



UNIVERSITY OF
SOUTHEASTERN
PHILIPPINES

FREEDOM OF INFORMATION MANUAL

Approved during the 167th Board of Regents (BOR) Meeting
of the University of Southeastern Philippines (USEP) on 5 July 2017
through BOR Resolution No. 37, s. 2017

*Pursuant to the President of the Philippines' Executive Order No. 02, Series of 2016
"Operationalizing in the Executive Branch the People's Constitutional Right to Information
and the State Policies to Full Public Disclosure and Transparency in the Public Service and
Providing Guidelines Therefor"*

Preface

The 1987 Constitution, the supreme and fundamental law of the land, recognizes the right of the people to information on matters of public concern. Pursuant to this mandate, President Rodrigo Roa Duterte signed Executive Order No. 02, Series of 2016 to institutionalize the procedures to strengthen the people's access to government-held data, records, and documents.

As a State University mandated to adopt a policy of transparency and accountability, the University of Southeastern Philippines (USEP) Board of Regents, during its 167th meeting on July 5, 2017, has approved the USEP Freedom of Information Manual through BOR Resolution No. 37, s. 2017.

With this Manual, the University Administration hopes to provide a process to guide and assist all its University officials, faculty, staff, and students, in dealing with requests of information of the general public in compliance to E.O. 02, s. 2016 directives. Moreover, this piece will not only serve as a proof of the University's commitment towards good governance. It will also assure its clients and stakeholders of their rights to access information on matters of public concern through the operationalization of USEP's Freedom of Information Manual.



A handwritten signature in black ink, which appears to read 'Lourdes C. Generalao'. The signature is written in a cursive style and is positioned above the printed name.

LOURDES C. GENERALAO
University President



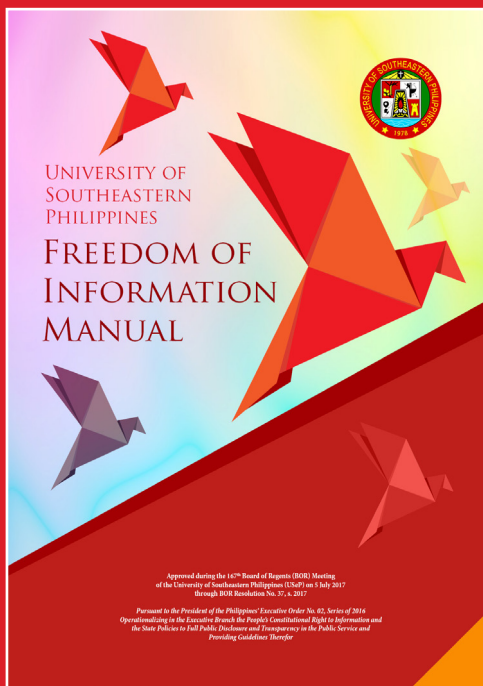
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Section 1 | OVERVIEW

Purpose



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

The purpose of this FOI Manual is to provide the process to guide and assist all campuses of the University of Southeastern Philippines (USEP), in dealing with requests of information pursuant to Executive Order (EO) No. 2 on Freedom of Information (FOI) – (Annex “A”).

OBJECTIVES OF THE MANUAL

This Manual sets the rules and procedures to be followed by all campuses of USEP, whenever a request for access to information is received.

In line with the provisions set forth in the EO No. 2, the USEP FOI Manual aims to achieve the following objectives: (1) to efficiently and expeditiously facilitate access to information in line with the procedures in this Manual; (2) to promote transparency in carrying out the University functions and transactions; and, (3) to uphold the fundamental right of the public to free flow of information.

The USEP President shall be responsible for all actions carried out under this Manual and may delegate this responsibility to the Vice Presidents, Chancellor of Tagum-Mabini Campus and the Campus Deans of Mintal and Bislig Campuses. The University President, may delegate to a specific committee or official the authority to act as the FOI Decision Maker (FDM) and shall have overall responsibility for the initial decision on FOI request, (i.e. to decide whether to release all the records, partially release the records or deny access).

COVERAGE OF THE MANUAL

The scope of the Manual covers all requests for information directed to all campuses of USEP: Obrero Campus, Tagum-Mabini Campus, Mintal Campus, and Bislig Campuses.

The USEP FOI Manual contains the following information:

1. The location and contact information of the following, as reflected in the FOI Directory in Annex B:
 - University President, the Chancellor of Tagum-Mabini Campus and the Campus Deans of Mintal and Bislig Campuses.

- The University Records Officer or designated FOI Receiving Officer to handle requests related to the FOI.

The University Records Office (URO) which is under the Office of the Secretary of the University (OSU) is the repository of all the archived records of the University.

2. The procedures on:
 - Request to Access Information or Records
 - Appeal to Access Information or Records
3. Forms on:
 - Request Form
 - Letter Template for the Denial of Request.
4. Schedule of applicable fees (for further deliberation)

FOI RECEIVING OFFICER

There shall be four (4) FOI Receiving Officers (FRO) designated by the University President, one for each campus. The FRO of the Obrero Campus is preferably from the University Records Office.

The FRO shall be in charge of all requests, to wit: to receive, act on, facilitate and/or monitor all FOI requests and appeals filed in USEP, provide assistance to the FOI Decision Maker (FDM), provide assistance and support to the public with regard to FOI requests, compile statistical information as required, conduct initial evaluation of the request, collate and ensure correctness and completeness of requested information/record upon retrieval, and release/withhold information in accordance with necessary provisions as to approval/disapproval of requests.

The FRO shall maintain a logbook of all requests chronologically received for accountability purposes.

Section 2 | DEFINITION OF TERMS

INFORMATION

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

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, without need for written requests from the public.

OFFICIAL RECORD/S

This term refers 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

This term refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

PUBLIC RECORDS

This term includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

RECORDS

Shall refer to information, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded or stored.

PUBLIC SERVICE CONTRACTOR

This is defined as a private entity that has dealing, contract, or a transaction or whatever form or kind with the government or a government agency or office that utilizes public funds.

PERSONAL INFORMATION

This 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

or certainly identify an individual.

SENSITIVE PERSONAL INFORMATION

As defined in the Data Privacy Act of 2012, this refers 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.

Section 3 | GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL

An independent review of the initial determination made in response to a FOI request. Requesting parties (requestors) who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

ANNUAL FOI REPORT

A report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests received, processed, and pending at each government office.

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.”

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. 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 requestor (requestor) 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.

FULL DENIAL

When the University or any of its external campuses cannot release any records in response to a FOI request, because 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.

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.

PROCESSED REQUEST OR PROCESSED APPEAL

The number of request or appeals where the agency has completed its work and sent a final response to the requester.

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.”

REQUESTOR

Any individual, entity, or party seeking access to certain information through the guidelines of this Manual.

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

Section 4 | PROMOTION OF TRANSPARENCY IN GOVERNMENT

DUTY TO PUBLISH INFORMATION

The University and its external campuses shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti- Red Tape Act of 2007, and through its 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 process;
- b. A description of 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 and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and 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.

KEEPING OF RECORDS

The University and its external campuses 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.

Section 5 | PROTECTION OF PRIVACY

While providing for access to information, the University and its external campuses shall afford full protection to a person's right to privacy, as follows:

- a. The University and its external campuses shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The University and its external campuses 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 any official who has access, whether authorized or unauthorized, to personal information in the custody of the University and its external campuses, shall not disclose that information except as authorized by the University or under existing laws.

Section 6 | STANDARD PROCEDURE

1. RECEIPT OF REQUEST FOR INFORMATION

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

- The request must be in writing;
- The request shall state the name and contact information of the requestor, 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.

The request can be made through email, provided that the requestor shall attach in the email a scanned copy of the **FOI application request**, and a copy of a duly recognized government ID with photo.

1.2 In case the requestor 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.

1.3 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 requestor. In case of email

requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic email. The FRO input the details of the request on the Request Tracking System and allocate a reference number.

1.4 The University and its external campuses must respond to any FOI request promptly, within the fifteenth (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 Article 13 of the New Civil Code shall be observed.

The date of the receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member or staff; and
- b. If the government office has asked the requestor 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 requestor.

2. INITIAL EVALUATION

After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Requests exempted from coverage: If the request is exempted from coverage, the FRO shall recommend the denial of the request for information to the FDM. The FDM shall evaluate the recommendation of the FRO and shall notify the requestor of the decision the request. The following are the exceptions:

- Judicial affidavit (Ombudsman)
- Judicial affidavit (Sandiganbayan)
- Filed cases (Courts, Ombudsman and Sandiganbayan)
- 201 Files
- Personnel Selection Board (PSB) Documents
- Statement of Assets, Liabilities, and Net Worth (SALN)
- Bids and Awards Committee (BAC) minutes of meetings
- Abstract of Bids
- TWG minutes of meetings and recommendation
- Individual Performance Commitment Review (IPCR)
- Financial Report not yet audited by the Commission on Audit (COA)
- All reports not in the final form
- All minutes of meetings (e.g. Administrative Council, University Academic Council, Board of Regents) not yet adopted/confirmed by the Council/Board
- Inter-office and inter-agency memo/ correspondence
- Office recommendation as member of inter-agency task force/committee/body
- Accomplished eligibility and evaluation

forms for project proposals

- Other confidential documents as defined in RA 6713 (Code of Ethics and Ethical Standards) and RA 10173 (Data Privacy Act of 2012).

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

2.3. Requested information is not in the custody of the University and its external campuses: If the requested information is not in the custody of the University and its external campuses, upon referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the record request is for another agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the office transferring the request must inform the requestor that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- If the record request is for another agency or office not within the coverage of EO No. 2, s.2016, the requestor shall be advised accordingly and provided with the contact details of that office, if known.

2.4. Requested information is already posted and available on-line: If the information being requested is already posted and publicly available in the University website, data.gov.ph or foi.gov.ph, the request shall

be denied. However, the FRO shall inform the applicant of the reason of such denial.

3. TRANSMITTAL OF REQUEST BY THE FRO TO THE FDM

After 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 be submitted to the FRO within 10 days upon receipt of such request.

4. 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 University President or to the Chancellor of Tagum-Mabini Campus or to the Campus Deans of Mintal and Bislig Campuses, in case submission is beyond the 10-day period.

If the FDM needs further details to identify or locate the information, he or she shall, through the FRO, seek clarification from the requestor. 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 requestor.

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

5. ROLE OF FRO TO TRANSMIT THE INFORMATION TO THE REQUESTOR

Upon receipt of the requested information from

the FDM, the FRO shall collate and ensure that the information is complete. He/She shall attach a cover/transmittal letter signed by the University President or by the Chancellor of Tagum-Mabini Campus or by the Campus Deans of Mintal and Bislig Campuses and ensure the transmittal of such to the requestor within 15 working days upon receipt of the request for information.

6. REQUEST FOR AN EXTENSION OF TIME

If the information requested requires extensive search of the University 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 requestor 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.

7. NOTICE TO THE REQUESTOR 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 requestor either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the University President (or through the Chancellor of Tagum-Mabini Campus or the Campus Deans of Mintal and Bislig Campuses) or duly designated official for final approval.

8. 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 requestor within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

9. DENIAL OF REQUEST

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requestor 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 requestor 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 University President (or through the Chancellor of Tagum-Mabini Campus or the Campus Deans of Mintal and Bislig Campuses).

Freedom of Information (FOI) Request Process in Days

DAY 1	DAY 2-4	DAY 5-8	DAY 9-10	DAY 11-15
<p>RECEIVE REQUEST</p> <ul style="list-style-type: none"> Check if request is valid. Stamp received. Provide copy to requestor. Log details on FOI tracker. Plan work needed with FDM. <p>CLARIFY REQUEST <i>(If necessary)</i></p> <ul style="list-style-type: none"> If not clear what information is requested, seek clarification (15 working day clock stops). Provide appropriate advice and assistance to requestor. When clarification is received, NEW working day period starts. If no clarification is received, close request (after 60 days from receipt) and notify requestor). Forward to FDM 	<p>ASSESS REQUEST</p> <ul style="list-style-type: none"> Does the University have the information requested? Is the Information already accessible? Is the request a repeat of a previous request from the same requestor? <p>LOCATE INFORMATION</p> <ul style="list-style-type: none"> Obtain all relevant Information. Prepare schedule of all Information located. 	<p>CONSIDER RESPONSE</p> <ul style="list-style-type: none"> Review content of documents and apply relevant exceptions. Consider comment/advice of officials. 	<p>CLEARING RESPONSE</p> <ul style="list-style-type: none"> Seek clearance from the University President (or through the Chancellor of Tagum-Mabini Campus or the Campus Deans of Mintal and Bislig Campuses), if necessary. 	<p>ISSUANCE RESPONSE</p> <ul style="list-style-type: none"> Prepare Information for release – scan or photocopy documents. If requestor asked for information in a certain format, comply with his/her preference, if practical. Update FOI tracker and save response.

Section 7 | 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 Office of the President: Provided, that the written appeal must be filed by the same requestor 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 the Appeal by the University or its external campuses may be appealed by filing a written appeal to the University President 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 University President upon the recommendation of the University legal/legislative body 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.
 - c. The denial of the appeal by the University President or the lapse of the period to respond to the request may be appealed further to the Office of the President of the Republic of the Philippines under Administrative order No. 22, s. 2011 (prescribing rules

and regulations governing appeals to the Office of the President of the Philippines)

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

Section 8 | REQUEST TRACKING SYSTEM

The University through the Knowledge Management System Division in coordination with the Office of the Secretary of the University and the University Records Office shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

Section 9 | FEES

1. NO REQUEST FEE

The University or its external campuses shall not charge any fee for accepting requests for access to information.

2. REASONABLE COST OF REPRODUCTION AND COPYING OF THE INFORMATION

The FRO shall immediately notify the requestor in case there shall be a reproduction and copying fee in order to provide the information.

Such fee shall be the actual amount spent by the University or its external campuses in providing the information to the requestor. The schedule of fees shall be posted by all offices of the University.

3. EXEMPTION FROM FEES

The University or its external campuses may exempt any requestor from payment of fees due to indigency, lack of funds, or similar circumstances, upon request stating the valid reason why such requestor shall not pay the fee.

Section 10 | 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.

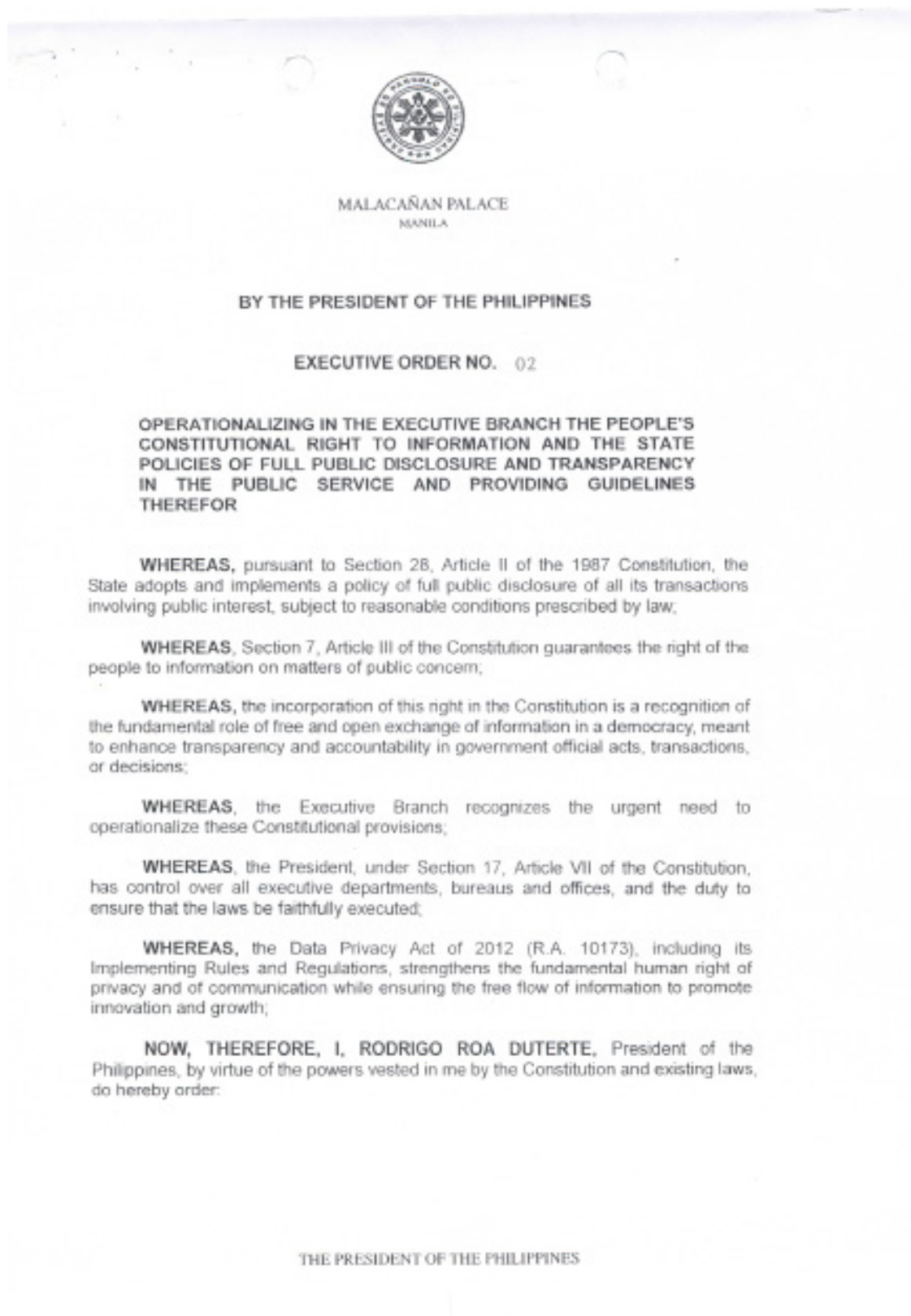
3. PROVISIONS FOR MORE STRINGENT LAWS, RULES AND REGULATIONS

Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

APPENDICES

ANNEX A

President of the Philippines - Executive Order No. 2, series of 2016



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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, 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.
- (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, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined 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 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 laws or jurisprudence.

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

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

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as

the need to do so arises, for circularization as hereinabove stated.

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

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

SECTION 8. People's Freedom of 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 information:

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

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall

notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, 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 for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order; Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 judicial action in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a

records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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

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

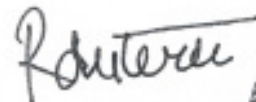
SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary







CERTIFIED COPY:

MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE
7-25-16

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ANNEX B

University of Southeastern Philippines FOI Directory

NAME AND DESIGNATION	LOCATION OF FOI RECEIVING OFFICE	CONTACT DETAILS
DR. LOURDES C. GENERALAO University President	Office of the President Iñigo St., Bo. Obrero, Davao City	09988473585 (082) 227-8192 local 254 (Direct) 255,256 (Staff) lcgeneralao_op@usep.edu.ph president@usep.edu.ph
DR. JOAN D. GERVACIO University Secretary	Office of the Secretary of the University (OSU), Iñigo St., Bo. Obrero, Davao City	09499928803 (082) 227-8192 local 211 joan.gervacio@usep.edu.ph osu@usep.edu.ph
MR. ROBERT C. SATORRE University Records Officer	University Records Office (URO) Iñigo St., Bo. Obrero, Davao City	09778430244 (082) 221-0086 (082) 227-8192 local 210 rcsatorre@usep.edu.ph records@usep.edu.ph
DR. BEN-HUR C. RAFOSALA Chancellor	Office of the Chancellor Tagum-Mabini Campus Tagum City	09499928802 09198556997 082) 227-8192 local 501 benhur.rafosala@usep.edu.ph useptagum@usep.edu.ph
DR. EULALIO C. PATAYON Dean	College of Development Management (Mintal Campus) Mintal, Davao City	09334611182 082) 227-8192 local 403 and 404 eulalio.patayon@usep.edu.ph
FOR. WHELSON C. PASOS Acting Dean	Bislig Campus Bislig City, Surigao del Sur	09183045429 whelson.pasos@usep.edu.ph

ANNEX C
Process Flow Charts and Work Instructions



Exceptions to Right of Access to Information

This inventory of exceptions to the right to access of information was released through a memorandum¹ from the Office of the Executive Secretary, dated 24 November 2016, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.


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

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 Full copy of the memorandum is accessible at <https://op-proper.gov.ph/wp-content/uploads/2016/11/Exceptions-to-Right-of-Access-to-Information.pdf>

ANNEX E

Request Form and Claim Slip (for internal stakeholders)

	Republic of the Philippines University of Southeastern Philippines Iñigo St., Bo. Obrero, Davao City 8000 Telephone: (082) 227-8192 Website: www.usep.edu.ph Email: president@usep.edu.ph		Form No.	FM-USEP-HRA-01
			Issue Status	01
			Revision No.	00
			Date Effective	1 MARCH 2018
			Approved by	President
FREEDOM OF INFORMATION (FOI) REQUEST FORM (Pursuant to Executive Order No. 2, s. 2016 of the President of the Philippines)				
This document may be reproduced NOT FOR SALE			REQUEST REFERENCE NO. : _____	
<p>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.</p>				
A. REQUESTING PARTY INFORMATION				
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, Ms, Mrs) ▶	2. Surname ▶	3. Given Name/s ▶	4. Middle Initial ▶	
5. College/Division/Office (FOR INTERNAL REQUESTOR) ▶				
6. Complete Address [FOR EXTERNAL REQUESTOR] (Apt/House Number., Street, City/Municipality, Province) ▶				
7. Landline/Fax/Local Line	8. Mobile Number ▶	9. Email Address		
10. Preferred Mode of Communication ▶	<input type="checkbox"/> Landline <input type="checkbox"/> Mobile Number <input type="checkbox"/> Email			
11. Preferred Mode of Reply ▶	<input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Pick-up (if your request is successful, we will be sending the documents to you in this manner)			
12. Type of ID Given [FOR EXTERNAL REQUESTOR] (with photo & signature) ▶	<input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others _____			
B. REQUESTED INFORMATION				
13. Title of Documents/Records Requested (please be as detailed as possible) ▶		14. Period Covered (MM/DD/YYYY) ▶ From: _____ To: _____		
		15. Reference Number (if known)		
		16. Purpose ▶		
C. DECLARATION				
PRIVACY NOTICE: Once deemed valid, your information from your application will be used by the University of Southeastern Philippines (USEP) where you have applied to or by the Agency you were referred, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If USEP or the Agency you were referred gives you access to a document, and if the document contains no personal information about you, the document will be published online in the University's 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 I have read the Privacy Notice and that the information I have provided in the form is complete and correct. I understand that it is a criminal offense of using forged documents and giving a misleading information about my identity, and that doing so may result in a decision to refuse to process my application.		FOR FOI RECEIVING OFFICER ONLY		
		RECEIVED BY Name : _____ Signature: _____ Position / Designation: _____ Date and Time Received : _____ The request is RECOMMENDED to be : <input type="checkbox"/> Approved <input type="checkbox"/> Denied IF DENIED , please tick the reason for the denial: <input type="checkbox"/> Invalid Request <input type="checkbox"/> Incomplete <input type="checkbox"/> Exception <input type="checkbox"/> Data already available online		
17. Signature ▶	18. Date Accomplished (MM/DD/YY) ▶	FOR THE DECISION MAKER		
For follow-ups or other inquiries, please contact (082) 227-8192 local 209, 210 and 211 and (082) 221-0086 and look for the FOI Receiving Officer on duty. You may also email us at records@usep.edu.ph		Decision on Application: <input type="checkbox"/> Successful <input type="checkbox"/> Partially successful <input type="checkbox"/> Denied <input type="checkbox"/> Cost		
		IF DENIED , please tick the reason for the denial: <input type="checkbox"/> Invalid Request <input type="checkbox"/> Incomplete <input type="checkbox"/> Exception <input type="checkbox"/> Data already available online		
University Records Office			Page 1 of 1	

ANNEX F
Denial Letter Template



University of Southeastern Philippines

[Date]

[Name]
[Address]

SUBJECT: Denial of Request for Information: [indicate requested information / record here]

Dear [Salutation: Mr./Ms./Dr., etc]] [Last name]:

We regret to inform you that your request for information: [Indicate requested information / record here] on [date of request] cannot be favourably granted due to [State grounds for denial i.e. Confidentiality restrictions, under exceptions. Provide necessary laws, rules and regulations.]

Thank you.

Very truly yours,

Name of Head of Office
Office

Address: University of Southeastern Philippines
Ifigo St., Bo. Obroso, Davao City
Philippines 8000

Telephone: (082) 227-8192 local 255 to 256
Website: www.usep.edu.ph
E-mail: president@usep.edu.ph



ANNEX G

Cover Letter - Requested Information is enclosed



University of Southeastern Philippines

[Date]

[Name]
[Address]

SUBJECT: Request for Information: [indicate requested information/record here]

Dear [Salutation: Mr./Ms./Dr., etc)] [Last name]:

We are pleased to inform you that your request dated [date of request] for [Indicate requested information / record here] has been approved.

Enclosed is/are copy/ies of the requested information released for whatever legal purpose it may serve.

Thank you.

Very truly yours,

Name of Head of Office
Office

Address: University of Southeastern Philippines
Iñigo St., Bo. Obrero, Davao City
Philippines 8000

Telephone: (082) 227-8192 local 255 to 256
Website: www.usep.edu.ph
E-mail: president@usep.edu.ph



ANNEX H

Cover Letter - Requested Information is not available



University of Southeastern Philippines

[Date]

[Name]
[Address]

SUBJECT: Request for Information: [indicate requested information/record here]

Dear [Salutation: Mr./Ms./Dr., etc]] [Last name]:

This is to acknowledge receipt of your request dated [date of request] for [Indicate requested information / record here].

Upon evaluation of your request, we regret to inform you that the information being requested is not currently filed with the University of Southeastern Philippines (USEP), the reason/s being [state reason/s why the requested information is not available/in custody of the University].

Thank you.

Very truly yours,

Name of Records Officer

Address: University of Southeastern Philippines
Ifrigo St., Bo. Obrero, Davao City
Philippines 8000

Telephone: (082) 227-8192 local 255 to 256
Website: www.usep.edu.ph
E-mail: president@usep.edu.ph



