

Republic of the Philippines
DAVAO DE ORO STATE COLLEGE
P-10, Poblacion, Compostela
Province of Davao de Oro

FREEDOM OF INFORMATION MANUAL

PURSUANT TO EXECUTIVE ORDER NO. 02, SERIES. 2016



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SECTION 1: OVERVIEW

1. **Purpose of the Manual.** The purpose of the People's FOI Manual is to provide the process to guide and assist the College including its branches in Compostela, Maragusan, Montevista and New Bataan, in dealing with requests of information received under Executive Order E.O. No. 2 on Freedom of Information (FOI). – (See Annex "A")
2. **Structure of the Manual.** The manual shall set out the rules and procedures to be followed by the College when a request for information is received. The Freedom of Information (FOI) Unit Head is responsible for all actions carried under this manual.
3. **Coverage of the Manual.** The manual shall cover all requests for information directed to the Freedom of Information Unit including all its branches in Compostela, Maragusan, Montevista, and New Bataan.
4. **FOI Unit Head.** There shall be a Freedom of Information Unit in the main campus which is located at the administrative building manned by designated FOI Unit Head.

The functions of the designated FOI Unit Head include the following:

- a. Receiving in behalf of the College and its branches all requests for information;
 - b. Conduct initial evaluation of the request;
 - c. Forward the FOI request to the appropriate office who has custody of the records;
 - d. Monitor all FOI requests and appeals; provide assistance to the Decision Makers;
 - e. Provide assistance and support to the public and staff with regard to FOI;
 - f. Compile statistical information as required.
5. **FOI Decision Maker:** The Decision Makers (DM) refer to all the Office/Section/Unit Heads across all branches. The DMs will be responsible for the decision to be carried out on the FOI request, whether to release all the records, partially release the records, or deny access. The DMs shall inform the designated FOIU Head/Staff of the decision to the request and provide detailed explanation if request is partially or fully denied.
6. **Approval and Denial of Request to Information:** The Decision Makers shall approve or deny all requests of information. In cases where they are not available during the day, such authority is automatically delegated to the designated Officer In-Charge on their behalf.

SECTION 2: DEFINITION OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to a FOI request. Requesting parties 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 request received, processed, and pending at each government office.

CONFIDENTIAL INFORMATION. Information which could potentially undermine public interest and the privacy and integrity of personal information; and includes the following:

- a. Information affecting the reputation of individuals or the College in general
- b. Communications of the College, like directives and other information whereby policy formation is still in progress.
- c. Information for general disclosure but not yet completed or contingent upon the accomplishment of other actions or the existence of certain conditions.

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. 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 one can make a FOI request.

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

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

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

FULL DENIAL. When the College 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.

INFORMATION. Any records or 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, any other 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, this type of information can already be posted to government websites without need for written requests from the public.

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

NEWS AND INFORMATION BUREAU. This office shall be headed by the designated Information Officer who is tasked to formulate, develop, and

implement a system information program for the College, including the strategies in support to its specific programs and projects.

OFFICIAL RECORDS. Refer to any information produced or received by a public officer or employee, or 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 discernable and usable by end users. It is consistent with following principles of Public, Accessible, Described, Reusable, Complete, Timely, and Managed Post-Release.

ONLINE INFORMATION DISSEMINATION BUREAU. This unit shall be under the Information Office tasked with tracking, developing, recording and posting information into the official online website of the College in coordination with its different offices, departments, and branches.

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. A FOI request or administrative appeal for which a government office has not yet taken final actions 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. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

PERSONAL INFORMATION. Shall refer to any information whether recorded in a material form or not, from which the 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.

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

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

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

PUBLIC SERVICE CONTRACTOR. A private entity that has a deal, contract, or a transaction in whatever form or kind with the government or a government agency or office that utilizes public funds.

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

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

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

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. 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;
- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- d. Specifically established by an executive order or an act of Congress to be kept classified.

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

SECTION 3. PROMOTION OF TRANSPARENCY IN GOVERNMENT

1. **Duty to Publish Information.** The College 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 their website, timely, true, accurate and updated key information including, but not limited to:
 - a. A description of its mandate, structure, powers, functions, duties, and decision-making 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 accomplishment, 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 process and requirements; and
 - h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
2. **Accessibility of Language and Form.** The College shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** The College 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 4. PROTECTION OF PRIVACY

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

1. The College shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws. Sensitive Personal Information refers to personal information (*under RA 10173, Section 31*):
 - a. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - b. 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;
 - c. Issued by government agencies peculiar to an individual, which includes, but not limited to, social security numbers, previous or current health records, licenses, or its denials, suspension or revocation, and tax returns; and
 - d. Specifically established by an executive order or an act of congress to be kept classified.
2. The College shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks, or premature disclosure;

3. The FOI Unit Head, DM, any employee, or any official, who has access, whether authorized or unauthorized, to personal information in the custody of the College, shall not disclose that information except as authorized by the College or under existing laws.

SECTION 5. STANDARD OPERATING PROCEDURES *(See Annex D for Flowchart)*

1. Receipt of Request for Information.

- 1.1 The FOI Unit staff shall receive the request for information from the requesting party and check the compliance of the following requirements:
 - The request must be clearly stipulated using the FOI Request Form;
 - The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification of authorization;
 - The request shall reasonably describe the information requested, and the reason for, or purpose of the request for information. (See Annex "E").
 - The request can be made in person or through email. If done via email, the requesting party shall attach in the email a scanned copy of the FOI Request Form, and a copy of duly recognized government ID with a photo.
- 1.2 The FOI Unit staff shall check the validity of the request. In case the request is not compliant with the requirements, the FOI Unit staff shall provide reasonable assistance to enable the requesting party to comply.
- 1.3 After validation, the request shall be stamped received by the FOI Unit staff, indicating the date and time of the receipt of the request, then immediately documents the details of the request to the FOI request logbook and allocate a tracking number. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by the FOI Unit staff.
- 1.4 The College must respond promptly to any FOI request within fifteen (15) working days following the date of receipt of the request. A working day is any day other than 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 personally or electronically delivered to the government office, or directly into the email inbox of the FOI Unit; and
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member or 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 of the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the working days will commence the day after it receives the requested clarification from the requesting party.

- 2. Initial Evaluation.** After receipt of the request for information, the FOIU Staff shall evaluate the contents of the requests.

2.1 Requests exempted from coverage.

If the request is exempted from coverage, the FOI Unit shall recommend the denial of the request for the information to the DM. The DM shall evaluate the recommendation of the FOI Unit and shall advise the FOI Unit to notify the requesting party of the decision of the request.

The following are the exceptions:

- Judicial affidavit (Ombudsman)
- Judicial affidavit (Sandiganbayan)
- Filed cases (Courts, Ombudsman, and Sandiganbayan)
- 201 Files
- PSB Documents
- SALN
- BAC Minutes of Meetings
- Abstract of Bids
- TWG Recommendations
- IPCR/OPCR
- Financial Report not yet audited by COA
- Minutes of TWG Meetings
- All reports not in the final form
- 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

2.2 Request relating to more than one office other the College.

If a request for information received requires to be complied with different attached agencies, bureaus and offices, the FOI Unit shall forward such request to the said attached agency, bureau and office concerned and ensure that it is well coordinated and monitor its compliance. The FOI Unit shall also make it clear with the respective Record Offices of such agencies, bureaus and offices that they will be only provided with the specific information that relates to their agencies, bureaus and offices.

2.3 Requested information is not in the custody of the College.

If the requested information is not in the custody of the College, upon referral and discussions with the DM, the FOI Unit shall undertake the following steps:

- If the information or records requested refer to another government agency, the request will be immediately transferred to such appropriate government office up to two (2) referrals through the most expeditious manner. Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records. The transferring office must inform the requesting party of the referral and 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 records refer to an office not within the coverage of E.O. No. 2 (See *Annex "A"*), the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.4 Requested information is already posted in the College's website.

Should the information being requested is already uploaded in the website, the FOI Unit shall inform the requesting party of the said fact and give them the web address where the information is posted.

2.5 Requested information is substantially similar or identical to the previous request.

The FOI Unit shall deny an unreasonable subsequent identical or substantially similar request from the same requesting party whose

request has already been previously granted or denied. However, the FOI Unit shall inform the applicant of the reason of such denial.

3. **Transmittal of Request by the FOI Unit to the DM.** After receipt of the request for information, the FOI Unit shall evaluate the information being requested, identify the responsible DM and notify him/her of such request. The copy of the request shall also be forwarded to such DM within one (1) day from receipt of the request. The FOI Unit shall record the date, time and name of the DM who received the request in the FOI request logbook with the corresponding signature of acknowledgement of receipt of the request. The FOI Unit will report to the College President or his/her duly authorized representative in case submission is beyond the 10-day period.
4. **Role of DM in Processing the Request.** Upon receipt of the request for information from the FOI Unit, the DM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested to be submitted to the FOI Unit within 10 days upon receipt of such request.

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

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

5. **Role of FOI Unit to Transmit the Information to the Requesting Party.** The FOI Unit Head/Staff shall collate and ensure that the information is complete. He/She shall ensure the transmittal of such to the requesting party within 15 days upon receipt of its request for information.
6. **Request for a Time Extension.** If the information requested requires extensive search of the office, records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the DM should inform the FOI Unit.

The FOI Unit shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension period exceed twenty (20) working days on top of the mandated fifteen (15) days to act out the request, unless exceptional circumstances warrant a longer period.

7. **Approval of Request.** In case of approval, the FOI Unit shall ensure that all records that have been retrieved and considered be checked for

possible exemptions and shall also inform or consult the other officials/offices with key interests to the said records, if necessary prior to actual release. The FOI Unit shall notify through text message or email the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fee, if any.

8. **Denial of Request.** In case of denial of the request wholly or partially, the FOI Unit shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the College President.
9. **Issue Response.** The FOI Unit shall notify the requesting party when the requested information or record is already available for release. If the requestor requested for a certain format, the FOI Unit shall comply with their preference (*if practical*). The FOIU Staff shall then update the details of the response in the FOI request logbook.

FOI REQUEST PROCESS IN DAYS

| Day 1 | Day 2 – 4 | Day 5 - 8 | Day 9 - 10 | Day 11 - 15 |
|---|---|---|---|---|
| RECEIVE REQUEST <p>☑ The requestor will ask for the FOI request form.</p> <p>☑ The requestor will fill out the Form with necessary details.</p> <p>☑ The FOIU Staff will check for its validity.</p> <p>☑ After validation, it will be recorded to the FOI request logbook.</p> <p>☑ The FOI Unit Staff will discuss the request with the Decision Maker/ FOI Unit Head</p> CLARIFY REQUEST (If necessary) <p>☑ If request is not specific, the FOI Unit Staff will ask for clarification (15-working-day clock stops).</p> <p>☑ Provided appropriate advice and assistance to requester.</p> <p>☑ When clarification is received, NEW working day period starts.</p> <p>☑ If no clarification received, close request (after 60 days from receipt) and notify requestor.</p> <p>☑ The action taken will be forwarded to the DM.</p> | ASSESS REQUEST <p>☑ In assessing the request, the following questions should be addressed properly:</p> <ul style="list-style-type: none"> * Does the agency hold the information requested? * Is the Information already accessible? * Is the request a repeat of a previous request from the same requestor? <p>☑ After assessment, the process will proceed.</p> REFERRAL OF REQUEST <p>☑ When request is unavailable, it will be referred to other government agencies up to 2 referrals.</p> <p>☑ Upon referral, it signifies that the other agency is the proper custodian of the requested information or records.</p> <p>☑ The requesting party shall be notified, and will be provided rationale thereof including details of the other agency (custodian of request).</p> LOCATE RECORDS/DOCUMENTS <p>☑ After assessment, the FOI Unit staff will locate the requested information/documents.</p> <p>☑ Obtain all relevant Information.</p> <p>☑ Once located, prepare schedule for release.</p> INFORM OFFICIALS WITH KEY INTEREST <p>☑ Prior to release, inform officials with key interest to the records.</p> | CONSIDER RESPONSE OF OFFICIALS <p>☑ After consultation, review content of documents and apply relevant exceptions if necessary.</p> <p>☑ Consider comments/ advice of officials, if applicable.</p> | CLEARING RESPONSE (If necessary) <p>☑ Before release, FOI Unit staff will seek clearance from secretary or head of agency (if necessary).</p> | ISSUE RESPONSE <p>☑ Prepare the information or record for release. Scan or photocopy documents for future reference.</p> <p>☑ If the requestor asked for a certain format, comply with their preference (if practical).</p> <p>☑ After release, the FC Unit Staff will update the details in the FOI request Logbook and document response.</p> |

Notes:

1. This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
2. Each FOI request is different, so not all of these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. However, it is always important to allow sufficient time for Decision Makers, etc. to clear FOI responses before expiry of the 15 working day deadline.
3. For any request, it is essential to start looking at it as soon as it is received, to access what work needs to be done to plan that work so that the request is answered on time. This table is intended to help with that planning.

SECTION 6. REMEDIES IN CASE OF DENIAL OF REQUEST

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

1. Appeal to the Appeals and Review Committee. Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the appeal by any of the head of office/section/unit, maybe appealed by filing a written appeal to the Central Appeals and Review Committee of the College 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 College President upon the recommendation of the College Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within 30-day period shall be deemed a denial of the appeal.
 - c. The denial of the Appeal by the head of office/section/unit or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
 - d. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

The College through the FOI Unit in coordination with the Integrated Management Information System (IMIS) Unit shall establish a system to trace the status of all requests for information received, which may be paper based, on-line, or both.

SECTION 8. FEES

1. **No Request Fee.** The College shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The FOI Unit 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 spent in providing the information to

the requesting party. The schedule of fees shall be posted in conspicuous places.

3. **Exemption from Fees.** The FOI Unit may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

In case the requesting party cannot pay the required fees, the FOI Unit may provide digital or electronic copy.

SECTION 9. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply of the FOU Head, DMs or authorized Head of Offices, to this Manual may be a ground for administrative and disciplinary sanctions subject to existing laws. The requesting party shall submit a written complaint to the Office of the College President stating the grounds and reasons for filing such complaint. The College President shall forthwith follow the mechanism in place in handling such complaints.
 - 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.

Certified by:



LILYBETH M. MATUNHAY
SUC President I

Noted and approved by:

DDOSC BOARD OF TRUSTEES

Approved through DDOSC BOT Resolution No. 36, S. 2022



CERTIFIED TRUE COPY,
COLLEGE AND
BOARD SECRETARY

ANNEX “A”

EXECUTIVE ORDER NO. 02

**MALACAÑAN PALACE
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Article 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full 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 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 all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

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

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above

refers to the decision of the agency or office concerned to grant or deny access to the information requested.

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

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

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

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

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

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

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 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 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

By the President:

(Sgd.) SALVADOR C. MEDIALDEA
Executive Sec

ANNEX "B"

DDOSC KEY DECISION MAKERS, DOCUMENT CONTROL CUSTODIANS AND RECORDS OFFICER

| OFFICE | LOCATION | CONTACT DETAILS | ASSIGNED RECORDS OFFICER/ DOCUMENT CONTROL CUSTODIAN (DCC) | DECISION MAKER |
|---|---|--------------------------------------|--|--|
| Office of the College President | 2 nd Floor, Admin. Building, DDOSC -Compostela | president@ddosc.edu.ph | Ms. Dyessa T. Elangos | Ms. Lilybeth M. Matunhay SUC President I |
| Office of the Vice-President for Academic Affairs | 2 nd Floor, New Building, DDOSC -Compostela | ovpaa@ddosc.edu.ph | Ms. Katrina E. Magallen | Ms. Gloryjean C. Altamera, Ph.D. |
| Office of the Chief for Administration and Finance | 2 nd Floor, New Building, DDOSC -Compostela | ocaf@ddosc.edu.ph | Ms. Cheezelle Mae R. Rebucas | Mr. Kim F. Baloca, CPA |
| Academic Division | 2 nd Floor, New Building, DDOSC -Compostela | academic.division@ddosc.edu.ph | Ms. Jelly Fe Gerarman | Mr. Pedro P. Raymunde, Jr., Ph.D. |
| Administrative Services Division | 1 st Floor, New Building, DDOSC -Compostela | admin.division@ddosc.edu.ph | Ms. Hannah Flordeliza P. Cabajit | Ms. Janice C. Hermosilla, MM |
| Finance Services Division | 1 st Floor, New Building, DDOSC -Compostela | financeservicesdivision@ddosc.edu.ph | Ms. Mary Ann A. Salar | Ms. Rotchil G. Piastro, CPA |
| Research and Development Division | 2 nd Floor, Admin. Building, DDOSC -Compostela | rdd@ddosc.edu.ph | Ms. Jocelle B. Dayday | Mr. Jupite Mark U. Banayag |

| | | | | |
|--|---|----------------------------------|--------------------------------|-------------------------------------|
| Extension Services Division | 2 nd Floor, New Building, DDOSC -Compostela | extensionservices@ddosc.edu.ph | Ms. Lady Lee S. Leyson | Mr. Jeson N. Geroche MSc. |
| Production Services Division | 2 nd Floor, Admin. Building, DDOSC -Compostela | production.division@ddosc.edu.ph | Mr. Jerven Bregañó | Ms. Jennifer T. Pelegrino, Ph. D. |
| Students Affairs and Services Division | 2 nd Floor, Admin. Building, DDOSC -Compostela | sasd@ddosc.edu.ph | Ms. Hannah Grace S. Napolis | Ms. Judith R. Tudy, MAEd |
| New Bataan Branch | DDOSC-New Bataan | director.newbataan@ddosc.edu.ph | Ms. Kate Chelly L. Utbo | Ms. Wendy Mae W. Dulos, MBA |
| Maragusan Branch | DDOSC-Maragusan | director.maragusan@ddosc.edu.ph | Ms. Rina Mae P. Florentino | Mr. Jay Mark D. Bantayan, MSc |
| Montevista Branch | DDOSC-Montevista | director.montevista@ddosc.edu.ph | Ms. Shaira Hacel C. Tecson | Ms. Rieshia P. Vale. MAEd |
| Records Management Section | Ground Floor, Admin. Building, DDOSC-Compostela | records@ddosc.edu.ph | Ms. Juvy T. Soria | Mr. Joecel Jan M. Gomez |
| Freedom of Information Unit | Ground Floor, Admin. Building, DDOSC-Compostela | foi@ddosc.edu.ph | Ms. Astrid Jeanette B. Aculado | Mr. Joecel Jan M. Gomez |
| Public Information Unit | 2 nd Floor, Admin. Building, DDOSC -Compostela | piu_compostela@ddosc.edu.ph | Ms. Chealsen Nicole A. Perral | Mr. Khif Muamar Miranda |
| Integrated Management Information System Unit | 2 nd Floor, Admin. Building, DDOSC -Compostela | imis@ddosc.edu.ph | Mr Michael Royce Nasol | Mr. Jim Paul A. Petinglay, ECE, ECT |

ANNEX “C”

LIST OF EXCEPTIONS

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:

1. 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.

For the implementation of the exceptions to the right of access to information the following provide the salient details and legal bases that define the extent and application of the exceptions as stipulated in MEMORANDUM CIRCULAR NO. 15, 2023

ANNEX "D"

FLOWCHART



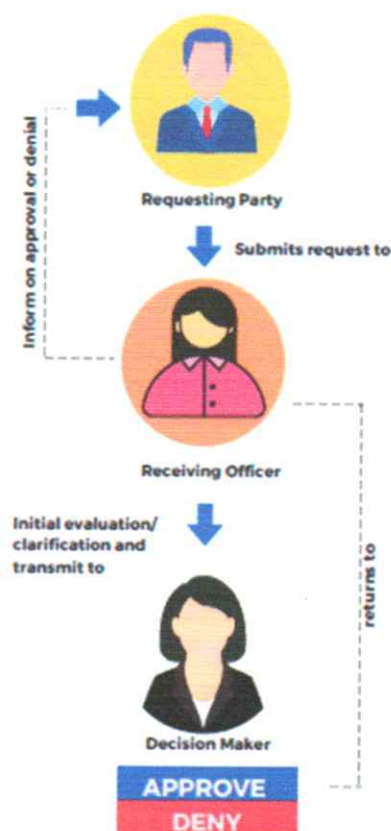
Republic of the Philippines
Davao de Oro State College
Poblacion, Compostela, Davao de Oro Province

HOW TO MAKE AN FOI REQUEST

ELECTRONIC MODE



STANDARD MODE



YOUR REQUEST WILL BE DONE IN 15 DAYS

Receiving Officer:
JOCEL JAN M. GOMEZ
Freedom of Information Section Head

Receiving Office:
FREEDOM OF INFORMATION SECTION
Davao de Oro State College - Main Campus
Purok 10, Poblacion, Compostela, Davao de Oro

Contact Number: 0954-169-1920
Email Address: foi@ddosc.edu.ph

MONTEVISTA
Receiving Officer:
MARGARITA E. CANDIDO
Email: foi.montevista@ddosc.edu.ph
Contact No. 0948 568 5787

MARAGUSAN
Receiving Officer:
RHIZA C. TUBATO
Email: foi.maragusan@ddosc.edu.ph
Contact No. 0936 067 2384

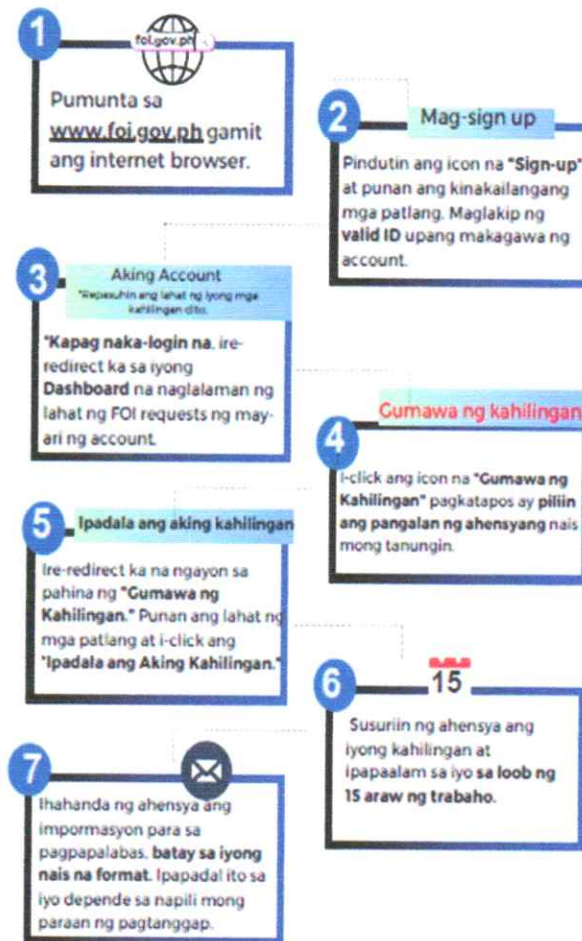
NEW BATAAN
Receiving Officer:
LOUIE CARLO T. DE LOS REYES
Email: foi.newbataan@ddosc.edu.ph
Contact No. 09094760920

Unsatisfied with our FOI response?

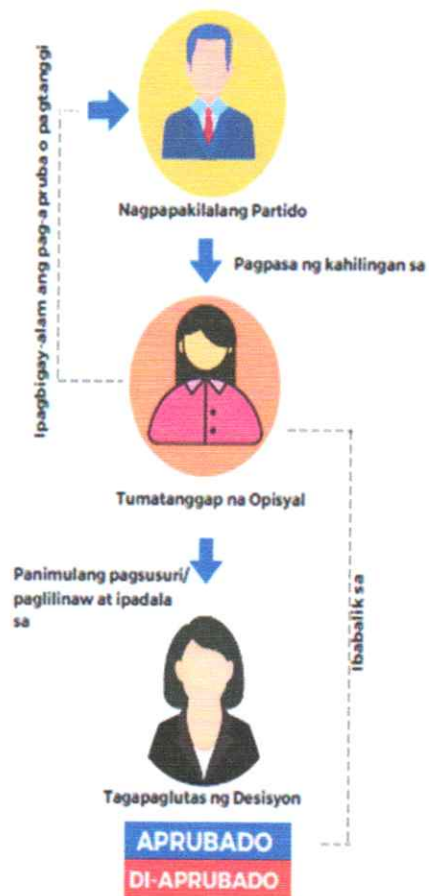
- If you're not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the response by writing to foi@ddosc.edu.ph.
- Your review request should explain why you are unsatisfied with the response and should be made within 15 calendar days from the date when you received this letter.
- We will complete the review and tell you the result within 30 calendar days from the date when we received your appeal.

PAANO GUMAWA NG FOI REQUEST

ELECTRONIC PARAAN



PAMANTAYANG PARAAN



ANG IYONG KAHILINGAN AY MAPROSESO SA LOOB NG 15 ARAW

| ----- MAIN CAMPUS ----- | | |
|--|---|---|
| Tumatanggap na Opisyal: JOCELL JAN M. GOMEZ Freedom of Information Section Head | Tumatanggap na Opisya: FREEDOM OF INFORMATION SECTION Davao de Oro State College - Main Campus Purok 10, Poblacion, Compostela, Davao de Oro | Numero ng Kontak: 0954-169-1920 Email Address: foi@ddosc.edu.ph |
| ----- BRANCHES ----- | | |
| MONTEVISTA Tumatanggap na Opisyal: MARGARITA E. CANDIDO Email: foi.montevista@ddosc.edu.ph Contact No.: 0948 568 5787 | MARAGUHAN Tumatanggap na Opisyal: RHEZA C. TUBATO Email: foi.maragusan@ddosc.edu.ph Contact No.: 0936 067 2384 | NEW BATAAN Tumatanggap na Opisyal: LOUIE CARLO T. DE LOS REYES Email: foi.newbataan@ddosc.edu.ph Contact No. 0909 478 0920 |
| Hindi nasyahan sa aming FOI na tugon? <ul style="list-style-type: none"> Kung hindi ka nasyahan sa tugon sa iyong FOI na kahilingan, maaari mo kaming hilinging magsagawa ng panloob na pagsusuri ng tugon sa pamamagitan ng pagsusulat sa foi@ddosc.edu.ph. Dapat magpalihang kung bakit hindi ka nasyahan sa tugon at dapat gawin sa loob ng 15 calendar days mula sa petsa ng pagtanggap mo ng liham na ito. Kukumpletuhin namin ang pagsusuri at ipapaalam sa iyo ang resulta sa loob ng 30 calendar days mula sa araw ng pagtanggap namin ng iyong apela. | | |

ANNEX "E"

FOI REQUEST FORM



Republic of the Philippines
DAVAO DE ORO STATE COLLEGE
 P. 10, Bolognino, Compostela, Davao de Oro Province
www.ddosc.edu.ph

FOI Tracking Number: _____

FREEDOM OF INFORMATION

(REQUEST FORM)

A. DECLARATION

Privacy Notice: The Davao de Oro State College (DDOSC), in line with the Republic Act 10173 or the Data Privacy Act of 2012, is committed to protect and secure personal information obtained in the performance of its mandate under RA 10598 and RA 11575. Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:

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

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

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: (x) denotes a MANDATORY field.

B. REQUESTING PARTY

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

Title (e.g. Mr., Mrs., Ms.) _____ Given Name/s (including M.I.) _____ Surname _____

Complete Address (Apartment/House No., Street, City/Municipality, Province) _____

Landline / Fax: _____ Mobile: _____ Email: _____

Preferred Mode of Communication: ☐ Landline ☐ Mobile Number ☐ E-mail ☐ Postal Address:

(If your request is successful, you will be notified in this manner)

Preferred Mode of Reply: ☐ E-mail ☐ Postal Address ☐ Pick-up at Agency

Type of ID Given (Please ensure your IDs contain your photo and signature) _____

ID Number: _____

C. REQUESTED INFORMATION

Agency - Connecting Agency (if applicable) _____

Title of Document/Record Requested (Please be as detailed as possible) _____

Date or Period (DD/MM/YY) _____ Document Type _____ Reference Number (if known) _____

Purpose: _____

Any other Relevant Information _____

SIGNATURE: _____

DATE ACCOMPLISHED (DD/MM/YYYY): _____

D. FOI RECEIVING OFFICER (INTERNAL USE ONLY)

Name (Print Name) _____

Agency - Connecting Agency (if applicable, otherwise N/A) _____

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

The request is recommended to be ☐ Approved ☐ Denied, reason: ☐ Invalid ☐ Incomplete ☐ Available online

☐ Exception: _____

Second Receiving Officer Assigned _____

Decision Maker Assigned to Application _____

Date Request Finished (DD/MM/YYYY) _____

Date Documents (if any) Sent _____

FOI Registry Accomplished ☐ Yes ☐ No

RO Signature _____ Date _____

E. ACKNOWLEDGEMENT RECEIPT

Please present this receipt upon claiming your request on _____.

FOI Tracking Number: _____

Date Validated: _____

DDOSC FREEDOM OF INFORMATION