



NATIONAL POWER CORPORATION

NPC-FOI-002

Document Code

PEOPLE'S FREEDOM OF INFORMATION MANUAL

Document Title

Revision No.: 1 Effectivity Date: 13 April 2023

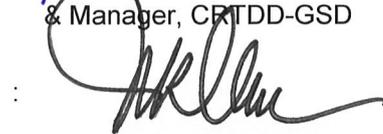
Prepared by



ROEL M. MANANSALA
NPC FOI Focal Person
& Manager, CRTDD-GSD

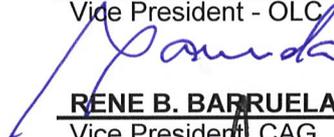
16 March 2023
Date

Reviewed by



ATTY. MELCHOR P. RIDULME
Vice President - OLC

23 March 2023
Date



RENE B. BARRUELA
Vice President, CAG

05 April 2023
Date



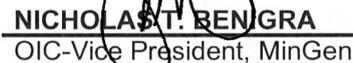
ATTY. ROGEL T. TEVES
Vice President, PES

30 March 2023
Date



LARRY I. SABELLINA
Vice President, SPUG

04 April 2023
Date



NICHOLAS T. BENIGRA
OIC-Vice President, MinGen

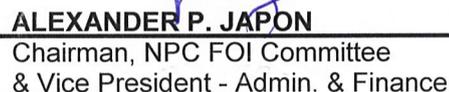
05 April 2023
Date



ATTY. MANUEL LUIS B. PLOFINO
Sr. Dept. Manager, RMS

27 March 2023
Date

Recommending Approval



ALEXANDER P. JAPON
Chairman, NPC FOI Committee
& Vice President - Admin. & Finance

31 March 2023
Date

Approved by



FERNANDO MARTIN Y. ROXAS
President & CEO

13 April 2023
Date

 <p style="text-align: center;">National Power Corporation</p> <p style="text-align: center;">PEOPLE'S FOI MANUAL</p>	Document Code: NPC-FOI-002	
	REVISION NO.: 1	PAGE 1 OF 18
	EFFECTIVITY DATE 13 April 2023	

Document Title: PEOPLE'S FREEDOM OF INFORMATION MANUAL

TABLE OF CONTENTS

- 1. Overview**
 - 1.1. Purpose of the Manual
 - 1.2. Structure of the Manual
 - 1.3. Coverage of the Manual
 - 1.4. FOI Receiving Officer
 - 1.5. FOI Decision Maker
 - 1.6. Central Appeals and Review Committee
 - 1.7. Approval and Denial of Request
- 2. Definition of Terms**
- 3. Promotion of Openness in Government**
- 4. Protection of Privacy**
- 5. Standard Procedure**
 - 5.1. Receipt of Request for Information
 - 5.2. Initial Evaluation
 - 5.2.1. Request relating to more than one office under NPC
 - 5.2.2. Information is not in the custody of NPC
 - 5.2.3. Requested information already available in NPC's website
 - 5.2.4. Similar or Identical request for information
 - 5.3. Acknowledgement
 - 5.4. Transmittal from FRO to Decision Maker
 - 5.5. Role of Decision Maker in processing the Freedom of Information Request
 - 5.6. Role of FRO to transmit the Information
 - 5.7. Extension of Time
 - 5.8. Awaiting Clarification
 - 5.9. Approval / Denial of Request
- 6. Remedies in Case of Denial of Request**
- 7. Request Tracking System**

8. Fees

9. Administrative Liability

10. Annexes

- 10.1. ANNEX A - FOI FAQs
- 10.2. ANNEX B - Executive Order No. 02, S. 2016
- 10.3. ANNEX C - FOI Receiving Officers of NPC and local offices
- 10.4. ANNEX D - List of Exceptions to EO No. 2, s. 2016
- 10.5. ANNEX E - Flow Chart
- 10.6. ANNEX F - FOI Request Form

	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 3 of 18
---	---	-----------------------------	--------------

SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist NPC in dealing with requests for information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (**Annex “B”**)
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by NPC when a request for access to information is received. The NPC President & CEO is responsible for all actions carried out under this Manual and may delegate this responsibility.
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to NPC.
4. **FOI Receiving Officers:** The Manager, Central Records and Technical Documents Division for Home Office based offices, the respective Administration and Finance Managers of Small Power Utilities Group (SPUG) for Luzon, Visayas and Mindanao SPUG based offices, and the Manager of the HR and Administration Division for Mindanao Generation based offices.

The functions of the FRO shall include receiving on behalf of NPC all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker (FDM); 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. That the form is incomplete; or
- b. The information is not within NPC or can be found with another government agency;
- c. Invalid request or not counted as FOI request;
- d. The request is a subsequent identical or substantially similar request from another requesting party whose request has been previously denied by the Agency.

Should the information being requested be already posted and publicly available on the NPC 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 can be accessed.

In case of a walk-in requester, the FRO shall make a log of the date of the transaction, the title and coverage of the document, and the details of the requesting party. The FRO shall report the said transaction on the FOI registry on the corresponding quarter the transaction was made.

5. **FOI Decision Maker:** The NPC President & CEO hereby designates the Manager of the General Services Department for Head Office based offices, the respective Department Managers of Small Power Utilities Group (SPUG) for Luzon, Visayas and Mindanao SPUG based offices, and the Manager of the Administration and Finance Department for Mindanao Generation based offices to act as the FOI Decision Makers, who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access), and shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. NPC does not have the information requested;
- b. The information requested contain sensitive personal information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to EO No. 2, s. 2016;
- d. The request is identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by NPC; or
- e. Vexatious requests.

In addition to the provisions contained in the EO No. 2, s. 2016, the FDMs shall ensure that policies and guidelines are being implemented in their jurisdictions.

6. **Central Appeals and Review Committee (CARC):** The central appeals and review committee is composed of the Vice President Administration and Finance, the Vice President Office of the Legal Counsel and the Vice President Corporate Affairs Group to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the NPC President & CEO on the granting or denial of such request for information.

The CARC shall receive, review, evaluate, and assess the appeal on the denial of the request for information; determine if the appeal was filed within the period provided for under EO No. 2, s. 2016; if applicable, recommend to the FDM the actions on the appeal filed by the requesting party; ensure that the appeal is decided within thirty (30) working days from the filing; and implement the decision of the CARC regarding the appeal.

7. **Approval and Denial of Request to Information:** The FOI Decision Maker shall approve or deny all requests for information that are classified as public. Release of confidential information shall be approved by the NPC President and CEO. In case where the Decision Maker is on official leave, the designated Officer-In-Charge (OIC) shall be delegated the authority.

	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 5 of 18
---	---	-----------------------------	--------------

SECTION 2: DEFINITION OF TERMS

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

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

EFOI PLATFORM. (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

EXCEPTIONS. Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.

FREEDOM OF INFORMATION (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2 (s. 2016). This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI CONTACT. The name, address and phone number at each government office where you can make a FOI request

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

FREQUENTLY REQUESTED INFORMATION. Info released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 6 of 18
---	---	-----------------------------	--------------

FULL DENIAL. When the AGENCY or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When a government office is able to disclose all records in full in response to a FOI request.

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.

INFORMATION FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

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

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

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

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose portions of the records in response to a FOI request but must deny other portions of the request.

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

	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 7 of 18
---	---	-----------------------------	--------------

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

PERSONAL INFORMATION. Shall refer to any information, whether recorded in a material form or not, from which the identify of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

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

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.

REFERRAL. When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

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

- (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) 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;
- (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.

SIMPLE REQUEST. A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 8 of 18
---	---	-----------------------------	--------------

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

1. Duty to Publish Information. NPC shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 11032, or the Ease of Doing Business and Efficient Government Service Delivery Act of 2018, and through their website, timely, true, accurate, and updated key information including, but not limited to:
 - a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
 - b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c. The names of its key officials, their powers, functions and responsibilities, and their profiles;
 - d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments, and expenditures;
 - e. Important rules and regulations, orders or decisions;
 - f. Current and important database and statistics that it generates;
 - g. Bidding processes and requirements; and
 - h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

2. Plain Language. There is a need to ensure that plain language is used which can be easily understood by the requesting party in responding to FOI requests.

3. Keeping of Records. NPC shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them, and the data generated or collected.

 The logo of the National Power Corporation, featuring a stylized red and blue emblem with the text "NATIONAL POWER CORPORATION" and "1936" around it.	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 9 of 18
---	---	-----------------------------	--------------

SECTION 4. PROTECTION OF PRIVACY

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

- a. NPC 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. NPC 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, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of NPC, shall not disclose that information except as authorized by existing laws.

	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 10 of 18
---	---	-----------------------------	---------------

SECTION 5. STANDARD PROCEDURE *(See Annex "E" for flowchart)*

1. Receipt of Request for Information.

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

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

1.2. Standard Requests can be made through walk-in, email, snail mail and other electronic or paper-based means. In case of a request received through email or any electronic means (other than the eFOI portal), the requesting party shall attach in the said email (or in any electronic means) a scanned copy of the FOI request form, and a copy of a valid proof of identification. NPC may entertain requests received through telephone calls and social media platforms. However, FRO must instruct the requesting party to comply with the necessary requirements provided under EO No. 2, s. 2016. The 15-working period will commence upon the receipt of the said requirements.

1.3. 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.

1.4. 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.

1.5. NPC must respond to requests promptly, within the fifteen (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to NPC, or directly into the email inbox of a member of staff; or
- b. If NPC has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

2. Initial Evaluation. After receipt of the request for information, the FRO shall evaluate the contents of the request. The FOI officer should initially evaluate if the request is valid, such as but not limited to the following:

- a. The request is made under the EO No. 2, s. 2016;
- b. The records sought are likely to be within the custody of NPC;
- c. The request is not vexatious; and,
- d. Not an unreasonable subsequent identical or substantially similar request.

2.1. Request relating to more than one office under NPC: If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such offices that they will only provide the specific information that relates to their offices.

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

- If the records requested refer to another government office, the request will be transferred to such appropriate government office through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. NPC will inform the requesting party within the 15 working day limit that the information is not held in any of its offices.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
Rev. No.: 1

Page 12 of 18

- If NPC 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.
- 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.
- If any government agency, in good faith, erroneously refers any request to NPC, we shall immediately notify the former as well as the requesting party, that the information requested is not available in any of our offices. NPC may subsequently refer the request to another government agency under the procedure set forth in the first bullet.

2.3. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in NPC 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.

2.4. Requested information is substantially similar or identical to the previous request: Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

2.5. Information outside the FOI Program. If the information requested falls outside the scope of the FOI Program, the FDM should advise the requester that the information or services may be provided through other platforms and cannot be counted as an FOI request.

- Complaints. A complaint lodged in the FOI platform/s shall be forwarded to the appropriate office or unit. This shall not be counted as an FOI request.
- FOI requests lodged outside the FOI portal. A request for information lodged in the complaint platforms shall be forwarded accordingly to the FRO or office responsible for receiving requests for information. The transaction under the complaint system shall be closed, while the transaction under the FOI Program shall start upon the receipt of the FRO or office for receiving requests for information.

3. Acknowledgement. The FRO shall send an acknowledgement to the requesting party in case the request for information is valid. The acknowledgement should contain the following details:

- a. date of receipt of the request;

- b. the date of issuance of the response; and
- c. status of the request.

- 4. Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding Document Transmittal Form (DTF) number of the request.
- 5. Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

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

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

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

- 6. Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the NPC President or the designated officer and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.
- 7. Request for an Extension of Time:** If the information requested requires extensive search of NPC's records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM 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 fifteen (15) working days to act on the request unless exceptional circumstances warrant a longer period.

- 8. Awaiting Clarification.** Should the requested information require further details to conclude resolution, the FRO shall advise the requesting party and request for additional information needed to clarify the FOI request. The 15-working day period will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be deemed as “closed” and no further action needed on the part of NPC.
- 9. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the NPC President and CEO or his designated officer for final approval.

 - 9.1 Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
 - 9.2 Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. 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 provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the NPC President and CEO or to his/her designated officer.

 The logo of the National Power Corporation, featuring a stylized red and blue emblem with the text "NATIONAL POWER CORPORATION" and "1936" around it.	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 15 of 18
---	---	-----------------------------	---------------

SECTION 6. 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:

1. Administrative FOI Appeal to the NPC Central Appeals and Review Committee:

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 NPC Central Appeals and Review Committee 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 NPC President upon the recommendation of the Central Appeals and Review Committee 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.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

The NPC has established a system to trace the status of all requests for information received by it using the prescribed computer-based (excel) format and on-line system on the eFOI portal.

 The logo of the National Power Corporation, featuring a stylized red and blue emblem with the text "NATIONAL POWER CORPORATION" and "1936" around it.	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 17 of 18
---	---	-----------------------------	---------------

SECTION 8. FEES

1. **No Request Fee.** NPC shall not charge any fee for accepting requests for access to information.
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 NPC in providing the information to the requesting party. The schedule of fees shall be posted by NPC.
3. **Exemption from Fees:** NPC may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

 The logo of the National Power Corporation, featuring a stylized red and blue emblem with the text "NATIONAL POWER CORPORATION" and "1936" around it.	PEOPLE'S FREEDOM OF INFORMATION MANUAL	NPC-FOI -002 Rev. No.: 1	Page 18 of 18
---	---	-----------------------------	---------------

SECTION 9. ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 1st Offense - Reprimand;
- b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
- c. 3rd Offense - Dismissal from the service.

2. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body or agency, which provides for more stringent penalties.



FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order (EO) No. 2, s. 2016 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.

FOI is an integral element of President Rodrigo Roa Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance. EO 2 was signed by the President on July 23, 2016.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "A"
Rev. No.: 1

Page 2 of 4

Making a Request

3. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

4. What information can I ask for through FOI?

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

5. What agencies can we ask information?

An FOI request under EO 2 (s. 2016) can be made before all government offices under the Executive Branch, including Government-Owned and/or Controlled Corporations (GOCCs) and State Universities and Colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

6. How do I make an FOI request?

The request process slightly varies depending on which platform is used.

Through Standard Paper-based Request Form:

- a. Place your request in writing by filling out a request form and submit the form to the agency's Receiving Officer (Download the form here). State your full name and contact information, and provide a valid copy of your government-issued ID as proof of your identity. Describe in detail the document you wish to access.
- b. The Receiving Officer shall validate the request and will log it accordingly on the FOI tracker or registry.
- c. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- d. The request will be forwarded to the FOI Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "A"
Rev. No.: 1

Page 3 of 4

- e. The request shall be forwarded to the officials involved to locate the requested information.
- f. Once all relevant information are retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- g. If necessary, the head of the agency shall provide clearance to the response.
- h. The agency shall prepare the information for release, based on your desired format. It shall be sent to you depending on the receipt preference.

Through the eFOI Platform (www.foi.gov.ph):

Like the paper-based FOI platform, requests made through the eFOI platform will be automatically sent to the agencies concerned for immediate processing.

You will be required to create an eFOI account. Through this account, you will see a dashboard of all your FOI requests including its results.

eFOI Requestors must create/log in to his/her account:

- a. Click the Log-in button and enter the email address and password.
- b. In case the requestor is a new user, click the Sign-up button, and provide the required information.
- c. Once logged-in, the user will be directed to the Dashboard. The Dashboard contains all the requests done by the account owner.
- d. Click the "Make a Request" button. Once clicked, the user may choose the name of the agency.
- e. Users will be directed to the Make a Request Page. Complete the required fields. Once sent, the request will be forwarded to the Receiving Officer of the concerned agency.
- f. The same process of clarification, retrieval, and approval of release applies to the eFOI platform.
- g. Once approved, the response will be posted to the user's Dashboard.

7. How much does it cost to make an FOI request?

There are no fees to make a request. But the NPC may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "A"
Rev. No.: 1

Page 4 of 4

8. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request.

If the request is granted, you can expect to receive the documents as an attachment, through the eFOI portal, email, or be requested to collect the documents at NPC. If the request is denied, NPC will give an explanation on the grounds for the denial.

9. How long will it take before I get a response?

The standard processing time is fifteen (15) working days upon receipt of the request. Under such circumstances, an agency will inform you of an extension, which shall not be longer than twenty (20) working days.

10. What if I am not satisfied with how the Agency handled my FOI request?

If you are not satisfied with the response or if NPC fails to provide a response within the required fifteen (15) working days, the requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of the required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

11. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "B"
Rev. No.: 0

Page 1 of 6

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 AGENCYs, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

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

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

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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "B"
Rev. No.: 0

Page 2 of 6

materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

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

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

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

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

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

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

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



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "B"
Rev. No.: 0

Page 3 of 6

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:



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "B"
Rev. No.: 0

Page 4 of 6

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

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

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



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "B"
Rev. No.: 0

Page 5 of 6

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

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

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

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

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

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

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

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



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "B"
Rev. No.: 0

Page 6 of 6

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



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX C
Rev. No.: 2

Page 1 of 1

FOI Receiving Officers

Name of Office	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
Central Records and Technical Documents Division, Head Office	Ground Floor NPC-OBC Quezon Ave. corner BIR Rd. Diliman Quezon City	921-3541 local 5256, 5467, 5456, 5457	Zenon C. Tayao
HR and Administration Division Mindanao Generations	Mindanao Regional Center (MRC) Maria Cristina, Iligan City	(063) 2234320	Miriam Danette S. Roque
Administration and Finance Division SPUG Luzon Operations Department	Km 36 Quirino Highway cor. Newtown Rd., Brgy. Minuyan, San Jose Del Monte, Bulacan	920-6120 loc. 3101 or 927-8624	Corazon G. C. Tangcangco
Administration and Finance Division SPUG Visayas Operations Department	6F BF Building Escario St. Capitol, Cebu City	+63 32 256-3695 or 412-6621	Lalaine T. Tan
Administration and Finance Division SPUG Mindanao Operations Department	Governor Camins, Avenue Extension, Zamboanga City	+63 62 992-7754 or 990-2920	Marigen M. Pactoranan



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 1 of 14

LIST OF EXCEPTIONS

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.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 2 of 14

Application of the exceptions.²

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;³ 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;⁴ and
 - ii. information, record, or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁵
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;⁶

² As enumerated in the Memorandum from the Office of the Executive Secretary entitled, "Updating the Inventory of Exceptions to the Right to Access of Information Under Executive Order No. 02, (S. 2016)", dated 17 March 20236, signed by Executive Secretary Lucas P. Bersamin.

³ 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.

⁴ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*; *Sereno v. Committee on Trade and Related Matters of the National Economic Development Authority*, G.R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.

⁵ 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.

⁶ *Almonte v. Vasquez*, G.R. No.95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72 119, 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; *Lagman v. Medialdea*, G.R. Nos. 231658, 23177 1, and 231774, 4 July 2017, 812 PHIL 179-853; 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



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 3 of 14

- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁷ and
 - c. Patent applications, the publication of which would prejudice national security and interests;⁸
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;⁹
 - 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;¹⁰

"Restricted." This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, *The Anti-Terrorism Act of 2020* [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.

⁷ *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.

⁸ 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).

⁹ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

¹⁰ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 4 of 14

- c. When disclosure of information would put the life and safety of an individual in imminent danger;¹¹
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹² and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹³
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:
- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹⁴ personal information or records,¹⁵ including sensitive personal information, birth records,¹⁶ school records,¹⁷ or medical or health records;¹⁸

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:¹⁹

¹¹ Section 3(b), Rule IV, Rules on CCESPOE.

¹² Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

¹³ Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

¹⁴ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁵ 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. This includes information collected pursuant to Section 18 of the *Department of Migrant Workers Act* (RA No. 11641).

¹⁶ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

¹⁷ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

¹⁸ 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). Exchange); Section 9, *Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act* (RA No. 11332); Section 36, *Universal Health Care Act* (RA No. 11223); Section 28, *National Integrated Cancer Control Act* (RA No. 11215); and Section 5(1), *Mental Health Act* (RA No. 11 036). Mental health records under RA No. 11036 include information on any aspect of the mental health, treatment, or care of the service user.

¹⁹ Section 3(l), *Data Privacy Act of 2012*. See also Section 9, *Free Internet Access in Public Places Act* (RA No. 10929); Section 26, *Safe Spaces Act* (RA No. 11 313); and Section 21, *Tax Amnesty Act* (RA No. 11213).



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 5 of 14

- (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 individual²⁰ 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.²¹

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 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;²²

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²³ and

²⁰ Article 26(2), *Civil Code*.

²¹ Section 11, *Data Privacy Act of 2012*.

²² Section 4, *Data Privacy Act of 2012*.

²³ *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 (RA No. 11458)*. May be invoked by government newspapers.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 6 of 14

- 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;²⁴
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁵
 - (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;²⁶
 - (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;²⁷
 - (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;²⁸
 - (6) records of cases and documents involving actions for support including petitions for recognition and enforcement of foreign decisions or judgments on support;²⁹
 - (7) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;³⁰
 - (8) names of victims of child abuse, exploitation or discrimination;³¹

²⁴ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁵ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

²⁶ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁷ Section 31, A.M. No. 00-4-07-SC, Re: *Proposed Rule on Examination of a Child Witness*.

²⁸ 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.

²⁹ Sections 29 and 30, A.M. No. 21-03-02-SC, Re: *Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support*.

³⁰ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

³¹ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 7 of 14

- (9) cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;³²
- (10) 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;³³
- (11) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³⁴
- (12) names of students who committed acts of bullying or retaliation;³⁵
- (13) children in situations of armed conflict;³⁶
- (14) 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;³⁷ and
- (15) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁸

³² Section 26, *Safe Spaces Act* (RA No. 11313).

³³ 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*.

³⁴ 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.

³⁵ Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³⁶ Section 19, *Special Protection of Children in Situations of Armed Conflict Act* (RA No. 11188).

³⁷ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

³⁸ Section 44, *Philippine HIV and AIDS Policy Act* (RA No. 11166). Information covered by Section 44 may be disclosed with the written consent of the affected person or in accordance with Sections 45 and 46 of RA No. 11166.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 8 of 14

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;³⁹
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);⁴⁰
 - c. Records and reports submitted to the Social Security System by the employer or member;⁴¹
 - d. Information of registered persons with the Philippine Identification System;⁴²
 - e. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities;⁴³
 - f. 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;⁴⁴

³⁹ 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 Bldg. 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*. Section 18, *Energy Virtual One-Stop Shop Act* (RA No. 11234); Section 14, *Philippine Energy Research and Policy Institute Act* (RA No. 11572); Section 270, *National Internal Revenue Code* (RA No. 8424, as amended by RA No. 10963); and Section 33, *LPG Industry Regulation Act* (RA No. 11592).

⁴⁰ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. See also Section 10, *Community-Based Monitoring System Act* (RA No. 11315).

⁴¹ Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

⁴² Section 17, *Philippine Identification System Act* (RA No. 11055).

⁴³ Section 43, *Philippine HIV and AIDS Policy Act* (RA No. 11166).

⁴⁴ 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.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 9 of 14

- g. Applications and supporting documents filed pursuant to the Omnibus Investments Code of 1987;⁴⁵
- h. Documents submitted through the Government Electronic Procurement System;⁴⁶
- i. 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;⁴⁷
- j. 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;⁴⁸
- k. 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;⁴⁹
- l. 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;⁵⁰
- m. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁵¹
- n. Certain information and reports submitted to the Insurance Commissioner pursuant to the Insurance Code;⁵²
- o. Information on registered cultural properties owned by private individuals;⁵³

⁴⁵ Section 81, EO No. 226 (s. 1987), as amended.

⁴⁶ Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴⁷ Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴⁸ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

⁴⁹ 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).

⁵⁰ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁵¹ Section 10, *Safeguard Measures Act*.

⁵² Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

⁵³ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 10 of 14

- p. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵⁴ and
 - q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁵
 - r. Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation;⁵⁶ and
 - s. Records of surveillance of suspects and interception and recording of communications acquired by a law enforcement agent or military personnel pursuant to the Anti- Terrorism Act of 2020.⁵⁷
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.⁵⁸
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:

⁵⁴ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵⁵ 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).

⁵⁶ Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

⁵⁷ Section 16, *The Anti- Terrorism Act of 2020* (RA No. 11479).

⁵⁸ Section 3(g), Rule IV, Rules on CCESPOE.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 11 of 14

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the Alternative Dispute Resolution Act of 2004;⁵⁹
- b. Matters involved in an Investor-State mediation;⁶⁰
- c. Information and statements made at conciliation proceedings under the Labor Code;⁶¹
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶²
- 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;⁶³
- f. Information related to investigations which are deemed confidential under the Securities Regulations Code;⁶⁴
- g. All proceedings prior to the issuance of a cease-and-desist order against pre-need companies by the Insurance Commission;⁶⁵
- 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;⁶⁶
- i. Investigation report and the supervision history of a probationer;⁶⁷

⁵⁹ 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.

⁶⁰ Article 10, International Bar Association Rules for Investor-State Mediation.

⁶¹ Article 237, *Labor Code*.

⁶² Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶³ Section 178, *Revised Corporation Code of the Philippines*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁶⁴ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁶⁵ 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.

⁶⁶ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁷ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 12 of 14

- j. Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;⁶⁸
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶⁹
 - l. Investigation proceedings and records during the preliminary investigation in administrative cases in the civil service;⁷⁰
 - m. That 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;⁷¹ and
 - n. Information on a bank inquiry order issued by the Court of Appeals, including its contents and its receipt.⁷²
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*);
 - e. RA No. 9510 (*Credit Information System Act*); and

⁶⁸ Sections 18 and 45, *The Anti-Terrorism Act of 2020* (RA No. 11479) and Rules 5.8 and 5.19 of the IRR of RA No. 11479.

⁶⁹ Section 14, Civil Service Commission Resolution No. 01-0940.

⁷⁰ Section 21, 2017 Rules on Administrative Cases in the Civil Service, CSC Resolution No. 1701077.

⁷¹ 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; and Section 26 of the Rule on Facilitated Naturalization of Refugees and Stateless Persons, A.M. No. 21-07-22-SC.

⁷² Section 16, A.M. No. 21-03-5-CA, *Re: Rule of Procedure in Cases of Bank Inquiry into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or a Money Laundering Offense under Republic Act No. 9160, as Amended*.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 13 of 14

- f. RA No. 245, as amended by Presidential Decree No. 1878;
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;⁷³
 - (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);⁷⁴ 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);
 - b. Testimony from a government official, unless pursuant to a court or legal order;⁷⁵
 - 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;⁷⁶
 - d. Failure to comply with regulations on access of records imposed by the records custodian;⁷⁷

⁷³ 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.

⁷⁴ Article 7, UNCITRAL Transparency Rules.

⁷⁵ *Senate v. Neri, supra; Senate v. Ermita, supra.*

⁷⁶ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

⁷⁷ *Biraogo v. Ombudsman Martires*, G.R. No. 254516, 02 February 2021.



PEOPLE'S FREEDOM OF INFORMATION MANUAL

NPC-FOI -002
ANNEX "D"
Rev. No.: 1

Page 14 of 14

- e. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁷⁸
- f. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁹
- g. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁸⁰ and
- h. Attorney-client privilege existing between government lawyers and their client.⁸¹

⁷⁸ *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.

⁷⁹ 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; Section X808 of Bangko Sentral ng Pilipinas Circular No. 706, s. 2011; Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hi/ado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006; and Questionnaires in the Professional Regulation Commission test banks, pursuant to *Antolin-Rosero v. Professional Regulation Commission*, G.R. No. 220378, 30 June 2021

⁸⁰ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁸¹ Canon 21 of the *Code of Professional Responsibility*.



Mode of request



Step 1 Type www.foi.gov.ph on your browser's address bar and press enter



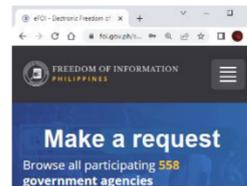
Step 2 Click the "Sign Up" button and provide all the required fields. Attach a valid ID to create an account.



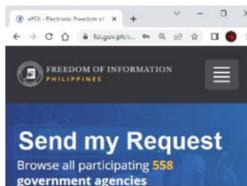
Step 3 Once logged-in, you will be directed to your Dashboard. The Dashboard contains all the FOI requests you have created.



Step 4 Click the "Make a Request" button then select the name of the agency you wish to request information from.



Step 5 You will now be directed to the "Make a Request Page". Accomplish all fields then click "Send My Request".

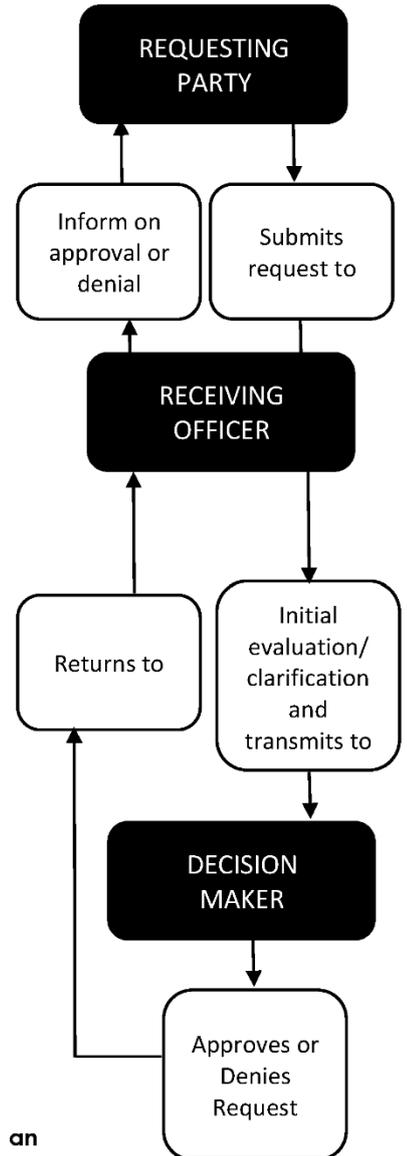


Step 6 The agency will evaluate your request and will notify you within 15 working days



Step 7 The agency will prepare the information for release based on your desired format. It will be sent to you through your preferred mode.

The request will be processed within fifteen (15) working days



FOI Appeals

If you are not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the reply by writing to the FOI Central Appeals Committee and send it to foi_ro@napocor.gov.ph. Your review request should explain why you are dissatisfied with the response and should be made within 15 calendar days from the date when you received our reply. We will complete the review and inform you the result within 30 calendar days from the date when we receive your review request.



FREEDOM OF INFORMATION REQUEST FORM

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

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

A. Requesting Party

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

1. **Title** (e.g. Mr, Mrs, Ms, Miss) 2. **Given Name/s** (including M.I) 3. **Surname**
- _____ ▶ _____ ▶ _____
4. **Complete Address** (Apt/House Number, Street, City/Municipality, Province)
- ◀ _____
5. Landline/Fax 6. Mobile 7. Email
- _____ ▶ _____ ▶ _____
8. Preferred Mode of Communication Landline Mobile Number Email Postal Address
(If your request is successful, we will be sending the documents to you in this manner.)
9. Preferred Mode of Reply Email Fax Postal Address Pick-Up at Agency
10. Type of ID Given (Please ensure your IDs contain your photo and signature) Passport Driver's License SSS ID Postal ID Voter's ID
 School ID Company ID Others _____

B. Requested Information

11. Agency – Connecting Agency (if applicable) ▶ _____ ▶ _____
12. Title of Document/Record Requested (Please be as detailed as possible) ▶ _____
13. Date or Period (DD/MM/YY) ▶ _____
14. Purpose ▶ _____
- _____
15. Document Type ▶ _____
16. Reference Numbers (if known) ▶ _____
17. Any other Relevant Information ▶ _____

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

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

Signature ◀ _____

Date Accomplished (DD/MM/YYYY) ◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) ◀ _____

Agency – Connecting Agency (if applicable) ◀ _____ ◀ _____

Date entered on eFOI (if applicable, otherwise N/A) ◀ _____

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied Exception Which Exception _____

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name) ◀ _____

Decision Maker Assigned to Application (print name) ◀ _____

Decision on Application Successful Partially Successful Denied Cost

If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online Exception Which Exception _____

Date Request Finished (DD/MM/YYYY) ◀ _____

Date Documents Sent (if any) (DD/MM/YYYY) ◀ _____

FOI Registry Accomplished Yes No

RO Signature ◀ _____

Date (DD/MM/YYYY) ◀ _____