

Freedom of Information People's Manual



**Housing and Urban Development
Coordinating Council (HUDCC)**

*The country's highest policy-making and coordinating
body on housing and urban development.*



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1. BACKGROUND AND OBJECTIVE

Article II, Section 28 of the 1987 Constitution provides that subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest. Article III, Section 7 of the 1987 Constitution further provides that the right of the people to information on matters of public concern shall be recognized and, subject to such limitations as may be provided by law, access to official 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, shall be afforded the citizen.

Equally enshrined in the 1987 is the right to privacy of every Filipino. The inviolability of the privacy of communication and correspondence and the right of the people to be secure in their persons, houses, papers and effects are safeguarded under Section 3(1) and 3(2) of the Bill of Rights. Republic Act No. 10173, otherwise known as “the “Data Privacy Act Of 2012” declares the State policy of protecting the fundamental human right to privacy of communication and the State’s inherent obligation to ensure that personal information in information and communication systems in the government and in the private sector are secured and protected while recognizing the vital role of information and communication technology in nation-building and in ensuring free flow of information to promote innovation and growth.

On July 23, 2016, the President of the Philippines, Rodrigo Roa Duterte signed Executive Order No. 02 [**ANNEX “A”**] entitled “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” which declares that 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. For the effective implementation of Executive Order No. 02, Section 8 thereof directs every government office to prepare its “Freedom of Information Agency Manual” and “Freedom of Information People’s Manual”.

To recognize the right of every Filipino to expeditiously access information and at the same time to promote and enhance transparency and accountability in official government acts and transactions consistent with the obligation of the State to afford protection to privacy to every citizen, the Housing and Urban Development Coordinating Council (HUDCC) hereby adopts the foregoing HUDCC’s “Freedom of Information People’s Manual”.

2. GLOSSARY AND DEFINITIONS OF TERMS

ADMINISTRATIVE FOI APPEAL. The remedy provided for the requester, availed of through written appeal, consisting of the conduct an independent review by the Deputy Secretary General of the denial of the request by the FOI Decision Maker (FDM).

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

eFOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in the FOI Registry so that they can be compared by agency and over time.

EXCEPTIONS. Information that should not be released and disclosed in response to an 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 of each government office to which an FOI request can be addressed or directed.

FOI DECISION MAKER (FDM). The officer of the agency designated to conduct evaluation of the FOI request and to grant or deny the same. Under this Manual, the FDM for each FOI request shall be the head of the group or office having control or custody of the requested information (OCC).

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

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call, inquire or ask questions, or submit or follow-up a new or pending FOI request.

FOI RECEIVING OFFICER. The person designated by the Agency, preferably from the Public Assistance or Information Office or its equivalent, of the Agency, to be in-charge of receiving all requests for information and forward the same to the appropriate office that has custody of the records, monitoring all FOI requests and appeals, providing assistance to the FDM, providing assistance and support to the public and staff with regard to FOI, compiling and statistical information s may be required, and conducting initial evaluation of the request and advise the requesting party whether the request is either denied or to be forwarded to the FDM for further evaluation.

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 an agency or office cannot release any records in response to a FOI request for a valid reason such as exemption from disclosure in its entirety or non-availability of records responsive to the request.

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

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

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

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

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

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

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

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

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

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies may proactively disclose on their websites vast amount of materials and information concerning their mandates, functions, and missions which in turn may reduce FOI requests.

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

REFERRAL. The process when a government office locates a record that originated with, or is of otherwise primary interest to another agency and forwards the same to the other agency to process the record and to provide the final determination directly to the requester.

REQUESTER. The person/s or entity/ies submitting to a government agency an FOI request.

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

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

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

3. COVERAGE AND EXEMPTIONS

This People's Manual (Manual) shall cover all requests for information directed to the HUDCC. To the extent required or allowed by law, the HUDCC shall make information available or accessible through or in any of its offices.

**HOUSING AND URBAN DEVELOPMENT
COORDINATING COUNCIL
HEAD OFFICE**

9th Flr., Banco De Oro Plaza, 8738 Paseo de Roxas, Makati City

Chairperson	—	Retired General Eduardo D. Del Rosario
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Secretary General	—	Atty. Falconi V. Millar
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**HOUSING AND URBAN DEVELOPMENT
COORDINATING COUNCIL
REGIONAL OPERATION**

Regional Offices	Regional Coordinator	Office Address	Telephone No. Fax No.
HUDCC CAR & Regions 1 & 2	Ms. Michelline M. Inay	50 Bonifacio St. Baguio City	(074) 304-1105 (074) 443-3338
HUDCC Region V	Engr. Cristina B. Abaño	Annex 4, 3/F, M. Dy Bldg., Rizal St., Brgy. Tinago, Legaspi City	(052) 742-1005 (052) 820-5344
HUDCC Region VI	Ms. Eva Maria P. Marfil	3/F, Jesena Bldg. 1 Jalandoni St. (San Agustin), Iloilo City	(033) 335-0665
HUDCC Regions VII & VIII	Mr. Fernando V. Garso	3/F Albulario Bldg. 2 General Maxilom Avenue, Cebu City	(032) 234-1450 (032) 231-2741
HUDCC – Region IX	Mr. Rafael E. Osorio	2/F, VHW Bldg. Veterans Avenue, Zamboanga City	(062) 990-2944
HUDCC – Regions X & CARAGA	Ms. Grace Ceres B. Sanieel	Mezzanine, Consuelo Bldg., Corrales Avenue, Cagayan de Oro City	(8822) 725-965 (088) 855-5518
HUDCC – Regions XI & XII	Ms. Angelita Basa	Room 202, Lee Business Center, Juan Luna corner Juan dela Cruz Sts., Davao City	(082) 222-4322

3.1 Primacy of Right to Information. Every Filipino requesting access to information which is material or relevant to the subject matter of the request is presumed entitled thereto, unless the requested information falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence.

3.2 Protection of Privacy. While providing for access to information, the HUDCC shall afford full protection to a person's right to privacy, as follows:

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

3.3 Exemptions. While providing for access to information, access to information may also be denied when the information falls under any of the exceptions protected by the Constitution or provided for by existing law or jurisprudence. Pursuant to the directive under Executive Order No. 2, the Department of Justice and Office of the Solicitor General issued and circularized the inventory of exceptions [**ANNEX "B"**] for the guidance of all government offices and instrumentalities, as well as of the general public.

4. STANDARD PROCEDURE

All FOI requests shall be in writing and shall be processed in accordance with the procedure herein provided. FOI requests submitted in full compliance with the requirements herein set forth shall be processed as soon as practicable and within a period not exceeding fifteen (15) working days. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines.

4.1 Extension of the Fifteen (15) Day Period

The period in granting the FOI request may be extended under the following instances:

- a. when extensive search of government office record or facilities, or examination of voluminous records is required;
- b. occurrence of fortuitous events; or
- c. other analogous cases.

In any of these cases, the FOI Receiving Officer shall immediately advise the requester of the extension of the fifteen (15) day period and the reason therefor, provided however that such extension shall in no case extend beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

4.2 FOI Request Form

The FOI request shall be submitted by accomplishing the FOI Request Form [**ANNEX "C"**] which shall be signed by the requester and shall contain all of the following:

- a. Name and contact information of the requester, including Telephone or mobile number and/or email address;
- b. Valid or sufficient identification or authorization;
- c. Description of the requested information; and
- d Reason or purpose of the request.

The FOI Request Form shall be accomplished in duplicate, with the second copy serving as the requester's proof of submission thereof. The FOI Request Form shall be available at the HUDCC website which may be downloaded or accomplished by a requester in submitting an FOI request through mail or email.

In case of incomplete or improperly accomplished FOI Request Form, the requester shall be asked to complete or correct the same, unless it can be seen outright that the request can be granted or denied outright under 4.8.2 hereof.

4.3 Modes of Submission

4.3.1 Walk-In FOI Requests

All walk-in FOI requesters shall immediately be directed to and attended by the FOI Receiving Office / FOI Receiving Officer and shall be asked to accomplish the Standard FOI Request Form. In case the requesting party is unable to make a written request due to illiteracy or disability, the requester may make an oral request and the FRO shall reduce it in writing by accomplishing or filling out the FOI Request Form.

If in the discretion of the FOI Receiving Officer and/or upon consultation with the FDM or office in control or custody of the requested information that the same may be processed and accessed or availed of within the same day and the FOI requester is willing to wait, the request shall be immediately processed.

Otherwise, the requester shall be advised of the date or schedule when the request may be followed-up or the information secured or accessed, but in no case that such period will exceed fifteen (15) working days from receipt of the FOI request.

4.3.2 FOI Requests Through Phone Calls

All persons requesting an information through phone calls shall be instructed to either submit the FOI request in writing, either by mail or email, or personally to the FOI Receiving Office.

4.3.3 FOI Requests in Letters and Agency Endorsements

All FOI requests in the form of letters or agency endorsements and received by the FOI Receiving Office shall, within twenty four (24) hours from receipt thereof be endorsed to the appropriate group or office having control or custody of the requested information.

4.4 Receipt of FOI Request

The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. The FRO shall input the details of the request on the Document Tracking System, assign its Document Control Number (DCN) and attach the standard HUDCC's Routing Slip.

In case of email requests, the email shall be printed out and shall be processed in accordance with the preceding paragraph. Such receipt of FOI request shall be acknowledged by the FRO by electronic mail.

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

4.5 Initial Evaluation

After receipt of the FOI request, the FRO shall evaluate its contents.

4.5.1 Website Information or For Proactive Disclosure. Any request for information shall be immediately attended to or granted, without necessarily undergoing the procedure provided in this Manual, if the information requested is:

- a. already provided or available at the HUDCC website or at data.gov.ph. In such a case, the requester shall be directed to or provided with the link or URL where such information may be found or available; or
- b. considered as an information for proactive disclosure but not yet accessible or available at HUDCC's website or at data.gov.ph but the same may readily be accessed or a copy thereof provided to the requester.

Each group or office shall come up with and update its list of information under its custody or control which are posted or available at *hudcc.gov.ph* or *data.gov.ph*, or are classified as information for disclosure and provide FOI Receiving Office with the list and/or copies thereof.

4.5.2 Request relating to more than one office under the HUDCC

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

4.5.3 Requested information is not in the custody of the HUDCC

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

- a. If the records requested refer to another agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit.
- b. The 15 working day requirement for the receiving office commences the day after it receives the request.
- c. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

4.6 Transmittal by the FRO and Receipt by the FDM

The request shall be forwarded to the FDM or OCC of the requested information within one (1) day from receipt thereof. The transmittal or forwarding of the request, as well as its receipt by the FDM or OCC the information shall be in accordance with the standard routing procedure of the HUDCC.

4.6.1 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. The FDM shall make all necessary steps to locate and retrieve the information requested and ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

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

4.7 Request for an Extension of Time

If the request shall need additional time beyond the ten (10) day period in accordance with Section 4.1.2 hereof, the FDM should immediately inform

the FRO who in turn shall inform the requesting party of the extension, setting forth the reasons for such extension.

4.8 Approval or Denial of the Request

4.8.1 Approval of Request

In case of approval, the FDM shall indicate such approval on the Decision Portion of the Request Form and signed the same. The requested information shall then immediately be forwarded to the FRO for appropriate action.

4.8.2 Denial of Request

A request for information shall be immediately denied if the purpose is contrary to law, existing rules and regulations, or if the requested information is:

- a. included in the exemptions as may be enshrined in the Constitution or provided by laws, including the Data Privacy Act of 2012, or rules, regulations and policies issued by competent government agencies;
- b. not within the control or custody of the HUDCC. In such a case, the requester may be informed of the appropriate agency/ies having control or custody, or if practicable, the written request be directed or indorsed thereto; or
- c. unreasonable or impracticable, or identical or substantially similar to a request of the same requester previously granted or denied already.

In case of denial, the FDM shall indicate such denial on the Decision Portion of the Request Form, set forth the ground or grounds for such denial and sign the same. The FOI Request shall then immediately be forwarded to the FRO for appropriate action.

4.9 Delivery or Notice to the Requester

4.9.1 Notice of the Approval and Delivery of the Information

In case of approval of the request, the FRO shall first ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall then prepare the letter

or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any, attaching therewith a copy of the FOI Request Form signed by the FDM.

4.9.2 Notice of the Denial of the Request

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing, attaching therewith the FOI Request Form with the notation made by the FDM.

If the requester fails to receive any notice of denial within fifteen days from receipt of his request, the same shall be deemed denied and the fifteen (15) day period to appeal shall begin to run.

5. REMEDIES

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

5.1 Administrative FOI Appeal to the Deputy Secretary General

The requester whose FOI request has been denied by the FDM may appeal the denial to the Deputy Secretary General having supervision over the FDM or concerned OCC that denied such request. The written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be resolved within fifteen (15) working days from receipt of the appeal the requester shall be notified of the decision of the Deputy Secretary General to whom the appeal was lodged.

If the requester fails to receive any notice of denial within fifteen days from receipt of his written appeal, the same shall be deemed denied and the fifteen (15) day period to submit a written request for review to the Secretary General begin to run.

5.2 Final Review by the Secretary General

The denial by the Deputy Secretary General may be elevated to the Secretary General for final review within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the

request. The Secretary General shall review and resolve the same within fifteen (15) working days from the filing of said request for review.

If the requester fails to receive any notice of denial within fifteen days from receipt of his written request for review, the same shall be deemed denied and the period provided under Administrative Order No. 22, s. of 2011 to appeal to the Office of the President shall begin to run.

5.3 Appeal to the Office of the President

The denial of the request for review by the Secretary General may be further appealed to the Office of the President under Administrative Order No. 22, s. 2011.

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

6. FEES

The HUDCC shall not charge any fee for accepting requests for access to information.

6.1 Reasonable Cost of Reproduction and Copying of the Information

The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount or cost of reproduction necessary in providing the information to the requester. HUDCC shall post and circularize the applicable FOI schedule of fees.

6.2 Exemption from Fees

The HUDCC may exempt any requester from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

**MALACAÑAN PALACE
MANILA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence. The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order. The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public. Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

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

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section. The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing. In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

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

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

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

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

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed

to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

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

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

copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

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

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

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

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

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

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

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

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

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

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

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

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

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

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

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

DONE, in the City of Manila, this 23 rd 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



Inventory of Exceptions to Freedom of Information

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

The foregoing are the exceptions to freedom of information, without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions.

1. Information Covered by Executive Privilege

1.1 Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;

1.2. Matters covered by deliberative process privilege, namely:

1.2.1 advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials; and

1.2.2 information, record or document comprising drafts or decisions, orders, rulings, policy decisions, memoranda, etc.

2. Privileged Information Relating to National Security, Defense or International Relations

2.1 Information, record, or document that must be kept secret in the interest of national defense or security;

2.2 Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs; and

2.3 Patent applications, the publication of which would prejudice national security and interests.

3. Information Concerning Law Enforcement and Protection of Public and Personal Safety

3.1 Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would —

3.1.1 Interfere with enforcement proceedings;

3.1.2 Deprive a person of a right to a fair trial or an impartial adjudication;

3.1.3 Disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or

3.1.4 Unjustifiably disclose investigative techniques and procedures;

3.2 Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;

3.3 When disclosure of information would put the life and safety of an individual in imminent danger;

3.4 Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping; and

3.5 All proceedings involving application for the admission into the Witness Protection Program and the action taken thereon.

4. Information Deemed Confidential for the Protection of the Privacy of Persons and Certain Individuals Such as Minors, Victims of Crimes, or the Accused

4.1 Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

4.1.1 Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, personal information or records, including sensitive personal information, birth records, school records, or medical or health records;

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

- about an individual's age, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- 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
- specifically established by an executive order or an act of Congress to be kept classified.

Personal information may however be disclosed to the extent that:

- the requested information is shown to be a matter of public concern or interest;
- shall not meddle with or disturb the private life or family relations of the individual; and
- it is not prohibited by any law or regulation.

Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.

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

- the fact that the individual is or was an officer or employee of the government institution;
- the title, business address and office telephone number of the individual;
- the classification, salary range and responsibilities of the position held by the individual; and
- the name of the individual on a document prepared by the individual in the course of employment with the government;

4.1.2 Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence; and

4.1.3 Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:

- records of child and family cases;
- children in conflict with the law from initial contact until final disposition of the case;
- a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;

- a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;
- cases involving violence against women and their children, including the name, address, telephone number, school, business address, or other identifying information of a victim or an immediate family member;
- trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of a trafficked person;
- names of victims of child abuse, exploitation or discrimination;
- disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;
- records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;
- names of students who committed acts of bullying or retaliation;
- first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and
- identity, status, and medical records of individuals with Human Immunodeficiency Virus (HIV) as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing.

5. Information, Documents or Records Known in Official Capacity or in Related to the Performance of Functions

Information, documents or records known in 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 official functions, or to inquiries or investigation conducted in the exercise of administrative, regulatory or quasi-judicial powers, such as:

- 5.1 Trade secrets, intellectual property, business, commercial, financial and other proprietary information;
- 5.2 Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);
- 5.3 Records and reports submitted to the Social Security System by the employer or member;
- 5.4 Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;
- 5.5 Confidential information submitted to the Philippine Competition Commission and prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;
- 5.6 Applications and supporting documents filed pursuant to the *Omnibus Investment Code of 1987*;
- 5.7 Documents submitted through the Government Electronic Procurement System;
- 5.8 Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;
- 5.9 Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;
- 5.10 Information received by the Department of Tourism in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;

- 5.11 The fact that a covered transaction reported to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;
- 5.12 Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;
- 5.13 Certain information and reports submitted to the insurance Commissioner pursuant to the *Insurance Code*;
- 5.14 Information on registered cultural properties owned by private individuals;
- 5.15 Data submitted by a higher education institution to the Commission on Higher Education (CHED); and
- 5.16 Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals.

6. Prejudicial Premature Disclosure Exercise of Their Administrative, Regulatory or Quasi-Judicial Powers

6.1 Information which, if prematurely disclosed, would:

- 6.1.1 In the case of a department, office or agency which regulates currencies, securities, commodities or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
- 6.1.2 Likely or significantly frustrate the implementation of a proposed official action, except if such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking of final official action on such proposal.

7. Confidential or Privileged Records of Proceedings or Information

Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

- 7.1 Mediation and domestic and international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;
- 7.2 Matters involved in an Investor-State mediation;
- 7.3 Information and statements made at conciliation proceedings under the *Labor Code*;
- 7.4 Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);
- 7.5 Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, an all interrogatories propounded by it and the answers thereto;
- 7.6 Information related to investigations which are deemed confidential under the *Securities Regulations Code*;
- 7.7 All proceedings prior to the issuance of a cease and desist order by the Insurance Commission against pre-need companies;
- 7.8 Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;
- 7.9 Investigation report and the supervision history of a probationer;
- 7.10 Those matters classified as confidential under the *Human Security Act of 2007*;
- 7.11 Preliminary investigation proceedings before the committee on decorum and investigation of government agencies; and
- 7.12 Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme court such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential.

8. Confidential Matters Under Banking and Finance Laws

Matters considered confidential under banking and finance laws and their amendatory laws, such as:

- 8.1 Republic Act No. 1405 — *Law on Secrecy of Bank Deposits*
- 8.2 Republic Act No. 6426 — *Foreign Currency Deposit Act of the Philippines*, and relevant regulations
- 8.3 Republic Act No. 8791 — *The General Banking Law of 2000*
- 8.4 Republic Act No. 9160 — *Anti-Money Laundering Act of 2001*; and
- 8.5 Republic Act No. 9150 — *Credit Information System Act*

9. Other Exceptions to the Right of Information

Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:

- 9.1 Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - 9.1.1 When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;
 - 9.1.2 Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-Based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules); and
 - 9.1.2 Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- 9.2 Testimony from a government official, unless pursuant to a court or legal order;
- 9.3 When the purpose for the request of Statement of Assets, Liabilities and Net Worth is:
 - 9.3.1 contrary to morals or public policy; or
 - 9.3.2 commercial, other than by news and communications media for dissemination to the general public;
- 9.4 Lists, abstracts, summaries of information requested when such lists, abstracts, or summaries are not part of the duties of the government office requested;
- 9.5 Information and proceedings deemed confidential under rules and regulations issued by relevant government agencies as decided by the courts;
- 9.6 Requested information pertains to comments and disclosures on pending cases in judicial proceedings; and
- 9.7 Attorney-client privilege existing between government lawyers and their client.



Republic of the Philippines
Office of the President

HOUSING AND URBAN DEVELOPMENT COORDINATING COUNCIL



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Freedom of Information Request Form

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

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

A. Requesting Party

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

1. Name:

LAST NAME

FIRST NAME

NAME EXTENSION

MIDDLE NAME

MAIDEN MIDDLE NAME

(For married women)

2. Complete Address:

Unit/Room No. , Floor Building Name Lot No., Block No., Phase No., House No., Street Name

Subdivision Barangay Municipality/City Province/State/Country (if abroad) ZIP Code

3. Contact Information:

Landline/Fax _____ Mobile _____ Email Address _____

4. Preferred Mode of Communication: (if your request is successful, we will be sending the documents to you in this manner)

☐ Landline/Fax ☐ Mobile Number ☐ Email Address ☐ Postal Address

5. Preferred Mode of Reply:

☐ Landline/Fax ☐ Mobile Number ☐ Email Address ☐ Postal Address ☐ Pick-Up at Agency

6. Type of ID Given: (Please ensure your IDs contain your photo and signature)

☐ Passport # _____ ☐ Driver's License # _____ ☐ GSIS/SSS ID # _____
☐ Postal ID # _____ ☐ Voter's ID # _____ ☐ School ID # _____
☐ Company ID _____ ☐ Others _____

B. Requested Information

7. Title of Document/Record Requested: _____

(Please be as detailed as possible)

8. Date or Period: _____

(DD/MM/YYYY)

9. Purpose: _____

10. Document Type _____

11. Reference Numbers (If known) _____

12. Any other Relevant Information _____

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set in our Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document does not contain any of your personal information, the document will be published online in the Department's or Agency's disclosure log, along with your name and date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

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

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

Signature of Applicant over Printed Name

Date Accomplished

D. FOI Receiving Officer (INTERNAL USE ONLY)

Name: _____

Agency: _____

Date entered on eFOI: _____
(if applicable)

Proof of ID Given:

(Photo copies of original should be attached)

<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: _____

The request is recommended to be:

☐ **APPROVED** ☐ **DENIED**

If Denied, please tick the Reason for the Denial

☐ Invalid Request ☐ Incomplete ☐ Data already available online

Decision Maker Assigned to Application: _____

Decision on Application:

☐ Successful ☐ Partially Successful ☐ Denied ☐ Cost _____

If Denied, please tick the Reason for the Denial

☐ Invalid Request ☐ Incomplete ☐ Data already available online
☐ Exception Which Exception? _____

Date Request Finished: _____
DD/MM/YYYY

Date Documents sent (if any): _____
DD/MM/YYYY

FOI Registry Accomplished: _____

RO Signature: _____

Date: _____
DD/MM/YYYY



HUDCC's Freedom of Information Request Process Flow

