



## **FREEDOM OF INFORMATION MANUAL**

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## INTRODUCTION

This Manual is prepared in compliance with the Executive Order 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 Disclosure and Transparency in the Public Service and Providing Guidelines Therefor".


As an educational institution, this University is in full support of the Freedom of Information that promotes citizen's right to access public information.

This is intended as guide to the public, for the request and grant of information from the Central Philippines State University on matters of public concern, and the institution, on the proper disposition of such requests.

Through this Manual the right to information of the faculty and staff, students and other stakeholders are being protected not just as human rights but also empowers them to demand accountability from those in authority, participate in the life of the University and fight corruption through knowledge grounded on facts and principles.



**ALADINO C. MORACA, Ph.D.**  
President

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## SECTION 1: OVERVIEW

### PURPOSE

This manual is to provide the process to guide and assist the University officials, faculty, staff, students and the general public in dealing with requests of information, official records and public records received under Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI).

### COVERAGE OF THE MANUAL

The Manual shall cover all requests for information directed to Central Philippines State University.

### RESPONSIBLE FOI OFFICERS


#### **FOI Receiving Officer:**

FOI Receiving Officer (FRO) shall preferably come from Records Office or Public Information Office. The functions of the FOI Receiving Officer (FRO):

1. Responsible for receiving all requests for information on behalf of the Central Philippines State University and forward the same to the appropriate office who has custody of the records;
2. Facilitate all FOI requests and appeals with concerned office/s;
3. Assist and support the requesting party with regard to FOI;
4. Compile statistical information as required; and,
5. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request due to the following reasons:
  - a. The form is incomplete; or
  - b. The information is already disclosed in the Central Philippines State University Official Website or [foi.gov.ph](http://foi.gov.ph).

#### **FOI Decision Maker**

The FOI Decision Maker (FDM) shall be in a rank of not lower than a Division Chief or its

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equivalent. In case where the Decision Maker is on official leave, the President of the Central Philippines State University may delegate such authority to any Officer not below the rank of a Director. The following functions of the FOI Decision Maker (FDM):

1. Responsible for all action carried out in this Manual and decision on all requests;
2. Conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
  - a. The University does not have the information requested;
  - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
  - c. The information requested falls under the list of exceptions to FOI; or
  - d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the Central Philippines State University.

### **Central Appeals and Review Committee**

There shall be a Central Appeals and Review Committee (CARC) composed of at least three (3) officials with a rank not lower than a Director or its equivalent, designated by the Head of Central Philippines State University. The functions of the Central Appeals and Review Committee:

1. Receive, review, evaluate, and assess the appeal on the denial of the request for information;
2. Determine if the appeal was filed within the period provided under Executive Order No. 2, s. 2016;
3. Recommend to the Head of Agency the actions on the appeal filed by the requesting party;
4. Ensure that the appeal be decided within thirty (30) working days from the filing of said appeal; and
5. Implement the decision of the Head of Agency regarding the appeal.

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**CONTACT INFORMATION**

Records Office/Jane T. Toledo

Central Philippines State University

Kabankalan City, Negros Occidental

Phone: (034) 702-9903 or 09173015565/ 09173019987

E-mail: cpsu\_main@cpsu.edu.ph or nsca\_kabcity@yahoo.com.ph

**SECTION 2: DEFINITION OF TERMS**

**Exceptions**


Shall mean information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence and are those included on the Inventory of Exceptions to Executive Order No. 2, s.2016.

**FOI.gov.ph.**

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

**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

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their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

**FOI Request**

A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office and must comply with the requirements.

**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.

**Information**

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.

**Information for Disclosure**

Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

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**Official Record/Records**

Information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

**Personal Information**

Any information, whether recorded in a material form or not, from which the identify of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

**Public Records**

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

**Proof of Identification**

Valid proof of identity, including Social Security System (SSS)/ Government Service Insurance System(GSIS) Unified Multi-Purpose Identification (UMID) Card, Land Transportation Office (LTO) Driver’s License, Professional Regulatory Commission (PRC) ID, Commission on Elections (COMELEC) Voter’s ID or Voter’s Registration Record from COMELEC Head or Regional Office, Current Valid, National I.D. or other duly recognized government issued I.D. with photo and signature.


**Receiving Officer**

Refers to the person in authority designated by the institution to receive requests for information, which in this Manual refers to the Records Officer or Public Information Officer of the University.

**Referral**

When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral”.



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**Sensitive Personal Information**

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

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. About an individual health, education, genetic or sexual life of a person, or any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- 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.

**SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT**

**Duty to Publish Information**


The Central Philippines State University shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information.

**Accessibility of Language and Form**

The University shall endeavor to use plain language which can easily be understood by the requesting party and present them in popular form and means.

**Keeping of Records**

The Records Office and Public Information Office shall maintain and store appropriate formats of accurate and reasonably complete records, policies, decisions, resolutions, enactments, actions, procedures and instruction manuals, operations, activities, communications and documents received or filed with them and the data generated or collected.

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## SECTION 4. PROTECTION OF PRIVACY

Central Philippines State University shall observe the provisions of the Republic Act No. 10173 known as Data Privacy Act of 2012. While providing for access to information, the unity shall afford full protection to a person’s right to privacy as follows:


1. The University shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. The University shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
3. The FOI Receiving Officer, FOI Decision Maker, or any employee or official who has access whether authorized or unauthorized, to personal information in the custody of the University, shall not disclose that information except as authorized by existing laws.

## SECTION 5. STANDARD PROCEDURE

### 1. RECEIPT OF REQUEST FOR INFORMATION

#### a. Filling up of Request Form

1. Any agency or person who requests access to information must fill up the Information Request form available at the Records Office and on the website of CPSU at [www.cpsu.edu.ph](http://www.cpsu.edu.ph), see Downloadable Forms;
2. In case the requesting party is unable to fill up the form due to disability or illiteracy, the person may ask the Receiving Officer (RO), who shall accomplish the form on the requester's behalf;
3. For requests filed online, the requesting party should provide valid proof of identification by sending:
  - a. Scanned cop(ies) of valid personal identification; and/or
  - b. Communication authorizing the person to make the transaction on behalf of a certain institution/office/agency; and

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c. Accomplished Information Request form available for downloading at [www.cpsu.edu.ph](http://www.cpsu.edu.ph). The form may be filled up electronically or in handwriting.


**b. Submission of Request**

1. The FOI Receiving Officer (FRO) shall receive the filled-up Information Request Form from the requesting party and check compliance of the following requirements:
  - a. The request must be in writing;
  - b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
  - c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information;
  - d. The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.
2. The request shall be stamped received by the FRO, indicating the date receipt of the written request, and the name of the receiving personnel, with a corresponding signature and a copy, furnished to the requesting party.

In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail.

The FOI Receiving Officer (FRO) shall input the details of the request and indicate the reference number on the FOI Logbook to track the status of the requests.

3. The copy furnished to the requesting party shall bear the date when he shall receive notification of denial or access to the information requested;
4. The request must be recorded in a logbook together with the date upon which a response is due and finished.
5. Central Philippines State University must respond to requests promptly, within the fifteen (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

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The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered, or directly into the official email address of the university or;
  - b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
6. Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

### Online FOI System


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

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

## 2. EVALUATION OF REQUEST


After receipt of the request for information, the FRO shall evaluate the contents of the request.

1. The Receiving Officer shall inform the requesting party whether his/her request is approved or denied as soon as practicable but not exceeding fifteen (15) working days

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from the receipt thereof, provided the request is fully compliant with the specified requirements;

- a. The period to respond may be extended in case the information requested requires extensive search of the government office’s records facilities, and/or examination of voluminous records, and/or the occurrence of fortuitous cases or other analogous cases intervened, the FOI Decision Maker should inform the FOI Receiving Officer;
  - b. The FOI Receiving Officer shall notify the person making the request of the extension, setting forth the reasons for such extension;
  - c. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period;
  - d. In cases the request being asked cannot be directly answered by the university, the Receiving Officer shall direct the person making the request to other government agencies, non-government agencies, or other organizations.
2. While the law allows public access to official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data in order to enhance transparency and accountability in government official acts, transactions, or decisions it also provides exceptions as listed in the Inventory of Exceptions to Executive Order No. 2, s. 2016. Regarding exceptions,
- a. The Head of Agency shall determine with reasonable diligence what documents should be listed as excepted;
  - b. In the case of absence of the President, a designated Information Officer must be designated in writing to assume the function;
  - c. The exemption must not serve primarily and purposely to cover up a crime, wrongdoing, graft or corruption;
3. For requests filed online, the requesting party will likewise receive notification of the receipt of request via e-mail and will receive confirmation regarding the denial or access to the requested information in the same manner.

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### **No Wrong Door Policy**

When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working 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 GA1 fails to refer the request within three (3) working 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 GA1, 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 shall apply.

Referrals under this Order 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.

### **Status of the Request**

A request that is referred to the appropriate government agency is considered successful if the same is acknowledged and the requested information is disclosed to the requestor. If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request

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and shall properly notify the requesting party. In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

1. Requested information is already posted and available on-line.

Should the information being requested is already posted and publicly available in Central Philippines State University website or [foi.gov.ph](http://foi.gov.ph), the FOI Receiving Officer (FRO) shall inform the requesting party of the said fact and provide them the website link where the information is posted.

2. Requested information is substantially similar or identical to the previous request.

Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FOI Receiving Officer (FRO) shall inform the applicant of the reason of such denial.

### **3. TRANSMIT THE INFORMATION TO THE REQUESTING PARTY**

Upon receipt of the requested information from the FDM, the FRO shall ensure that the information is complete and transmittal of such to the requesting party within 15 working days upon receipt of the request for information.


1. The Requesting party shall signify receipt by writing his/her signature and date received on the records;
2. Indicate the Official Receipt number on the request form if applicable payment is made;
3. Release the records to the requesting party.

### **4. NOTICE TO THE REQUESTING PARTY OF THE APPROVAL/DENIAL OF THE REQUEST**

Once the Decision Maker approved or denied the request, he shall immediately notify the FOI Receiving Officer who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the University Head or his designated officer for final approval.

### **5. APPROVAL OF REQUEST**

In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release.

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1. The FOI RO shall direct the person making the request to pay any applicable fees for reproduction and copying fee;
2. Upon payment of the fees, the FOI RO shall then process the request by:
  - a. reproducing the documents requested if available on hand; or
  - b. asking the concerned office for a copy of the information needed. The request must be stamped by each receiving office in order to trace the status of all requests for timely delivery of the data;

## 6. DENIAL OF REQUEST


In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground 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 to information. All denials on FOI requests shall pass through the Office of the President or to his designated officer.

1. In case the request is denied, the FOI RO must clearly state in the notice of denial the ground(s) for denial and the circumstances on which the denial is based;
2. Denial or refusal to accept a request for information should be done as provided by the law, and existing rules and regulations, including exceptions covered by the Inventory of Exceptions to Executive Order No. 2 (2.2016);
3. The notice of denial must clearly set forth the ground(s) for denial and the circumstances on which the denial is based;
4. 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 6. REMEDIES IN CASE OF DENIAL

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



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### Submission of Appeal


In case of appeal, should the requesting party deem that the denial for access to information made by the Receiving Officer was unlawful, the following procedure should apply:

1. The party whose request was denied may appeal to the University President within fifteen (15) working days from the notice of denial;
2. The appeal must be filed using an Information Appeal Form, which should state point by point the reasons why the denial is unwarranted;
3. The President will have to decide on the appeal within thirty (30) working days from the filing of said written appeal;
4. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal;
5. No identical appeal or substantially similar requests will be entertained by the Receiving Officer from the same requesting party once the same request has already been previously granted or denied;
6. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

### Evaluation of Appeal

The Receiving Officer shall inform the requesting party whether his request is approved or denied as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof, provided the request is fully compliant with the specified requirements;

1. The period to respond may be extended in case the information requested requires extensive search of the government office's records facilities, and/or examination of voluminous records, and/or the occurrence of fortuitous cases or other analogous cases intervened;
2. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension;
3. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period;

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4. In cases the request being asked cannot be directly answered by the university, the Receiving Officer shall direct the person making the request to other government agencies, non-government agencies, or other organizations.

### **Grant of Appeal**

1. The Receiving Officer shall also direct the person making the request to pay any applicable fees;
2. Upon payment of the fees, the Receiving Officer shall then process the request by:
  - a. reproducing the documents requested if available on hand; or
  - b. asking the concerned office for a copy of the information needed. The request must be stamped by each receiving office in order to trace the status of all requests for timely delivery of the data.

### **SECTION 7. REQUEST TRACKING SYSTEM**


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

### **SECTION 8. FEES**

**No Request Fee.** Central Philippines State University shall not charge any fee for accepting requests for access to information.

**Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by Central Philippines State University in providing the information to the requesting party.

**Exemption from Fees:** Central Philippines State University may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

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## SECTION 9. ADMINISTRATIVE LIABILITY

### Non-compliance with FOI

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

1st Offense - Reprimand;

2nd Offense - Suspension of one (1) to thirty (30) days; and

3rd Offense - Dismissal from the service.

### 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.

As provided by Executive Order No. 2, failure to comply with the provisions of the Order as specified in this Manual may be a ground for administrative and disciplinary sanctions against persons with authority for implementing the guidelines set herein.

## SECTION 10. MISCELLANEOUS

### Accomplishment of FOI Feedback Form

In compliance with Section 6.6.1 of the Anti-Red Tape Authority (ARTA) Memorandum Circular No. 2019-002, series of 2019 entitled Guidelines on the Implementation of the Citizen’s Charter in Compliance with Republic Act 11032, otherwise known as the “Ease of Doing Business and Efficient Government Service Delivery Act of 2018,” and Its Implementing Rules and Regulations, the Requesting Party shall be requested to accomplish the FOI Feedback Form after every transaction.

### Effectivity

The procedures in this Manual shall take effect upon approval of the Board of Regents of the Central Philippines State University.

Appendix A. Information Request Form



**CENTRAL PHILIPPINES STATE UNIVERSITY**  
Kabankalan City, Negros Occidental

**INFORMATION REQUEST FORM**

FOI Tracking No. \_\_\_\_\_

**A. REQUESTING PARTY**

1. Title (e.g. Mr/Mrs/Ms/Miss) \_\_\_\_\_ 2. Given name (including M.I.) \_\_\_\_\_ 3. Surname \_\_\_\_\_

4. Complete Address: (Apt/House Number, Street, City/Municipality, Province)  
\_\_\_\_\_

5. Contact details: . Type of ID Given: (with photograph and signature)  
Landline/fax \_\_\_\_\_ Mobile: \_\_\_\_\_ E-mail Add: \_\_\_\_\_

6. Type of ID Given: (with photograph and signature)  
\_\_\_\_\_

7. Preferred Mode of Communication : (for clarification and other matters)

Landline/fax	Mobile	E-mail	Postal Address
_____	_____	_____	_____

8. Preferred Mode of Reply:

Email     Fax     Postal Address     Pick up at Agency

**B. REQUESTED INFORMATION**

9. Title of Document/Record Requested

10. Reason for Request :

I declare that the information provided in the form is complete and correct. I am aware that giving false or misleading information about my identity or using forged document is a criminal offense and may result in a decision to refuse to process my application.

I bind myself not to share nor disclose the information obtained through the FOI Program to any other person or entity, or use the information obtained in a manner that is not in accordance with the purpose stated in the request.

Date Accomplished: \_\_\_\_\_

\_\_\_\_\_  
Signature over printed name of requesting Party

**C. FOI RECEIVING OFFICER (Internal use only)**

The request is recommended to be: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	Date: _____
Reason (in case of denial): _____	
_____ Signature over printed name/Designation	
Decision on Application: <input type="checkbox"/> Successful <input type="checkbox"/> Partially Successful <input type="checkbox"/> Denied <input type="checkbox"/> Cost	Date Request finished: _____
Date Documents sent (if any): _____	
_____ Signature over printed name/Receiving Officer	

Accomplish this form in duplicate

Appendix B. Information Appeal Form



**CENTRAL PHILIPPINES STATE UNIVERSITY**  
Kabankalan City, Negros Occidental

**INFORMATION APPEAL FORM**

Reference No. \_\_\_\_\_

Date: \_\_\_\_\_

Appealing Person/Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Identification/Proof of Authority: \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ E-mail Add: \_\_\_\_\_

Date of Rejection of Request :
Information Requested:
Reason for Appeal :
Preferred Mode of Delivery: <input type="checkbox"/> Pick up/Personal <input type="checkbox"/> Mail <input type="checkbox"/> E-mail
This is to acknowledge receipt of the appeal against an earlier request for information:  <div style="text-align: right; margin-right: 100px;">_____</div> FOI Receiving Officer
This is to acknowledge receipt of the appeal.:  <div style="text-align: right; margin-right: 100px;">_____</div> President/FOI Designated Officer
Action taken: <input type="checkbox"/> Grant <input type="checkbox"/> Deny         Date: _____
Comment :

*Accomplish this form in duplicate*

Appendix C. Process flow of the disposition of requests for public information

## Freedom of Information Program

Agency: CENTRAL PHILIPPINES STATE UNIVERSITY

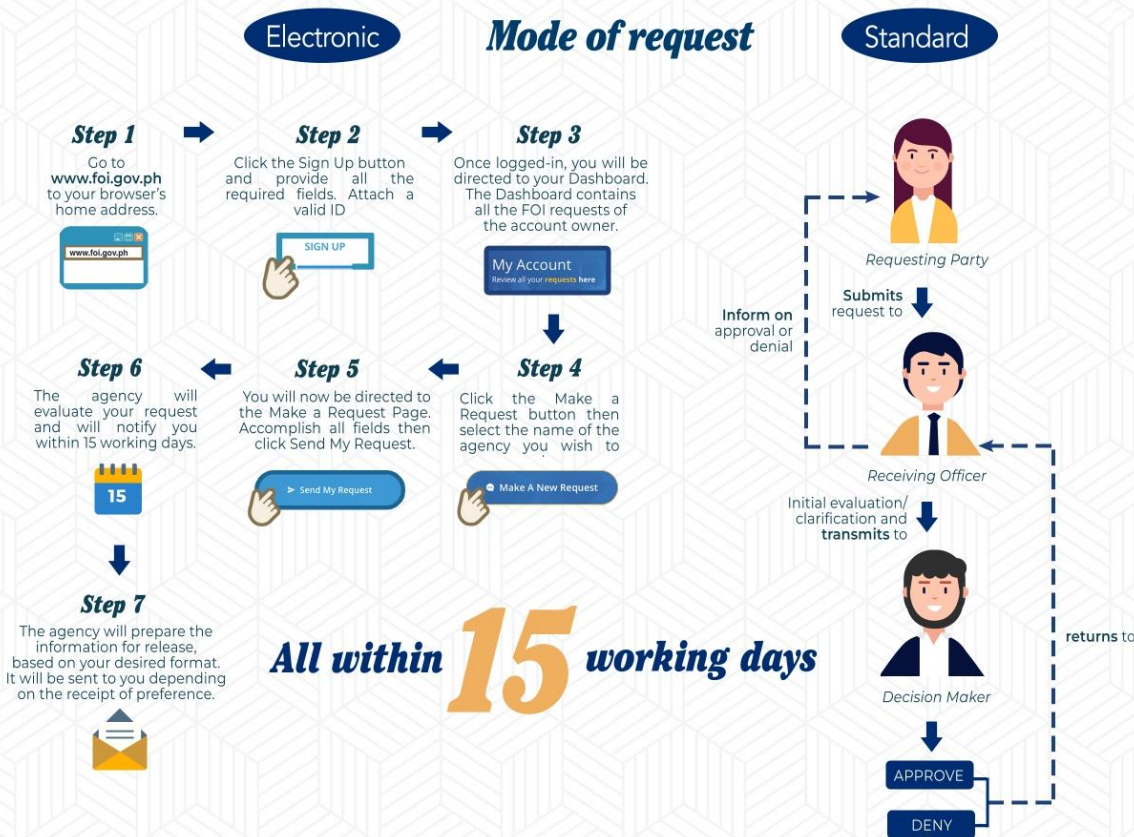
Receiving Officer: JANE TOLEDO  
 Designation: ADMINISTRATIVE OFFICER  
 Office: RECORDS OFFICE

Receiving Office: RECORDS OFFICE, CENTRAL PHILIPPINES STATE UNIVERSITY  
 KABANKALAN CITY, NEGROS OCCIDENTAL

Contact No.: (034) 702-9903  
 09173015565  
 09173019987  
 Email: cpsu\_main@cpsu.edu.ph or nsca\_kabcity@yahoo.com.ph



One-Page FOI Manual



### FOI Appeals

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



Be informed. Be engaged. Know your government better.

Appendix D. FOI Request Feedback



**CENTRAL PHILIPPINES STATE UNIVERSITY**  
Kabankalan City, Negros Occidental

**FOI REQUEST FEEDBACK**

FOI Tracking No. \_\_\_\_\_

Date: \_\_\_\_\_

Name of Requesting Party/Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Contact No: \_\_\_\_\_ E-mail Add: \_\_\_\_\_

Identification/Proof of Authority: \_\_\_\_\_

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This is in compliance with the Freedom of Information requirements on the submission of Report on how we can improve our services and Section 6.6.1 of the Anti-Red Tape Authority (ARTA) Memorandum Circular No. 2019-002, series of 2019.

Kindly answer the following questions for us know your feedback on the service provided by writing check (✓) in the box provided.

1. Are you satisfied with the handling of your FOI request?	<input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither Agree or Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Agree
2. For unsuccessful request, are you satisfied with the reason provided?	<input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither Agree or Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Agree
3. For successful request, was the response you received easy to understand?	<input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither Agree or Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Agree
4. Did you feel that we communicated with you effectively, from start to finish?	<input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither Agree or Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Agree
5. Did you feel that we communicated with you effectively, from start to finish?	<input type="checkbox"/> Strongly Disagree <input type="checkbox"/> Disagree <input type="checkbox"/> Neither Agree or Disagree <input type="checkbox"/> Agree <input type="checkbox"/> Strongly Agree

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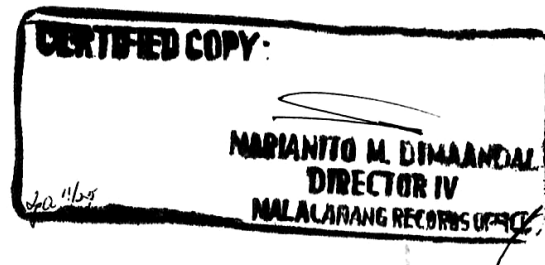
Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

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.

*se*  
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 carnapped vehicles and apprehension of the persons charged with carnapping;<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 Carnapping 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*.

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

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

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

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

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

<sup>40</sup> Section 81, EO No. 226 (s. 1987), as amended.

<sup>41</sup> Section 9, *Government Procurement Reform Act* (RA No. 9184).

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

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

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

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

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

<sup>46</sup> Section 10, *Safeguard Measures Act*.

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

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

<sup>49</sup> CHED Memorandum Order No. 015-13, 28 May 2013.

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

<sup>51</sup> Section 3(g), Rule IV, Rules on CCESPOE.



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

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

<sup>53</sup> Article 10, International Bar Association Rules for Investor-State Mediation.

<sup>54</sup> Article 237, *Labor Code*.

<sup>55</sup> Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

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

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

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

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

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

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

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

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<sup>62</sup> Section 14, Civil Service Commission Resolution No. 01-0940.

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

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

<sup>65</sup> Article 7, UNCITRAL Transparency Rules.

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

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<sup>66</sup> *Senate v. Neri, supra; Senate v. Ermita, supra.*

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

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

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

<sup>70</sup> *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

<sup>71</sup> Canon 21 of the *Code of Professional Responsibility.*