursuant to Executive Order (EO) No. 2 dated July 23, 2016 entitled *Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor*, this Department issues the enclosed **Department of Education People's Freedom of Information (FOI) Manual and Implementing Details**, which shall be known as *Department of Education People's FOI Manual of 2016*, together with EO 2.
2. This Order shall take effect immediately upon publication online at [www.deped.gov.ph](http://www.deped.gov.ph).
3. Immediate dissemination of and compliance with this Order is directed.

  
**LEONOR MAGTOLIS BRIONES**  
Secretary

Encl.: As stated  
Reference: DepEd Memorandum No. 119, s. 2016  
To be indicated in the Perpetual Index  
under the following subjects:

BUREAUS AND OFFICES  
INFORMATION  
MANUALS  
POLICY

PROGRAMS  
RECORDS  
REPORTS  
RULES AND REGULATIONS

(Enclosure to DepEd Order No. 72, s. 2016)



Republic of the Philippines  
Department of Education

**DEPARTMENT OF EDUCATION PEOPLE'S FREEDOM OF INFORMATION  
MANUAL AND IMPLEMENTING DETAILS**

**WHEREAS**, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern, which the Supreme Court held to be self-executing;

**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;

**WHEREAS**, in the exercise of control over all executive departments, bureaus and offices, as well as of the mandate to ensure that the laws be faithfully executed, PRESIDENT RODRIGO ROA DUTERTE issued Executive Order No. 2 dated July 23, 2016 (EO 2, s. 2016) entitled "OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES OF FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR", hereto attached.

**WHEREAS**, for the effective implementation of EO 2, s. 2016, Section 8 thereof directs every government office to prepare a "People's Freedom of Information (FOI) Manual";

**WHEREAS**, Section 16 of EO 2, s. 2016 further directs all government offices to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control;

**NOW, THEREFORE**, pursuant to the directives of EO 2, s. 2016 and in the exercise of the functions and authority of the Secretary, this **People's Freedom of Information (FOI) Manual and Implementing Details** for the Department of Education is hereby promulgated:

**I. GENERAL PROVISIONS**

**SECTION 1. Short Title.** This **People's Freedom of Information (FOI) Manual and Implementing Details** shall be known as the "*Department of Education People's Freedom of Information Manual of 2016*".

**SECTION 2. Coverage.** This Manual shall cover the offices of the Secretary, Undersecretaries and Assistant Secretaries and all bureaus, services, and offices of the central office; all field offices in the regions and divisions; and all schools of the Department of Education. The attached agencies of the Department, namely, the Childhood Care and Development Council,

the National Book Development Board, the National Council for Children's Television, the National Museum, and the Philippine High School for the Arts may choose to promulgate their own Manual, or to adopt this Manual: provided, that they shall issue their own guideline on the application of the provisions of this Manual to their agencies, and provided further, that their decisions on FOI requests are not appealable to the Department of Education.

**SECTION 3. *Definition of Terms.*** For the purpose of this Manual, 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, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office;
- b. **Official record/records** shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty; and
- 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.

## II. ACCESS TO INFORMATION

**SECTION 4. *Right to Information.*** Under Section 7, Article III of the 1987 Constitution, the State recognizes the right of the people to information on matters of public concern. Under Section 28, Article II of the Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest. Pursuant thereto, every Filipino shall have access to information, official records, public records, and documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, that are in the custody or under the control of the Department of Education.

**SECTION 5. *Exceptions.*** The Department shall deny access to information only when the information requested falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence and specified in the inventory of exceptions as embodied in the Circular issued by the Office of the President pursuant to Section 4 of EO 2, s. 2016.

**SECTION 6. *Protection of Privacy.*** While providing access to information, public records, and official records, the Department shall afford full protection to an individual's right to privacy, as follows:

- a. It shall ensure that personal information is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under existing laws, rules or regulations;

- b. It shall protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested to vilification, harassment, or any other wrongful acts; and
- c. Any employee or official who has access, authorized or unauthorized, to personal information in the custody of the Department must not disclose that information except when authorized by existing laws, rules or regulation.

**SECTION 7. *FOI Request.*** Every Filipino who requests access to information from the Department shall submit a written request reasonably describing the information requested and the reason for or purpose of the request. The request shall state the name and contact information of the requesting party, who shall also provide proof of his or her identification. The requester may submit the request in person or by electronic or regular mail, and may use the request form prescribed by the Department.

**SECTION 8. *Where an FOI Request may be Submitted.*** An FOI request may be submitted at the following central and field offices of the Department:

- a. Public Assistance Action Center at the Central Office;
- b. Regional Office;
- c. Schools Division Office; and
- d. School.

The Department shall publish in its website updated information on the location and contact details of the above offices and the names of all FOI Receiving Officers as defined in this Manual. In addition, all central and field offices of the Department shall make such information readily available to any FOI requester.

**SECTION 9. *FOI Receiving Officer.*** The Department shall designate the FOI Receiving Officer/s (FOI RO) at the Public Assistance Action Center of the Central Office, the Regional Office, Division Office, and Schools. Upon receiving an FOI request, the FOI RO shall:

- a. Provide reasonable assistance, free of charge, to enable requesters especially those with special needs to comply with the request requirements;
- b. Stamp the FOI request as "received", indicating the date and time of the receipt, the request reference number, the name of the FOI RO, and his/her signature. A copy thereof shall be furnished the requesting party;
- c. In case the FOI Request is sent by electronic mail, the FOI RO shall print the request and follow the procedure for stamping the request as "received". The request shall be acknowledged by electronic mail, with a scanned copy of the printed request bearing the "received" stamp attached thereto;
- d. In case the FOI request is sent by regular mail, the FOI RO shall follow the procedure for stamping the request as "received", and furnish a copy thereof to the requester

together with the notice of the disposition of the request when such has already been made;

- e. The FOI RO shall enter the request in the FOI Tracking System; and
- f. If the information requested is readily accessible to the FOI RO and known to him or her to be routinely made available to the public, the FOI RO shall release the same following Section 11 (b) of this Manual; otherwise, the FOI RO shall forward the request to the FOI DM not later than the next working day following the receipt of the request, for appropriate action.

No request shall be refused acceptance unless the reason for the request is contrary to law or existing rules or regulations.

**SECTION 10. *FOI Decision Maker.*** The Secretary, with respect to the Central Office, and the Regional Directors, with respect to their respective Regional Office, Division Offices, and Schools, shall designate an FOI Decision Maker (FOI DM) for the Central Office and for each Regional Office, Division Office, and School, who shall have authority to grant or deny an FOI request. The designation by Regional Directors of the FOI Decision Maker for their respective Regional Office, Division Offices, and Schools shall be approved by the Secretary.

**SECTION 11. *Disposition of FOI Requests.*** The following procedures shall govern the disposition of FOI requests:

- a. The Department shall respond to an FOI request as soon as practicable but not exceeding fifteen (15) working days from receipt of the request, unless extended whenever the request requires extensive search, or examination of voluminous records, or affected by the occurrence of any fortuitous event preventing access, or other analogous cases. In no case shall the extension go beyond twenty (20) working days counted from the end of the original fifteen (15) working days period, unless exceptional circumstances warrant a longer period. The response refers to the decision of the Department to grant or deny access to the information requested;
- b. If the information requested is readily accessible to the FOI RO, and such is known to him or her to be routinely made available to the public, the FOI RO shall release the same to the requester as soon as practicable and in no case beyond fifteen (15) working days from receipt of the request;
- c. If the information requested is not readily accessible to the FOI RO, and/or such is not known to him or her to be routinely made available to the public, the FOI RO shall promptly forward the request to the relevant FOI DM/s for determination of the response to the request; and
- d. The FOI DM shall undertake the following actions leading to the determination of the response on the request:
  - i. Coordinate with the relevant office or personnel to determine the existence of the requested information, and to direct the retrieval and submission of the same if available;



- ii. Determine whether the period to respond needs to be extended should any of the grounds for extension be present;
- iii. Determine whether the information clearly falls under any of the inventory of exceptions under Section 5 of this Manual;
- iv. In case the request is a subsequent identical or substantially similar request by the same requesting party, determine whether it constitutes an unreasonable request;
- v. In case the information requested constitutes or contains personal information, determine the appropriate measures to balance the requester's interest in disclosure and the duty to protect the privacy of the individual concerned; and
- vi. Determine whether to grant or deny the request based on the law, facts, and circumstances.

**SECTION 12. *Return of the Disposition of the Request to the FOI RO.*** The FOI DM shall return the disposition of the request to the RO not later than the fourteen (14) working days from receipt of the request by the FOI RO, stating whether the period to respond is extended, or the request is granted or denied.

If the period to respond is extended, the return shall state the reason/s for the extension and the date when the response is expected to be given.

If the request is granted, the information requested shall be enclosed with the return.

If the request is denied, the return shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. The FOI DM must also warrant that the exception is not being used or availed of primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

**SECTION 13. *Notice to the Requester of the Disposition of the Request.*** The FOI RO shall notify the requester of the disposition of the request not later than fifteen (15) working days from receipt of the request.

If the period to respond is extended, the notice shall state the reason/s for the extension and the date when the response is expected to be given.

If the request is granted, the information requested shall be enclosed with the notice in case no fees are assessed. If fees are assessed pursuant to Section 14 of this Manual, the notice shall include a breakdown of the fees and order of its payment before the release of the information.

If the request is denied, the notice shall quote or attach the recital of the FOI DM of the ground or grounds for denial and the circumstances on which the denial is based, as well as his or her warranty that the exception is not being used or availed of primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

**SECTION 14. Fees.** No fees shall be charged for accepting FOI requests. However, the Department may charge a reasonable fee to reimburse actual costs of printing or reproduction of the information. The Department shall publish the applicable schedule of fees.

**SECTION 15. FOI Tracking System.** The Department shall establish an FOI Tracking System that records the chain of receipt, referral, action and final disposition of a request for information. The Tracking System must be in a digital platform as much as practicable.

### III. REMEDIES

**SECTION 16. Appeal from a Denial of an FOI Request.** When an FOI request is denied, the requester may file a written appeal to the officer or office next higher in authority within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request, as follows:

- a. From the school FOI DM, to the school principal;
- b. From the Division Office FOI DM, to the Division Superintendent;
- c. From the Regional Office FOI DM, to the Regional Director; and
- d. From the Central Office FOI DM, to the Secretary

The appeal shall be decided within thirty (30) working days from the filing of thereof.

If the denial is sustained at the first level appeal lower than the Secretary, the requester may elevate the matter on final appeal to the Secretary, who shall resolve the matter within thirty (30) calendar days from receipt thereof.

Failure to decide within the periods provided for first level and final appeal shall be deemed a denial of the appeal.

The Secretary may refer the appeal to the Department's Legal Affairs Office or the FOI Committee created under Section 18 of this Manual.

The decision of the Secretary, by himself/herself or through referral to the Department's Legal Affairs Office or Department of Education FOI Committee, shall be final and executory unless the requesting party files an appropriate judicial action in accordance with the Rules of Court.

All decisions on appeal shall be forwarded to the relevant FOI RO for transmittal to the requester, or transmitted directly to the requester with a copy furnished to the FOI RO.

**SECTION 17. Administrative Liability.** Failure to comply with the provisions of EO 2, s. 2016, and with the provisions of this Manual, may be a ground for administrative and disciplinary sanctions against any erring public officer or employee under existing laws, rules or regulations.

Depending on the gravity and repetition of the act, the following acts willfully and knowingly committed shall be tantamount to neglect of duty, refusal to perform official duty, misconduct, or other appropriate administrative offense under existing rules of the Civil Service Commission, and shall constitute grounds for administrative and disciplinary sanction against any public official or employee:

- a. Refusal of the FOI RO to promptly forward an FOI request to the relevant FOI DM, when such is the direct cause of the failure to disclose the information within the periods required;
- b. Unjustifiable failure of an FOI RO, FOI DM, appeals officer, or any officer or employee to discharge such actions necessary to enable the disposition of the request or appeal within the periods required under this Manual; and
- c. Claiming of an exception when the claim is manifestly devoid of factual and legal basis;

The Legal Affairs Office is directed to recommend to the Secretary, within sixty (60) calendar days from the effectivity of this Manual, a simple and speedy procedure for administrative complaints based on this Section and consistent with existing laws, rules and regulations, for the promulgation of the Secretary.

#### IV. MECHANISMS TO FACILITATE EFFECTIVE ACCESS TO INFORMATION

**SECTION 18. *Department of Education FOI Committee.*** A Department of Education FOI Committee is hereby established, to be composed of seven members designated by the Secretary, as follows: A chairperson, who shall be an Undersecretary or Assistant Secretary; a co-chairperson, who shall be the Undersecretary or Assistant Secretary of the Legal Affairs Office, and five (5) regular members at least one of whom shall come from the field offices.

The Committee shall have the following functions:

- a. Coordinate with the FOI ROs, FOI DMs, and central and field offices to keep updated of their FOI practices, problems and issues encountered, and lessons and experiences;
- b. Formulate and implement programs, projects and activities to increase awareness and understanding of this Manual, upgrade capacity among concerned officers and personnel, build important resources and reference materials on FOI, and introduce innovations for the effective operationalization of this Manual;
- c. Hold consultations with stakeholders to get feedback on the Department's implementation of this Manual, identify good practices and areas for improvement, and generate ideas on how to be more responsive to the needs of the public;
- d. Coordinate the regular update of the Department's mapping of information and inventory of exceptions as embodied in subsequent Circulars of the Office of the President;
- e. Supervise the pre-classification of documents as provided in Section 22 of this Manual;

- f. Provide technical advice when requested by FOI ROs, FOI DMs, and appeals officers on issues and matters relating to FOI;
- g. Issue the applicable schedule of fees consistent with Section 14 of this Manual;
- h. Issue the prescribed FOI request form; and
- i. Recommend to the Secretary amendments to this Manual as needed.

The Committee shall regularly update the Secretary on its work.

**SECTION 19. *Keeping of Records.*** Subject to existing laws, rules, and regulations, the Department 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 20. *Information Mapping.*** The Department shall map the information it generates and/or holds, including the type or class of information, and which office keeps them. The information map will facilitate ease of request and access, and highlight the importance of information in the efficient delivery of services.

**SECTION 21. *Proactive Disclosure of Important Information.*** The Department shall identify important information that it will regularly publish and update in its website.

**SECTION 22. *Pre-classification of Information.*** The FOI Committee shall develop guidelines and supervise the pre-classification of documents that are clearly covered by Section 5 hereof. In the development of the guidelines as well as the pre-classification exercise, the Committee shall adhere to the legal presumption in favor of access to information. It shall also undertake consultations with Department of Education units and offices, as well as stakeholders, to arrive at a reasonable and broadly accepted balancing of the relevant rights and interests.

**SECTION 23. *Capacity-Building.*** The Department shall ensure the provision of adequate training for its officials and employees to improve awareness and understanding of the people's right to information and of the provisions of this Manual, and to keep updated on best practices in information disclosure, records maintenance, archiving, and the use of information and communication technology in FOI.

**SECTION 24. *Active Participation in Government FOI Programs.*** The Department shall actively participate in government programs and initiatives on FOI, such as but not limited to eFOI.gov.ph and data.gov.ph.

**SECTION 25. *Annual Reports.*** The central office and all regional offices, in coordination with the FOI Committee and their respective FOI ROs and FOI DMs, shall produce an annual report on the implementation of this Manual. The reports shall include information on the number of requests for information it received, processed, granted and denied; of appeals made from denials of such requests; of pending court actions that the Department is party to as result of such requests; and of key insights in FOI practice and implementation. The FOI Committee shall consolidate these reports, which may be integrated in the main annual report of the Department.

## V. TRANSITORY AND FINAL PROVISIONS

**SECTION 26. *Review of Department of Education Records Management Operations Manual.*** The FOI Committee, in coordination with relevant committees and offices, shall conduct a review of the Department's Records Management Operations Manual to determine the consistency of its provisions to FOI and this Manual, and recommend to the Secretary the necessary amendments or revision thereof.

**SECTION 27. *Mobilization and Transition to Full Implementation.*** Full implementation of this Manual shall be subject to the availability of the inventory of exceptions as embodied in the Circular issued by the Office of the President pursuant to Section 4 of EO 2, s. 2016.

For purposes of such full implementation, mobilization and transitory activities involving the central and field offices of the Department shall be conducted within six months from issuance of said Circular. The activities shall include, but not be limited to, the issuance of related implementing circulars or guidelines, orientation and training seminars, information and records mapping, consultations with stakeholders, pre-classification of documents, drafting of forms and information brochures or pamphlets, revision of the website of the Department to include an FOI section, and installation of the FOI Tracking System under Section 15 of this Manual.

**SECTION 28. *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 and effect.

**SECTION 29. *Repealing Clause.*** All Department orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Manual are hereby repealed, amended or modified accordingly.

**SECTION 30. *Effectivity.*** This Order shall take effect immediately.

Pasig City, 25 November 2016.

  
LEONOR MAGTOLIS BRIONES  
Secretary



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

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

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

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

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

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

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

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

THE PRESIDENT OF THE PHILIPPINES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this Order or existing laws, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested to vilification, harassment, or any other wrongful acts; and
- (c) Any employee or official of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office must not disclose that information except when authorized under this Order or pursuant to existing laws, rules or regulations.

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



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

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

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: *Provided*, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations, or it is one of the exceptions contained in the inventory of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title or position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with the requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.

- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

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

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

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

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

**SECTION 14. Keeping of Records.** Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a

records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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


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

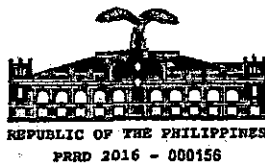
**SECTION 18. Repealing Clause.** All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall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


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

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.

By the President:


  
SALVADOR C. MEDIALDEA  
Executive Secretary







CERTIFIED COPY:

  
MARIANITO M. DERASIDAL  
DIRECTOR IV  
MALALANANG RECORDS OFFICE