

Light Rail Transit Authority

FREEDOM OF INFORMATION MANUAL

Office Address:
Light Rail Transit Authority
LRT Line 2 Depot
Marcos Highway, Santolan, Pasig City
Telephone Number: (632) 6473479/6473485/6473487
Local 29938/29932/29962
Email Address: records@lrta.gov.ph

FOREWORD

This Freedom of Information Manual serves as the Light Rail Transit Authority's institutional instrument in implementing the provisions set by the Constitution to grant to the Public access to information within the scope of this Authority when applicable.

This Manual contains our Procedures for processing requests to access and to an allowable and reasonable extent, provide requested information and documents within the scope of this Authority.

This initiative stands as proof of our commitment to the principles of transparency and accountability in the Government Service.



ATTY. HERNANDO T. CABRERA
Administrator

TABLE OF CONTENTS

PART I. FOREWORD

PART II. PROCEDURES AND PROCESSES

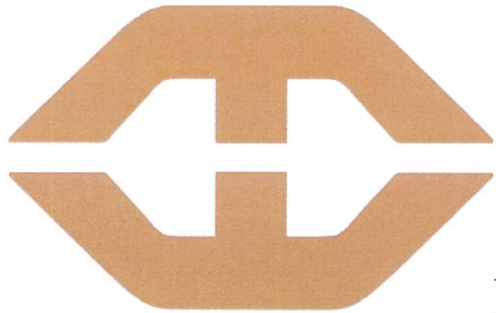
- A. Filing and Processing of Request For Information
- B. Administrative Appeal and Liability for Denial of Access to Information
- C. Process for the Disposition of Requests

PART III. FORMS

- A. Request for Information
- B. Order of payment
- C. FOI Request Form

PART IV. ANNEXES

- A. Executive Order No. 02
- B. FOI Memorandum Circular No. 21-05
- C. FOI Directory of Receiving Officers and LRTA Appeals and Review Committee



Light Rail Transit Authority

Procedures and Processes

A. Filing and Processing of Request for Information

1.0 OBJECTIVE

- 1.1 To realize the role of free and open exchange of information in order to enhance transparency and accountability in all official transactions or decisions in accordance with the Constitution.
- 1.2 To promptly and efficiently facilitate requests for access to information owned and controlled by LRTA while safeguarding against their misuse or abuse.
- 1.3 Establish a means of validating requests for access to information to prevent the misuse or abuse of requested information.

2.0 SCOPE

This procedure covers the actions and responsibilities of the LRTA and its concerned offices in the timely and efficient processing of the request for access to information.

3.0 LIMITATIONS

Requests for access to information shall undergo a process of validation, review and be subjected to identified limitations as defined by the law and its intended purpose to ensure safety and security of LRTA's stakeholders. LRTA shall designate duly authorized officials who shall be responsible for the control and access of information following limitations such as but not limited to:

- Sensitive Personal Information

Pursuant to Data Privacy Act of 2012, sensitive personal information shall be defined as anything that is:

- (1) About an individual health, education, genetic or sexual life of a person, or refer to any proceedings for any offense committed or alleged to have committed by such person, including the disposal of such proceedings or the sentence of any court in such proceedings;

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

- **Restricted Documents**

Information classified or marked as restricted documents in a legal proceeding (e.g. appealed cases, orders and resolutions pertaining to employees and officials of the Department).

- **Confidential Documents**

The information is classified or marked as confidential documents (e.g. investigation reports against officials or employees).

- **Documents Defined as Exceptions as Provided by Law:**

The following are the exceptions to the right of access to information under the Executive Order No. 2:

- (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.

- **Files of Employees**

Files that reveal personal information such as address and contact details.

4.0 DEFINITION OF TERMS

- 4.1 **Information** – shall mean any records, documents, paper 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, or any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- 4.2 **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.
- 4.3 **Public Record/Records** – shall include information required by laws, executive orders, rules, or regulations to be entered, and kept and made publicly available by a government office.
- 4.4 **Requesting Party** – shall refer to any person or party filing a written (addressed to LRTA) or an electronic (through LRTA's designated portal/s) request for access to information to the LRTA.
- 4.5 **Referral to the appropriate government agency** – shall refer to an appropriate action by LRTA in response to a request for access to information which is not within its control and custodianship. In such case, LRTA will then refer the request to the proper government office/agency exercising such control and custodianship.

5.0 RESPONSIBILITIES

- 5.1 **FOI Records Officer** – Staff holding the position “Records Officer A” under the General Services Division (GSD) shall assume the responsibility of being **LRTA's FOI Records Officer** under the guidance of the Manager of the Administrative Department. The FOI Officer shall be responsible to receive and assist the requesting party following the accomplishment of necessary request for access to information form. Upon receipt of the required information, the FOI Records Officer shall:

- 5.1.1 Check the name and information of the requesting party and the description of the information requested;

5.1.2 Review the purpose of the request for information based on the provisions of this manual;

5.1.3 Establish the timeline for processing the request;

5.1.4 Provide observations and recommendations to the FOI Decision Maker; and

5.1.5 Respond/acknowledge the request within one (1) working day from the receipt of the request.

5.2 FOI Decision Maker – The FOI Decision Maker shall:

5.2.1 Check/assess/evaluate the observations and recommendations of the FOI Records Officer with respect to a request for access to a particular information, and respond to the request fully compliant with requirements but not to exceed fifteen (15) working days.

6.0 PROCEDURE DETAILS

Reference No.	Key Activities	Responsible Person
6.1	Submission of Written/Electronic Request	Requesting Party
6.2	Processing the Request	FOI Records Officer/Concerned Department /Division/Office/Unit
6.3	Release of Records/Documents/ Applicable Fees	FOI Records Officer

6.1 Submission of Written Request

6.1.1 The requesting party shall submit a written (addressed to LRTA) or an electronic (through LRTA's designated portal/s) request for access to information which shall contain the name, contact details, and valid proof of identification or authorization.

6.1.2 Further, the requesting party shall describe what information is needed and the reason or purpose of the information requested.

6.1.3 The requesting party shall fill out a **Request Information Form** completing the details and information needed.

6.2. Processing the Request

- 6.2.1 For requests received in the form of a formal letter or hard copy requests, the FOI Records Officer shall duly stamp and sign the received request letter/email indicating the date and time receipt. A claim slip thereof shall be provided to the requesting party as their proof of submission of request and to determine when the information will be claimed

For requests received through electronic mail (email), the FOI Records Officer shall print the email with the date and time receipt and respond by acknowledging receipt of their request.

- 6.2.2 The FOI Records Officer shall course the letter-request to the designated Decision Maker for evaluation, and proper disposition of the request.

- 6.2.3 The FOI Decision Maker shall approve the request letter and form and shall respond to a request fully compliant with requirements not to exceed fifteen (15) working days

6.2.3.1 In case a need for an extension arises due to difficulty to retrieve, locate the required information and other purposes/cases arise, the FOI Records Officer shall notify the requesting party of such along with the reason for the extension. As such the process may be extended up to twenty (20) working days unless exceptional circumstances warrant a longer period.

6.2.3.2 If the request has been denied, the FOI Records Officer shall notify the requesting party of the denial within fifteen (15) working days from receipt of the request. The notice shall clearly set forth the grounds and circumstances for which the decision was based.

6.2.3.3 If the request has been granted, the FOI Records Officer shall immediately inform the Manager or Head of the concerned Department / Division/ Office/Unit which holds/ controls the information being requested. The concerned office's Records Keeper shall endeavor to act on the request requirements within the timeline provided by the FOI Records Officer.

6.2.3.4 The Records Keeper shall prepare the requested documents and its listing for review and approval of the Manager or Head of concerned Department/Division/Office/Unit. The Records Keeper shall then transmit the approved documents to the FOI Records Officer.

- 6.2.4 The FOI Records Officer shall review the requested records/documents and prepare the notice of approval for signature of the FOI Decision Maker. Once the notice is signed/approved, the FOI Records Officer shall inform the requesting party of the availability of the requested information.
- 6.2.5 Should the grant of the request for access to information incur cost to the Authority, the FOI Records Officer through the General Services and Records Section, shall coordinate with the Treasury Division to facilitate any collection to reimburse the costs of the request.
- 6.2.5.1 The FOI Records Officer shall assess the cost of materials used in the reproduction of copies of the requested records/documents. Preparation of the Order of Payment (OP) shall be accomplished before forwarding to the Office of the Finance Department Manager.
- 6.2.5.2 The Treasury Planning/Management Chief A, upon the request of the FOI Records Officer shall issue the OP No. and the corresponding accounting entry of OP.
- 6.2.5.3 The Cashier/Senior Cashier shall issue the corresponding Official Receipt, accepts the payment, and releases the copy of the OR to the requesting party.
- 6.2.5.4 The FOI Records Officer shall fill out the RI Control Number, received by, date paid, the Official Receipt Number and the amount in the small portion of the LRTA Processing Box.
- 6.2.6 When the requested information is not in the possession of LRTA, but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by the LRTA to GA2 but not to exceed three (3) working days from the receipt of the request. This shall be considered as the "First Referral" and a fresh period will apply. If the LRTA fails to refer the request within 3 working days upon its receipt, the FOI Records Officer shall act on it within the remaining period to respond and no fresh period shall apply. Also, if the LRTA, in good faith, erroneously referred the request to GA2, the latter shall notify the former as well as the requesting party, that the information requested is not available in their agency.

6.2.6.1 GA2 to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the above section and shall be considered as the "Second Referral" and another fresh period will apply. A written or email acknowledgement of the referral shall be made by the FOI Receiving Officer of the government agency where it was referred. The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

6.2.6.2 If under any circumstance of the referral phase, GA3 still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party. In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

6.3 Release of Records/Documents

6.3.1 When applicable, the requesting party shall present the Official Receipt (OR) representing the proof of payment and the claim slip to the FOI Records Officer. The claim slip shall be surrendered for verification. In case the requesting party is not available, a representative should present Special Power of Attorney or Authorization Letter, his/her proper identification, the requester's ID and the original claim slip.

6.3.2 The FOI Records Officer shall require valid ID cards of the requesting party and shall check and reproduce a copy of the presented valid IDs and Official receipt.

6.3.3 The FOI Records Officer shall require the requesting party to sign and receive the documents in the claim slip (if applicable) and prepare for the release of the requested records/documents.

6.3.4 The FOI Records Officer shall keep and maintain the signed receiving copy of the documents, copy of OR, claim slip and the copy of valid ID or any available electronic evidence of the requesting party.

7.0 REFERENCES

FOI Executive Order 02
FOI Memorandum Circular No. 21-05

8.0 QUALITY RECORDS

Request of Information Form
Order of Payment Form

B. Administrative Appeal and Liability of Denial for Access of Information

1.0 OBJECTIVE

- 1.1 To practice the law and the right to deny the access of information requested if it is intended to wrongdoing, crime or graft and corruptions.
- 1.2 To strengthen the protection of the data even if the public has the right to access the information pursuant to Data Privacy Act of 2012.
- 1.3 To implement administrative and disciplinary sanctions against LRTA Officer or Employee for denial of access to information.

2.0 SCOPE

This procedure covers the decision of the LRTA and its concerned offices regarding the cases of denial of request of information.

3.0 DEFINITION OF TERMS

- 3.1 **Data Privacy Act of 2012** – strengthens the fundamental human right of privacy and of communication while ensuring the free flow of information to promote innovation and growth.

4.0 RESPONSIBILITIES

- 4.1 **FOI Records Officer** – Staff holding the position “Records Officer A” under the General Services Division (GSD) shall assume the responsibility of being **LRTA’s FOI Records Officer** under the guidance of the Manager of the Administrative Department. The FOI Officer shall be responsible to receive and assist the requesting party following the accomplishment of necessary request for access to information form
- 4.2 **Legal Department** – shall formulate laws, rules and regulation on the process of denial and appeal of requesting of information.

4.3 **FOI Decision Maker** – checks/assesses/evaluates the request and decides on whether to grant or deny the requests given.

4.4 **LRTA Appeals and Review Committee** – there shall be an **Appeals and Review Committee** which is composed of three (3) officials designated by the Administrator, to review and analyze the denial of the requested information. The following officials are the Deputy Administrator for Administrative, Finance and AFCS, the Manager of Administrative Department and the Manager of the Legal Department. If the following officials are not available, duly assigned representative shall be held responsible and shall inform the authorities of the decisions made from the appeal process.

5.0 PROCEDURE DETAILS

Reference No.	Key Activities	Responsible Person
5.1	Grounds for Denial	Requesting Party/Records Section/ LRTA Appeal and Review Committee
5.2	Notice of Denial	Records Section/ LRTA Appeal and Review Committee
5.3	Appeal Process	Requesting Party/ LRTA Appeal and Review Committee, Legal Department
5.4	Administrative Liability	LRTA Officer and Employee/ LRTA Appeal and Review Committee, Legal Department

5.1 Grounds for Denial

Denial of the request may be due to these conditions:

- There is no such record/information that was kept and maintained in the Authority.
- The information requested has sensitive personal information which is protected under the Data Privacy Act of 2012.
- The information requested falls under the list of exceptions to FOI.
- There is a similar request made by the same Requesting Party previously granted or denied by the Authority.

5.2 Notice of Denial

- 5.2.1 The FOI Records Officer shall prepare a written notification within fifteen (15) working days of the reason of the denial of the request.
- 5.2.2 The LRTA Appeal and Review Committee shall assess and follow the prescribed laws about Data Privacy Act of 2012 and should come up with a valid reason and decisions to deny or grant the request.

5.3 Appeal Process

- 5.3.1 The Requesting Party should write an appeal and must be filed within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- 5.3.2 The decision of the appeal should be the responsibility of the LRTA Appeal and Review Committee within thirty (30) working days.
- 5.3.3 A requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.
- 5.3.4 The Legal Department shall accept and investigate the case and implement laws and regulations in the appeal process.

5.4. Administrative Liability

- 5.4.1 Failure to comply with the provisions of this Manual shall be ground for the following administrative penalties:
 - a. 1st Offense - Written Reprimand
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service

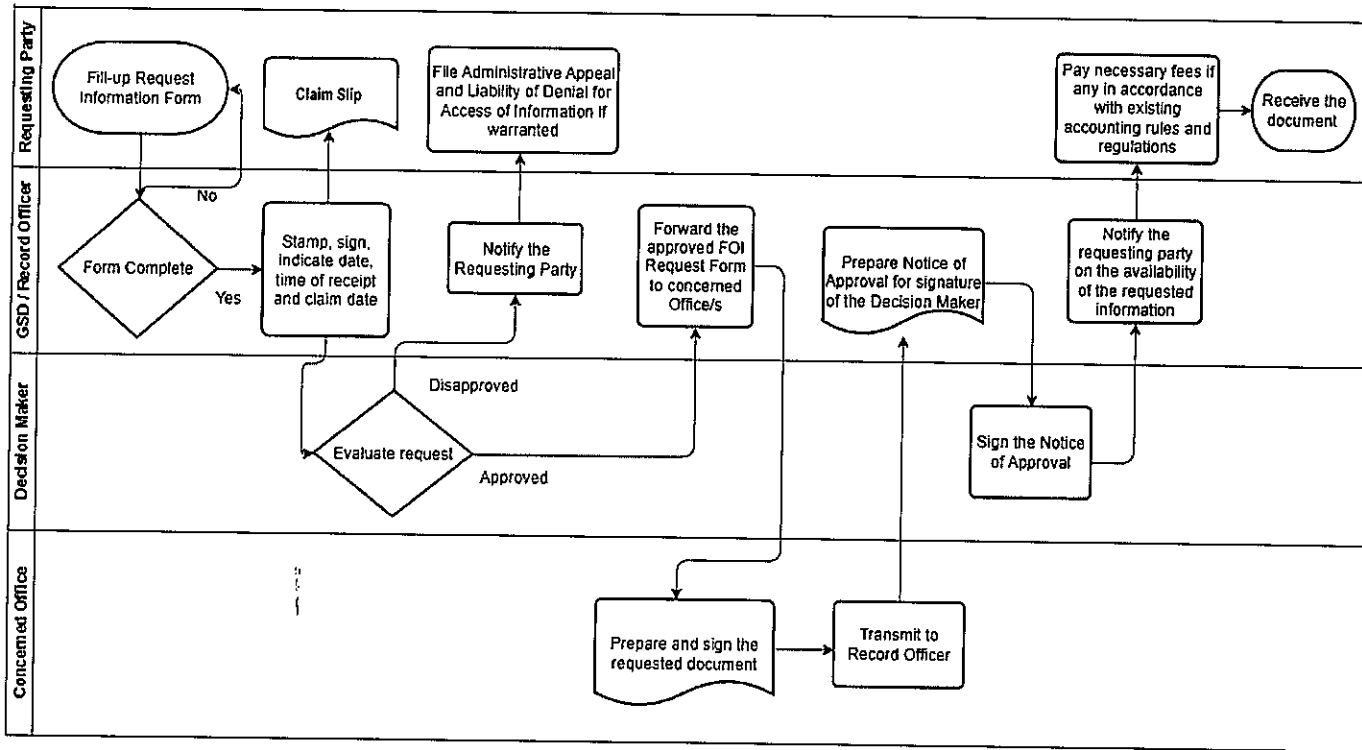
6.0 PROCEDURE IN ADMINISTRATIVE CASES

- 6.1 The Revised Rules on Administrative Cases in the Civil Service, adopted and promulgated by the Civil Service Commission through Resolution No. 1101502 dated 08 November 2011 shall be applicable in the disposition of cases.

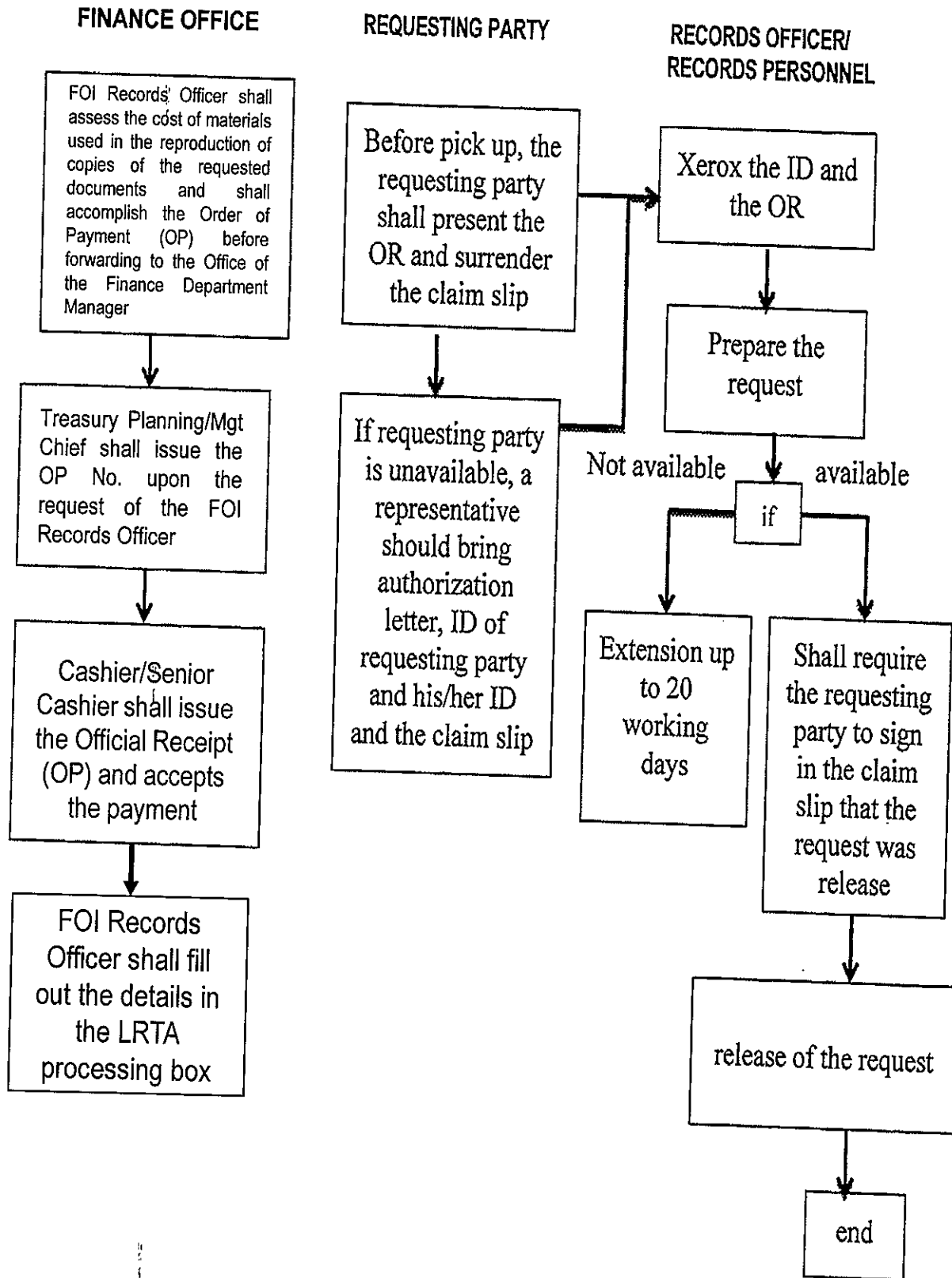
7.0 REFERENCES

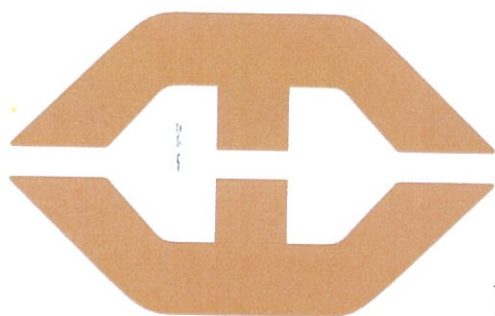
FOI Executive Order 02
DOTr FOI Manual

C. Process for the Disposition of Requests



Process for the Disposition of Requests





Light Rail Transit Authority

Forms

**LIGHT RAIL TRANSIT AUTHORITY
FOI Request Form**

Request No: _____

Date: _____
(mm/dd/yyyy)

Requesting Party		
Last name	First name	M.I.
Home Address		
E-mail Address		
Contact Number		
Mail Identification (if sent by mail)		Assume Agency Reply date
Name of Agency/organization/business for which request is being made		
Specify description of information of official record/s or public record/s requested		
Purpose of request for information of official record/s or public record/s		
Request made on behalf of information (if selected)		

I certify that the above information, official record/s, or public record/s is/are being requested in good faith and same shall not be used for any purpose contrary to law, to harass any person, to commit any injustice, or for any purpose other than the purpose/s declared above.

Signature of Requesting Party

To be accomplished by LRTA RECORDS SECTION:

FOI Receiving Officer Date & Time of receipt of request: _____ Receiver's name, position & signature: _____ Date of expected release of decision: _____ Date of actual release of decision: _____	FOI Decision Maker Name/Position: DOMINIC F. KABIGTING OIC, Administrative Department Action: <input type="radio"/> Clarification Particulars: _____ <input type="radio"/> Approval <input type="radio"/> Extension until _____ Reason: _____ <input type="radio"/> Denial Reason: _____
--	---

If request is approved:
Cost of reproduction: _____
Official Receipt No. / Date: _____



LIGHT RAIL TRANSIT AUTHORITY
Santolan, Pasig City
REQUEST OF INFORMATION FORM

For LRTA Processing
RI Control Number: _____
Received By: _____
Date Paid: _____
OR No.: _____ Amount: _____
Verified and Assessed by: _____

DATE: _____
NAME OF REQUESTING PARTY: _____
AGENCY/OFFICE: _____
ADDRESS: _____
CONTACT NUMBER: _____
ID PRESENTED: _____

INFORMATION TO BE REQUESTED:

- ☐ Contracts
☐ SALN
☐ Certificate of Employment
☐ PAR/ IPCR
☐ Clearance
☐ Pictures

- ☐ Minutes of Meeting
☐ Board Resolutions
☐ Drawings / Engineering Plans
☐ Voice Recording/ Films
☐ Policies/ Procedures/ Guidelines
☐ Others: (pls specify) _____

PURPOSE: _____

Signature: _____

To be accomplished by LRTA Central Records Section

Received by: _____
Printed Name

- ☐ Approved
☐ Disapproved

Signature: _____

Reason: _____

Date and Time: _____

Head, Administrative Department

Please Fill out this Claim Slip

CLAIM SLIP

Issued by: _____

Date filed of Request: _____

Name: _____	OR No/ Amount: _____
RI Control Number: _____	Date Paid: _____

Please present this slip to claim your requested information on _____

RECEIVED BY: _____ DATED RECEIVED: _____

(NOTE: REPRESENTATIVE WITH PROPER IDENTIFICATION SHOULD PRESENT SPECIAL POWER OF ATTORNEY/AUTHORIZATION LETTER FROM THE REQUESTING PARTY AND THIS ORIGINAL CLAIM SLIP.) FOR CONFIRMATION PLEASE CALL (02) 647-3479 loc 29938, 29939, 29932, 29962

LIGHT RAIL TRANSIT AUTHORITY
ORDER OF PAYMENT

DATE _____ No. _____

Please issue your Official Receipt in Favor of

Requesting
Party _____

Amount
(in words) _____
(Php _____)
as payment for _____

Records Requested: _____

No. of Pages : _____

Quantity: _____

Cost Per Page: _____

Amount: _____

Attached here is the money in

Cash _____ Php _____
Check _____
Bank : _____
Check no: _____

Accounting Entity

DR _____ Php _____
CR _____ Php _____

Records Officer _____

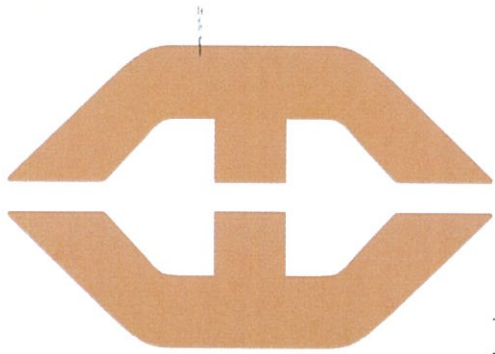
TREASURY DIVISION

Official Receipt Issued:

OR Np. _____
Date _____
Account No. : _____
Amount : _____

A

Keywords:



Light Rail Transit Authority

Annexes

EXECUTIVE ORDER NO. 02

**MALACAÑAN PALACE
MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER NO. 02**

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

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

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

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

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

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

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

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

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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meeting, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

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

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

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

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

accordance with existing law, 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 and regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

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

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

submit requests;

- (b) The person or office responsible for receiving requests for information;
- (c) The procedure for the filing and processing of requests as specified in the succeeding section 8 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment requests;
- (e) The process for the disposition of the 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 the 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 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 analogous cases. The government office shall notify the person making the request for the extension, setting forth the reasons of such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

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

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

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

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, the following procedure mentioned in Section 7 of this Order; Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party 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 offices or employee as provided under existing laws or regulations.

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

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

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

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

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

(Sgd.) **RODRIGO ROA DUTERTE**

President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**

Executive Secretary

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATION OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI-MC No. 21-05

FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR

FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF THE EXECUTIVE BRANCH INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS (GOCCS), STATE UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL WATER DISTRICTS (LWDS)

SUBJECT : GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY OTHERWISE KNOWN AS THE “NO WRONG DOOR POLICY FOR FOI”

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to Information, and Policy of Full Public Disclosure in the Executive Department;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

WHEREAS, there is a need to break the prevailing “silo system” and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;

NOW, THEREFORE, by virtue of PCOO's mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned:

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request for Information. – Any person who requests for access to information shall comply with Section 9 of EO No. 02, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “**First Referral**” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the “**Second Referral**” and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a “FOI Internal Messenger”. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. – A request that is referred to the appropriate government agency is considered successful if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. – For the convenience of all FROs and FDMs in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

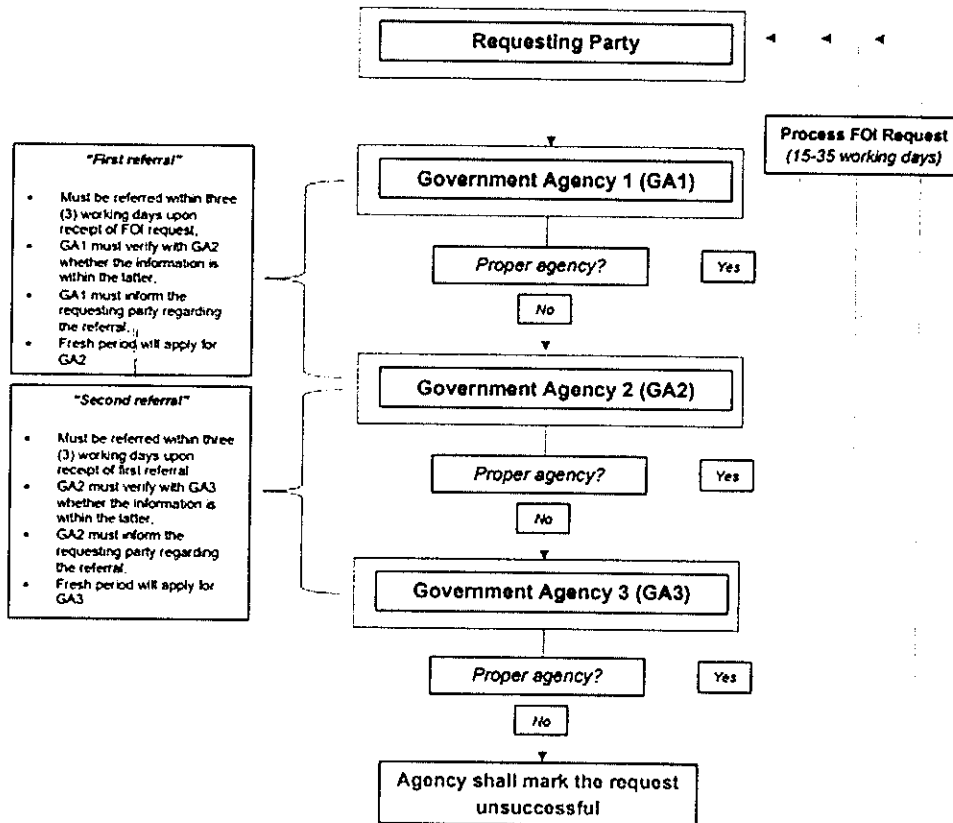
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.

(Sgd.) JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

Annex A

NO WRONG DOOR POLICY FLOWCHART



NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

DIRECTORY

LRTA FOI RECEIVING OFFICERS

DESIGNATED OFFICER	OFFICE	CONTACT DETAILS
Records Officer A	Central Records Section	647-34-79 local 29938/29932/29962
Records Officer B	Central Records Section	647-34-79 local 29938/29932/29962

LRTA APPEALS AND REVIEW COMMITTEE

DESIGNATED OFFICER	OFFICE	CONTACT DETAILS
Deputy Administrator for Administrative, Finance, and AFCS	Office of the Deputy Administrator for Administrative, Finance, and AFCS	647-34-79 / 647-34-85/ 647-34-87
Manager, Administrative Department	Office of the OIC, Administrative Department	647-34-79 / 647-34-85/ 647-34-87
Manager, Legal Department	Office of the Manager, Legal Department	647-34-79 / 647-34-85/ 647-34-87