



# BENGUET STATE UNIVERSITY

FREEDOM OF INFORMATION MANUAL

2024-2025



## VISION

BSU as an International Smart University engendering graduates to walk the intergenerational highways.

## MISSION

BSU cares to: Challenge innovation, Advance technology and facility, Revitalize administration, Engender partnership, and Serve intergenerational role.

## DEVELOPMENT GOALS

**Goal I. Challenge Innovation in the four fold functions of the University**

### Objectives:

1. To provide quality education responsive to the needs of time;
2. To enhance research productivity contributing to sustainable development;
3. To disseminate relevant research outputs and other scholarly activities consistent with BSU's mandated programs;
4. To promote sustainable and appropriate resource generation strategies for the implementation of development plans; and
5. To advocate for resource management and effective energy efficiency in addressing the demands of climate change.

**Goal II. Advance Technology and Facility by shaping the University become responsive to modern needs.**

### Objectives:

1. To use information and communication technology learning resources to sustain and enhance quality of alternative teaching - learning continuity endeavors;
2. To upgrade facilities and enable researchers/extensionsists to conduct activities using specialized facilities;
3. To acquire and upgrade state-of-the-art facilities in the projects innovation; and
4. To upgrade facilities and establish modern physical infrastructures.

**Goal III. Revitalize Administration by harmonizing performance monitoring, information, and reporting systems.**

### Objectives:

1. To elevate the BSU PRIME-HRM to a level of excellence for good governance and efficient public service;
2. To reinforce transparency, integrity, and objectivity in the delivery of service;
3. To regenerate instruction, research, extension, production, linkages, governance, management, and policies; and
4. To streamline operations to be efficient, effective, and responsive to challenges and changes.

**Goal IV. Serve Intergenerational Role by revitalizing the Spiritual, Physical, Economical, Cultural, Intellectual, Emotional, and Social (S.P.E.C.I.E.S.) state.**

### Objectives:

1. To establish academic partnerships with local, regional, national, and international institutions providing educational opportunities for faculty, staff, and students;
2. To increase and sustain university relations with academe, industries, GOs, NGOs, and LGUs for research funding;
3. To increase and sustain partnership with academe, LGUs, NGOs, industries, and others; and
4. To comply with existing laws, policies and other requirements key indicators.

**Goal V. To strengthen and expand public-private partnership**

### Objectives:

1. To offer programs that embody social, cultural, economic and developmental needs both for local and global markets;
2. To champion local culture and languages in the University context through research, extension, and academic programs;
3. To document and sustain Best Practices.

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## OVERVIEW

Article II, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Additionally, Article III, Section 7 of the Constitution, guarantees the right of the people to information on matters of public concern.

In order to implement the constitutional provisions, President Rodrigo R. Duterte issued Executive Order No. 2 s. 2016 in 23 July 2016<sup>1</sup> which directs every government office to prepare its own Agency Freedom of Information (FOI) Manual<sup>2</sup>. The essential guidelines and standard forms for compliance

Circular issued by Malacañang in 11 November 2016.

In recognition of both the role of free and open exchange of information in a democracy in enhancing transparency and accountability in official government acts and the fundamental human right of privacy the Benguet State University hereby

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<sup>1</sup> Annex A: "Operationalizing in the Executive Branch the People's Constitutional

with EO 2 are laid out in the Freedom of Information Memorandum

adopts this BSU Freedom of Information (FOI) Manual.



## POLICY STATEMENT

Consistent with the constitutional mandates upholding freedom of information and the right of the people to information on matters of public concern BSU hereby adopts and implements a policy of full public disclosure of all its transactions involving matters of public interest, subject to limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, such as Republic Act (RA) No. 10173,

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Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof”

<sup>2</sup>Sections 8 & 16, *ibid.*

otherwise known as the “Data Privacy Act,” and the List of Exceptions approved by the Office of the President<sup>2</sup>, among others.

But, while providing for access to information, BSU shall afford full protection to a person’s right to privacy as well, in the following manner:

1. It shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws.
2. It shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.
3. Any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of BSU shall not disclose that information except as authorized herein or by existing laws.



## OBJECTIVES

In line with the provisions set forth in EO No. 2, this Manual aims to provide the process by which BSU

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<sup>2</sup> Annex B, Memorandum from the Executive Secretary, Office of the President; 24 November 2016.

shall deal with requests for information to achieve the following objectives:

1. Facilitate access to information that is in the custody of BSU through the most efficient and expeditious manner in line with the procedures outlined in this manual;
2. Promote transparency in the exercise of BSU's mandate and functions; and
3. Uphold the fundamental right of the public to free flow of information.

## SCOPE

This manual details the internal guidelines for all requests for information addressed to BSU, and defines the specific roles and responsibilities of university personnel designated to handle FOI requests. It shall apply to all the campuses of the University.

## DEFINITION OF TERMS

**1. 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 BSU pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business.

2. **OFFICIAL RECORDS** shall refer to information produced or received by an officer or employee of BSU in an official capacity or pursuant to a public function or duty.
3. **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.
4. **INFORMATION FOR DISCLOSURE.** Any 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 University. In line with the concept of proactive disclosure and open data, these types of information can already be posted in the university's websites without need for written requests from the public
5. **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.



6. **SENSITIVE PERSONAL INFORMATION** shall be as defined in the Data Privacy Act of 2012 (Republic Act No. 10173), i.e., personal information:
- a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
  - b. About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
  - c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
  - d. Specifically established by an executive order or an act of Congress to be kept classified.
7. **FOI REQUEST.** A written request submitted to the University personally or by email asking for information on any topic. A FOI request can generally be made by any Filipino.
8. **RECEIVING OFFICER [RO]** shall be the responsible employee designated as the FOI Focal Person tasked to receive all FOI requests.
9. **EVALUATING OFFICER [EO]** shall refer to the head of the college, unit, or office that has custody over the information or record being accessed by the requesting party. He shall conduct the formal evaluation on the request and recommend the course of action to the DM.
10. **DECISION MAKER [DM]** shall refer to the concerned Sector Vice-President and who, under this manual, is authorized to grant or deny the request.
11. **APPEALS AND REVIEW COMMITTEE** shall refer to an appeals and review committee composed of the three (3) remaining Vice Presidents, not acting as DM, who shall review and analyze all original appeals related to the implementation of the provisions of

this manual. They shall always resolve and decide matters brought/referred to them en banc. The Committee shall designate its Secretariat.

**12. APPELLATE AUTHORITY [AA]** shall refer to the University President who shall take final action on matters brought on appeal.



## STANDARD OPERATING PROCEDURE

The procedure for access to information/record covers the filing of request for information, receipt and evaluation, and approval/denial of the request. **1. FILING AND RECEIPT OF REQUEST FOR INFORMATION.**

- 1.1 All requests for information shall be in writing and be accomplished using the prescribed Request Form. The Receiving Officer (RO) shall provide the form to the party making the request. The requesting party or representative shall duly accomplish the Request Form.
- 1.2 The Receiving Officer (RO) shall review the request and check compliance with the following requirements:
  - a. The request shall state the full name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and

- b. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.
- 1.3 In case the request is not in conformity with the requirements, the RO shall provide reasonable assistance to enable the requesting party to comply with such.
- 1.4 The RO stamps "Received" the letter and Request Form, and indicate the date and time of receipt, his/her name, designation, and signature. The RO shall input the details of the request on the Document Routing System (DRS) and attach the Request Form.
- 1.5 The RO shall evaluate the information being requested, identify the responsible unit where the data or information being requested maybe found, and thereby immediately transmit the request to said unit/office within twenty-four hours. The RO shall record the time, date and unit/office who received the request in a record book with the corresponding signature.
- 1.6 Upon receipt of the action of the DM or the decision on appeal, the RO, within two-days, shall inform the requesting party of the retrieval and release of such information and indicate the date of release on the Claim Slip.

**2. INITIAL EVALUATION OF REQUEST.** Upon receipt of the request for information, the EO shall perform all necessary steps to locate and retrieve the information requested. He shall ensure that the information is complete before making a transmittal to the DM within four (4) working days from receipt.

- 2.1 Determination of access to requested information. The EO shall asses the request and determines the disclosability or any access restrictions to the information being requested based on the second paragraph of the Policy Statement.
- 2.2 Requested information is already posted in the BSU website. If the information requested is already available in the University's website, the

EO shall inform the requesting party through the RO providing the website link where the information is posted.

- 2.3 Requested information is in custody of Decision Maker. The EO shall determine the availability of the information requested and act upon the request whether this be for approval, extension, or denial.
- 2.4 Requested information is substantially similar or identical to previous requests. Pursuant to Section 11 of EO No. 2, the EO shall recommend denial of an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied. However, the requesting party shall be informed of the reason of such denial.
- 2.5 Requested information is in the custody of other units/offices. Where the EO needs details from other units/offices, coordination and clarifications with them shall be made in the most expeditious manner for the handling of the request.

### **3. TRANSMITTAL TO AND ACTION BY THE DECISION MAKER.**

The EO shall then forward the request and his recommendation to the DM [Sector Vice-President] within the four (4) working days from receipt of the request. The DM shall have three (3) working days within which to act on the recommendation of the EO.

- 3.1 In Case of Approval. The approved request and its attachments shall be forwarded to the RO. The RO shall ensure that all records have been retrieved and checked for possible exceptions, prior to actual release. The RO shall inform the requesting party that the request was favorably granted and that payment of applicable fees indicated in the Claim Slip should be made before release.
- 3.2 In Case of Denial of Request. The DM shall issue a letter denying the request under his name, signature and office. The letter shall clearly set forth the reasons for denial and the circumstances in which the denial is based. The denial and all attachments are forwarded to the RO.

**4. PERIOD FOR APPROVAL AND RELEASE.** The normal processing time for a "Request to Access Information" shall be ten (10) working days. However, should the information requested require extensive search of the University's records, examination of voluminous documents, the occurrence of fortuitous events or other analogous cases, the EO shall immediately advise the requesting party, through the DM and RO, of the extension of the ten (10) working day period. In no case shall the extension go beyond twenty (20) working days from receipt of the request unless exceptional circumstances warrant a longer period.

**5. RELEASE OF DECISION TO REQUESTING PARTY.** The DM action/ decision shall be forwarded to the RO for logging and monitoring purposes. Release of information or issuance of denial letter shall be made through the University's Records and Archives Office [URAO].

5.1 Claiming of results of requests shall not exceed fifteen (15) working days from the due date of release. Information/record not claimed within thirty (30) working days of the release date shall be disposed of accordingly.

## REMEDIES IN CASE OF DENIAL

Pursuant to Section 13 of EO No. 2, a person or party whose request for access to information has been denied may file an appeal in the manner set forth below.

**1. APPEAL TO THE APPEALS AND REVIEW COMMITTEE.** A written appeal must be filed by the same requesting party with the Appeals and Review Committee, within ten (10) calendar days from receipt of the denial of the request.

- 1.1 The appeal should state why the requesting party disagrees with the reason/s for denying the request. He may provide supporting information/ documents to the appeal.
- 1.2 The ARC shall have ten (10) working days from receipt of the appeal within which to render their decision.
- 1.3 The decision of the ARC shall be transmitted to the appellant through the RO acting as FOI Focal Person, and the University Records & Archives Office. The RO shall have two (2) working days within which to notify the appellant of the decision of the ARC.

**2. APPEAL TO THE UNIVERSITY PRESIDENT.** The decision of the ARC shall be appealable to the University President whose decision on the matter shall be final.

- 2.1 The appellant shall have ten (10) calendar days upon receipt of the decision of the ARC to make an appeal. The appeal shall be addressed to the University President and shall be deemed perfected once the appellant submits a written letter-appeal to the RO acting as FOI Focal Person.
- 2.2 Pursuant to Section 13 (b) of E.O No. 02 the University President shall have thirty (30) working days upon receipt of the appeal to render a decision. Where a decision is not made within the thirty-day period, the appeal shall be deemed denied.

2.3 The decision shall be transmitted to the appellant through the RO acting as FOI Focal Person, and the University Records & Archives Office, within ten (10) working days from receipt of the decision of the University President or the lapse of thirty-day appeal period and no decision has been rendered.

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## APPLICABLE FEES

**1. REASONABLE COST OF REPRODUCTION OR COPYING OF DOCUMENTS/RECORDS.** The RO shall immediately notify the requesting party of any cost of reproduction or copying. Such fee shall be limited to the schedule of fees approved by the University. Offices or Units who have approved schedule of fees shall have the same posted in the University website and bulletin boards for the information of the public.

**3. NO FEES ON APPROVED APPEALS.** No fees shall be charged to the appellant in case of an appeal.

**4. EXEMPTION FROM FEES:** BSU may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

## ADMINISTRATIVE LIABILITY

**1. NON-COMPLIANCE WITH FOI.** Failure to comply with the provisions of this Manual shall be a ground for administrative proceedings under the Revised Rules on Administrative Cases in the Civil Service.

ANNEX A

MALACAÑANG PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO

INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN  
THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

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

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

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

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

**WHEREAS**, the President, under Section 17, Article VII of the Constitution, has control over all executive AGENCYs, 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, AGENCYs, 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 AGENCY 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 AGENCY 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 herein above stated.

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

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

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

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

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

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

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

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

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

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

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of subsection (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 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal 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

### Office of the President of the Philippines Malacañang

#### MEMORANDUM FROM THE EXECUTIVE SECRETARY

TO: All Heads of Departments, Bureaus and Agencies of the National/Local Governments including Government-Owned and Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and All Others Concerned

SUBJECT: **INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (S. 2016)**

DATE: **24 November 2016**

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

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

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

For your information and guidance.

*N*  *sc*  
SALVADOR C. MEDIALDEA

**CERTIFIED COPY:**

  
MARIANITO M. DIMAANDAL  
DIRECTOR IV  
MALACAÑANG RECORDS OFFICE

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## **Exceptions to Right of Access to Information**

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

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

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

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>2</sup> and
  - b. Matters covered by deliberative process privilege, namely:
    - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;<sup>3</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>4</sup>
2. Privileged information relating to national security, defense or international relations:
  - a. Information, record, or document that must be kept secret in the interest of national defense or security;<sup>5</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>6</sup> and

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<sup>2</sup> This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

<sup>3</sup> *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

<sup>4</sup> Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

<sup>5</sup> *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

<sup>6</sup> *Akbayan v. Aquino*, *supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

- c. Patent applications, the publication of which would prejudice national security and interests;<sup>7</sup>
3. Information concerning law enforcement and protection of public and personal safety:
  - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
    - i. interfere with enforcement proceedings;
    - ii. deprive a person of a right to a fair trial or an impartial adjudication;
    - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
    - iv. unjustifiably disclose investigative techniques and procedures;<sup>8</sup>
  - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;<sup>9</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>10</sup>
  - d. Any information given by informants leading to the recovery of carjacked vehicles and apprehension of the persons charged with carjacking;<sup>11</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>12</sup>
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

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<sup>7</sup> The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

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

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

<sup>10</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>11</sup> Section 19, *New Anti Carjacking Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

<sup>12</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).



- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,<sup>13</sup> personal information or records,<sup>14</sup> including sensitive personal information, birth records,<sup>15</sup> school records,<sup>16</sup> or medical or health records;<sup>17</sup>

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:<sup>18</sup>

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) specifically established by an executive order or an act of Congress to be kept classified.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual<sup>19</sup> and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.<sup>20</sup>

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of

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<sup>13</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>14</sup> Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

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

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

<sup>17</sup> Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

<sup>18</sup> Section 3(l), *Data Privacy Act of 2012*.

<sup>19</sup> Article 26(2), *Civil Code*.

<sup>20</sup> Section 11, *Data Privacy Act of 2012*.

the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;<sup>21</sup>

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>22</sup> and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
  - (1) records of child and family cases;<sup>23</sup>
  - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>24</sup>
  - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;<sup>25</sup>
  - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;<sup>26</sup>
  - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;<sup>27</sup>
  - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>28</sup>
  - (7) names of victims of child abuse, exploitation or discrimination;<sup>29</sup>

<sup>21</sup> Section 4, *Data Privacy Act of 2012*.

<sup>22</sup> *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

<sup>23</sup> Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

<sup>24</sup> Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

<sup>25</sup> Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

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

<sup>27</sup> Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

<sup>28</sup> Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

<sup>29</sup> Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;<sup>30</sup>
  - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;<sup>31</sup>
  - (10) names of students who committed acts of bullying or retaliation;<sup>32</sup>
  - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and<sup>33</sup>
  - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;<sup>34</sup>
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>35</sup>

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<sup>30</sup> Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

<sup>31</sup> Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

<sup>32</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).

<sup>33</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

<sup>34</sup> Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>35</sup> Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





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### FREEDOM OF INFORMATION REQUEST FORM

(Pursuant to Executive Order No.2,s. 2016)  
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. (\*) denotes a MANDATORY field.

#### A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr, Mrs, Ms, Miss)      2. Given Name/s (Including M.I.)      3. Surname  
\_\_\_\_\_ \*      \_\_\_\_\_ \*      \_\_\_\_\_

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

5. Landline/Fax      6. Mobile      7. Email  
\_\_\_\_\_ \*      \_\_\_\_\_      \_\_\_\_\_

8. Preferred Mode of Communication       Landline       Mobile       Email       Postal Address  
\*  
\_\_\_\_\_

9. Preferred Mode of Reply       Email       Fax       Postal Address       Pick-Up at Agency  
(If your request is successful, we will be sending the documents to you in this manner.)

10. Type of ID Given  
(Please ensure your IDs contain your photo and signature)  
 Passport       Driver's License       SSS ID       Postal ID       Voter's ID  
 School ID       Company ID       Others \_\_\_\_\_  
ID Number\* \_\_\_\_\_

#### B. Requested Information

11. Title of Document/Record Requested (Please be detailed as possible)      \*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Purpose      \*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by BSU to deal with your application

as set out in the Freedom of Information Executive Order No. 2. If BSU gives you access to a document, and if the document contains no personal information about you, the document will be published online in the University's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature: \*

Date Accomplished (DD/MM/YY) \*

#### D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) \*

Position \*

Office/Unit \*

#### E. Evaluating Officer

Name (Print name) \*

Position/Office \*

#### Recommendation on Application

*if Denied, please tick the Reason for the Denial*

- Successful  Partially Successful  Denied  Cost  
 Invalid Request  Incomplete  Data already available online  
 Exception  Which Exception? \_\_\_\_\_

Date Request Finished (DD/MM/YY) \*

Date Transmitted (DD/MM/YY) \*

#### F. Decision Maker

Name (Print name) \*

Position/Office \*

Action on Recommendation  Approved  Denied

Date (DD/MM/YY) \*

#### G. Receiving Officer

FOI Registry Accomplished  YES  NO

RO Signature \*

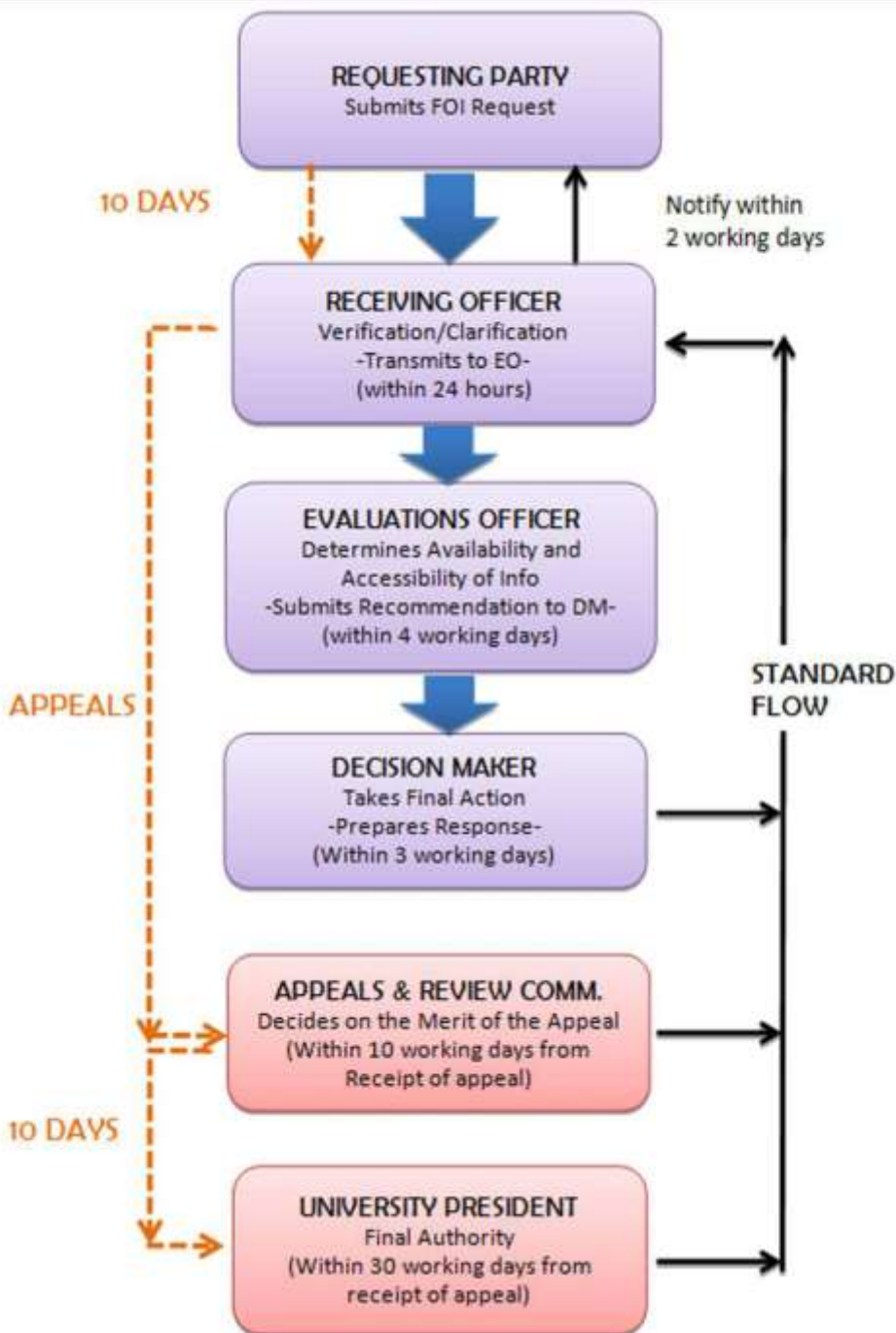
Date (DD/MM/YY) \*

#### H. Requesting Party

Received by: \*

Date (DD/MM/YY) \*

# ANNEX D



## ANNEX E

### FOI RECEIVING OFFICERS OF BSU AND THEIR LOCAL OFFICES

Name of Office/College	Location of FOI Receiving Office	Assigned FOI Receiving Officer	email address
Office of the VP for Academic Affairs	Administration Bldg.	Samuel S. Poliden	vp.acad@bsu.edu.ph
Open University	OU Bldg.	Leonard T. Apilis	open.university@bsu.edu.ph
College of Agriculture (CA)	CA Bldg.	Claire D. Contic-Pulacan	c.contic.pulacan@bsu.edu.ph
College of Arts and Humanities (CAH)	CAH Dean's Office, CAS Bldg.	Joseph B. Quinto	cah.sec@bsu.edu.ph
College of Social Sciences (CSS)	CSS Dean's Office, CAS-AN Bldg.	Stanley F. Anongos Jr.	dean.css@bsu.edu.ph
College of Natural Sciences (CNS)	CNS Deans Office, CAS Bldg.	Elizabeth T. Domogen	dean.cns.@bsu.edu.ph
College of Numeracy and Applied Sciences (CNAS)	CNAS-DO	Freda Kate D. Samuel	cnas.sec@bsu.edu.ph
College of Engineering (CE)	Dean's Office, CEAT Bldg.	Leonardo Dumalhin	dean.ceat@bsu.edu.ph
College of Forestry (CF)	Dean's Office, CF Bldg.	Bernadette Bangsi-el	dean.cf@bsu.edu.ph
College of Home Economics and Technology (CHET)	Dean's Office, CHET Bldg.	Karl Barnuevo	dean.chet@bsu.edu.ph
College of Nursing (CN)	Dean's Office, CN Bldg.	Rhea Elena S. Carbonell	re.carbonell@bsu.edu.ph
College of Teacher Education (CTE)	Dean's Office, CTE Bldg.	Winnie W. Longboan	w.longboan@bsu.edu.ph
College of Veterinary Medicine (CVM)	Dean's Office, CVM Bldg.	Loreta C. Romero	l.romero@bsu.edu.ph
College of Human Kinetics (CHK)	Dean's Office, BSU Gym	Marlon Tabdi	chk@bsu.edu.ph

College of Information Sciences	3 <sup>rd</sup> Floor, CA Bldg.	Russel. B. Dolendo	dean.cis@bsu.edu.ph
College of Public Administration and Governance (CPAG)	CPAG Bldg.	Jocelyn G. Nitron	jocelynnitron@gmail.com
University Library and Information Services (ULIS)	University Library	Perlita B. Manodon	p.manodon@bsu.edu.ph
University Health Services (UHS)	University Clinic	Jane S. Baliag	health.services@bsu.edu.ph
Office of Student Services (OSS)	OSS Bldg.	Deo Anthony C. Darit	oss.director@bsu.edu.ph
Office of the University Registrar (OUR)	Administration Bldg.	Daisy G. Del Rosario	registrar@bsu.edu.ph
Office of the Vice President for Administration and Finance (VPAF)	Administration Bldg.	Eden D. Daguasi	vp.af@bsu.edu.ph
Accounting Office	Administration Bldg.	Junia W. Sonson	j.sonson@bsu.edu.ph
Budget Office	Administration Bldg.	Febie G. Millares	budget@bsu.edu.ph
Cashier's Office	Administration Bldg.	Arcelli G. Bello	a.bello@bsu.edu.ph
Compensation Benefits and Other Obligations Office (CBOO)	Administration Bldg.	Ruth Lalio	cboo@bsu.edu.ph

### **FOI RECEIVING OFFICERS OF BSU AND THEIR LOCAL OFFICES**

<b>Name of Office/College</b>	<b>Location of FOI Receiving Office</b>	<b>Assigned FOI Receiving Officer</b>	<b>email address</b>
Procurement Management Office (PMO)	Administration Bldg.	Sonia T. Pasian	procurement@bsu.edu.ph
Records and Archives Office (RAO)	Administration Bldg.	Geraldine S. Tumbaga	records@bsu.edu.ph
General Services Office (GSO)	Administration Bldg.	Mechelle Avelino	avelinomechelle31@gmail.com

Human Resource Management Office (HRMO)	Administration Bldg.	Raymundo H. Pawid, Jr.	hrmo@bsu.edu.ph
Supply and Property Management Office (SPMO)	Administration Bldg.	Bryan C. Bangnan	spmo@bsu.edu.ph
Office of the Vice-President for Research and Extension (OVPRE)	Administration Bldg.	Seliny J. Guilingen	vp.re@bsu.edu.ph
Agri-based Technology Business Incubator/Innovation Center (ATBI/IC)	ATBI/IC Bldg., Strawberry Fields	Ruth C. Diego	atbi@bsu.edu.ph
Cordillera Organic Agriculture Research and Development Center (COARDC)	R&E Complex	Gennie B. Soyon	coaradc@gmail.com
Cordillera Regional Apiculture Center (CRAC)	R&E Complex	Schereid Joi N. Ugnasi	crac@bsu.edu.ph
Food Science Research and Innovation Center (FSRIC)	FSRIC Bldg., Strawberry Fields	Leslie Dale Umayat	fsric@bsu.edu.ph
Higher Education Regional Research Center (HERRC)	R&E Complex	Janet Lynn M. Balagtey	herrc@bsu.edu.ph
Horticultural Research and Training Institute (HORTI)	R&E Complex	Letty C. Calixto	l.calixto@bsu.edu.ph
Institute of Highland Farming Systems and Agroforestry (IHFS)	R&E Complex	Von Y. Amado	ihfsa@bsu.edu.ph
Institute of Social Research and Development (ISRDC)	R&E Complex	Remedios B. Thompson	isrd@bsu.edu.ph
Northern Philippines Rootcrops Research and Training Center (NPRRTC)	NPRRTC Bldg.	Dalen T. Meldoz	nprrtc@bsu.edu.ph

Office of the Extension Services (OES)	R&E Complex	Maricel V. Dacnes	oes.office@bsu.edu.ph
Office of the Research Services (ORS)	R&E Complex	Ghledle Lyn S. Backian	ors.office@bsu.edu.ph
Research and Extension Publication Office (REPO)	R&E Complex	Cheryl Launio	repo@bsu.edu.ph
Office of Quality Assurance and Accreditation (OQAA)	Administration Bldg.	Beverly Sa-ao	qaa.office@bsu.edu.ph
Information and Communications Technology (ICT Division)	ICT Bldg.	Julie Ann R. Dugat-Tabdi	ja.tabdi@bsu.edu.ph
Internal Audit Services (IAS)	Administration Bldg.	Jehanne Faith M. Ignas	bsu-ias@bsu.edu.ph
International Relations Office (IRO)	3 <sup>rd</sup> floor Landbank LT.	Racquel M. Fatog	ir.office@bsu.edu.ph
Office of Legal Affairs (OLA)	Administration Bldg.	Jeanne H. Balacay	j.harder@bsu.edu.ph
Planning and Development Office (PDO)	Administration Bldg.	Melvin John M. Aromin	pdo@bsu.edu.ph
University Public Affairs Office (UPAO)	Administration Bldg.	Jennyline S. Tabangcura	publicaffairs@bsu.edu.ph

**Benguet State University**

La Trinidad, 2601 Benguet

Tel. No. (074) 422-2127/2176

Fax No. (074) 422-2281

email: president@bsu.edu.ph

ANNEX F



Republic of the Philippines  
**Benguet State University**  
La Trinidad, 2601, Benguet

EXCERPT FROM THE MINUTES OF THE 182<sup>ND</sup> REGULAR BSU BOARD OF REGENTS MEETING,  
MARCH 23, 2017; 3:00 PM AT CHED HEDC BLDG., 4TH FLOOR,  
C.P. GARCIA AVENUE, UP CAMPUS, DILIMAN

X  
c. Proposed BSU Freedom of Information Manual (*separate folder*)

Regent Carifio commented that he reviewed the Freedom of information manual and learned that it is a requirement for government agencies, but when he went to the provisions it was so general. He cited a scenario wherein if he goes to BSU and then suddenly he should make a written request on media, and that could create problems and requested the legal office to subscribe it, thus, with that scenario, he requested for deferment.

Chair Brillantes, Jr. explained that under the leadership of President Duterte, all are required to come up with the Freedom of Information manual including CHED. He said that they were able to talk to the Malacañang and they have a generic manual to be given to all including on how to cascade this to the level of the SUCs which is what BSU is doing. He said that the question now is if it focused.

Pres. Calora, Jr. said that the concern of the media was discussed during the Pre-Board meeting, he said that he was made to understand that this was covered, but to be safe, he requested the University Legal Office to comment on this since the concern is on the Freedom of Information on the media. He also requested for conditional approval of the Freedom of Information Manual, subject to the review of Regent Carifio.

Regent Carifio responded that he is amenable to the suggestion.

Chair Brillantes, Jr. said that if CHED will be monitored on how many SUCs have already Freedom of Information Manual, it will be mentioned that BSU has one without prejudice for improvement. Having no objection and on consensus, the Board passed:

**Res. No. 2611, s. 2017**

Conditionally approving the Proposed BSU Freedom of Information Manual subject to the review of Atty. Delmar O. Carifio

CERTIFIED TRUE AND CORRECT:

**PATSELYN A. BOTIWEY**  
Acting Board Secretary  
In the absence of Grace T. Bengwayan

NOTED:

  
**GRACE T. BENGWAYAN**  
University and Board Secretary

ATTESTED:

  
**FELICIANO G. CALORA, JR.**





Republic of the Philippines  
**BENGUET STATE UNIVERSITY**  
La Trinidad, 2601, Benguet Province

**Office of the University and Board Secretary**

### CERTIFICATION

This is to certify that Freedom of Information Manual was reviewed by Atty. Delmar O. Cariño, member of the Board of Regents representing the Private Sector. He stated that the Manual satisfies the requirements of the Executive Order issued by Malacañang on Freedom of Information. It will also protect the interest of BSU as to protecting and safeguarding information and provides a protocol for the public's right of access to public information.

  
GRACE T. BENGWAYAN  
University and Board Secretary V



## **QUALITY POLICY**

**Benguet State University is continuously committed to improve its Quality Management System, satisfy requirements of relevant interested parties and provide excellent service for quality education and innovative research aligned with sustainable development and client satisfaction.**

**BOR Res. # 2847 S. 2018**