



# **FREEDOM OF INFORMATION MANUAL**

**COOPERATIVE DEVELOPMENT AUTHORITY**

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## SECTION 1. OVERVIEW

**1.1 Purpose and Legal Basis.** The purpose of this Freedom of Information (FOI) Manual is to provide the process by which the Cooperative Development Authority (CDA) Head Office and its Extension Offices should adhere to in managing requests for information pursuant to Executive Order (E.O.) No. 2 dated July 23, 2016, on Freedom of Information (FOI), titled "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." (Refer to Annex "A" copy attached)

**1.2 Structure of the Manual.** This Manual shall set out the rules and procedures that will guide the general public when making requests for access to information. The CDA Chairperson is responsible for all actions carried out under this Manual. However, the CDA Chairperson may delegate a specific officer to act as the FOI Decision Maker (FDM), who shall have overall responsibility for the initial decision on information requests, (i.e. to decide whether to release all the records, partially release the records or deny access). An alternate FDM may also be designated in case of the unavailability or absence of the principally designated FDM. Moreover, the Regional Directors (RDs) will each be designated as FDM over Standard FOI Requests in the respective regional offices.

**1.3 Coverage of the Manual.** The Manual shall cover all requests for information citing E.O. No. 2, series of 2016, directed to the CDA-Head Office and/or the Extension Offices, as follows:

- a) Region I Office
- b) Region II Office
- c) CAR Office
- d) Region III Office
- e) NCR Office
- f) Region IV-A Office
- g) MIMAROPA Region Office
- h) Region V Office
- i) Region VI Office
- j) Region VII Office
- k) Region VIII Office
- l) Region IX Office
- m) Region X Office
- n) Region XI Office
- o) Region XII Office
- p) Region XIII Office

**1.4 FOI Receiving Officer.** There shall be an FOI Receiving Officer/s (FRO/s) to be designated in the Head Office. The names and offices of the FRO/s of CDA are indicated on the attached list. (Annex B). The FRO/s shall have the following functions:

- a) Receive on behalf of the CDA all requests for information and forward the same to the appropriate office that has custody of the records containing the information requested;
- b) Monitor all FOI requests and appeals;
- c) Provide assistance to the FOI Decision Maker;
- d) Provide assistance and support to the public and staff with regard to FOI;
- e) Compile statistical information as required;
- f) Conduct an initial evaluation of the request; and

- g)** Advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request due to:
  - g.1) Incompleteness of the form; or
  - g.2) The information is already disclosed on the CDA's Official website

**1.5 FOI Focal Persons.** There shall be FOI Focal Persons (FFPs) in the Head Office and Extension Offices. The names and offices of said Focal Persons are indicated on the attached list. (Annex B-1). The FFPs shall have the following functions:

- a)** Receipt and Initial Processing of FOI Requests;
  - a.1)** Receive and log FOI requests submitted through walk-in, snail mail, email, or other electronic/paper-based means.
  - a.2)** Ensure that the request meets the required criteria, including completeness of information and valid proof of identification.
  - a.3)** Guide requesters on compliance with necessary requirements under EO No. 2, s.2016, especially for requests received via telephone or social media.
  - a.4)** Acknowledge receipt of the FOI request and inform the requester of the processing timeline.
- b)** Coordination and Endorsement of Requests;
  - b.1)** Endorse the request and supporting documents to the Regional Director (RD) as the designated Decision Maker within one (1) working day for evaluation.
  - b.2)** If necessary, coordinate with relevant units or records custodian for the retrieval of requested information.
- c)** Monitoring and Follow-up of FOI Requests;
  - c.1)** Track the status of ongoing FOI requests to ensure compliance with the 15-working day response timeline.
  - c.2)** Follow up with the Decision Maker or concerned unit to expedite processing if needed.
  - c.3)** Notify requesters of any possible extensions due to valid justifications, in accordance with FOI regulations.
- d)** Transmission of FOI Responses;
  - d.1)** Ensure that the RD/DM has approved the response before release
  - d.2)** Transmit the response to the requester via the preferred delivery method (email or physical copy).
- e)** Documentation and Reporting; and
  - e.1)** Maintain accurate records on FOI requests and responses for documentation and audit purposes.
  - e.2)** Update the FOI tracking system with request details, response status, and resolution.
  - e.3)** Submit required reports on FOI requests handled by the Regional Office to the Head Office FOI Monitoring Team for inclusion in centralized FOI reports.
- f)** Compliance and Capacity Building;
  - f.1)** Ensure that all FOI processes align with the guidelines set under EO No. 2, s.2016, and internal agency policies.
  - f.2)** Participate in FOI training sessions, workshops, and capacity-building activities to stay updated on FOI policies and best practices.
  - f.3)** Assist in public awareness efforts on FOI policies within the Regional Office's jurisdiction.

**1.6 FOI Decision Maker.** There shall be an FOI Decision Maker (FDM), designated by the Chairperson, with a rank of not lower than Deputy Administrator in the Head Office, and in the

Regional Offices, with a rank of not lower than Director III, who shall evaluate requests for information and has the authority to grant or deny them based on the following:

- a) The CDA does not have the information requested;
- b) The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c) The information requested falls under the list of exceptions to FOI; or
- d) The request is an unreasonably identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the CDA.

The Regional Directors' authority as Decision Makers shall cover only Standard FOI Requests in the respective regional offices.

**1.7 Approval and/or Denial of Request for Information.** The FDM shall approve or deny all requests for information. In case of unavailability or absence of the principally designated FDM, the alternate FDM Deputy Administrator or the alternate Supervising Cooperatives Development Specialist shall act on behalf of the principally designated FDM.

## **SECTION 2. DEFINITION OF TERMS**

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

**2.2 eFOI.gov.ph.** The website 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, locate records that are already available online, and learn how to request 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 Annual FOI Reports, so that they can be compared by agency and over time.

**2.3 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.

**2.4 Information for Disclosure.** Shall refer to information promoting the awareness and understanding of policies, programs, activities, rules, or revisions affecting the public, government agencies, 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.

**2.5 Official Record/s.** Shall refer to information produced or received by the CDA in an official capacity or pursuant to a public function or duty.

**2.6 Open Data.** Shall refer to publicly available data that is structured in a way that enables it to be fully discoverable and usable by end users.

**2.7 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.

**2.8 Public Service Contractor.** Shall be defined as a private entity that has a dealing, contract, or a transaction in whatever form or kind with the government or a government agency or office that utilizes public funds.

**2.9 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 and certainly identify an individual.

**2.10 Sensitive Personal Information.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

- a) About the individual 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 proceedings 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 their denials, suspension or revocation, and tax returns; and
- d) Specifically established by an executive order or an act of Congress to be kept classified.

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

**2.12 Consultation.** Shall refer to the process when a government office locates a record that contains information of interest to another office and asks for the views of that other agency on the disclosability of the records before any final determination is made.

**2.13 Exceptions.** Shall refer to information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws, or jurisprudence.

**2.14 Freedom of Information.** Shall refer to the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosures 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.

**2.15 FOI Contact.** Shall refer to the name, address, and phone number of each government office where an FOI request can be made.

- 2.16 FOI Receiving Officer.** Shall refer to the primary contact at each agency where the requesting party can inquire about the FOI process or the pending FOI Request.
- 2.17 FOI Focal Person.** Shall refer to the designated officer responsible for overseeing the implementation of the FOI Program, ensuring the proper handling and timely response to requests.
- 2.18 Frequently Requested Information.** Shall refer to information released in response to an FOI request that the agency determines to have become or is likely to become the subject of subsequent requests for substantially the same records.
- 2.19 Full Denial.** Shall refer to a case wherein the CDA cannot release any records in response to an FOI request, because the requested information is excepted from disclosure in its entirety or no records responsive to the request could be located.
- 2.20 Full Grant.** Shall refer to a case wherein the CDA is able to disclose all records in full in response to an FOI request.
- 2.21 Multi-track Processing.** Shall refer to the system sorting incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis.
- 2.22 Partial Grant/Partial Denial.** Shall refer to a case wherein the CDA is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.
- 2.23 Perfected Request.** Shall refer to an FOI request, which reasonably describes the records sought and is made in accordance with the CDA's regulations.
- 2.24 Proactive Disclosure.** Shall refer to information made publicly available without waiting for a specific FOI request. This includes posts on the website concerning the office's functions, mission, policies, programs, and activities, among others.
- 2.25 Processed Request or Processed Appeal.** Shall refer to the number of requests or appeals where work has been completed and a final response has been sent to the requester.
- 2.26 Received Request or Received Appeal.** Shall refer to an FOI request or administrative appeal that has been received within a fiscal year.
- 2.27 Referral.** Shall refer to the process wherein the CDA locates a record that originated from, or is of otherwise primary interest to another agency and forwards that record to the latter to process the same and advise the requesting party thereof.
- 2.28 Simple Request.** Shall refer to an FOI request that the CDA anticipates to involve a small volume of material or that will be processed relatively quickly.

**2.29 Complex Request.** Shall refer to an FOI request that requires extensive examination of voluminous records, coordination with multiple CDA units, or involves sensitive information that needs careful evaluation to determine disclosure.

**2.30 Request Tracking System (RTS).** Shall refer to an internal platform used by the FOI team to encode, monitor, and manage FOI requests, ensuring accurate tracking and compliance with reporting requirements.

**2.31 Reference Number.** Shall refer to a unique or ticket number assigned to each FOI request for easy identification, tracking, and monitoring.

**2.32 FOI Monitoring Team.** Shall refer to a team composed of the FOI Decision Maker, FOI Receiving Officers, and FOI Focal Persons, responsible for managing and overseeing FOI implementation.

### **SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT**

**3.1 Duty to Publish Information.** The CDA shall regularly publish, print, and disseminate, at no cost to the public, and in accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate, and updated key information including, but not limited to:

- a) A description of its mandate, structure, powers, functions, duties, and decision-making processes;
- b) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c) The names of its key officials, their powers, functions, responsibilities, profiles, and curriculum vitae;
- d) Work programs development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments, and expenditures;
- e) Important rules and regulations, orders, or decisions;
- f) Current and important databases and statistics that it generates;
- g) Bidding processes and requirements; and
- h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

**3.2 Accessibility of Language and Form.** The CDA shall endeavor to translate key information into major Filipino languages and present it in popular formats and media.

**3.3 Keeping of Records.** The CDA shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communication, and documents received or filed before it as well as the data generated or collected. The FRO/s shall be the depository of records of all FOI-related requests.

### **SECTION 4. PROTECTION OF PRIVACY**

**4.1** While providing access to information, the CDA shall fully protect an individual's right to privacy, as follows:

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

## **SECTION 5. STANDARD PROCEDURE**

(see Annexes “D” & “E” for Flowchart)

**5.1 Procedure for Handling Standard FOI Requests Received by the Head Office FOI Focal Person/s.** After having ascertained that the requested information is covered under FOI, the following shall be observed:

**a) Receipt of Request for Information;**

**a.1)** The FOI Requester may submit the request through any of the following means: walk-in, snail mail, or other electronic or paper-based methods.

**a.2)** The request must be in writing and shall include:

**a.2.1)** The name and contact information of the requesting party;

**a.2.2)** A valid proof of identification (government-issued ID with a photo) or an authorization letter (if applicable); and

**a.2.3)** A reasonable description of the information requested, including the reason or purpose for the request. (See Annex “F” for the standard paper-based request form.)

**a.3)** If the request is received through email or any other electronic means (other than the eFOI Portal), the requester must attach a scanned copy of the FOI request form and a copy of valid proof of identification in the email or electronic submission.

**a.4)** If the request is made via telephone call or social media platforms, the FOI Focal Person shall inform the requesting party to comply with the necessary requirements as outlined under EO No. 2, s.2016.

**b) Acknowledgment Receipt;**

**b.1)** The FFP receives the request and forwards it to the FRO/s.

**b.2)** The FRO/s shall then stamp the request as “received” and include:

**b.2.1)** Date and time of receipt

**b.2.2)** Name of the FRO/s

**b.2.3)** Signature of the FRO/s

**b.2.4)** A copy of the acknowledgment is given to the requester.

**b.3)** In case of email requests, the email shall be printed out, and the same process as written requests will be followed. The email will also be acknowledged by electronic mail.

**c) Logging and Tracking of Request;**

**c.1)** The FRO/s shall input the request details into the Request Tracking System and assign a reference number to the request. This ensures proper tracking and transparency in the processing of the FOI request.

**d) Processing and Preparation of Response;**

**d.1)** The responsible unit at the Head Office gathers and provides the required information/documents;

**d.2)** The FDM or the alternate Decision Maker reviews and approves the response within fifteen (15) working days from the receipt of the request; and

**d.3)** The FRO/s sends the approved response to the requester using the preferred mode of delivery (email or physical copy).

**5.2 Procedure for Handling Standard FOI Requests at the Regional Office FOI Focal Person (FFP);** After having ascertained that the requested information is covered under FOI, the following shall be observed:

**a) Receipt of Request for Information:**

**a.1)** The FOI Requester may submit the request through any of the following means: walk-in, email, snail mail, or other electronic or paper-based methods.

**a.2)** The request must be in writing and shall include:

**a.2.1)** The name and contact information of the requesting party;

**a.2.2)** A valid proof of identification (government-issued ID with a photo) or an authorization letter (if applicable); and

**a.2.3)** A reasonable description of the information requested, including the reason or purpose for the request. (See Annex "F" for the standard paper-based request form.)

**a.3)** If the request is made through email, the requesting party must attach:

**a.3.1)** A scanned copy of the FOI request form; and

**a.3.2)** A copy of a duly recognized government ID with a photo.

**a.3.3)** If the request is made via telephone call or social media platforms, the FFP shall inform the requesting party to comply with the necessary requirements as outlined under EO No. 2.2016.

**a.3.4)** The FFP ensures that the request is complete and falls within the scope of FOI; and

**a.3.5)** The designated FFP at the Regional Office logs the request in the FOI tracking system and acknowledges receipt thereof.

**b) Endorsement to the Regional Decision Maker;**

**b.1)** Within one (1) working day, the FFP forwards the request and supporting documents to the Regional Director (RD) or to the alternate Decision Maker should the former be unavailable or on official leave, for evaluation and approval; and

**b.2)** If necessary, the RD or the alternate Decision Maker coordinates with the relevant unit or records custodian for information retrieval.

**c) Processing and Preparation of Response;**

**c.1)** The responsible unit at the Regional Office gathers and provides the required information/documents; and

**c.2)** The RD or the alternate Decision Maker reviews and approves the response within fifteen (15) working days from the receipt of the request.

**d) Submission to the Head Office for Monitoring;**

**d.1)** Send a copy of the response to the Head Offices' FOI Monitoring Team via email or the official tracking system; and

**d.2)** Updates the FOI tracking system to ensure the request is recorded for centralized reporting.

**e) Transmission of Response to Requester;**

**e.1)** The Regional FFP sends the approved response to the requester using the preferred mode of delivery (email or physical copy).

**e.2)** The Regional Office retains a copy of the request and response for records management purposes.

**f) Head Office Monitoring and Consolidation; and**

**f.1)** Verify that the Regional Office has properly processed the request; and

**f.2)** Update the centralized FOI monitoring report to reflect the status and resolution of the request.

**g) Oral Request by Persons with Disabilities or Illiteracy**

**g.1)** If the requesting party is unable to transmit a written request due to illiteracy or being a person with a disability, they make an oral request, and

**g.2)** The FRO/s shall document the request in writing and proceed with the same process observed for standard requests.

## **SECTION 6. eFOI PROCEDURE**

(see Annex "F" for Flowchart)

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

- a)** The request is made under the EO No. 2, s. 2016 (Updated as of February 2023 Presidential Communications Office);
- b)** The records sought are likely to be within the custody of the government office;
- c)** The request is not vexatious; and
- d)** The requested information is substantially similar or identical to a previous request by the same requester.

**6.2 Acknowledgment.** The FRO/s shall send an acknowledgment to the requesting party, in case the request for information is valid. The acknowledgment should contain the following details:

- a)** The date of receipt of the request;
- b)** The date of issuance of the response; and
- c)** The status of the request.

**6.3 Request relating to more than one office under the CDA.** If a request for information received requires to be complied with, by different offices, the FRO/s shall forward such request to the said offices concerned and shall ensure that it is well coordinated and its compliance monitored. The FRO/s shall also be clear with the respective FFP/s of such offices that they will only provide the specific information that relates to their offices.

**6.4 Requested information is not in the custody of the CDA.** If the requested information is not in the custody of the CDA or any of its offices, following referral and discussions with the FDM, the FRO/s shall undertake the following steps:

- a)** If the records requested refer to another government office, the request will be immediately transferred to such appropriate government office through the most expeditious manner and the CDA FRO/s shall inform the requesting party that the information is not within the custody of the CDA, within fifteen (15) working days from receipt of the request; and
- b)** 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.

**6.5 Requested information is already posted and available online.** Should the information being requested is already posted and publicly available on the CDA website ([www.cda.gov.ph](http://www.cda.gov.ph)), the FRO/s shall inform the requesting party of the said fact and provide the website link where the information is posted.

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

Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO/s shall inform the requester of the reason for such denial.

**6.7 Transmittal of request by the FRO/s to the FDM.** The FRO/s shall evaluate and forward the request to the FDM within one (1) day from receipt thereof.

**6.8 Role of FDM in processing the request.** The FDM shall assess the request and make all necessary steps to locate and retrieve the information required. The FDM shall ensure that the complete information requested is submitted to the FRO/s within 10 days upon receipt of such request. If the FDM needs further details to identify or locate the information, he/she shall, through the FRO/s, seek clarification from the requesting party. The clarification shall stop the running of the fifteen (15) working day period and will resume the day after receipt of the required clarification from the requesting party.

**6.9 Role of FRO/s to transmit the information to the requesting party.** Upon receipt of the requested information from the FDM, the FRO/s shall collate and ensure that the information is complete. The information shall be transmitted to the requesting party within fifteen (15) working days upon receipt of the request for information.

**6.10 Request for an Extension of Time.** If the information requested requires an extensive search of the government office's records, examination of voluminous records, or there is an occurrence of fortuitous events or other analogous cases, the FDM shall inform the FRO/s. The FRO/s shall inform the requesting party of the extension, setting forth the reasons for such extension in writing. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

**6.11 Awaiting Clarification.** Should the requested information require further details to conclude the resolution, the FRO/s shall advise the requesting party and request additional information needed to clarify the FOI request. The fifteen (15) working day period shall be suspended and shall commence only on the day, after receipt of the clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be deemed as "closed" and no further action is needed on the part of the CDA.

**6.12 Notice to the requesting party of the approval/denial of the request.** Once the FDM approves or denies the request, the FRO/s shall be immediately notified thereof and the FRO/s shall prepare a response to the requesting party. All actions on FOI requests, whether approval or denial, shall pass through the FDM for final approval:

- a) **Approval of Request.** In case of approval, the FRO/s shall ensure that all records have been retrieved and checked prior to the actual release.
- b) **Denial of Request.** In case of denial of the request wholly or partially, the FRO/s shall, within the prescribed period, notify the requesting party of the denial. The notice shall clearly set forth the ground/s for denial and the circumstances on which the denial is based.

**6.13 "No Wrong Door Policy."** In compliance with FOI-MC No. 21-05 or the Guidelines on the Referral of Requested Information, Official Record/s, and Public Record/s to the Appropriate Government Agency, otherwise known as the "No Wrong Door Policy for FOI," If the CDA finds

that the requested information is not within its custody or possession, the request shall be referred/endorsed to the concerned Agency within three (3) working days after receipt of the request. (Annex G).

**6.14 FOI requests lodged outside the FOI portal.** A request for information lodged in other platforms (e.g. Helpdesk, 8888, CCB) shall be forwarded accordingly to the FRO/s. The transaction under the complaint system shall be closed, while the transaction under the FOI Program shall start upon the receipt by the FRO/s of said FOI requests.

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

## **SECTION 7. REMEDIES IN CASE OF DENIAL**

**7.1** A person whose request for access to information has been denied may avail of the remedies set forth below:

- a)** An administrative appeal may be filed before the CDA Administrator by the 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 decided by the CDA Administrator within thirty (30) working days from receipt thereof. Failure to decide within the 30 days shall be deemed a denial of the appeal; and
- b)** Upon exhaustion of the available appeal remedy, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

## **SECTION 8. REQUEST TRACKING SYSTEM**

**8.1** The CDA shall establish a system to trace the status of all requests for information received.

## **SECTION 9. FEES**

**9.1 No Request Fee.** The CDA shall not charge any fee for accepting requests for access to information.

**9.2 Reasonable Cost of Reproduction and Copying of the Information.** The FRO/s and FFPs shall immediately notify the requesting party in case there shall be a reproduction and copying fee to provide the information. Such fee shall be in accordance with the approved schedule of fees of the CDA.

## **SECTION 10. ADMINISTRATIVE LIABILITY**

**10.1 Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties against any erring public official or employee:

- a)** 1<sup>st</sup> Offense – Reprimand;

- b) 2<sup>nd</sup> Offense – Suspension of one (1) to thirty (30) days; and
- c) 3<sup>rd</sup> Offense – Dismissal from the service

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

**10.3 Provisions for more stringent laws, rules, and regulations.** Nothing in this Manual shall be construed to derogate from any laws, rules, or regulations prescribed by anybody or agency, that provides for more stringent penalties.

**10.4 Liability in case of failure to address the requested information.** All services, divisions, sections and regional offices tasked with processing and providing requested information under the FOI program are required to strictly adhere to Executive Order No. 2, s.2016, as well as the agency's internal FOI guidelines. Failure to act on, or unjustified delays in responding to, an FOI request within the prescribed period may result in the following consequences:

- a) **Issuance of Reminder or Warning.** The FDM shall issue a formal reminder or warning to the concerned service/division/section of the Head Office or the Extension Office if a response is not provided within the required timeframe; and
- b) **Inclusion in Performance Evaluation.** Non-compliance with FOI obligations may negatively impact personnel performance ratings under SPMS-IPCR. This may affect career progression, promotion opportunities, and eligibility for incentives.
- c) **Impact on Certificate of Compliance (CoC) and Performance-Based Bonus (PBB).**
  - c.1) Non-compliance with FOI guidelines may prevent the agency from obtaining the Certificate of Compliance (CoC), which is required to be eligible for the Performance-Based Bonus (PBB); and
  - c.2) Any service/division/section of the Head Office or the Extension Offices' section that fails to act promptly on any FOI request can be subjected to isolation from receiving PBB incentives.
- d) **Possible Administrative Sanctions.** Repeated failure to process FOI requests without valid justification may be subject to disciplinary action in accordance with Civil Service Commission (CSC) rules, agency policies, and other applicable laws.

Approved per Board of Directors Resolution No. 267 s.2025, dated May 2, 2025

  
**USEC. ALEXANDER B. RAQUEPO**  
Chairperson

# **ANNEXES**

**ANNEX “A”**

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 Section 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 Acv 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 regulations.

**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 requests for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory 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 party may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

**SECTION 15. Administrative Liability.** Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public 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 Secretary

**ANNEX “B”**

**FOI Decision Makers, Receiving Officers, and Focal Persons**

<b>OFFICE</b>	<b>FOI RECEIVING OFFICE</b>	<b>EMAIL ADDRESS</b>	<b>FOI DECISION MAKER (FDM)</b>
Head Office	General Administration and Support Services	<a href="mailto:m_juarez@cda.gov.ph">m_juarez@cda.gov.ph</a>	Atty. Mona Liza A. Juarez
Head Office	Registration, Supervision & Examination Services	<a href="mailto:m_pacao@cda.gov.ph">m_pacao@cda.gov.ph</a>	Atty. Ma. Lourdes P. Pacao (Alternate)
Regional Office	Region I	<a href="mailto:f_robles@cda.gov.ph">f_robles@cda.gov.ph</a>	Frederick Joe N. Robles
Regional Office	Region II	<a href="mailto:m_marquez@cda.gov.ph">m_marquez@cda.gov.ph</a>	Atty. Jovilyn M. Gaffud-Marquez
Regional Office	CAR	<a href="mailto:f_cenon@cda.gov.ph">f_cenon@cda.gov.ph</a>	Felicidad R. Cenon
Regional Office	Region III	<a href="mailto:m_hwang@cda.gov.ph">m_hwang@cda.gov.ph</a>	Marieta P. Hwang
Regional Office	NCR	<a href="mailto:p_defensor@cda.gov.ph">p_defensor@cda.gov.ph</a>	Pedro T. Defensor, Jr.
Regional Office	Region IV-A	<a href="mailto:s_valeroso@cda.gov.ph">s_valeroso@cda.gov.ph</a>	Salvador V. Valeroso
Regional Office	MIMAROPA	<a href="mailto:a_sabarias@cda.gov.ph">a_sabarias@cda.gov.ph</a>	Alberto A. Sabarias
Regional Office	Region V	<a href="mailto:e_escueta@cda.gov.ph">e_escueta@cda.gov.ph</a>	Atty. Emilio D. Escueta III
Regional Office	Region VI	<a href="mailto:a_escobar@cda.gov.ph">a_escobar@cda.gov.ph</a>	Antonio C. Escobar
Regional Office	Region VII	<a href="mailto:c_villamil@cda.gov.ph">c_villamil@cda.gov.ph</a>	Cristina H. Villamil
Regional Office	Region VIII	<a href="mailto:v_Jornales@cda.gov.ph">v_Jornales@cda.gov.ph</a>	Venus M. Jornales
Regional Office	Region IX	<a href="mailto:r_cunanan@cda.gov.ph">r_cunanan@cda.gov.ph</a>	Ruben L. Cunanan
Regional Office	Region X	<a href="mailto:a_elias@cda.gov.ph">a_elias@cda.gov.ph</a>	Aminoden A. Elias

Regional Office	Region XI	<a href="mailto:g_garcia@cda.gov.ph">g_garcia@cda.gov.ph</a>	Glenn S. Garcia
Regional Office	Region XII	<a href="mailto:j_mangelen@cda.gov.ph">j_mangelen@cda.gov.ph</a>	Juriski B. Mangelen
Regional Office	Region XIII	<a href="mailto:m_alawi@cda.gov.ph">m_alawi@cda.gov.ph</a>	Monatao Honeya R. Alawi

OFFICE	FOI RECEIVING OFFICE	EMAIL ADDRESS	FOI RECEIVING OFFICER (FRO)
Head Office	Office of the Administrator	<a href="mailto:r_beltran@cda.gov.ph">r_beltran@cda.gov.ph</a>	Rosemarie J. Beltran
Head Office	Administrative Division-Records Section	<a href="mailto:a_pizarras@cda.gov.ph">a_pizarras@cda.gov.ph</a>	Abigail A. Pizarras

OFFICE	FOI RECEIVING OFFICE	EMAIL ADDRESS	FOI FOCAL PERSON (FFP)
Head Office	Administrative Division	<a href="mailto:j_casilan@cda.gov.ph">j_casilan@cda.gov.ph</a>	Julio E. Casilan, Jr.
Head Office	Human Resource and Development Division	<a href="mailto:j_baysa@cda.gov.ph">j_baysa@cda.gov.ph</a>	Jonsie D. Baysa
Head Office	Information and Communications Technology Division	<a href="mailto:mt_naz@cda.gov.ph">mt_naz@cda.gov.ph</a>	Mario Tuscan N. Naz
Head Office	Finance Division	<a href="mailto:m_carino@cda.gov.ph">m_carino@cda.gov.ph</a>	Melchor P. Cariño
Head Office	Planning and Policy Development Division	<a href="mailto:a_bugarin@cda.gov.ph">a_bugarin@cda.gov.ph</a>	Angelo S. Bugarin
Head Office	Cooperative Research, Information and Training Division	<a href="mailto:t_cariaso@cda.gov.ph">t_cariaso@cda.gov.ph</a>	Teresita Leighlany T. Cariaso
Head Office	Cooperative Project Development and Assistance Division	<a href="mailto:m_santos@cda.gov.ph">m_santos@cda.gov.ph</a>	Melissa C. Santos

Head Office	Policy Development Research Division	<a href="mailto:n_estabillo@cda.gov.ph">n_estabillo@cda.gov.ph</a>	Naomi J. Estabillo
Head Office	Technical Assistance Division	<a href="mailto:r_transfiguracion@cda.gov.ph">r_transfiguracion@cda.gov.ph</a>	Recto E. Transfiguracion
Head Office	Inspection and Examination Division	<a href="mailto:j_gamboa@cda.gov.ph">j_gamboa@cda.gov.ph</a>	Jo Ann C. Gamboa
Head Office	Registration Division	<a href="mailto:a_balles@cda.gov.ph">a_balles@cda.gov.ph</a>	Augusto Salvador P. Balles
Head Office	Supervision and Examination Division	<a href="mailto:d_Teodoro@cda.gov.ph">d_Teodoro@cda.gov.ph</a>	Doris D. Teodoro
Head Office	Legal Division	<a href="mailto:s_rima@cda.gov.ph">s_rima@cda.gov.ph</a>	Atty. Sheena T. Rima
Head Office	Adjudication Division	<a href="mailto:m_graza@cda.gov.ph">m_graza@cda.gov.ph</a>	Atty. Ma. Caridad D. Graza
Head Office	Internal Audit Division	<a href="mailto:r_barcelo@cda.gov.ph">r_barcelo@cda.gov.ph</a>	Ryan F. Barcelo
Regional Office	Region I	<a href="mailto:j_ferrer@cda.gov.ph">j_ferrer@cda.gov.ph</a> <a href="mailto:w_mendoza@cda.gov.ph">w_mendoza@cda.gov.ph</a>	Jasper V. Ferrer Walter M. Mendoza (alternate)
Regional Office	Region II	<a href="mailto:j_tenorio@cda.gov.ph">j_tenorio@cda.gov.ph</a> <a href="mailto:j_pagulayan@cda.gov.ph">j_pagulayan@cda.gov.ph</a>	Juana Marie B. Tenorio Jesusa T. Pagulayan (alternate)
Regional Office	CAR	<a href="mailto:m_agmata@cda.gov.ph">m_agmata@cda.gov.ph</a> <a href="mailto:p_ngaawan@cda.gov.ph">p_ngaawan@cda.gov.ph</a>	Atty Maria Lourdes Comtiag-Agmata Parity Nga-awan (alternate)
Regional Office	Region III	<a href="mailto:b_mendoza@cda.gov.ph">b_mendoza@cda.gov.ph</a>	Brian John C. Mendoza Aljeory C. Galang (alternate)
Regional Office	NCR	<a href="mailto:g_torres@cda.gov.ph">g_torres@cda.gov.ph</a> <a href="mailto:t_badua@cda.gov.ph">t_badua@cda.gov.ph</a>	Grace G Torres Terrence Badua (alternate)
Regional Office	Region IV-A	<a href="mailto:k_lualhati@cda.gov.ph">k_lualhati@cda.gov.ph</a> <a href="mailto:m_macarandang@cda.gov.ph">m_macarandang@cda.gov.ph</a>	Kathleen Ann O. Lualhati Micky H. Macarandang (alternate)

Regional Office	MIMAROPA	<a href="mailto:c_deade@cda.gov.ph">c_deade@cda.gov.ph</a> <a href="mailto:h_quiray@cda.gov.ph">h_quiray@cda.gov.ph</a>	Cristian B. De Ade Hazel Rozette S. Quiray (alternate)
Regional Office	Region V	<a href="mailto:m_nery@cda.gov.ph">m_nery@cda.gov.ph</a> <a href="mailto:r_bajaro@cda.gov.ph">r_bajaro@cda.gov.ph</a>	May Celestine S. Nery Rafaela V. Bajaro (alternate)
Regional Office	Region VI	<a href="mailto:r_alpaskanbase@cda.gov.ph">r_alpaskanbase@cda.gov.ph</a> <a href="mailto:j_fuentes@cda.gov.ph">j_fuentes@cda.gov.ph</a>	Atty Roumelia B. Alpaskan-Base Atty. Jickney B. Fuentes (alternate)
Regional Office	Region VII	<a href="mailto:r_torres@cda.gov.ph">r_torres@cda.gov.ph</a> <a href="mailto:g_longakit@cda.gov.ph">g_longakit@cda.gov.ph</a>	Atty Ronalyn M. Torres Queenie Marie C. Longakit (alternate)
Regional Office	Region VIII	<a href="mailto:m_delpilar@cda.gov.ph">m_delpilar@cda.gov.ph</a> <a href="mailto:l_galban@cda.gov.ph">l_galban@cda.gov.ph</a>	Maripaz M. del Pilar Lyditt Issa B. Galban (alternate)
Regional Office	Region IX	<a href="mailto:m_caindog@cda.gov.ph">m_caindog@cda.gov.ph</a>	Atty Mynna Marie M. Barrientos-Godiy Maria Christal P. Caindog (alternate)
Regional Office	Region X	<a href="mailto:g_kempis@cda.gov.ph">g_kempis@cda.gov.ph</a>	Gilda A. Kempis
Regional Office	Region XI	<a href="mailto:j_vertucio@cda.gov.ph">j_vertucio@cda.gov.ph</a> <a href="mailto:j_maceda@cda.gov.ph">j_maceda@cda.gov.ph</a>	Jed Harvey A. Vertucio Jambalaya G. Maceda (alternate)
Regional Office	Region XII	<a href="mailto:n_patenio@cda.gov.ph">n_patenio@cda.gov.ph</a> <a href="mailto:n_macaager@cda.gov.ph">n_macaager@cda.gov.ph</a>	Norlyn A Patenio Nasron S. Maca-ager (alternate)
Regional Office	Region XIII	<a href="mailto:l_dollano@cda.gov.ph">l_dollano@cda.gov.ph</a>	Lourd Anthony O. Dollano

## ANNEX “C”

### List of Exceptions

#### INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (S. 2016)

##### Exceptions to Right to Access of Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:<sup>1</sup>

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.

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<sup>1</sup> These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

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.

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>2</sup> and
  - b. Matters covered by deliberative process privilege, namely:
    - i. advisory opinions, recommendations, resolutions, minutes of meetings, 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;<sup>3</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>4</sup>
2. Privileged information relating to national security, defense or international relations:
  - a. Information, record, or document that must be kept secret in the interest of national defense or security;<sup>5</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>6</sup> and

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<sup>2</sup> This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Comm/flee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.<sup>3</sup> *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*, *Sereno v. Committee on Trade and Related Matters of the National Economic Development Authority*, G.R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.<sup>4</sup> Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties (*Revised Manual for Prosecutors of the Department of Justice (DOJ)*) are also covered under this category of exceptions.<sup>5</sup> *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*, *Neri v. Senate*, *supra*, *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; *Lagman v. Medialdea*, G.R. Nos. 231658, 231771, and 231774, 4 July 2017, 812 PHIL 179-853; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as “Top Secret,” “Secret,” “Confidential,” and “Restricted.”<sup>6</sup> This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, *The Anti-Terrorism Act of 2020* [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.

Patent applications, the publication of which would prejudice national security and interests;<sup>7</sup>

3. Information concerning law enforcement and protection of public and personal safety:
  - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would —
    - i. interfere with enforcement proceedings;
    - ii. deprive a person of a right to a fair trial or an impartial adjudication;
    - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
    - iv. unjustifiably disclose investigative techniques and procedures;
  - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;<sup>9</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>10</sup>
  - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;<sup>11</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>12</sup>
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

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<sup>7</sup>The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).<sup>8</sup> Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.<sup>9</sup> *Akbayan v. Aquino, supra*, and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.<sup>10</sup> Section 3(b), Rule IV, Rules on CCESPOE.<sup>11</sup> Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.\*<sup>12</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,<sup>13</sup> personal information or records,<sup>14</sup> including sensitive personal information, birth records,<sup>15</sup> school records,<sup>16</sup> or medical or health records;<sup>17</sup>

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:<sup>18</sup>

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

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual<sup>19</sup>, and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.<sup>20</sup>

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of

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<sup>13</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>14</sup> Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual (Section 3(g), *Data Privacy Act of 2012*), Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.<sup>15</sup> Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].<sup>16</sup> Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Big. 232].<sup>17</sup> Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange of the mental health, treatment, or care of the service user).<sup>18</sup> Section 3(l), *Data Privacy Act of 2012*. See also Section 9, *Free Internet Access in Public Places Act* (RA No. 10929); Section 26, *Safe Spaces Act* (RA No. 11313); and Section 21, *Tax Amnesty Act* (RA No. 11213).

the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;<sup>21</sup>

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>22</sup> and
- C. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
  - (1) records of child and family cases;<sup>23</sup>
  - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>24</sup>
  - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;<sup>25</sup>
  - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;<sup>26</sup>
  - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;<sup>27</sup>
  - (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>28</sup>
  - (7) names of victims of child abuse, exploitation or discrimination;<sup>29</sup>

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<sup>21</sup> Section 4, *Data Privacy Act of 2012*.<sup>22</sup> *An Act Expanding the Coverage of Exemptions From Revealing the Source of Published News or Information Obtained in Confidence by Including Journalists From Broadcasts, and News Agencies, Amending for the Purpose Section 1 of RA No. 53, as Amended By RA No. 4777 (RA No. 11458)*. May be invoked by government newspapers.<sup>23</sup> Section 12, *Family Courts Act of 1997 (RA Act No. 8369)*.<sup>24</sup> Section 43, *Juvenile Justice and Welfare Act of 2006 (RA No. 9344)*.<sup>25</sup> Section 13, *Anti-Child Pornography Act of 2009 (RA No. 9775)*.<sup>26</sup> Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.<sup>27</sup> Section 44, *Anti-Violence Against Women and their Children Act of 2004 (RA No. 9262)*; and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.<sup>28</sup> Section 7, *Anti-Trafficking in Persons Act of 2003 (RA No. 9208)*, as amended by RA No. 10364.<sup>29</sup> Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act (RA No. 7610)*

- 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;<sup>30</sup>
- (8) records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;<sup>31</sup>
  - (9) names of students who committed acts of bullying or retaliation;<sup>32</sup>
  - (10) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and<sup>33</sup>
  - (11) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;<sup>34</sup>
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>37</sup>

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<sup>30</sup> Section 14, *Juvenile Justice and Welfare Act of 2006*, Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.<sup>31</sup> Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043; Section 14, *Simulated Birth Rectification Act* (RA No. 11222) and Section 28 of IRR of RA No. 11222.<sup>32</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).<sup>33</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).<sup>34</sup> Sections 2(b), 18, 30, and 32, *Philippine HIV Prevention and Control Act of 1998* (RA No. 8504).<sup>35</sup> Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10 Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);<sup>36</sup>
- c. Records and reports submitted to the Social Security System by the employer or member;<sup>37</sup>
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;<sup>38</sup>
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;<sup>39</sup>
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;<sup>40</sup>
- g. Documents submitted through the Government Electronic Procurement System<sup>41</sup>
- h. 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*;<sup>42</sup>
- i. 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;<sup>43</sup>
- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;<sup>44</sup>

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<sup>36</sup> Section 26, *Philippine Statistical Act of 2013* (RA No. 10625) and Section 4, *Commonwealth Act No. 591* May be invoked only by the PSA <sup>37</sup> Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282). <sup>38</sup> Section 29, *Philippine Aids Prevention and Control Act of 1998* (RA No. 8504). <sup>39</sup> Section 34, *Competition Act (PCA)*, RA No. 10667 and Section 13, Rule of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA. <sup>40</sup> Section 81, EO No. 226 (s. 1987), as amended. <sup>41</sup> Section 9, Government Procurement Reform Act (RA 9184). <sup>42</sup> Section 32, *Electronic Commerce Act of 2000* (RA 8792); <sup>43</sup> Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942); <sup>44</sup> Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resort and Apartment Hotels); and Section 23, DOT MC No. 2015-16 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

- k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;<sup>45</sup>
  - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;<sup>46</sup>
  - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*.<sup>47</sup>
  - n. Information on registered cultural properties owned by private individuals;<sup>48</sup>
  - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);<sup>49</sup>
  - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;<sup>50</sup>
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
  - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.<sup>51</sup>
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

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<sup>45</sup>Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees, 46 Section 10, *Safeguard Measures Act*. <sup>47</sup> Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607). <sup>48</sup> Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066); <sup>49</sup> CHED Memorandum Order No. 015-13, 28 May 2013. <sup>50</sup> Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7 *Exchange of Information on Tax Matters Act of 20069* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799). <sup>51</sup> Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;<sup>52</sup>
- b. Matters involved in an Investor-State mediation;<sup>53</sup>
- c. Information and statements made at conciliation proceedings under the *Labor Code* <sup>54</sup>
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);<sup>55</sup>
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;<sup>56</sup>
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*,<sup>57</sup>
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission; <sup>58</sup>
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;<sup>59</sup>
- i. Investigation report and the supervision history of a probationer;<sup>60</sup>
- j. Those matters classified as confidential under the *Human Security Act of 2007*;<sup>61</sup>

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<sup>52</sup>Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act. <sup>53</sup> Article 10, International Bar Association Rules for Investor-State Mediation. <sup>54</sup> Article 237, *Labor Code*. <sup>55</sup> Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration;. <sup>56</sup> Section 142, *Corporation Code*. May be invoked by the SEV and any other official authorized by law to make such examination. <sup>57</sup> Section 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*; <sup>58</sup> Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order. <sup>59</sup> DOJ Department Circular No. 006-16 (No. 6), 10 February 2016;. <sup>60</sup> Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].; <sup>61</sup> Section 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;<sup>62</sup> and
  - l. 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;<sup>63</sup>
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*),
  - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
  - c. RA No. 8791 (*The General Banking Law of 2000*),
  - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*),
  - e. RA No. 9510 (*Credit Information System Act*), and
  - f. RA No. 245, as amended by Presidential Decree No. 1878;
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
    - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;<sup>64</sup>
    - (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);<sup>65</sup> and
    - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);

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<sup>62</sup> Section 14, Civil Service Commission Resolution No. 01-0940; <sup>63</sup> Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC; <sup>64</sup> Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea. <sup>65</sup> Article 7, UNCITRAL Transparency Rules.

- b. Testimony from a government official, unless pursuant to a court or legal order;<sup>66</sup>
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
  - (1) any purpose contrary to morals or public policy; or
  - (2) any commercial purpose other than by news and communications media for dissemination to the general public;<sup>67</sup>
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;<sup>68</sup>
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the court;<sup>69</sup>
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;<sup>70</sup> and
- g. Attorney-client privilege existing between government lawyers and their client.<sup>71</sup>

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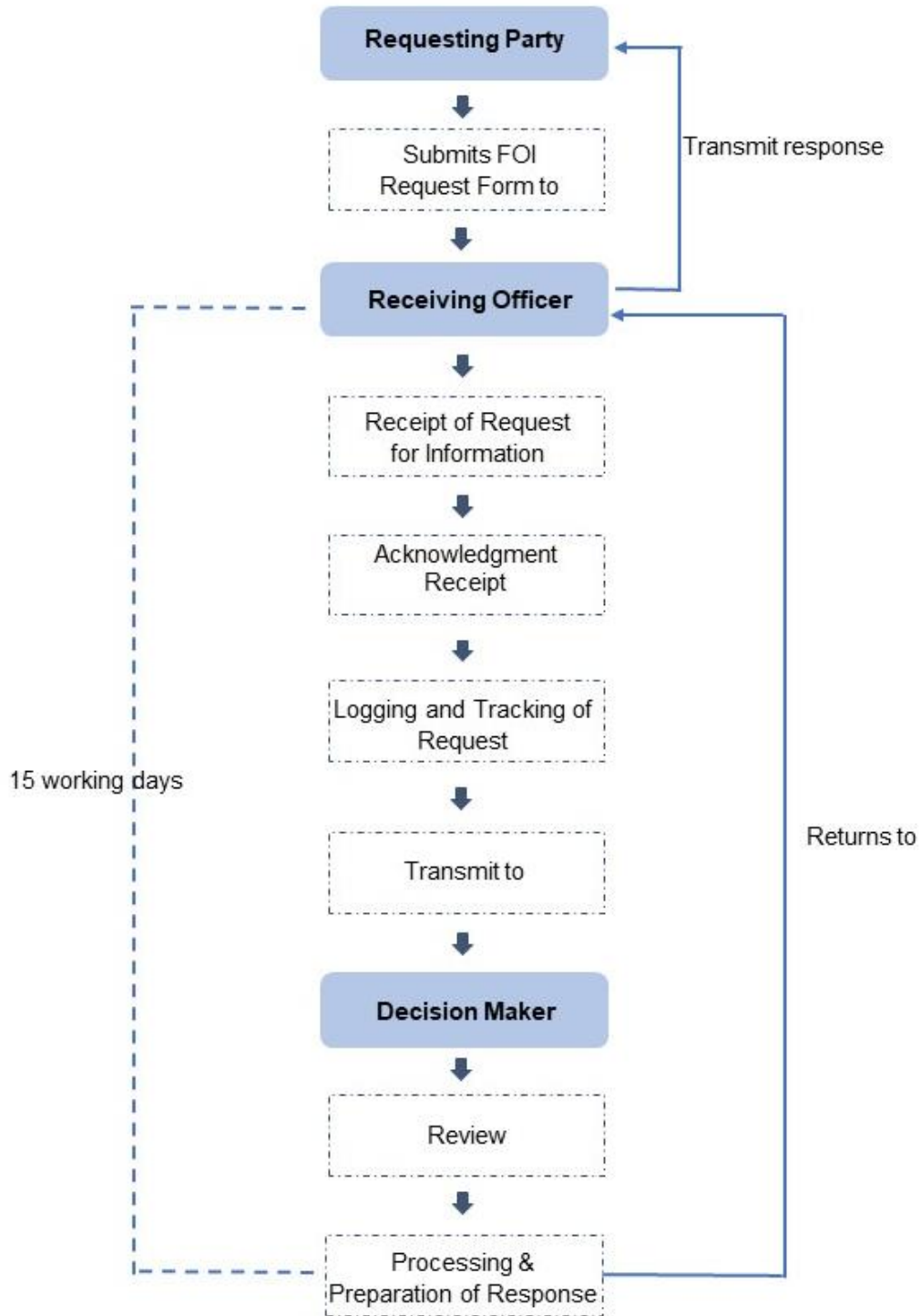
<sup>66</sup> *Senate v. Neri, supra; Senate v. Ermita, supra.* <sup>67</sup> Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

<sup>68</sup> *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 Febua 1989, 252 Phil. 264. Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006. <sup>70</sup> *Romero v. Guerzon*, G.R. No. 211816, 18 h4arch 2015. <sup>71</sup> Canon 21 of the *Code of Professional Responsibility.*

## ANNEX "D"

### STANDARD PROCEDURE

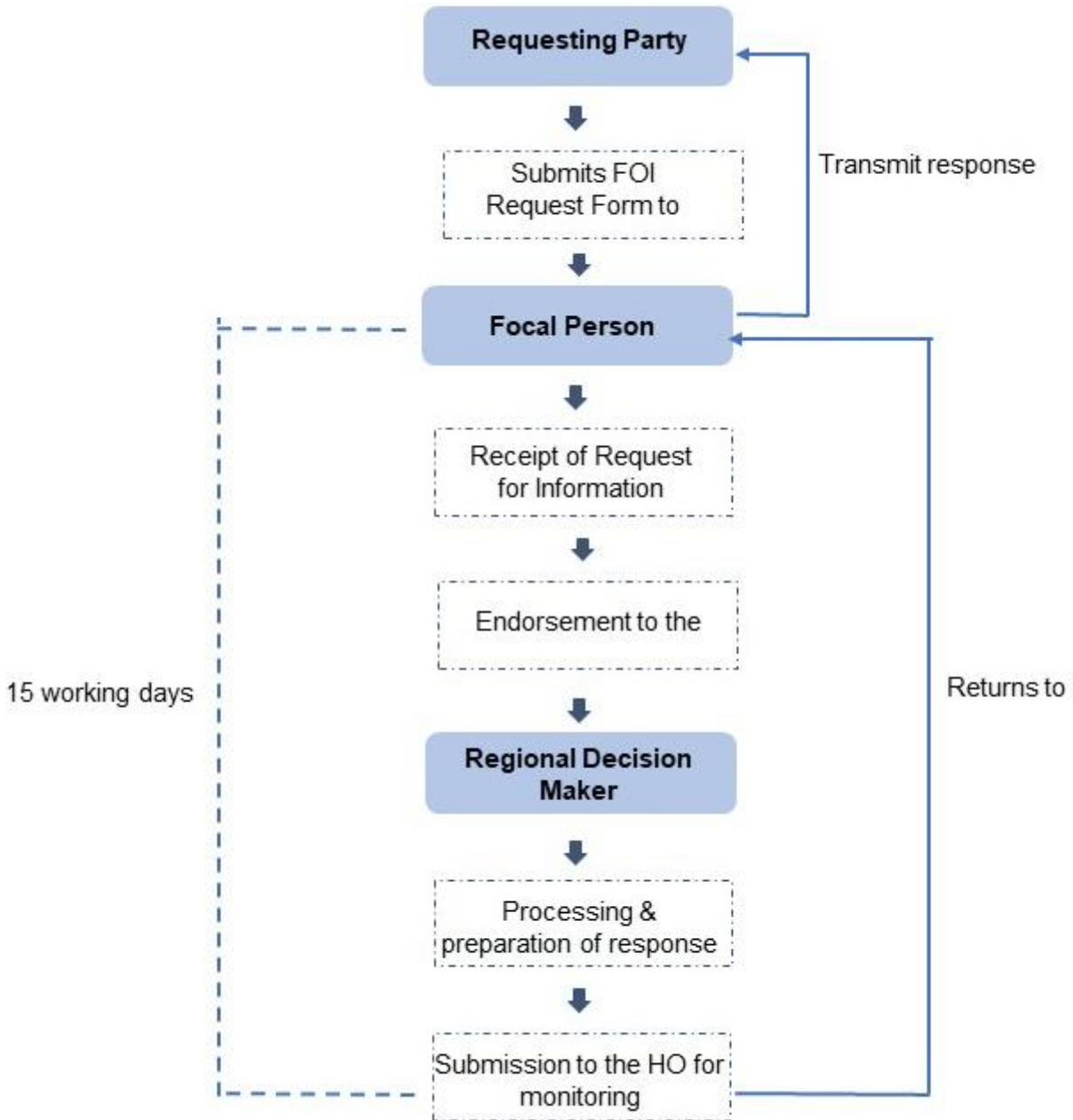
#### 5.1 Procedure for Handling Standard FOI Requests Received by the Head Office FOI Focal Person/s



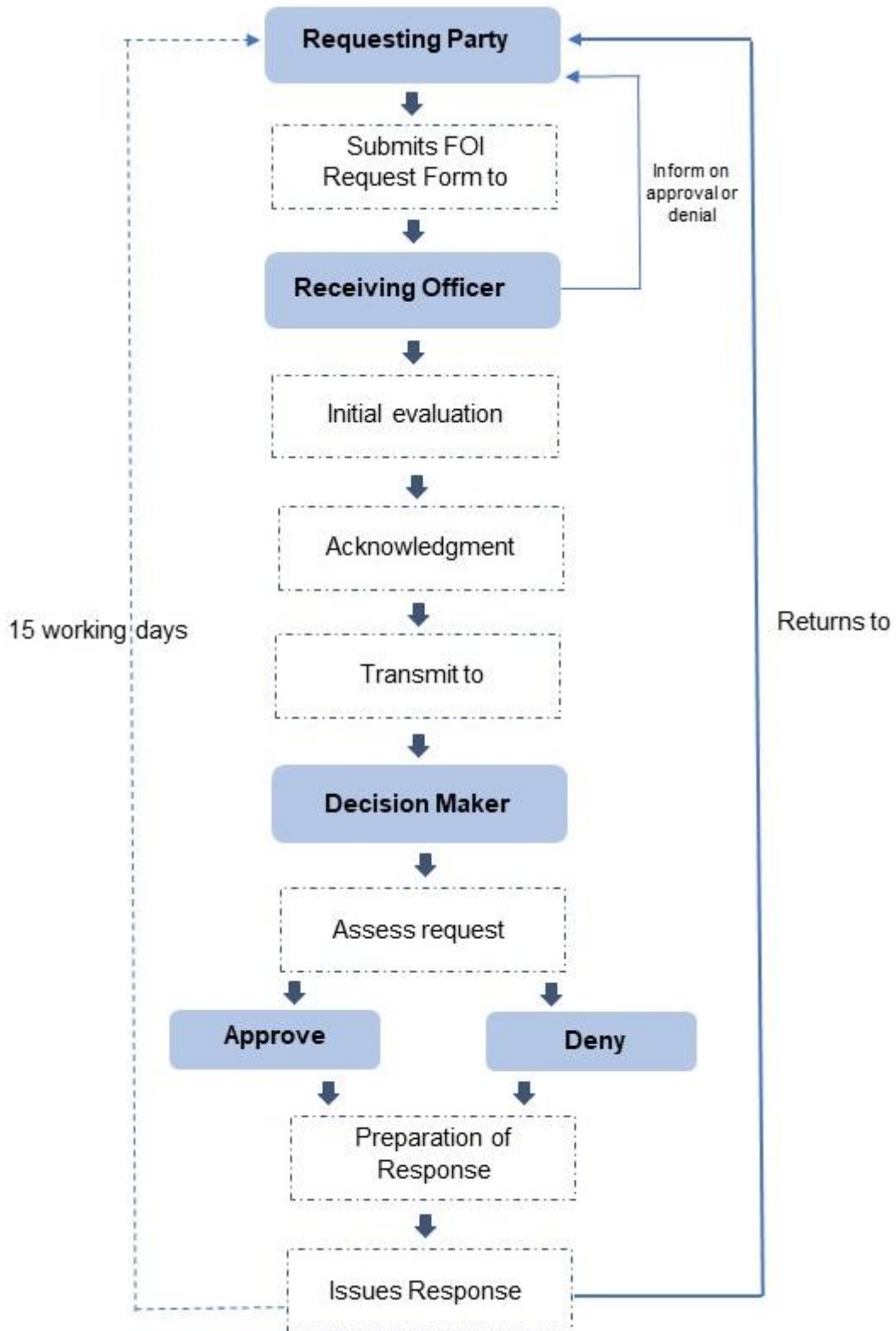
**ANNEX "E"**

**STANDARD PROCEDURE**

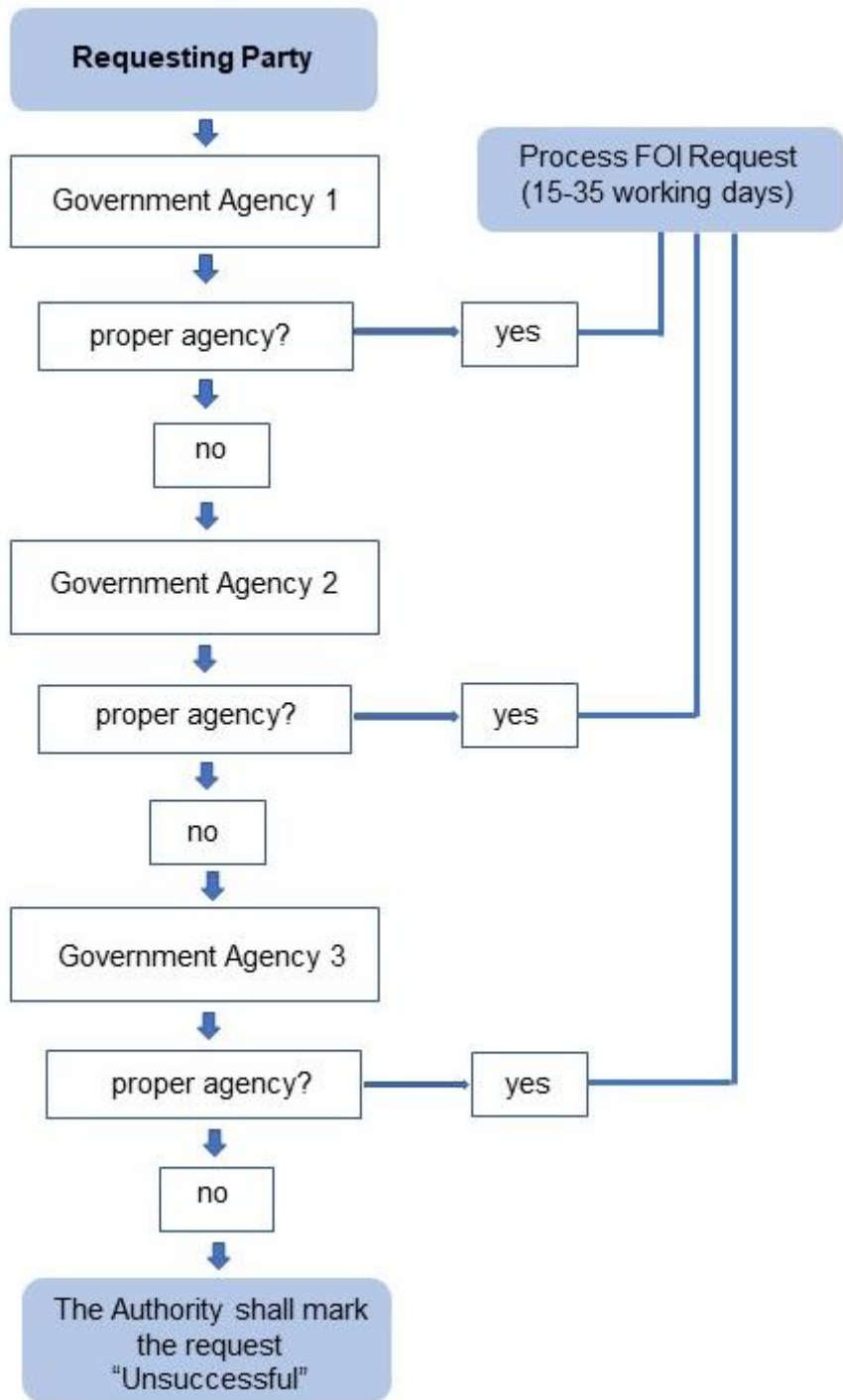
**5.2 Procedure for Handling Standard FOI Requests at the Regional Office FOI Focal Person (FFP)**



**ANNEX "F"**  
**eFOI PROCEDURE**



**ANNEX "G"**  
**NO WRONG DOOR POLICY**



**ANNEX “H”**

**FOI STANDARD FORM**

**ANNEX H**



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**FREEDOM OF INFORMATION REQUEST FORM**

Pursuant to Executive Order No. 24, 2016 (as of November 2016)

FOI Tracking Number

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

**1. Requesting Party**

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

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

**2. Requesting Information**

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

### 3. Declaration

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

I declare that:

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

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

Signature \* \_\_\_\_\_

Date Accomplished (DD/MM/YYYY) \* \_\_\_\_\_

### 4. FOI Receiving Officer [Internal Use Only]

Name (Print name) \* \_\_\_\_\_

Agency - Connecting Agency (if applicable, otherwise NA) \* \_\_\_\_\_ \*

Date entered on eFOI (if applicable, otherwise N/A) \* \_\_\_\_\_

Proof of ID Presented (Photocopies of original should be attached)

<input type="checkbox"/> Passport	<input type="checkbox"/> Voter's ID
<input type="checkbox"/> Driver's License	<input type="checkbox"/> School ID
<input type="checkbox"/> SSS ID	<input type="checkbox"/> Company ID
<input type="checkbox"/> Postal ID	<input type="checkbox"/> Others _____

The request is recommended to be: (if Denied, please tick the Reason for the Denial)

<input type="checkbox"/> Approve	<input type="checkbox"/> Deny	
<input type="checkbox"/> Invalid Request	<input type="checkbox"/> Incomplete	<input type="checkbox"/> Data already available online

Second Receiving Officer Assigned (Print name) \* \_\_\_\_\_

Decision Maker Assigned to Application (Print name) \* \_\_\_\_\_

Decision on Application

<input type="checkbox"/> Successful	<input type="checkbox"/> Denied
<input type="checkbox"/> Partially Successful	<input type="checkbox"/> Cost

If Denied, please tick the Reason for the Denial

<input type="checkbox"/> Invalid Request	<input type="checkbox"/> Exception
<input type="checkbox"/> Incomplete	<input type="checkbox"/> Which Exception? _____

Date Request Finished (DD/MM/YYYY) \* \_\_\_\_\_

Date Documents (if any) Sent (DD/MM/YYYY) \* \_\_\_\_\_

FOI Registry Accomplished  Yes  No

RO Signature \* \_\_\_\_\_

Date (DD/MM/YYYY) \* \_\_\_\_\_

**ANNEX “I”**

**FOI RESPONSE TEMPLATE – AWAITING CLARIFICATION (Insufficient Information)**

Dear eFOI user,

About my letter dated [date], at [time], regarding your request made under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch; specifically your request on [title of request].

To effectively address your request, we kindly request additional information from you. This will enable us to provide you with the best possible service. Specifically, we require [insert short explanation of why this is the case]. Your prompt response will allow us to proceed with your request on time.

To respond to the request with ticket number [insert FOI ticket number], please use the reply function located on the eFOI portal [\_\_\_\_\_].

You will have 60 calendar days from the time of response to provide the requested information. We kindly request that you respond as soon as possible.

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “J”**  
**FOI RESPONSE TEMPLATE – REFERRED**

Dear eFOI user,

Mabuhay!

Thank you for utilizing the eFOI portal ([www.foi.gov.ph](http://www.foi.gov.ph)) and exercising your right to information under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

We have received your request on [Title of the Requested Information], dated [insert date], and we have promptly forwarded it to [Agency referred to]. This agency is responsible for maintaining the information/data you are seeking, and they will now proceed with further processing.

Should you have any questions regarding this request, kindly contact me using the reply function on the eFOI portal for request with ticket number [insert FOI ticket number].

Further, please be advised that this is a public site, and any information shared in this conversation thread will be visible to the public. Therefore, we kindly request that you refrain from disclosing any sensitive personal information or data in this thread.

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “K”**  
**FOI RESPONSE TEMPLATE – DENY (Wrong Agency)**

Dear eFOI user,

Mabuhay!

Thank you for utilizing the eFOI portal ([www.foi.gov.ph](http://www.foi.gov.ph)) and exercising your right to information under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

We have received your request on [Title of the Requested Information], dated [insert date].

While our primary objective is to provide information whenever possible, we regret to inform you that the requested information is not available at this Office. However, we recommend reaching out to [insert name of other authority/organization] at [insert contact details] for further assistance. Alternatively, you may resubmit your request to the appropriate agency through the eFOI portal at [insert link here].

For additional support, we encourage you to consult the FAQ section of the eFOI site: <https://www.foi.gov.ph/help>.

*Your right to request a review*

If you are dissatisfied with our response to your FOI request, you have the option to request an internal review. To initiate this process, kindly submit your written appeal for review addressed to [insert name of Secretary and postal/e-mail address]. Please provide a detailed explanation of your dissatisfaction with our response within 15 calendar days from the date of receiving this response. We will conduct the review and communicate the outcome within 30 calendar days from the receipt of your review request.

Should you remain unsatisfied with the review outcome, you retain the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “L”**

**FOI RESPONSE TEMPLATE – AWAITING CLARIFICATION (Succeeding Response)**

Dear eFOI user,

About my response dated [insert date of response], regarding your request made under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch; specifically your request on [insert Title of the Requested Information].

To address your request, we kindly ask for additional information from you. This will enable us to offer you the highest level of service. Specifically, we require [insert brief explanation of why this is necessary]. Your prompt response will allow us to proceed with your request on time.

To respond to the request with ticket number [insert FOI ticket number], please use the reply function in the eFOI portal.

During the period we are awaiting your response, your request will be put on hold. However, if we do not receive a reply by [date 60 days from the time you changed to Awaiting Clarification status], your request will be automatically closed.

We kindly request that you provide us with a prompt response.

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “M”**  
**FOI RESPONSE TEMPLATE – DENY (Invalid Request)**

Dear eFOI user,

Mabuhay!

Thank you for utilizing the eFOI portal ([www.foi.gov.ph](http://www.foi.gov.ph)) and exercising your right to information under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

We have received your request on [insert title of the requested information, dated [insert date]].

While our primary objective is to provide information whenever possible, we regret to inform you that the requested information is not available at this Office. However, we recommend reaching out to [insert name of other authority/organization] at [insert contact details] for further assistance. Alternatively, you may resubmit your request to the appropriate agency through the eFOI portal at [insert link here].

For additional support, we encourage you to consult the FAQ section of the eFOI site: <https://www.foi.gov.ph/help>.

*Your right to request a review*

If you are dissatisfied with our response to your FOI request, you have the option to request an internal review. To initiate this process, kindly submit your written appeal for review addressed to [insert name of Secretary and postal/e-mail address]. Please provide a detailed explanation of your dissatisfaction with our response within 15 calendar days from the date of receiving this response. We will conduct the review and communicate the outcome within 30 calendar days from the receipt of your review request.

Should you remain unsatisfied with the review outcome, you retain the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “N”**  
**FOI RESPONSE TEMPLATE – SUCCESSFUL (Succeeding Response)**

Dear eFOI user,

Thank you for your request dated [insert date of request], made under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

You have requested the number of FOI Users from 2016 to the present.

I am pleased to inform you that your FOI request has been **approved**. Enclosed herewith, you will find a copy of the information you have requested. Please note that it may include [some, most, or all] of the data you require.

*Your right to request a review*

If you are dissatisfied with our response to your FOI request, you have the option to request an internal review. To initiate this process, kindly submit your written appeal for review addressed to [insert name of Secretary and postal/e-mail address]. Please provide a detailed explanation of your dissatisfaction with our response within 15 calendar days from the date of receiving this response. We will conduct the review and communicate the outcome within 30 calendar days from the receipt of your review request.

Should you remain unsatisfied with the review outcome, you retain the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “O”**  
**FOI RESPONSE TEMPLATE – PARTIALLY SUCCESSFUL**

Dear eFOI user,

Thank you for your request dated Feb. 25, 2025, made under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

You have requested the number of FOI Users from 2016 to the present.

I am pleased to inform you that your FOI request has been **approved**. Enclosed, you will find a copy of the information you have requested. However, please note that we are only able to provide some of the information you requested. This limitation is due to [insert brief but concise explanation here, e.g. exception, information found in other government websites, etc].

*Your right to request a review*

If you are dissatisfied with our response to your FOI request, you have the option to request an internal review. To initiate this process, kindly submit your written appeal for review addressed to [insert name of Secretary and postal/e-mail address]. Please provide a detailed explanation of your dissatisfaction with our response within 15 calendar days from the date of receiving this response. We will conduct the review and communicate the outcome within 30 calendar days from the receipt of your review request.

Should you remain unsatisfied with the review outcome, you retain the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

**ANNEX “P”**  
**FOI RESPONSE TEMPLATE – ACCEPTED**

Dear eFOI user,

Mabuhay!

Thank you for utilizing the eFOI portal ([www.foi.gov.ph](http://www.foi.gov.ph)) and exercising your right to information under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

We have received your request for [insert title of the requested information], dated [insert date]. We will respond and process your request on or before yesterday, in compliance with the Executive Order’s implementing rules and regulations.

Should you have any questions regarding this request, kindly contact me using the reply function on the eFOI portal at ticket number [insert FOI ticket number].

Further, please be advised that this is a public site, and any information shared in this conversation thread will be visible to the public. Therefore, we kindly request that you refrain from disclosing any sensitive personal information or data in this thread.

Thank you.

Respectfully,

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FOI Officer  
Cooperative Development Authority

## ANNEX “Q” LIST OF EXCEPTIONS

In addition to the Inventory of Exceptions under Executive Order No. 2 s.2016 (Annex C), the Cooperative Development Authority (CDA) maintains an additional list of exceptions specific to its mandate. The following are excepted from the FOI Program to ensure that certain types of sensitive or confidential information owned by the cooperatives are not disclosed to the public. These exceptions align with existing laws safeguarding specific data from being accessed under FOI requests:

1. **Privacy Protection.** Personal data, and/or sensitive personal information, is protected under the Data Privacy Act of 2012;<sup>1</sup>
2. **Confidential Financial Information.** Information related to cooperatives' financial operations, such as financial assets, net surplus, loans, and deposits, including audits and surety agreements, may be restricted to prevent misuse;<sup>2</sup>
3. **Internal Deliberations and Recommendations.** Records related to internal policy discussions or pending decisions can also be withheld to ensure smooth decision-making processes.<sup>3</sup>
4. **Security-Related Matters.** If disclosure of certain information could pose a threat to public safety or national security, it is excepted from FOI requests;<sup>4</sup>
5. **Cooperative Inspection Reports and Examination Results.** These documents contain regulatory findings, proprietary business information, and personal data, which must be subjected to confidentiality as their disclosure may affect cooperative operations, ongoing investigations, and regulatory enforcement;<sup>5</sup> and
6. **Information Relating to Cooperative Disputes Pending for Mediation, Conciliation, or Adjudication.** This includes requests for records, pleadings, and other documents related to ongoing mediation, conciliation, or adjudication proceedings. Disclosure of any information may compromise the integrity of the proceedings, which may be prejudicial to the rights of the parties involved and interfere with the impartial resolution of disputes/cases.<sup>6</sup>

### **<sup>1</sup>LEGAL BASIS**

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<sup>1</sup> MC No. 15 s. 2023: Exception No. 4 sub-category a – 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;

<sup>2</sup> MC No. 15 s. 2023: Exception No. 5 sub-category g – applications and supporting documents filed pursuant to the Omnibus Investments Code of 1987; and Sub-category q – any secrets, valuable or proprietary information of a confidential character known to a public officer or secrets of private individuals;

<sup>3</sup> MC No. 15 s. 2023: Exception No. 1 sub-category b, item (ii) – information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.; Exception No. 6 sub-category b – be likely or significantly frustrate implementation of a proposed official action, except where such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.

<sup>4</sup> MC No. 15 s. 2023: Exception No. 2 sub-category a – information, record, or document that must be kept secret in the interest of national defense or security.

<sup>5</sup> MC No. 15 s. 2023: Exception No. 5 sub-category a – trade secrets, intellectual property, business, commercial, financial and other proprietary information; and Sub-category q - any secrets, valuable or proprietary information of a confidential character known to a public officer or secrets of private individuals;

<sup>6</sup> MC No. 15 s. 2023: Exception No. 7 sub-category I – investigation proceedings and records during the preliminary investigation in administrative cases in the civil service