



Republic of the Philippines  
Province of Isabela

# **Provincial Government of Isabela People's Freedom of Information Manual**

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## **PART I. OVERVIEW**

**SECTION 1. TITLE.** This manual shall be known as the Provincial Government of Isabela Freedom of Information Manual.

**SECTION 2. PURPOSE.** The purpose of this People's FOI Manual (Manual) is to provide the process to guide and assist Filipino Citizens in requesting for information under Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI).

**SECTION 3. COVERAGE OF THE MANUAL.** The Manual shall cover all requests for information directed, filed or submitted to the Provincial Government of Isabela (PGI).

**SECTION 4. PROTECTION OF PRIVACY.** While providing for access to information, PGI shall afford full protection to a person's right to privacy, as follows:

- a. The PGI 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 PGI shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FEO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of PGI, shall not disclose that information except as authorized by existing laws.

## **SECTION 5. DEFINITION OF TERMS**

**5.1. Administrative FOI Appeal.** Refers to the procedure for appealing an unfavorable or adverse action by the FOI Decision Maker on an FOI request. Requesting parties who are dissatisfied with the action taken by the FOI Decision Maker on their FOI request have a right to appeal such unfavorable or adverse action to the FOI Appeals Authority, who shall conduct a review of said appeal.

**5.2. Consultation.** Refers to the referral of the FRO with the appropriate offices on whether the requested information is covered by any of the Exceptions to FOI. It shall be the office where the information or record originated.

**5.3. 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.

- 5.4. FOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, FOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. FOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.
- 5.5. Exceptions.** Class of information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence. These exceptions are enumerated in **Annex "A"**.
- 5.6. FOI Appeals Authority.** Refers to the office or person which decides appeals from the action of the FOI Decision Maker, and has the authority to affirm, reverse, or modify such action.
- 5.7. FOI Decision Maker (FDM).** Refers to the office or person who evaluates the recommendation of the FOI Evaluating Office on FOI requests and has authority to approve or deny such requests.
- 5.8. FOI Evaluating Office (FEO).** Refers to the office with the responsibility of evaluating and reviewing FOI requests and preparing recommendations to the FDM.
- 5.9. FOI Receiving Office (FRO).** Refers to the primary contact where the requesting party can call and ask questions about the FOI process or the pending FOI request.
- 5.10. Document Control Center (DCC).** Refers to the office that has the custody of all the records of the PGI.
- 5.11. FOI Request.** A written request submitted to a government office personally or by email asking for records on any topic. An FOI request can generally be made by any Filipino to any government office.
- 5.12. Freedom of Information (FOI).** It pertains to the right of the people to information on matters of public concern, subject to the limitations established by law.
- 5.13. Information.** Means 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.

**5.14. Official Record/s.** 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.

**5.15. Fully Compliant FOI Request.** Refers to an FOI request, which fully complies with the formalities set forth by this People's FOI Manual.

**5.16. Personal Information.** Refers 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.

**5.17. Public Records.** Include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

**5.18. Sensitive Personal Information.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

- A. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliation;
- B. About an individual 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.

## **SECTION 6. FUNCTIONS OF FOI OFFICES, OFFICIALS AND EMPLOYEES**

**6.1. FOI Receiving Office (FRO):** The FRO is the Document Control Center. The FRO shall hold office at the 1st Floor, ISO Division Provincial Internal Audit & Control Office, Alibagu, City of Ilagan, Isabela.

The functions of the FRO shall include receiving on behalf of PGI all requests for information and forward the same to the FEO for evaluation; 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 evaluation, or deny the request based on:

- A. Non-Compliant FOI Request, in which case they shall advised of the deficiency immediately with the requesting party with instructions to comply with the deficiency as soon as practicable; or
- B. That the information is already disclosed in the PGI website, [foi.gov.ph](http://foi.gov.ph), or at [data.gov.ph](http://data.gov.ph).

**6.2. FOI Evaluating Office (FEO):** The Office which has the possession or custody of the original copy of the requested document. The Department Head of such office shall be the Evaluating Officer.

The functions of the FEO shall include review the merits of the FOI request; Determine whether it has the possession of the requested information; Evaluate whether the requested information falls under any of the Exceptions to FOI; Determine whether grounds for denial of the request exist; Coordinate with different offices, or if necessary, with other government agencies, prior to taking action on the request; and Prepare necessary recommendation on the FOI request to the FDM, such as grant, denial, partial grant or denial, redacting certain information, referral to other offices, or such other actions as may be appropriate.

**6.3. FOI Decision Maker (FDM):** The Chief of Staff/Head Executive Assistant of the Governor's Office of the Provincial Government of Isabela shall be the FDM.

The FDM shall have the primary function of evaluating the recommendations of the FEO on any FOI request and taking actions thereon. The FDM may grant, deny, partially grant or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such other actions as may be appropriate.

The FDM may deny the FOI request based on the following:

- A. PGI 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 classified as confidential by the agency;
- 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 PGI.

## SECTION 7. STANDARD PROCEDURE

**7.1. Receipt of Request for Information.** The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- A. Duly-filled up and signed FOI Request Form in two (2) copies; the original shall be kept by the FRO, while the other copy shall be returned to the requesting party. (**Annex “B”**)
- B. The person or party making the request shall state the name and contact information of the requesting party, as well as provide valid proof of identification issued by the competent authorities or authorization; and
- C. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The request can be made through registered mail, electronic mail (e-mail), provided that the requesting party shall provide all the required information and attach supporting documents.

If the requesting party chooses to file an FOI request in a separate written request, by e-mail or other official portals, such request shall be accompanied by a duly-filled up standard FOI Request Form and attached to the written request or e-mail.

In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.

The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request,

and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

The PGI must respond to requests promptly, within the seventh (7) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed. For clarity, the period to respond to FOI requests shall not commence unless the request is a fully compliant FOI request.

The date of receipt of the request will be reckoned as follows:

- a. If made personally, the date actually filed and stamped "received" by the FRO;
- b. If made through registered mail, the date of actual receipt of the request by the FRO;
- c. If sent by e-mail or other official online portals, the date it was actually electronically delivered to or received by the designated e-mail or portal if the same arrived before 5:00p.m. of the working day. Requests received after 5:00p.m. shall be considered received on the next working day;
- d. Where the officer having charge of the designated e-mail is unavailable and the designate email has generated an "out of office" message with instructions on how to re-direct the message to another e-mail contract, the date of receipt with be the day the request is received in the e-mail inbox of the latter subject to the qualification in the preceding subsection; or
- e. Where the FRO has requested the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification to the satisfaction of the FRO is received.



- 7.2. **Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request.
- 7.3. **Requested information is not in the custody of PGI:** If the requested information is not in the custody of PGI, or 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.
- 7.4. **Requested information is already posted and available online:** Should the information being requested is already posted and publicly available in the PGI website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- 7.5. **Transmittal of Request by the FRO to the FEO:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FEO of such request. The copy of the request shall be forwarded to such FEO within the day from receipt of the written request. The FRO shall record the date, time and name of the FEO who received the request in a record book with the corresponding signature or acknowledgement of receipt of the request.
- 7.6. **Role of FEO in processing the request:** Upon receipt of the request for information from the FRO, the FEO shall assess and clarify the request if necessary. He shall determine whether there are grounds for denial of the request.
- 7.7. **Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FEO should inform the FRO. The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated seven (7) working days to act on the request, unless exceptional circumstances warrant a longer period.
- 7.8. **Submission of Recommendation to FDM.** The Evaluating Officer shall prepare and submit its recommendation to the FDM within two (2) working days after the receipt of the FOI Request, who shall approve or deny the request within three (3) working days from the date of submission of the recommendation.

If the FEO or 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 the seven (7) working day period and will

commence the day after it receives the required clarification from the requesting party.

- 7.9. **Approval or Denial of Request.** In case of approval, the FDM shall advise the FRO within three (3) working days from the date of receipt of the recommendation of the Evaluating Officer.

In case of denial of the request wholly or partially, the FDM shall deny the request in writing within three (3) working days setting forth the ground or grounds for denial and the circumstances on which the denial is based. He shall forward the same to the FRO who shall notify the requesting party of such denial. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information.

The FRO shall also note the date and time of receipt of the approval of the FDM and report to the Head of Department or its designated representative, in case the approval or denial is beyond the 3-day period.

- 7.10. **Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FRO has received the approval or denial of the request, he shall immediately prepare a 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.

- 7.11. **Role of FRO to transmit the information to the requesting party:** Upon receipt of approval the request from the FDM, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. He shall attach a cover/transmittal letter and ensure the transmittal of such to the requesting party within seven (7) working days upon receipt of the request for information.

**SECTION 8. REMEDIES IN CASE OF DENIAL.** A person whose request for access to information has been denied may avail himself of the remedy set forth below:

8.1. Administrative FOI Appeal to the Governor's Office through the Provincial Legal Office; Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

- A. Denial of a request may be appealed by filing a written appeal to the Head of the Agency within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
- B. The appeal shall be decided by the Head of the Agency within thirty (30) working days from the filing of said written appeal.

Failure to decide within the 30-day period shall be deemed a denial of the appeal.

8.2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court

**SECTION 9. REQUEST TRACKING SYSTEM.** The PGI shall establish a system to trace the status of all requests for information received by it, which may be paper-based, online or both.

## **SECTION 10. FEES**

- 10.1. **Request Fee.** PGI shall not charge any fee for accepting requests for access to information:
- Reproduction cost: Php 2.00 per page
  - Admin cost: Php 50.00
  - Delivery cost: actual cost of delivery (courier standard cost)
- 10.2. **Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by PGI in providing the information to the requesting party. The schedule of fees shall be posted by the PGI.
- 10.3. **Exemption from Fees:** The PGI may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

**SECTION 11. KEEPING OF RECORDS.** The FRO shall keep a registry of transactions for all requests received. (**Annex “C”**)

## **SECTION 12. ADMINISTRATIVE LIABILITY**

- 11.1 **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 service
- 11.2 **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of administrative cases against employees and officials of the PGI.

**SECTION 13. PROVISIONS FOR MORE STRINGENT LAWS, RULES AND REGULATIONS.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

**SECTION 14. SEPARABILITY CLAUSE.** If any part or provisions contained in this Manual shall be invalidated or rendered unconstitutional by proper courts, the other provisions not affected thereby shall remain in force and effect.

**SECTION 15. EFFECTIVITY CLAUSE.** This Manual shall take upon immediately upon approval of the Head of Agency.

ATTACHMENTS:

ANNEX A – Exceptions to the FOI

ANNEX B – Request Form

ANNEX C – Inventory of Request

ANNEX D – Flow Chart

ANNEX C – Citizen's Charter