

# **People's Freedom of Information Manual**

(IMPLEMENTING DETAILS)



**National Commission for Culture and the Arts**

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## SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this FOI Manual is to provide the process to guide and assist the COMMISSION in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). **(Annex "A")**
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the COMMISSION when a request for access to information is received. The COMMISSION Chairman is responsible for all actions carried out under this Manual and may delegate this responsibility to the Executive Director. The Chair or the ED may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the COMMISSION as covered by the Executive Order.
4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the COMMISSION. The FRO of the NCCA will be the RECORDS OFFICER in-charge of the Records Management Section. She shall hold office at the Central Receiving Unit of the Records Management Section located at the 2<sup>nd</sup> Floor of the NCCA Building.

The functions of the FRO shall include the following:

- a. Receives and records of all requests for information.
- b. Conducts initial evaluation.
- c. Transmits the same to the Decision Maker (DM).

Upon review, the DM shall forward the request to the concerned office, which has custody of the records. The concerned Official shall be given 5 working days to provide the requested documents to the DM for approval. The DM shall forward the approved documents to the FRO for release.

In case the request is denied, the DM shall return the request to the FRO to immediately notify the requesting party.

- d. Monitors all FOI requests and appeals;
- e. Provides assistance to the FOI Decision Maker;



- f. Provides assistance and support to the public and staff with regard to FOI;
  - g. Records and releases the documents approved by the DM for release.
  - g. Compiles statistical information as required;
  - h. Advises the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or
  - j. Denies the request based on:
    - a. That the form is incomplete; or
    - b. That the information is already disclosed in the COMMISSION's Official Website(ncca.gov.ph) or national government's official website for FOI (data.gov.ph).
5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the CHAIRMAN, with a rank of not lower than the Executive Director or its equivalent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
- a. The COMMISSION 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 unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the COMMISSION.
6. **Central Appeals and Review Committee:** There shall be a central appeals and review committee composed of three (3) officials with a rank not lower than a Division Chief or its equivalent, designated by the Executive Director of the COMMISSION to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Executive Director on the denial of such request.

**The CARC shall:**

- a. Reviews appeals filed.
  - b. Recommends actions to the DM.
7. **Records Custodian (RC):** There shall be a Records Custodian in each delivery unit designated by the head of the office/section.

**The RC shall:**

- a. Receives and records request from the DM.

- b. Consults and gets approval of the Section Head for the release of the required documents.
  - c. Prepares the necessary documents and submits to the DM.
8. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the Executive Director may delegate such authority to other Management Committee Members.

## SECTION 2: DEFINITION OF TERMS

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

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

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

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

**OFFICIAL RECORD/S.** Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty. *(it must be officially received at the RMS /OC- with official receiving stamp)*



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

**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.

**PUBLIC SERVICE CONTRACTOR.** Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

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

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

### **SECTION 3. GLOSSARY OF TERMS**

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

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

**CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability

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of the records before any final determination is made. This process is called a "consultation."

**EXCEPTIONS.** Information that should not be released and disclosed in response to the FOI request because they are protected by the Constitution, laws or jurisprudence. (annex to be provided by the PCOO)

**FREEDOM OF INFORMATION (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

**FOI CONTACT.** The name, address and phone number at each government office where you can make a FOI request

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

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

**FREQUENTLY REQUESTED INFORMATION.** Info released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

**FULL DENIAL.** When the DEPARTMENT or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

**FULL GRANT.** When a government office is able to disclose all records in full in response to the FOI request.

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

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



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

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

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

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

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

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

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

#### **SECTION 4. STANDARD PROCEDURE**(See *Annex "D"* for flowchart)

##### **1. Receipt of Request for Information.**

**1.1**The FOI Receiving Officer (FRO) shall receive and record request in the FOI logbook.

**1.2**The FOI Receiving Officer (FRO) shall conduct initial evaluation on the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See **Annex "E"**)



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

- 1.3 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 1.4 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- 1.5 The COMMISSION must respond to requests promptly, within the fifteenth (15th) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day, which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.

1. **Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request.

- 2.1. **Request relating to more than one office under the COMMISSION:** If a request for information is received which requires to be complied with, the

FRO shall forward such request to the DM and ensure that it is well coordinated and monitor its compliance.

**2.2. Requested information is not in the custody of the COMMISSION:** If the requested information is not in the custody of the COMMISSION, the FRO shall undertake the following:

- The FRO shall immediately inform the requesting party.
- If the records requested was referred to another AGENCY, the FRO shall inform the requesting party of such action. The request will be immediately transferred to such appropriate AGENCY through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request. The contact details of that office should be provided to the requesting party.
- If the records requested is not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly.

**2.3. Requested information is already posted and available on-line:** Should the information being requested is already posted and publicly available in the COMMISSION website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

**2.4. 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 shall inform the applicant of the reason of such denial.

**3. Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

**4. Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.



The FRO shall note the date and time of receipt of the information from the FDM and report to the COMMISSION Chairman in case the submission is beyond the 10-day period.

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

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

**5. Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the COMMISSION Chairman or the designated Executive Director or Deputy Executive Director and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

**6. Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

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

**7. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the DM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the COMMISSION Chairman or the FDM for final approval.

**8. Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

**9. Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the

circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the COMMISSON Chairman or the Executive Director.

#### **10. SECTION 6. REMEDIES IN CASE OF DENIAL**

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

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

#### **SECTION 7. REQUEST TRACKING SYSTEM**

The COMMISSION shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

#### **SECTION 8. FEES**

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



2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the COMMISSION in providing the information to the requesting party. The schedule of fees shall be posted by the COMMISSION
3. **Exemption from Fees:** The COMMISSION may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

## **SECTION 9. ADMINISTRATIVE LIABILITY**

**1. Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- a. 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.

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


**3. Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

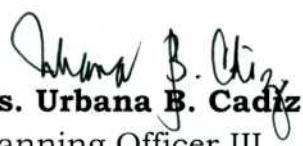
**The National Commission for Culture and the Arts**

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**LEGAL BASIS**

MALACAÑAN PALACE  
MANILA

**BY THE PRESIDENT OF THE PHILIPPINES**

**EXECUTIVE ORDER NO. 02**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 5. Availability of SALN.** Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available



for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

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

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office, which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

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

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

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

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;



- (c) The procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

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

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: *Provided*, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

**SECTION 10. Fees.** Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required,



subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

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

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

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

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

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

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

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**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



**ANNEXES**

**Annex A – NCCA FOI Directory**

**Annex B – List of Exempted Documents**

**Annex C – Flowcharts of Procedures**

**Annex D – Flowchart of Appeals**

**Annex E - Forms**

**Annex E1 – FOI Request form**

**Annex F – Schedule of Fees**

**ANNEX "A"****NCCA FOI Directory**

<b>Position/Designation</b>	<b>Location of FOI Receiving Office</b>	<b>Contact Details</b>	<b>Name</b>
NCCA Chairman/ FOI Head of Agency	7 <sup>th</sup> Floor, NCCA Building #633 General Luna St., Intramuros, Manila	Tel. No. (02) 527-2192 local 724 oc@ncca.gov.ph	Virgilio S. Almario, NA
NCCA Executive Director III /FOI Decision Maker	7 <sup>th</sup> Floor, NCCA Building #633 General Luna St., Intramuros, Manila	Tel. No. (02) 527-2192 local 728 oed@ncca.gov.ph	Rico S. Pableo, Jr. Executive Director
Records Officer / FOI Receiving Officer	2nd Floor, NCCA Building #633 General Luna St., Intramuros, Manila	Tel. No. (02) 527-2192 local 205 Mobile No. 09497770163 Email: records@ncca.gov.ph	Maricel C. Malalad
NCCA Central Appeals and Review Committee	7 <sup>th</sup> Floor, NCCA Building #633 General Luna St., Intramuros, Manila	Tel. No. (02) 527-2192 local 728 oed@ncca.gov.ph	NCCA ManCom



**ANNEX "B"**

**LIST OF EXCEPTIONS**

*<To be provided by the PCOO)*

For the meantime, the NCCA FOI-TWG identified files in NCCA, which are considered as confidential and restricted, therefore exempted from FOI request.  
Please see attached.

**ANNEX "C"**  
**Flowcharts of Procedures**

<b>STEP</b>	<b>ACTION</b>	<b>ACTIVITY/IES</b>	<b>REQUIREMENTS</b>	<b>PERIOD OF ACTION  (Working days)</b>	<b>PERSON RESPONSIB LE</b>
1	Receipt of request for information	Receive and record request in the FOI logbook.	The request must be	.5	FRO
2	Conduct initial evaluation	Evaluate request	WALK-IN/MAIL a. Request must be in writing. b. Request must state the name and contact information of the requesting party, as well as valid ID or authorization c. The request shall reasonably describe the information requested, and the reason for, or purpose of the requested information THRU EMAIL *Attach in the email the scanned copy of the signed FOI application request and a copy of a duly recognized government ID	.5	FRO
3	Upon evaluation	Request relating to the NCCA	A request for information can be found in any of the offices of the commission, the FRO shall forward said	.5	FRO



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		<p>Requested information is not in the custody of the Commission</p> <p>Requested information is referred to another Agency</p> <p>Requested information is already posted and available online</p> <p>Requested information is substantially similar or identical to the previous request</p>	<p>request to the DM.</p> <p>The FRO shall immediately inform the requesting party.</p> <p>The FRO shall inform the requesting party of such action. And the contact details of said agency/office must be provided to the requesting party</p> <p>The FRO shall inform the requesting party of the said fact and provide him/her the website link where the information is posted</p> <p>The requester shall be denied. However, the FRO shall inform the applicant of the reason of such denial.</p>		
4	Official acknowledgment of the request	<p>a. Stamp received indicating date and time of the receipt, name and rank/title/position of the FRO with corresponding signature</p> <p>b. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above.</p>		.5	FRO

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		c. Acknowledge the request by furnishing the requesting party of a copy of the received request. In case of email, acknowledge it by electronic mail.			
5	Transmittal of the Request by the FRO to the FDM	The FRO shall record the date, time and the name of the person in the FDM's office who actually received the request in the logbook with the corresponding signature.	Date and time must be indicated in the logbook.	1	
6	FDM Processes the request	<p>FDM shall assess the request and clarify if necessary.</p> <p>FDM shall forward said request to the concerned office's records custodian to locate and retrieve records or information requested</p> <p>If FDM determines that an information/records requested contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.</p>	<p>FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request</p>	1	FDM
7	FDM's	FDM shall forward		1	FDM



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	approval or denial of the request	<p>the approved request for information to the concerned unit/Section for preparation of the required information/records</p> <p>In case of the denial, the FDM shall forward the request for information to the FRO to notify the requesting party of the denial.</p>			
8	Concerned Office's provision of the requested information/record to the FDM	<p>The Records Custodian of the concerned office/unit receives and records request, consult with the Section Head and prepare needed documents for submission to the FDM.</p> <p>In case the needed information / records requires extensive search of the governments office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the Records Custodian must inform the FDM.</p>		7	
9	Records Custodian transmits the	Records Custodian shall forward the requested			

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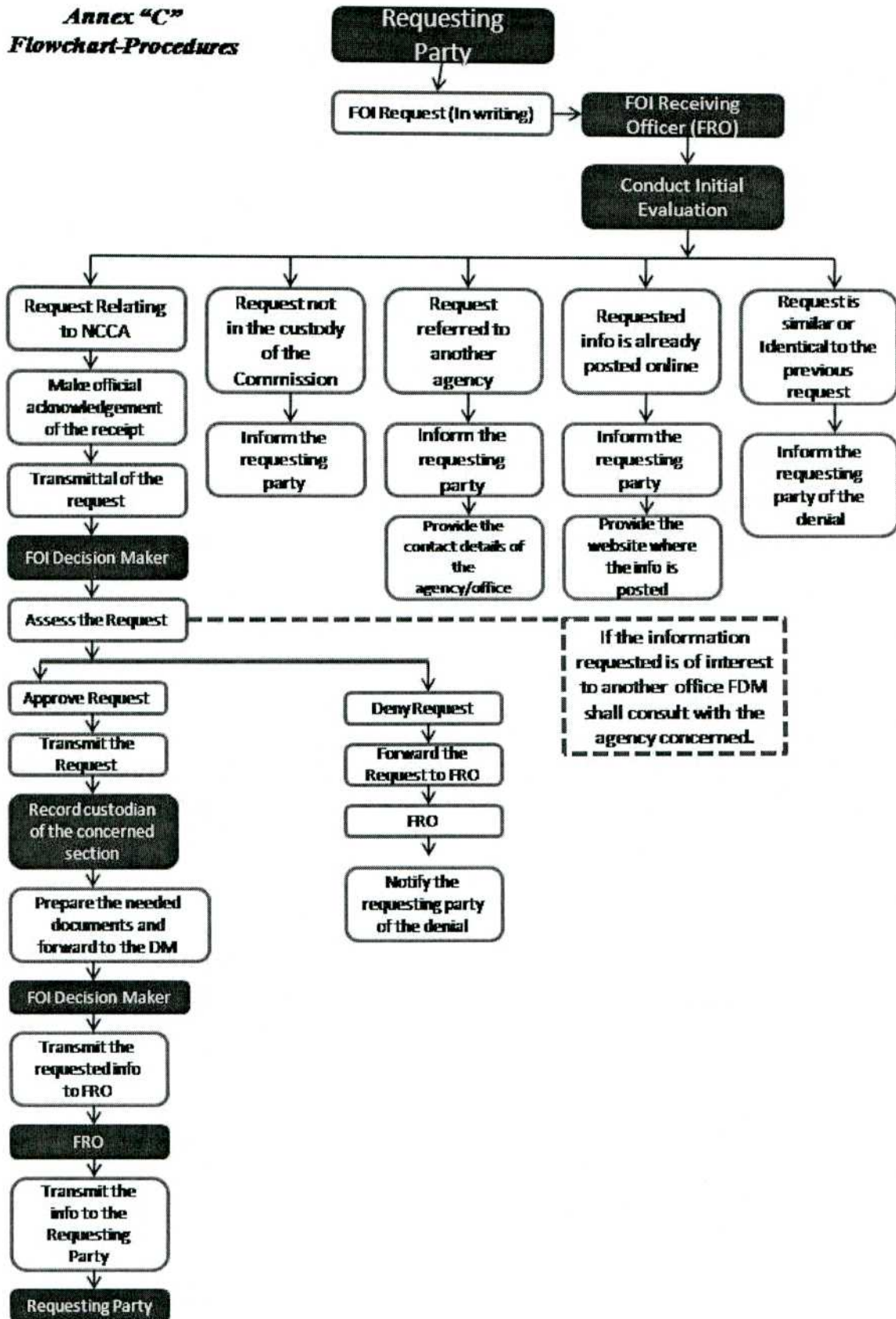
	requested information/ record to the FDM.	information/records to the FDM			
10	FDM Forwards the requested information/ record to the FRO for release	<p>FDM shall forward to the FRO the requested information / records for release.</p> <p>In case the needed information / records requires extensive search of the governments office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM upon notified by the RC must inform the FRO.</p>			
11	FRO transmit information/ records to the requesting party	<p>FRO shall collate and ensure that information is complete.</p> <p>FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release.</p> <p>FRO shall prepare the letter or email informing the requesting party within the prescribed period that the</p>	Attach a cover/transmittal letter signed by the FDM and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the information	1	



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		<p>request was granted and be directed to pay the applicable fees, if any.</p> <p>In case the needed information / records requires extensive search of the governments office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FRO upon notified by the FDM must inform the Requesting Party.</p>			
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**Annex "C"**  
**Flowchart-Procedures**

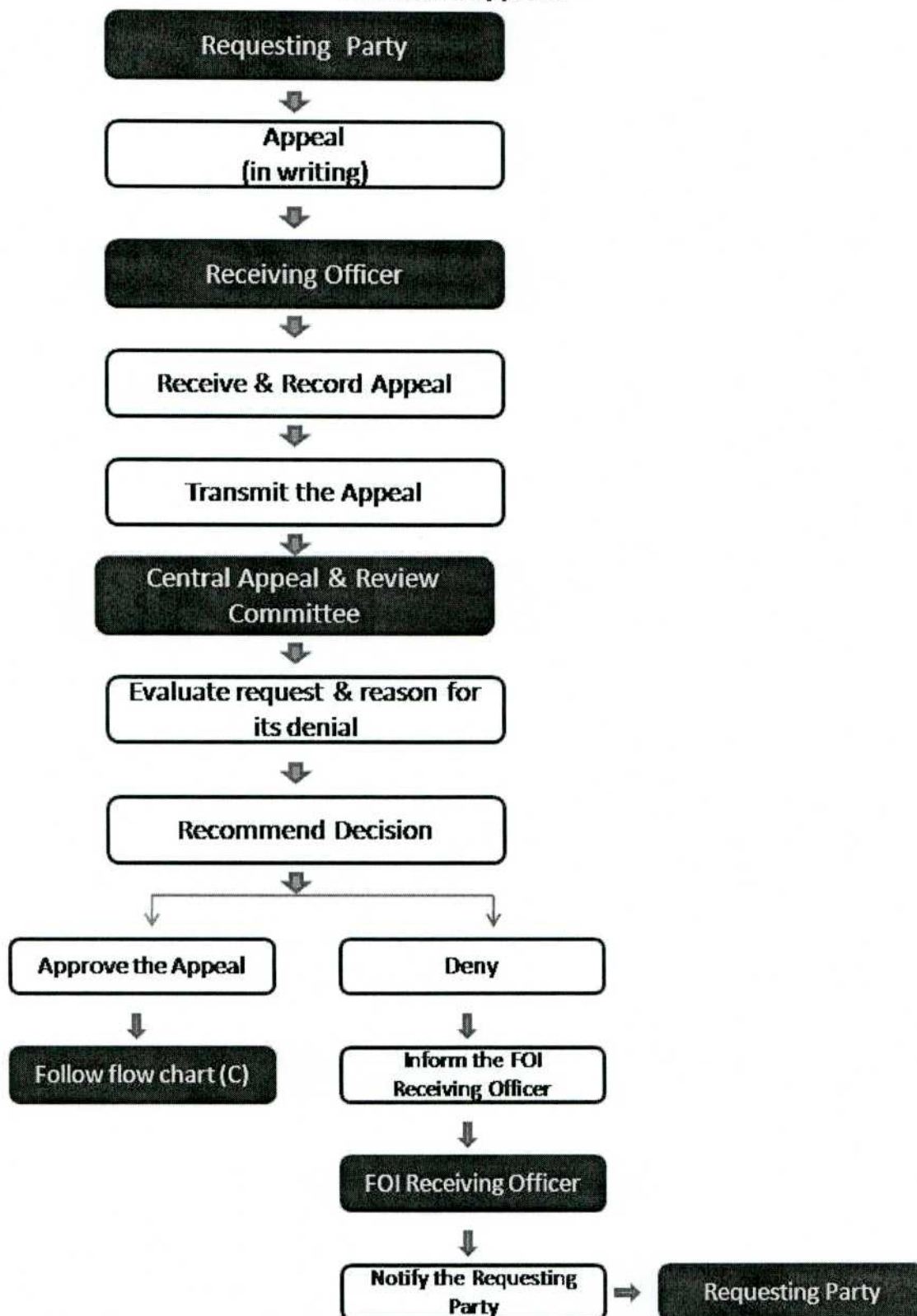




**ANNEX “D”**  
**Flowcharts of Appeals**

<b>STEP</b>	<b>ACTION</b>	<b>ACTIVITY/IES</b>	<b>REQUIREMENTS</b>	<b>PERIOD OF ACTION  (Working days)</b>	<b>PERSON RESPONSIB LE</b>
1	Receipt of Appeal	Receive and record appeal in the FOI logbook.	The appeal must be in writing	1	FRO
2	Conduct review	Evaluate request and the reason for its denial		7	CARC
3	Recommend decision (approve/deny)	Extensive review	Refer to AO No. 22, s. 2011	3	CARC
4	Follow normal flow from Submission to the Commission Chairman to the FRO.	<i>See flowcharts Annex C</i>			

**Annex "D"**  
**Flowchart-Appeals**





**ANNEX "E"**

**Annex E1 - FOI Request Form**

***The National Commission for Culture and the Arts  
#633 General Luna St., Intramuros, Manila***

**PORMULARYO NG KAHILINGAN (FOI)**

***FOI Request Form***

**TITULO NG DOKUMENTO / (Title of the Document):** \_\_\_\_\_

**MGA TAON/PANAHONG SAKLAW / (Year):** \_\_\_\_\_

**LAYUNIN / (Purpose):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**PANGALAN / (Name):** \_\_\_\_\_ **CONTACT Nos.** \_\_\_\_\_

**LAGDA / (Signature):** \_\_\_\_\_ **PETSA / (Date):** \_\_\_\_\_

**TIRAHAN / (Address):** \_\_\_\_\_ **KATIBAYAN NG PAGKAKAKILANLAN/(Proof of Identity):**

**PARAAN NG PAGTANGGAP NG IMPORMASYON/  
(How would you like to receive the information?)**

- ☐ Email \_\_\_\_\_  
☐ Fax \_\_\_\_\_  
☐ Postal Address \_\_\_\_\_  
☐ Pick-up (Office hours) \_\_\_\_\_

Passport No. \_\_\_\_\_  
Driver's License \_\_\_\_\_  
Other \_\_\_\_\_

.....  
**Gawaing itinalaga kay:** \_\_\_\_\_  
(Submitted to) (Lumagda sa ibaba ng pangalang nakalimbag)

**Petsa/Oras ng Pagkatalaga:** \_\_\_\_\_  
(Date / Time of Submission)

**Taong nagpapatunay ng Gawaing Natapos:** \_\_\_\_\_  
(Certified by) (Lumagda sa ibaba ng pangalang nakalimbag)

**Uri ng isinagawang aksiyon:** \_\_\_\_\_  
(Type of action conducted)

**Iniskedyul ni / (Received by):**

\_\_\_\_\_  
**FOI Receiving Officer**

**Remarks:**  
\_\_\_\_\_

**ANNEX “E”**

**SCHEDULE OF FEES**