



Republic of the Philippines

DEPARTMENT OF BUDGET AND MANAGEMENT

FREEDOM *of* **INFORMATION** **MANUAL**

**EXECUTIVE ORDER NO. 02
SERIES OF 2016**

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



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF BUDGET AND MANAGEMENT
GENERAL SOLANO STREET, SAN MIGUEL, MANILA

FOREWORD

Transparency and accountability as principles of good governance have been strengthened and institutionalized with the issuance of the Executive Order (EO) No. 2, s. 2016, or the EO on Freedom of Information (FOI). Since its release six years ago, requests for government documents and records have been made easier. With just a few clicks in the electronic FOI portal, the public can request data and immediately receive a relevant response from any government agency in the Executive Branch.

Transparency and accountability continue to be the hallmarks of the government. In fact, people have not only become more aware of their right to information, but have also been empowered by a deeper knowledge and understanding of what we do in government – the services we provide and the programs and projects we implement, their significance and impact in our lives and futures.

As the lead in initiating world-class budget and management systems that foster transparency and accountability, we, at the Department of Budget and Management (DBM), have always been a staunch ally of the government in advocating its FOI Program and implementing fiscal openness reforms. The various FOI and transparency-related awards and recognitions that the Department has received over the past years, such as the FOI Champion award and FOI New Generation-Most Collaborative National Government Agency award, are a testament to its strong commitment to champion open government practices.

True to our thrust, the DBM has also been at the forefront in the promotion and implementation of transparency initiatives to help build a well-informed public that is engaged and empowered. For the past years, it has been leading the timely publication of seven of the eight budget documents required in the Open Budget Survey (OBS). With its notable efforts, the Philippines retained its top spot in budget transparency in

Southeast Asia during the 2019 OBS.

Guided by this FOI Manual, we hope that the general public will find it easier and more convenient to navigate the whats and hows of requesting information from the DBM. We hope that this Manual can be a useful tool to guide you in accessing budget-related information, thus fostering better understanding and appreciation of what the DBM does and delivers.



AMENAH F. PANGANDAMAN
DBM Secretary

FREEDOM OF INFORMATION

PEOPLE'S MANUAL

(Updated as of November 2022)

SECTION 1: OVERVIEW

1.1 Purpose of the Manual

This Freedom of Information (FOI) People's Manual of the Department of Budget and Management (DBM) prescribes the procedures to be observed by the public in requesting information/documents/records from the Department, including its bureaus, services and offices (B/S/Os), pursuant to Executive Order (EO) No. 2 (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) dated July 23, 2016. *[Annex A]*

Through this Manual, the DBM will be able to uphold the people's right to information from public authorities.

1.2 Structure of the Manual

The Manual contains the following specific information:

- a) Requirements and procedures to be observed by a Requesting Party (RP) in filing a complete and official Request for Information (RFI);
- b) Standard form for filing an RFI;
- c) Types of disposition/action on an RFI;
- d) Processing time for acting on RFIs; and
- e) Appeals mechanism in case of denial.

1.3 Coverage of the Manual

This Manual covers all requests for information/documents/records addressed to the DBM and its B/S/Os.

The information/documents/records referred to are those available in the DBM website (dbm.gov.ph), in the government's open data website (data.gov.ph), and under the custody of the Department.

1.4 Definition of Terms Used in this Manual

Administrative FOI Appeal. An independent review of the initial determination made in response to an RFI received by the DBM. Requesting parties who are not satisfied with the response made on their initial request have the right to appeal said initial determination to the FOI Decision Maker (FDM), who will then conduct an independent review thereon.

Bureaus/Services/Offices (B/S/Os). The organizational units within the DBM which are authorized to receive RFIs transmitted by the FOI Receiving Officer (FRO) and to act on those requests. They also provide the budgetary information assets for uploading in the DBM website.

Central Records Division of the Administrative Service. The unit in the Administrative Service (AS) of the DBM in charge of receiving the RFI in standard form, and in the Document Management System (DMS) of the DBM, and transmitting to the PMU-MACRO.

DBM/Department. Refers to the Department of Budget and Management.

Exceptions. Information that should not be released and disclosed in response to an RFI because it is protected by the Constitution, laws or jurisprudence. The information referred to includes documents and records which are included in the master list of exceptions from the Office of the President (*Annex B*) and the inventory of exceptions defined by the DBM and made part of this Manual (*Annex B-1*).

Freedom of Information (FOI). This refers to the right of the people to access information, as recognized by the Executive Branch, on matters of public concern. It involves the full public disclosure of all government transactions involving public interest, subject to the procedures and limitations provided in EO No. 2.

FOI Action Officer. A designated officer in the B/S/O, with a rank not lower than a division chief, who shall coordinate the preparation of the pertinent documents pursuant to an RFI received by the B/S/Os.

FOI Decision Maker (FDM). The designated officer who is ultimately responsible for managing FOI requests submitted to the DBM and ensuring that requests are handled in accordance with E.O. No. 2. The FDM is also responsible for making the final decision on any dispute or appeal in relation to a valid RFI.

foi.gov.ph. The website that serves as the government's comprehensive FOI website that provides a central resource for the public to understand the FOI, locate records that are already available online, and learn how to make a request for information that is not yet publicly available, among others. The 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.

FOI Receiving Officer (FRO). The designated person within the Department or Regional Office who is authorized to receive and evaluate the validity of an RFI, route the request to the B/S/O concerned, and receive the response from the relevant unit which processed the RFI, for release to the Requesting Party (RP).

Full Denial. When the DBM, or any of its B/S/Os, is not able to release all the information/documents/records in response to an RFI because it is covered by the exceptions for disclosure, or if there is a previous similar request from the same requesting party.

Full Grant. When the DBM or any of its B/S/Os is able to disclose the information/documents/records in full in response to an RFI.

Information. Any record, document, paper, report, letter, contract, minutes and transcripts of official meetings, map, book, photograph, data, research material, film, 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 the DBM pursuant to law, executive order, and rules and regulations, or in connection with the performance or transaction of official business by the DBM.

Information for disclosure. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, specifically the DBM, its B/S/Os, the community and the economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government.

Official record/s. Information/documents/records produced or received by a public officer or employee of the DBM in an official capacity or pursuant to a public function or duty.

Partial Grant. When the DBM or any of its B/S/Os is able to disclose only portions of the information/documents/records in response to an RFI, but must deny other portions of the request.

Personal information. 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.

Project Management Unit-Media Affairs and Community Relation Office (PMU-MACRO). The organization unit in the Central Office of the DBM in charge of recording the details of the RFI in the foi.gov.ph portal and in the Document Management System (DMS) of the DBM, and transmitting the request to the B/S/O concerned.

Public record/s. This shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

Regional Offices (ROs). Organizational units of the DBM created to implement laws, policies, plans, programs, rules and regulations of the Department. They are located in the National Capital Region (NCR), Cordillera Administrative Region (CAR), Regions I to III, IV-A, MIMAROPA, and V-XIII.

Request for Information. A written request submitted to the DBM through the foi.gov.ph portal, PMU-MACRO, Central Records Division, or the Central Receiving and Releasing Section of the Regional Offices, for information or records which

are under the custody of the DBM.

Requesting Party (RP). Includes any individual, whether or not a Filipino citizen, or any entity, whether a corporation, civil society organization, academic institution, media organization, or any other private organization. The requesting party may also refer to another government agency, a foreign government, or a multilateral organization, though the protocols in this Manual are not applicable to their requests for information.

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

- a. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical and/or political affiliations;
- b. About an individual's health, education, genetic or sexual life, 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;
- 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 their denial, suspension or revocation, and tax returns; and,
- d. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 2: POLICY

As a policy, the DBM adheres to openness in governance. It will ensure that all information for public disclosure and on public record related to the National Budget of the Philippines and related matters, which should be readily available to the public, are uploaded to the DBM website (www.dbm.gov.ph).

Consistent with the Constitutional provision in upholding the right to freedom of information, and with EO No. 2 operationalizing the policy of full disclosure and transparency, the DBM is committed to disclose to the public any and all information involving public interest under its custody, subject to the limitations as provided for under the Constitution and applicable Philippine laws, rules, regulations and procedures, the master list of exceptions issued by the Office of the President and the list of exceptions identified by the DBM.

While providing access to information, the DBM shall observe the provisions of the Data Privacy Act of 2012.

SECTION 3: STANDARD PROCEDURES FOR FILING A REQUEST FOR INFORMATION

3.1 Where to File a Request for Information (RFI)

- 3.1.1 A request for information (RFI) addressed to the DBM can be filed at any one of the following receiving points:

- a. foi.gov.ph portal;
 - b. Administrative Service-Central Records Division (AS-CRD) of the Central Office; and
 - c. Central Receiving and Releasing Section (CRRS) of the respective Regional Offices.
- 3.1.2 The Requesting Party (RP) should accomplish in full the standard request form for FOI requests [*Annex C*] which is available online, at the AS-CRD or at the CRRS. No RFI made over social media or via telephone will be entertained.
 - 3.1.3 The request can be made through email, addressed to the FRO, provided that the requesting party shall attach in the email a scanned copy of the accomplished FOI request form, and a copy of a duly recognized government ID with photo.
 - 3.1.4 A requesting party who is unable to comply with the requirement of a written request because of illiteracy or due to being a person with disability (PWD), may request assistance from the FRO to reduce an oral request in writing. The requesting party will also have to provide proper identification and authorization.
 - 3.1.4. The RFI will be received by the FOI Receiving Officer (FRO) assigned in each of the abovementioned points.

3.2 Processing of the RFIs

- 3.2.1 Upon receipt of the RFI, the FRO with access to the foi.gov.ph portal, in the PMU-MACRO at the CO, or in the CRRS at the ROs, shall evaluate the validity/completeness of the request.
- 3.2.2 If the RFI is deemed valid, the requesting party shall receive a printed acknowledgment receipt, indicating the B/S/O or division (in the case of the ROs) where it will be forwarded. If the RFI comes through the foi.gov.ph portal, the requesting party will be sent an electronic acknowledgment or response.
- 3.2.3 The FRO shall forward the RFI to the unit concerned within the same day, except when the RFI is received after 3 p.m., in which case the FRO may forward it the following working day.
- 3.2.4 Upon receipt, the B/S/Os shall process the request and prepare the necessary action document.

SECTION 4: TYPES OF DISPOSITION OF RFI

In the disposition of the RFI, the DBM may issue any of the following types of Notices under the FOI standard request:

- 4.1 **Notice of Full Grant.** This means that the RFI is approved and the complete information as requested is attached to the Notice.
- 4.2 **Notice of Partial Grant.** This means that parts of the requested information cannot be granted. Hence, a Notice of Partial Grant will be issued.
- 4.3 **Notice of Referral.** This means that the requested information is not in the custody of the DBM and the request will be referred to the appropriate government agency.
- 4.4 **Notice of Full Denial.** This means that the requested information cannot be released due to any of the following:
- 4.4.1 **Requested information is among the exceptions to the FOI.** If the information/documents/records requested cannot be disclosed/provided because its non-disclosure is protected by the Constitution, Philippine laws or jurisprudence, or it is among the inventory of exceptions circularized by the Office of the President and identified by the DBM, the RP shall receive a notice of/full denial of the RFI.
 - 4.4.2 **Requested information is identical or substantially similar to a previous request by the same requesting party.** Any RFI that is identical or substantially similar to an earlier one from the same requesting party, and whose request has already been acted upon by DBM Central Office or Regional Office, shall no longer be entertained nor granted. In such a case, the RP shall be notified accordingly.
 - 4.4.3 **Requested information is already posted and available online.** If the information being requested is already posted and publicly available at the DBM website (www.dbm.gov.ph) or at the government's open data website (www.data.gov.ph), the RP will receive a notification informing him/her of the website link where the information is posted.
- 4.5 For RFIs filed in the foi.gov.ph portal, the RFIs shall be marked as "Successful", "Partially Successful", "Denied", "Processing", "Awaiting Clarification", or "Referred."
- 4.6 **Release of Information to the Requesting Party.** Generally, all responses to RFIs shall be completed and released to the RP not more than fifteen (15) working days from receipt of the RFI. The RP shall be provided a notice on the action taken.

SECTION 5: REQUEST FOR EXTENSION

- 5.1 A processing period of more than fifteen (15) working days from the date of receipt of the RFI may be required in certain instances. The Notice shall be issued by the B/S/O Head (copy furnished the FDM) and shall indicate the reasons for the extension, which can be:
- 5.1.1 Information requested requires extensive search in the DBM's records and/or examination of voluminous records; or
 - 5.1.2 Occurrence of fortuitous events or other similar cases.

- 5.2 The Notice shall state that the extension shall only be valid for twenty (20) working days beginning on the day after the expiration of the original fifteen (15)-day period, unless the requesting party agrees on a period longer than 20 days.
- 5.3 The FDM may also issue a General Notice of Extension when the RFI coincides with the peak work season of the DBM, such as the budget preparation period. In such an event, the Requesting Party shall be advised that the processing for an RFI shall be thirty-five (35) working days (inclusive of the original 15-day period).

SECTION 6: PROCESS OF REFERRAL

6.1 Consistent with Section 5 of FOI Memorandum Circular No. 21-05 (**No Wrong Door Policy for FOI**) dated 27 August 2021, the following procedures shall be observed:

- 6.1.1 When the requested information is not in the custody/possession of the DBM but is available in another government agency, the DBM, which will be referred to in this Manual as government agency no. 1 (GA1), shall immediately refer the request to another government agency (GA2) under the Executive Branch within three (3) working days from the receipt of the request.
- 6.1.2 The requesting party shall be notified of the referral and will be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.
- 6.1.3 If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.
- 6.1.4 If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

SECTION 7: REMEDIES IN CASE OF DENIAL

- 7.1 In case of a denial, the RP may file an appeal to a decision of denial on an RFI through a written Administrative FOI Appeal to the FDM within fifteen (15) working days from the notice of denial. The FDM shall act on the appeal 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.
- 7.2 The denial of the appeal by the FDM or the lapse of the period to respond to the request may be appealed further to the Office of the President, by virtue of Administrative Order No. 22, s. 2011.
- 7.3 Upon exhaustion of the administrative FOI appeal remedies, the RP may file an appeal before the regular courts in accordance with the Rules of Court.

SECTION 8: PROCESSING TIME FOR ACTION ON RFIs

Activity/Action	Time Limit
Acknowledgment of Receipt of the RFI by the PMU-MACRO of the Central Office or CRRS in the Regional Office	On the same day the RFI is received, except when received after 5 p.m.
Completion of Information Requested and Disposition of the RFI. Issuance of Appropriate Notice to the Requesting Party	Within fifteen (15) working days from receipt of the request, except for the notice of referral which should be issued to the requesting party within three (3) working days from receipt of the request.
Extension Period	Not to exceed twenty (20) working days, in addition to the mandated 15 working days, unless exceptional circumstances warrant a longer period as agreed upon with the requesting party.
Filing of Appeal on Denial of RFI	Within fifteen (15) working days from the notice of denial.
Decision on Appeal of Denial of RFI	Within thirty (30) working days from filing of the appeal.

SECTION 9: FEES

9.1 No Request Fee. The DBM shall not charge any fee for accepting requests for access to information/documents/records. However, it may require the requesting party to provide/replace the paper used, in excess of 10 pages. The information may also be released through email or in electronic file, in which case the requesting party will have to provide the flash drive for copying the file/s.

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES EXECUTIVE ORDER NO. 02

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

to privacy of the individual as follows:

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

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

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

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

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

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

(c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.

(d) The standard forms for the submission of requests and for the proper acknowledgment of requests;

(e) The process for the disposition of requests;

(f) The procedure for the administrative appeal of any denial for access to information; and

(g) The schedule of applicable fees.

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

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

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

(c) The request shall be stamped by the government office, indicating the date and time

of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub- section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

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

(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request 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 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

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

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

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

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

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

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

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

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

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

By the President:

(Sgd.) SALVADOR C. MEDIALDEA
Executive Secretary

**Office of the President
of the Philippines
Malacañang**

MEMORANDUM FROM THE EXECUTIVE SECRETARY

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

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

DATE: 24 November 2016

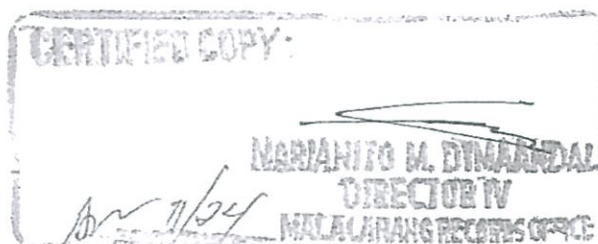
Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

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

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

For your information and guidance.


SALVADOR C. MEDIALDEA



Exceptions to Right of Access to Information

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual¹⁹ and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²⁰

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

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

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

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

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

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

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

¹⁹ Article 26(2), *Civil Code*.

²⁰ Section 11, *Data Privacy Act of 2012*.

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

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

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

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

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

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

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

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

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

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

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

- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³⁰
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹
 - (10) names of students who committed acts of bullying or retaliation;³²
 - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and³³
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁴
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁵

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁴⁶ Section 10, *Safeguard Measures Act*.

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

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

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

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

⁵¹ Section 3(g), Rule IV, Rules on CCESPOE.

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

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

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

⁵⁴ Article 237, *Labor Code*.

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

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

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

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

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

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

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

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

⁶² Section 14, Civil Service Commission Resolution No. 01-0940.

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

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

⁶⁵ Article 7, UNCITRAL Transparency Rules.

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

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

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

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

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

⁷⁰ *Romero v. Guerson*, G.R. No. 211816, 18 March 2015.

⁷¹ Canon 21 of the *Code of Professional Responsibility.*

ANNEX B-1

**Freedom of Information (FOI) List of Exceptions
Department of Budget and Management**

1. Information on on-going evaluation or review of bids or proposals being undertaken by the Bids and Awards Committee and such other similar committees, as there is yet no official act, transaction or decision at this point.
2. Internal communications, memoranda, opinions, reviews, comments and other operational matters of confidential nature, including but not limited to:
 - 2.1 Agenda, deliberations and minutes of the meetings of the Management Committee, Executive Committee, Development Budget Coordination Committee, Public Financial Management Committee, Government Procurement Policy Board, and Open Government Partnership Steering Committee Working Groups;
 - 2.2 Internal emails of past and present employees, officers or directors;
 - 2.3 Internal files especially drafts and notes of public officers concerned (any unofficial or unacted upon documents should not be disclosed without prior approval);
 - 2.4 Legal opinions or comments rendered by the Legal Service;
 - 2.5 Contract review including drafts and notes of public officers concerned;
 - 2.6 Records of pending internal investigations; and
 - 2.7 Documents and/or information pertaining to matters under litigation, the purpose of which is to prejudice a pending issue before a court or obstruct the administration of justice.

DEPARTMENT OF BUDGET AND MANAGEMENT
General Solano Street, San Miguel
Manila

PORMULARYONG KAHILINGAN

Request Form

DOKUMENTO o IMPORMASYON NA KAILANGAN/ *Document or information needed*

MGA TAON/PANAHONG SAKLAW / Year: _____
LAYUNIN / *Purpose*

PANGALAN / *Name* _____ CONTACT NO. _____

TIRAHAN / *Address* _____

LAGDA / *Signature* _____ PETA / *Date* _____

KATIBAYAN NG PAGKAKAKILANLAN

(Proof of Identity:)

Passport No. _____ Driver's License _____ Others _____

PARAAN NG PAGTANGGAP NG IMPORMASYON

(How would you like to receive the information)

☐ Email _____

☐ Pick-Up (Office Hours) _____

(To be accomplished by the DBM)

Time received: _____ Date received: _____ Reference number: _____

(dd-mm-yyyy)

Received by : _____

(Signature over Printed Name and Position)

Referred to/transmitted to: _____

(Name of B/S/O or RO Division and Name of Receiving Records Officer)

Date/Time of Referral : _____

(To be accomplished upon completion of the
RFI)

Type of Action Undertaken: _____

Approved By: _____

B/S/O or RO Head

Remarks:

Received by:

FOI Receiving Officer
Date and Time of Receipt:

ANNEX D**List of DBM FOI Receiving Offices**

Central Office	Address
Project Management Unit-Media Affairs and Community Relation Office (PMU-MACRO)	2 ND Floor Boncodin Hall, General Solano St. San Miguel, Manila
Regional Office	
National Capital Region	2/F Arcache Building, General Solano Street, corner Nepomuceno Street, San Miguel, Manila
Cordillera Administrative Region	No. 8 Gen. F. Segundo St., Legarda-Burnham, Baguio City
Regional Office I	Government Center, Sevilla, San Fernando, La Union
Regional Office II	Regional Government Center, Carigsur, Tuguegarao City, Cagayan Valley
Regional Office III	Diosdado Macapagal Government Center, Brgy. Maimpis, City of San Fernando, Pampanga
Regional Office IV-A	2/F Arcache Building, General Solano Street, corner Nepomuceno Street, San Miguel, Manila
Regional Office IV-B	2/F, CSP Bldg., Brgy Sta. Cruz, 815 Quezon Avenue, Quezon City
Regional Office V	Regional Center Site, Rawis, Legazpi City
Regional Office VI	251-A Gen. Hughes St., Iloilo City
Regional Office VII	Sudlon (near Eco-Tech Center), Lahug, Cebu City
Regional Office VIII	Brgy. 77, Villaruz Subd., Marasbaras, Tacloban City
Regional Office IX	N.S. Valderosa St., Pettit Barracks, Zamboanga City
Regional Office X	Zone 1, Bulua National Highway, Cagayan de Oro City
Regional Office XI	KM. 3, McArthur Highway, Matina, Davao City
Regional Office XII	DBM Compound, Brgy. Morales, Koronadal City
Regional Office XIII	J Rosales Avenue, City Hall Drive, Butuan City

ANNEX E**UPDATED LIST OF DBM RECEIVING AND ACTION OFFICERS****FOI RECEIVING AND ACTION OFFICERS IN THE CENTRAL OFFICE**

FOI ROLE	BUREAU/SERVICE/ OFFICE	NAME	POSITION
FOI Champion	Project Management Unit-Media Affairs and Community Relation Office (PMU-MACRO)	Goddess Hope O. Libiran	Undersecretary
Receiving Officers		Vivien V. Labastilla	Director
		Lovely S. Bernardo	Executive Assistant IV
Action Officers	Administrative Service	Ramon Vicente B. Asuncion	Director IV
	Budget Technical Bureau	Olivia G. Regner	OIC-Assistant Director
	Internal Audit Service	Ana P. Curbita	Internal Auditor V
	Local Government and Regional Coordination Bureau	Rainier H. Diaz	Chief Budget and Management Specialist
	Legal Service	Rosemarie D. Pagala	Director III
	Information and Communications Technology Systems Service	Amiel G. Del Rosario	OIC, Director IV
	Fiscal Planning and Reforms Bureau	Mary Joy O. De Leon	OIC-Assistant Director
	Advocacy, Communications and Training Service (ACTS)	Joy S. Almazan	Information Officer V
	Budget and Management Bureau (BMB) - A	Maria Cresencia D. Sunga	Director IV
	BMB - B	Carlos M. Castro	Chief Budget and Management Specialist
	BMB - C	Ma Grace M. Delos Santos	Director IV
	BMB - D	Mary Anne Z. Dela Vega	Director IV
	BMB - E	Gladys Trinidad G. Lorica	Chief Budget and Management Specialist
	BMB - F	Rosario S. Nunez	Chief Budget and Management Specialist
	Organization, Position Classification and Compensation Bureau (OPCCB)	Maria Lourdes T. Aganon	Director III
	Systems and Productivity Improvement Bureau	Rochelle F. Ramirez	Chief Budget and Management Specialist

(SPIB)		
Finance Service	Jeffrey DM. Galarpe	Chief Accountant
Corporate Planning and Management Service	Carolina C. Guerrero	Chief Administrative Officer
Budget Information Legislative Service	Perpetual Judea Quiazon	OIC-Director IV

FOI RECEIVING AND ACTION OFFICERS IN THE REGIONAL OFFICE

REGIONAL OFFICE	FOI ROLE	NAME	DESIGNATION
CAR	Action Officer	Maria Loretta P. Cunanan	Chief Administrative Officer
	Receiving Officer	Anna Fe Budikey	Administrative Officer III
NCR	Action Officer	Joseph Cicero M. Sy	Assistant Regional Director
	Receiving Officer	Agnes Cortez	Acting Chief Administrative Officer
RO I	Action Officer	Ryan A. Milanes	Assistant Regional Director
	Receiving Officer	Joyce M. Cueva	Administrative Assistant III
RO II	Action Officer	Ludivina T. Potot	OIC-Director III
	Receiving Officer	Faith Ramos	Administrative Officer III
RO III	Action Officer	Adoracion Q. Mangalino	Chief Budget and Management Specialist
	Receiving Officer	Christopher Joy M. Carreon	Administrative Officer III
RO IVA	Action Officer	Ma. Rowena P. Gonzales	Chief Administrative Officer
	Receiving Officer	Shirdalyn A. Santos	Administrative Assistant III
RO IVB	Action Officer	Elizabeth Seva	Chief Administrative Officer
	Receivng Officer	Ma. Christina Tecson	Administrative Assistant I
RO V	Action Officer	Antonio F. Villanueva Jr	Chief Administrative Officer
	Receiving Officer	Joanna M. Rasco	Budget and Management Analyst
RO VI	Action Officer	Maria Liane L. Gayomali	Director III
	Receiving Officer	Juvir Anthony D. Gomia	Administrative Officer III
RO VII	Action Officer	Maricor U. Baquial	Acting Assistant Director
	Receiving Officer	Janina I. Mamalo	Acting Chief Administrative Officer
RO VIII	Action Officer	Emilio M. Albus	Chief Administrative Officer
	Receiving Officer	Arnel C. Yboa	Administrative Officer III
RO IX	Action Officer	Alelie B. Ramos	Assistant Regional Director
	Receiving Officer	Flordeliz May L. Palencia	Acting Chief Budget and Management Specialist
RO X	Action Officer	Jezreel Mark C. Baltazar	Chief Administrative Officer
	Receiving Officer	Mark Welnorr M. Callao	Budget and Management Specialist II

REGIONAL OFFICE	FOI ROLE	NAME	DESIGNATION
RO XI	Action Officer	Antonio M. Faunillan, Jr.	Chief Administrative Officer
	Receiving Officer	Kate Diane R. Ortega	Budget and Management Specialist
RO XII	Action Officer	Libertine G. Cagang	Assistant Regional Director
	Receiving Officer	Farhanasrene N. Gayak	Administrative Officer III
RO XIII	Action Officer	Jenneth C. Partosa	OIC, Assistant Regional Director
	Receiving Officer	Elisa E. Pajaro	Supervising Budget and Management Specialist

FOI PROCESS FLOWCHART

