Republic of the Philippines
Province of Nueva Ecija
Municipality of Licab
-oOo-

LICAB WATER DISTRICT

Real St. Poblacion, Sur, Licab Nueva Ecija
licabwd@yahoo.com
Cell. No. 09258158582 / Tel. No. 044 950 1397

QMS 19 93 0026

November 25, 2020

Admin. JECI A. LAPUS
Acting Administrator
Local Water Utilities Administration
MWSS-LWUA Complex
Katipunan Avenue, Balara
Quezon City 1105

Dear Administrator Lapus,

We respectfully submit our Freedom of Information (FOI) manual with revision of the current address of Licab Water District.

We hope you find it in order. Thank you and best regards.

Sincerely,

ANNE LORELIE DL. LAURETA
General Manager

PEOPLE'S FREEDOM OF INFORMATION MANUAL

LICAB WATER DISTRICT

Real St., Poblacion Sur, Licab, Nueva Ecija
Cel. No. 0925-815-8582/ Tel No. 044 950 1397, e-mail: licabwd@yahoo.com

Licab Water District
Poblacion Sur, Licab, Nueva Ecija
CP# 09258158581-82 email:licabwd@yahoo.com

EXCERPTS FROM THE MINUTES OF THE 15th REGULAR MEETING OF THE LICAB WATER DISTRICT BOARD OF DIRECTORS HELD ON AUGUST 23, 2017 AT OFFICE OF THE SENIOR CITIZEN AFFAIRS, LICAB MUNICIPAL CMPD., POBLACION SUR, LICAB, NUEVA ECIJA.

BOARD RESOLUTION NO. 59
Series of 2017

ADOPTION AND IMPLEMENTATION OF E.O NO. 02 S. 2016 RE: 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 E.O No. 02 series of 2016 which is the operationalization of 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, the Licab Water District 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 Licab Water District recognizes the urgent need to operationalize these Constitutional provisions;

NOW, THEREFORE, upon motion of Dir. Cynthia G. Angulo, seconded by Dir. Teresita M. Tinio and concurred in by other Board of Directors, **RESOLVED AS IT IS HEREBY RESOLVED,** to approve the adoption and implementation of Freedom of Information (FOI) with the following provisions:

1. **ACCESS TO INFORMATION** – Every Filipino shall have access to information, official records, public records pertaining to Licab Water District official acts, transactions or decisions, as well as to government research data used as basis for policy development;

2. **EXCEPTIONS** – The exceptions to the coverage shall be the Office of the President's circularized list of Inventory of Exceptions and its updates;

3. **APPLICATION AND INTERPRETATION** – The determination of the applicability of any of the exceptions to the request shall be the responsibility of the General Manager (OIC);

4. **PROTECTION OF PRIVACY** – While providing access to information, public records, and official records, the Licab Water District management shall afford full protection to the right to privacy of the employees as follows:

Licab Water District
Poblacion Sur, Licab, Nueva Ecija
CP# 09258158581-82 email:licabwd@yahoo.com

(a) 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) Protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts;

(c) Any employee or official 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, office rules or regulation

RESOLVED FURTHER THAT, the General Manager (OIC) is **HEREBY** instructed to create the manual for the Freedom of Information and provide the Local Water Utilities Administration (LWUA) a copy of the said manual for their perusal.

Approved this 23rd day of August, 2017.

APPROVED AND CONFIRMED:

CYNTHIA G. ANGULO
Vice Chairperson

LEONILA J. RAYO
Board Secretary

RENATO T. MANGIDUYOS
Board Member

TERESITA M. TINIO
Board Member

DANTE P. ALEJANDRIA
Chairperson

Covering Page i

Table of Contents ii

Board Resolution No. 59 1

OFFICE Memo. No. 8 (FOI Provisions and Details) 3

OFFICE Memo. No. 9 (FOI Exceptions) 8

Annexes

Annex 1: Executive Order No. 02

Annex 2: Licab Water District People's Freedom of Information Manual

Annex 3: Freedom of Information Request Flow Chart

Annex 4: Freedom of Information Processing Narrative Procedure

Annex 5: Responsible Unit and Responsibilities

Annex 6: Memorandum from the Executive Secretary (Inventory of Exceptions to Executive No. 02)

Exhibits

Exhibit 1: FOI Information Request Form

Exhibit 2: FOI Response Form

Republic of the Philippines
Province of Nueva Ecija
Municipality of Licab
-oOo-

LICAB WATER DISTRICT

licabwd@yahoo.com (09258158582)
Website: licabwaterdistrict.gov.ph

Office Memo. No. 08

August 25, 2017

TO : All Concern

FROM : The Undersigned

SUBJECT : LICAB WATER DISTRICT FREEDOM OF INFORMATION (FOI) MANUAL

Pursuant to E.O No. 02 series of 2016 re: 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 **(Annex 1**), the Licab Water District Freedom of Information (FOI) is hereby adopted the following provisions and details **(Annex 2)**:

1. **ACCESS TO INFORMATION** – Every Filipino shall have access to information, official records, public records pertaining to Licab Water District official acts, transactions or decisions, as well as to government research data used as basis for policy development;

2. **EXCEPTIONS** – The exceptions to the coverage shall be the Office of the President's circularized list of Inventory of Exceptions and its updates;

3. **APPLICATION AND INTERPRETATION** – The determination of the applicability of any of the exceptions to the request shall be the responsibility of the General Manager (OIC);

4. **PROTECTION OF PRIVACY** – While providing access to information, public records, and official records, the Licab Water District management shall afford full protection to the right to privacy of the employee as follows:

(a) 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) Protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts;

(c) Any employee or official 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, office rules or regulation.

5. **PROCESSING PROCEDURE** – The processing flow/chart and its narrative procedure are shown in **Annex 3 and 4**.

The General Manager (OIC) is responsible for all actions carried out under the FOI process and delegates this responsibility to the concerned staff. An Action Officer is assigned to have overall responsibility for locating the information requested.

5.1 FILING PROCESSING:

(a) Any person who requests access to information shall submit a written request to Licab Water District. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as mentioned in Item No. 2 above.

(b) The receiving officer shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this section.

(c) The request shall be processed by the receiving officer indicating the date and time of receipt request, the name of the receiving officer with the corresponding signature, rank, title and position.

(d) The requesting party shall be provided a copy of processed request.

5.2 RESPONDING TO REQUEST

(e) Licab Water District shall respond to a request fully compliant with requirements of 5(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 District to grant or deny access to the information requested.

(f) The period to respond maybe extended whenever the information requested requires extensive search of the office records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. Licab Water District shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

(g) The information is to be released only in hard copy after the person making the request has paid the applicable copying fees.

(h) The Statements of Assets, Liabilities and Net worth (SALN) shall be available for scrutiny only in accordance with existing laws, office rules and regulations, and the spirit and letter of this Order.

5.3 DENIAL PROCESSING

(i) If Licab Water District decides to deny the request, in whole or in part, it shall soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information. The written notice to deny a request shall clearly state the grounds for and circumstances on which the denial is based.

5.4 APPEAL PROCESSING

(j) A written appeal for the denial of information must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(k) Denial of any request for access to information may be appealed to the person or office next higher in the authority. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(l) The appeal is to be decided by the person or office next higher in authority within thirty (30) working days from the filing of the said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(m) Failure of such person or office to decide within thirty (30) working days from the filing of said written shall be deemed a denial of the appeal.

(n) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper court in accordance with the rules of court.

5.6 SUBSEQUENT IDENTICAL OR SUBSTANTIALLY SIMILAR REQUEST PROCESSING

(o) Unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied shall not be required to be acted upon.

6. MANUAL

For the effective implementation of this order, a People's Freedom of Information (FOI) Manual is made available to aid the Public, with the following provisions:

(a) Contact information of the processing unit
(b) Procedure for filing and processing of the request
(c) Standard forms for the submission of request and proper acknowledgement
(d) Process for disposition of request
(e) Procedure for administrative appeal for any denial for access to information
(f) Schedule of applicable fees.

The manual forms part of the records of this system. Update to the Manual is to be authorized by the Head of the Service in charge of records keeping.

7. RECORDS KEEPING

Subject to existing laws, rules and regulations, Licab Water District 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 and that includes the following:

1. This Office Order
2. Manual in Item No. 6 above
3. Required reports pertaining to the administration of the FOI

8. **RESPONSIBILITIES** – Responsibilities of all concerned are shown in **Annex 5**.

9. **ADMINISTRATIVE LIABILITIES** – Failure of the erring public officer or employee to comply with the provisions of this Order may be a ground for administrative liability, subject to existing office rules and regulations.

For concerned strict compliance.

ANNE LORELIE DL. LAURETA
General Manager (OIC)

Republic of the Philippines
Province of Nueva Ecija
Municipality of Licab
-oOo-

LICAB WATER DISTRICT

licabwd@yahoo.com (09258158582)
Website: licabwaterdistrict.gov.ph

Office Memo. No. 9

August 31, 2017

TO : All Concern

FROM : The Undersigned

SUBJECT : AGENCY FREEDOM OF INFORMATION (FOI) MANUAL (MEMO. ORDER NO. OGM-9) ITEM NO. 2 – EXCEPTIONS

In accordance with the Office of the President's Memorandum from the Executive Secretary dated November 24, 2016, following the list of exceptions under Item no. 2 of Memorandum Order no. OGM-9 **(Annex 6)**:

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, victim 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 of officers, in relation to the performance of their functions, or to inquiries or investigation conducted by the agencies 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.

This Order supplements Office Memorandum no. OGM-8 dated August 25, 2017 re: Licab Water District of Information Manual.

For compliance

ANNE LORELIE DL. LAURETA
General Manager (OIC)

Annex 1

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

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

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

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

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

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

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

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

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:
(a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
(b) "Official record/records" shall refer to information produced or received by a public officer or

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

(c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

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

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

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

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

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:
(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.
(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:
(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
(b) The person or office responsible for receiving requests for information;
(c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
(d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
(e) The process for the disposition of requests;
(f) The procedure for the administrative appeal of any denial for access to information; and
(g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:
(a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the

corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

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

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

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.
(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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

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

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

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

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

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

By the President:

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

Annex 2

LICAB WATER DISTRICT

People's Freedom of Information (FOI) Manual

FREQUENTLY ASKED QUESTIONS:

A. WHAT IS E.O NO. 02

EXECUTIVE ORDER (E.O.) No. 12 dated July 23, 2016 is entitled **" OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR."**

It actuates the Constitutional provision on full public disclosure of all transactions involving public interest subject to reasonable conditions prescribed by law.

The manual is prepared in accordance with the requirements provided in section 8 thereon.

B. TO WHOM AND WHERE CAN ONE SUBMIT REQUEST FOR INFORMATION?

Anne Lorelie DL. Laureta
General Manager (OIC)
Licab Water District
Real St., Poblacion Sur, Licab, Nueva Ecija
Cel. No. 0925-815-8582/ Tel No. 044 950 1397 e-mail: licabwd@yahoo.com

C. WHO IS RESPONSIBLE FOR RECEIVING REQUEST FOR INFORMATION?

Hazzel Anne DS. Cayetano
Licab Water District
Real St., Poblacion Sur, Licab, Nueva Ecija
Cel. No. 0925-815-8582/ Tel No. 044 950 1397 e-mail: licabwd@yahoo.com

D. WHAT IS THE PROCEDURE FOR FILING AND PROCESSING OF THE REQUEST?

D.1 FILING OF REQUEST

- Name and contact information of the requesting party;
- Reasonable description of the information requested, provide as much detail as possible;
- Reason for, or purpose, of the request for information.

A valid proof of identification or authorization shall likewise be provided together with the request.

The request shall be stamped, including the indication of the following:

- Date and time of receipt;
- Name and signature, rank, title and position of the Action Officer.

The requesting party shall be given a copy of the processed request

D.2 RESPONDING TO REQUEST

The person making the request shall be notified in writing, within the prescribed time frame, of any of the following:

- Decision to grant the information including the applicable fees
- Information directing the requesting party to where the information is readily and publicly available such as the website, publications, etc.
- Decision to deny the information.

The information is released in hard copy after the person making the request has paid the applicable fees.

E. WHAT ARE THE STANDARD FORMS

- Please see attached "**INFORMATION REQUEST** UNDER E.O. NO. 02 form as **Exhibit 1**
- Please see attached FOI under EO No. 02 **Response Form** as **Exhibit 2**

F. WHAT IS THE PROCESS FOR DISPOSITION OF REQUEST?

The person making the request shall be notified of the decision as soon as practicable, subject to the following:

- Not later than 15 working days from the receipt of request fully compliant with requirement;
- Within 20 working days, whenever the requested information requires extensive search of the office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or analogous cases;
- Beyond 20 working days only when exceptional circumstances warrant a longer period.

G. WHAT IS THE PROCEDURE FOR ADMINISTRATIVE APPEAL OF ANY DENIAL FOR ACCESS TO INFORMATION?

Denial of any request for access to information may be appealed to the person or office next higher in the authority within fifteen (15) working days from notice of denial or lapse in period to respond by the responsible officer.

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.

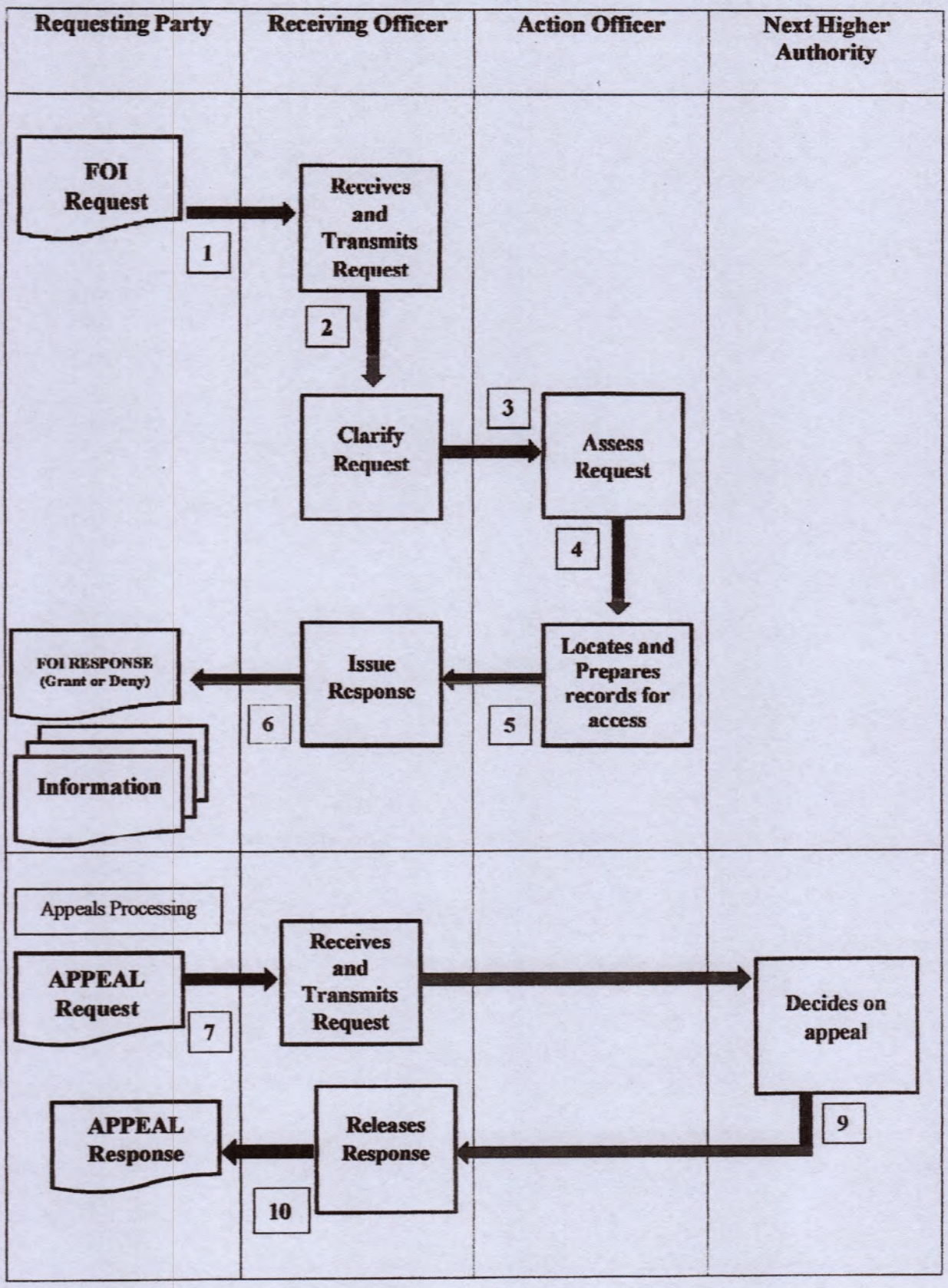
Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

H. WHAT ARE THE FEES INVOLVED?

Assistance	- Free of Charge
Copying Charges (all sizes)	- P1.00 per page

FOI REQUEST
FLOW CHART

Annex 3



Annex 4

FOI PROCESSING
Narrative Procedures

Person Responsible	Flow No.	Day	Activity	
Receiving Officer	1	1	Receive request	- Check if request is valid - Stamp Received - Provide copy to requestor - Log details on FOI Tracker - Plan Work needed with Decision Maker (DM)
Receiving Officer	2	2	CLARIFY REQUEST(If necessary)	- If not clear what information is requested, seek clarification (15 working day stops) - Provide appropriate advice and assistance to requestor - When clarification is received, NEW working day period starts - If no clarification received, close request from receipt and notify applicant - Forward to action officer
Action Officer	3	2-4	Assess Request	- Does the Agency hold the information requested? - Is the information already accessible? - Is the request a repeat of a previous request from the same applicant?
Action Officer	4	2-4	Locate Information	- Obtain all relevant information - Prepare schedule of all information located
Action Officer		2-4	Inform/Consult	- Other officials with Key interest
Action Officer/Concerned Staff/ GM		5-8	Consider/Response	- Review content of documents and apply relevant exemptions - Consider comments/advice of

				officials - Organize documents
Action Officer		9-10	Clearing Response	- Seek clearance for personal information - Seek other clearances from the Legal Dept. if necessary
Action Officer	5	11-15	ISSUE RESPONSE	- Prepare information for release
Receiving Officer	6	11-15		- Update FOI Tracker and save response - Releases information after applicable copying fees have been paid by the requesting party.

APPEALS PROCESSING

Person Responsible	Flow No.	Day	Activity	
Receiving Officer	7	1	Receive Request	- Check if written appeal is filed by the same requesting party within 15 calendar days from the notice of denial or from the lapse of the period to respond to the request - stamp received with the date - Provide copy to the requestor - Log details on FOI Tracker - Forwards to next higher authority
Receiving Officer	8	1	Receive Request	- Forwards request to next higher authority
Next Higher Authority	9	2-30	Decide on Request	- Decides on the request for appeal - Prepares written response to the appeal
Receiving Officer	10	2-30	Release Response	- Releases written response - Log details on FOI Tracker and save response

Annex 5

RESPONSIBLE UNIT AND RESPONSIBILITIES

Responsible Unit/Person	Responsibilities
General Manager (OIC)	- Decides on the applicability of any of the exceptions - Approve immediate resolution to request that pose doubts on the applicability of its inclusion as one of the exceptions provided for in the list of Exceptions and its updates.
Legal Counsel (OGCC)	- Determines applicability of any of the exceptions as referred to by the General Manager (OIC) - Recommends immediate resolution to request that pose doubts on the applicability of its inclusion as one of the exceptions provided for in the list of exceptions and its updates - Provides written clearance prior to release of all personal information
Administrative Unit	- Provides reasonable assistance to requesting parties, and particularly, those with special needs, to comply with the request requirements. - Processes appropriately the following: (a) fully compliant request for information (b) creation and/or maintenance of accurate and reasonably complete records of important information in appropriate format, facilitating easy identification, retrieval and communication of information to the public. (c) traceability of the status of all requests for information and appeals (d) unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied - Forwards request for information to appropriate office who has custody of the records - Compiles required statistical information on the implementation of the FOI system - prepares required report detailing the administration of the FOI - Sends the requested information to requesting party within the set time frame
Action Officer/Concerned Staff/ GM	- Acts on the request for information - Grants or Denies the requested information taking into considering the required time frame - Signs the Response Form
Concerned Official or Employee	- Discloses personal information in the custody of the office that concerned official or employee has access to, whether authorized or unauthorized, only when authorized under this Order or pursuant to existing laws, rules or regulation.

Responsible Unit/Person	Responsibilities
	- Issues, as the owner of the personal information, a written clearance to the release of personal information. - Files a complaint relating to violation of privacy of personal information with the Administrative Division, if warranted.
Administrative Unit	- Affords full protection to the right to privacy of the individual related to personal information in its custody or under its control - Ensures that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations - Provides 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. - Obtains a written clearance prior to release of all personal i information from the following: (a) Legal Counsel (OGCC) (b) Owner of the personal information - Acts on individual employee complaint against violation of privacy of personal information under the custody of Administrative Division - Issues, whenever applicable, administrative or disciplinary sanctions on responsible person failing to respond appropriately to provisions of this office order - Ensures the availability for scrutiny of the Statements of Assets, Liabilities and Net worth (SALN) only in accordance with existing laws, rules and regulations, and the spirit and letter of this order.

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

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

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

For your information and guidance.

SALVADOR C. MEDIALDEA

CERTIFIED COPY:

MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACAÑANG RECORDS OFFICE

Exceptions to Right of Access to Information

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

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

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

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;[2] 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;[3] and

      ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;[4]

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;[5]

   b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;[6] and

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[2] 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.

[3] *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).

[4] 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.

[5] *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."

[6] *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;[7]

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;[8]

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;[9]

c. When disclosure of information would put the life and safety of an individual in imminent danger;[10]

d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;[11] and

e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;[12]

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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[7] 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).

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

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

[10] Section 3(b), Rule IV, Rules on CCESPOE

[11] Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

[12] 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,[13] personal information or records,[14] including sensitive personal information, birth records,[15] school records,[16] or medical or health records;[17]

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:[18]

(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[19] 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.[20]

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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[13] Section 3(e), Rule IV, Rules on CCESPOE.

[14] 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.

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

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

[17] 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).

[18] Section 3(l), *Data Privacy Act of 2012*.

[19] Article 26(2), *Civil Code*.

[20] 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;[21]

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

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[21] Section 4, *Data Privacy Act of 2012*.

[22] *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.

[23] Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

[24] Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

[25] Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

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

[27] 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.

[28] Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

[29] 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;[30]

(9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;[31]

(10) names of students who committed acts of bullying or retaliation;[32]

(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 [33]

(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;[34]

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;[35]

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[30] 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*.

[31] 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.

[32] Section 3(h), *Anti-Bullying Act* (RA No. 10627).

[33] Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

[34] Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

[35] 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);[36]

c. Records and reports submitted to the Social Security System by the employer or member;[37]

d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;[38]

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;[39]

f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;[40]

g. Documents submitted through the Government Electronic Procurement System;[41]

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*;[42]

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;[43]

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;[44]

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

[37] Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

[38] Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504)

[39] 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.

[40] Section 81, EO No. 226 (s. 1987), as amended.

[41] Section 9, *Government Procurement Reform Act* (RA No. 9184).

[42] Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

[43] Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

[44] 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;[45]

l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;[46]

m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;[47]

n. Information on registered cultural properties owned by private individuals;[48]

o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);[49] and

p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;[50]

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.[51]

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

[46] Section 10, *Safeguard Measures Act*.

[47] Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

[48] Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

[49] CHED Memorandum Order No. 015-13, 28 May 2013.

[50] 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).

[51] 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*;[52]

b. Matters involved in an Investor-State mediation;[53]

c. Information and statements made at conciliation proceedings under the *Labor Code*;[54]

d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);[55]

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;[56]

f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;[57]

g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission; [58]

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*;[59]

i. Investigation report and the supervision history of a probationer;[60]

j. Those matters classified as confidential under the *Human Security Act of 2007*;[61]

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[52] 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.

[53] Article 10, International Bar Association Rules for Investor-State Mediation.

[54] Article 237, *Labor Code*.

[55] Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

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

[57] Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

[58] 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.

[59] DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

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

[61] 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;[62] 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;[63]

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;[64]
(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);[65] 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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[62] Section 14, Civil Service Commission Resolution No. 01-0940.

[63] 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.

[64] 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.

[65] Article 7, UNCITRAL Transparency Rules.

b. Testimony from a government official, unless pursuant to a court or legal order;[66]

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;[67]

d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;[68]

e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;[69]

f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;[70] and

g. Attorney-client privilege existing between government lawyers and their client.[71]

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[66] *Senate v. Neri, supra; Senate v. Ermita, supra.*

[67] Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees*

[68] *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.

[69] 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.

[70] *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

[71] Canon 21 of the *Code of Professional Responsibility*

Exhibit 1

INFORMATION REQUEST FORM
UNDER E.O. NO. 02

To be filled up by the Requestor

Date :	Contact no:
Name :	
Address :	Email:
Purpose of Request:	
Information/Documents being Requested (*describe as much as possible to facilitate search and retrieval*)	

You will be informed of the copying fee charge for the document/s. This shall be paid before release of documents.

To be filled up by the Administrative Unit

Received by Action Officer:	Printed Name and Signature	Designation

Exhibit 2

FREEDOM OF INFORMATION (FOI) UNDER E.O NO. 02
RESPONSE FORM

TO: _____

Date :	Contact no:
Name :	
Address :	Email:

Your request for information is:

Granted		PARTICULARS	Total copying fee payment before information is release in
		This will be ready by date:	
		The information requires extensive search of the office records, facilities, examination of voluminous documents. This will be ready by date:	
		The information will be ready by date: Exceptional circumstances warrant a longer period.	
		Other	
Denied	Reason for Denial:		

Printed Name and Signature	Designation