

**PUBLIC ATTORNEY'S
OFFICE**

**PEOPLE'S FREEDOM OF
INFORMATION
MANUAL**

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SECTION 1: OVERVIEW

- 1. Purpose of the Manual:** The purpose of this Freedom of Information Manual (Manual) is to provide the process to guide and assist the OFFICE in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (ANNEX "A")
- 2. Structure of the Manual:** This manual shall set out the rules and procedures to be followed by the OFFICE, when a request for access to information is received. The CHIEF PUBLIC ATTORNEY is responsible for all actions carried out under this Manual and may delegate this responsibility to the DEPUTY CHIEF PUBLIC ATTORNEY/S. The CHIEF, may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
- 3. Coverage of the Manual:** The Manual shall cover all requests for information directed to the OFFICE.
- 4. FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated for the OFFICE. The FRO shall hold office at the PAO Central Office, DOJ Agencies Building, NIA Rd. corner East Avenue, Diliman, Quezon City. (See ANNEX "B")

The functions of the FRO shall include receiving on behalf of the OFFICE all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further L evaluation, or deny the request based on:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the Office's Official Website or at data.gov.ph.

5. FOI Decision Maker: There shall be an FOI Decision Maker (FDM), designated by the Chief Public Attorney, with a rank of not lower than a Service Head or its equivalent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. The OFFICE 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 Office.

In case where the FDM is on official leave, the Chief Public Attorney may delegate such authority to Deputy Chief Public Attorney or any Officer not below the rank of a Service Head.

- 6. Appeal and Review:** The Chief Public Attorney shall review and analyze the grant or denial of request of information.

SECTION 2: DEFINITION OF TERMS

Data.gov.ph. The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.

eFOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.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. eFOI.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.

pao.gov.ph. The website that serves as the comprehensive portal for all data of the Public Attorney's Office that is searchable, understandable, and accessible.

INFORMATION. Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer stored data, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations, or in connection with the performance or transaction of official business by any government office.

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.

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

PUBLIC RECORDS. Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

PUBLIC SERVICE CONTRACTOR. Shall be defined as a private entity that has dealing, contract, or transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

PERSONAL INFORMATION. Shall refer to 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.

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

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

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

SECTION 3: GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to an FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office with the agency, which will then conduct an independent review.

ANNUAL FOI REPORT. A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

CONSULTATION. When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation".

EXCEPTIONS. Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws, or jurisprudence. (See ANNEX "C")

FREEDOM OF INFORMATION (FOI). The Public Attorney's Office 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. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making.

FOI CONTACT. The Public Attorney's Office, 5F DOJ Agencies Building, NIA Road cor. East Avenue, Diliman, Quezon City. Telephone number (02) 8929-9436 local 104-105. Email address: paO_executive@yahoo.com

FOI REQUEST. A written request submitted to the office personally, by mail or by email asking for records on any topic. An FOI request can be made by any Filipino to the Office. The FOI request may also be submitted through the eFOI portal accessible at <https://www.foi.gov.ph/>.

FOI RECEIVING OFFICE. The Executive Support Staff shall be the primary contact where the requesting party can call and ask questions about the FOI process or the pending FOI request.

FREQUENTLY REQUESTED INFORMATION. Information released in response to an FOI request that the Office determines has become or is likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the Office cannot release any records in response to an FOI request, because, for example, the requested information is

exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When the Office is able to disclose all records in full in response to an FOI request.

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in / first out basis.

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

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

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

PROACTIVE DISCLOSURE. Information made publicly available by the Office without waiting for a specific FOI request.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals the Office has received within a year.

REFERRAL. When the Office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward the

record and the FOI request to that agency for processing and provide its final determination directly to the requester.

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

SECTION 4: PROTECTION OF PRIVACY

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

- a. The Office shall ensure that personal information, particularly sensitive personal information in its custody or under its control, is disclosed only as permitted by existing laws;
- b. The Office shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leak, or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the Office, shall not disclose that information except as authorized by existing laws.

SECTION 5: STANDARD PROCEDURES

(See Annex "D" for flowchart)

1. Receipt of Request for Information

- 1.1 The request may be filed before the FRO or through the eFOI portal.
 - 1.1.1 If the request is filed before the FRO, the latter shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of the request for information. (See ANNEX "E" for FOI Request Form)

1.1.1.1 In case the request is filed at the Regional Office or a District Office, the requesting party shall be advised to submit the request directly to the PAO FRO at the Central Office.

1.1.1.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he may make an oral request, and the FRO shall reduce it in writing. If filed in the Regional or District Office, the Officer of the Day shall assist in reducing the request in writing with the advice that said request be submitted directly to the FRO at the Central Office.

1.1.1.3 The written request shall be stamped received by the FRO, indicating the date and time of the receipt thereof, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy furnished 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 FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

1.1.2 For requests filed through the eFOI portal, the requesting party must register and validate his or her account by providing competent proof of identification. Thereafter, the requesting party may log in and make a request to the OFFICE indicating therein the title of the document, time period covered, intended purpose or use, and such other information that reasonably describe and identify the information to be requested.

1.2 The Office must respond to requests promptly, within fifteen (15) working days 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 the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the Office; or
- b. If the 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.

The period to respond may be extended whenever the information requested requires extensive search of office's records facilities, examination of voluminous records, the occurrence of fortuitous cases, or other analogous cases. In such a case, the FRO shall notify the requesting party 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.

2. **Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request. In case the request is coursed through the eFOI portal, the initial evaluation and the succeeding actions may also be performed by the FDM.

2.1 **Request relating to more than one office under the Agency:** If the information requested is with the Regional or District Offices, the FRO shall forward such request to the office concerned and ensure that it is well coordinated and monitor its compliance.

2.2 **Requested information is not in the custody of the Office:** If the requested information is not in the custody of the PAO or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the records requested refer to another Government office or department, the request will be immediately transferred to such appropriate Government office or department through the most expeditious manner but not exceeding three (3) working days upon receipt. Days. Provided, that the requesting party shall be notified of such referral, including the reason or

rationale thereof and the contact details of the government office where the request was referred, within the 15-working day limit. The receiving office shall have a fresh fifteen (15) working days to act on the request counted upon its receipt of the referral. Provided further, that FOI requests may only be referred or transferred twice (first and second referral). Thus, if the Office received a second referral, it must act on the request by either granting the request, fully or partially, or denying it, stating the reason/s for such action.

- If the records refer to an office not within the coverage of E.O. No. 2 the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.3 **Requested information is already posted and available on-line:** If the information requested is already posted in the website, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

2.4 **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, it shall be denied and the FRO shall inform the applicant the reason for such denial.

3. **Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM by forwarding a copy of the request within one (1) day from receipt. The FRO shall record the date, time, and name of the FDM who received the

request in a record book with the corresponding signature of acknowledgement of receipt of the request.

In case the document requested is in the custody of a Regional Office OR a District Office, the FDM shall immediately forward the request to the concerned Regional Office, through the fastest means.

For requests filed through the eFOI portal, the acknowledgement of receipt may be dispensed with in view of the system-generated e-mail notification, which the FDM will receive upon transmittal of the request by the FRO through the eFOI dashboard.

- 4. Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request, if necessary. He shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the Chief Public Attorney or the designated Deputy Chief Public Attorney, in case the submission is beyond the 10-day period.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of 15-day working period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. **Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the Chief Public Attorney or the designated Deputy Chief Public Attorney/s concerned and ensure the transmittal of such to the requesting party within fifteen working days upon receipt of the request for information. The cover/transmittal letter requirement may be dispensed with in case the request is coursed through the eFOI portal.
6. **Request for an Extension of Time:** If the information requested requires extensive search of the Office's records and facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO who shall also notify the requesting party. In case the request is coursed through the eFOI portal, the FDM may also make the notification to the requesting party.
7. **Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approves or denies the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or email. In case the request is coursed through the eFOI portal, the FDM may also make the response to the requesting party. (See ANNEX "F" in series for the response templates)

All actions on FOI requests, whether approval or denial, shall pass through the Chief Public Attorney or any of the Deputy Chief Public Attorneys authorized to act on her behalf.

8. **Approval of Request:** In case of approval, the FRO shall prepare the letter or email informing the requesting party within the

prescribed period that the request was granted and be directed to pay the applicable fees, if any. In case the request is coursed through the eFOI portal, the FDM may perform this task.

9. **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. In case the request is coursed through the eFOI portal, the FDM may perform this task.

The notice shall clearly set forth the ground or grounds for denial and the explanation/s thereof. All denials on FOI requests shall be furnished to the Office of the Chief Public Attorney.

SECTION 6: REMEDIES IN CASE OF DENIAL

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

1. **Administrative FOI Appeal to the Office of the Chief Public Attorney:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from receipt of the notice of denial.
 - a. The denial of the appeal by the Chief Public Attorney may be elevated directly to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7: FEEDBACK MECHANISM

1. All requests for information covered by this Manual shall be subject to feedback mechanism. Accordingly, the FRO shall attach a feedback form to the final response or disposition of the Office on the request to be sent the requesting party, with instruction on how to accomplish and send it back to the Office. (See Annex "G" for the Feedback Form)
2. For requests filed through the eFOI portal, the requesting party may submit a feedback through the link provided in the website.
3. It shall be the duty of the FRO to tally and summarize all feedback forms received by the Office every month, which shall be discussed with the concerned offices and reported to the Chief Public Attorney.

SECTION 8: REQUEST TRACKING SYSTEM

The Office 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 9: FEES

- 1. No Request Fee.** The Office shall not charge any fee for accepting requests for access to information.
- 2. 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/or copying fees in order to provide the information. Such fees shall be the actual amount spent by the Office in providing the information to the

requesting party. The schedule of fees, if any, shall be posted by the Office.

- 3. Exemption from Fees:** The Office of the Chief Public Attorney may exempt any requesting party from payment of fees, in meritorious cases.

SECTION 10: ADMINISTRATIVELY LIABILITY

- 1. Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense — Reprimand;
 - b. 2nd Offense — Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense— Dismissal from the service.
- 2. Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
- 3. Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, rules, or regulations prescribed by any body or agency, which provides for more stringent penalties.

Signed this 29th day of July 2022 in Quezon City.

For and by the Authority of the
Chief Public Attorney:


SILVESTRE A. MOSING
Deputy Chief Public Attorney

ANNEX "A"

MALACAÑAN PALACE MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

(a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

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

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

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

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

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

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

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

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

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

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

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

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

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;

(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;

(b) The person or office responsible for receiving requests for information;

(c) The procedure for the filing and processing of the request as specified in the succeeding section 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; The procedure for the administrative appeal of any denial for access to information; and

(f) 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 "B"

FOI Receiving Officers of Public Attorney's Office

Name of Agency	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
Public Attorney's Office	Executive Support Staff 5 th Floor, DOJ Agencies Bldg. NIA Road cor. East Avenue, Diliman, Quezon City	(02) 8929-9436 local 104 or 105 Email address: pao_executive@yahoo.com	Mr. Kevin G. Magpayo Administrative Officer V



REPUBLIKA NG PILIPINAS
PUBLIC ATTORNEY'S OFFICE
TANGGAPAN NG MANANANGGOL NG BAYAN
KAGAWARAN NG KATARUNGAN

DOJ Agencies Bldg., NIA Rd., cor. East Ave. 1104 Diliman, Quezon City

Telephone Nos. 8929-90-10/8929-94-36 Fax No. 8927-68-10

ANNEX "C"

LIST OF EXCEPTIONS

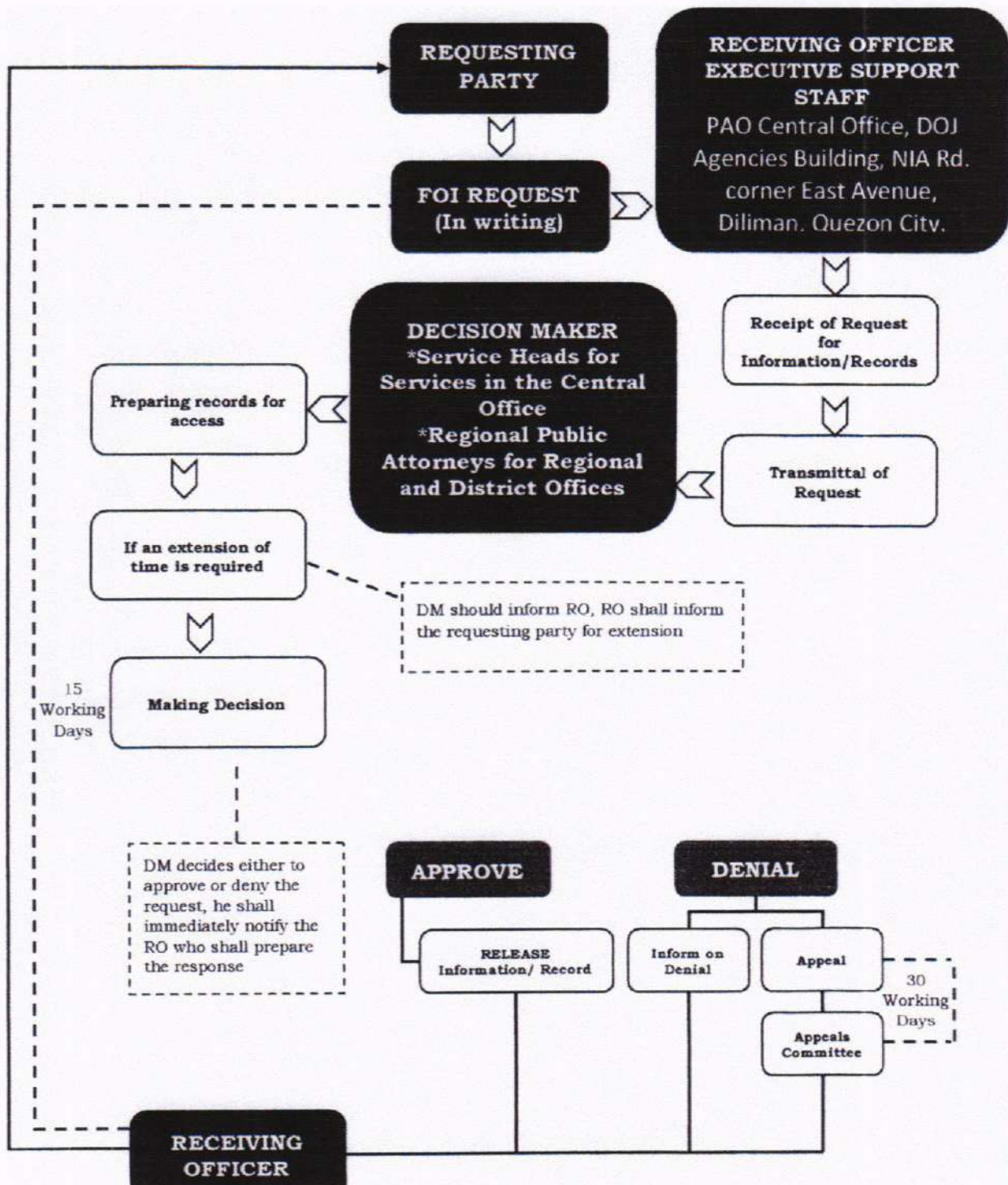
1. Information covered by executive privilege;
2. Privileged information relating to national security, defense, or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy and of certain individuals such as minors, victims of crimes or the accused;
5. Information, documents, or records known by reason of official capacity and deemed confidential, including those submitted or disclosed by entities to government agencies, tribunals and boards or officers, in relation to the performance of their functions or to inquires 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 exemptions to the right to information under laws, jurisprudence, and rules and regulations.



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ANNEX "D"
PAO FOI Request Flow Chart





Republika ng Pilipinas
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(PUBLIC ATTORNEY'S OFFICE)
DOJ Agencies Building, NIA Road, Diliman, Quezon City
Telephone Nos. 8929-9010/8929-9436 Fax No. 8927-6810/8928-2878

ANNEX "E"

FOI Request Form

**PORMULARYO NG KAHILINGAN (FOI)
FOI Request Form**

TITULO NG DOKUMENTO / (Title of the Document): _____

MGA TAON / PANAHONG SAKLAW / (Year): _____

LAYUNIN / (Purpose):

PANGALAN / (Name): _____ **CONTACT Nos.:** _____

LAGDA / (Signature): _____ **PETSA / (Date):** _____

TIRAHAN / (Address): _____

KATUNAYAN NG PAGKAKAKILANLAN (Proof of Identity):

Passport: _____

Driver's License: _____

Others: _____

PARAAN NG PAGTANGGAP NG IMPORMASYON (How would you like to receive the information?)

- Email _____
 Fax _____
 Postal Address _____
 Pick-up (office hrs.) _____

Gawaing itinalaga kay: _____

(Submitted to)

(Lagda sa itaas ng pangalang nakalimbag)

Petsa/Oras ng pagkakatalaga: _____

(Date/Time of Submission)

Taong nagpapatunay ng Gawaing Natapos: _____

(Certified by)

(Lagda sa itaas ng pangalang nakalimbag)

Uri ng isinagawang aksyon: _____

(Type of action conducted)

Tinaggap Ni/ (Received by):

Remarks:



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Telephone Nos. 8929-9010/8929-9436 Fax No. 8927-6810/8928-2878

ANNEX "F"

FOI RESPONSE TEMPLATE – DOCUMENT ENCLOSED

DATE:

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long / complicated>.

Response to your request

Your FOI request is approved. Enclosed herewith is a copy of [some / most / all] of the information you requested [in the format you asked for]

Thank you,

Respectfully,

FOI Receiving Officer



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ANNEX "F-1"
FOI RESPONSE TEMPLATE – ANSWER

DATE:

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long / complicated>.

Response to your request

Your FOI request is approved. The answer to your request in <insert answer>

Thank you,

Respectfully,

FOI Receiving Officer



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Telephone Nos. 8929-9010/8929-9436 Fax No. 8927-6810/8928-2878

ANNEX "F-2"

FOI RESPONSE TEMPLATE – DOCUMENT AVAILABLE ONLINE

DATE:

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long / complicated>.

Response to your request

[Some/ Most/ All] of the information you have requested is already available online from <add details of where that specific information can be obtained at pao.gov.ph>.

Your right to request a review

If you are not satisfied with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to the Chief Public Attorney, 5F DOJ Agencies Building, NIA Road corner, East Avenue, Diliman, Quezon City or e-mail to pao_executive@yahoo.com. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received the letter. You will be informed of the result of your review within 30 calendar days from date of receipt.

If you are still not satisfied with the result of the review, you have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Receiving Officer



Republika ng Pilipinas
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(PUBLIC ATTORNEY'S OFFICE)
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Telephone Nos. 8929-9010/8929-9436 Fax No. 8927-6810/8928-2878

ANNEX "F-3"

FOI RESPONSE TEMPLATE – DOCUMENT NOT AVAILABLE

DATE:

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long / complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance this Office does not have [some of] the information you have requested. However, you may wish to contact <insert name of other authority/ organization> at <insert contact details>, who may be able to help you.

Your right to request a review

If you are not satisfied with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to the Chief Public Attorney, 5F DOJ Agencies Building, NIA Road corner, East Avenue, Diliman, Quezon City or e-mail to pao_executive@yahoo.com. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received the letter. You will be informed of the result of your review within 30 calendar days from date of receipt.

If you are still not satisfied with the result of the review, you have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Receiving Officer



Republika ng Pilipinas
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(PUBLIC ATTORNEY'S OFFICE)
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Telephone Nos. 8929-9010/8929-9436 Fax No. 8927-6810/8928-2878

ANNEX "F-4"
FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

DATE:

Dear _____,

Greetings!

Thank you for your request dated <insert date> under Executive Order No. 2 (s 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request exactly, unless it is too long / complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance this Office cannot provide the information you have requested because it is among the List of Exception(s) under section(s) <insert section>.

Your right to request a review

If you are not satisfied with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to the Chief Public Attorney, 5F DOJ Agencies Building, NIA Road corner, East Avenue, Diliman, Quezon City or e-mail to pao_executive@yahoo.com. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received the letter. You will be informed of the result of your review within 30 calendar days from date of receipt.

If you are still not satisfied with the result of the review, you have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

FOI Receiving Officer



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ANNEX "G"
FOI Request Feedback Form

Name (optional): _____

Age: _____

Sex: _____

Kindly rate our services. Check (✓) the box that corresponds to your answer. Write N/A if the question is not applicable.

Questions		Yes 	Neutral 	No 
a.	Are you satisfied with the handling of your FOI request?			
b.	Did you receive your information within 15 to 35 working days?			
b.1.	For unsuccessful request, are you satisfied with the reason provided?			
b.2.	For successful request, was the response you received easy to understand?			
c.	Did you feel that we communicated with you effectively, from start to finish?			

Is there anything we could do to improve our service in the future?

Thank you! Your feedback is important to improve our service.

Instructions: You may send this feedback form to us via mail at the above given address or email it to pao_executive@yahoo.com.