



MINDORO STATE COLLEGE OF AGRICULTURE AND TECHNOLOGY
Main Campus
Alcate, Victoria, Oriental Mindoro

PEOPLE'S FREEDOM OF INFORMATION MANUAL

(MinSCAT – FOI Manual)



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SECTION 1: OVERVIEW

1. **Purpose of the Manual:** The purpose of this Freedom of Information Manual (Manual) is to provide the process by which the College shall deal with requests of information received under Executive Order No. 2, s. 2016 on Freedom of Information (FOI). (**Annex A**)
2. **Structure of the Manual:** This Manual sets out the definition of terms, standard operating procedures, remedies, fees, and administrative liability. It also provides for the relevant forms and other annexes.
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the MinSCAT and all its campuses.
4. **Responsible Officers:** For purposes of the Manual, there shall be the FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), and the FOI Appellate Authority.

SECTION 2: DEFINITION OF TERMS

1. **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. **OFFICIAL 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.
3. **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.
4. **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.
5. **SENSITIVE PERSONAL INFORMATION** shall be as defined in the Data Privacy Act of 2012 (Republic Act No. 10173), i.e., personal information:
 - a. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - b. About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have

committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;

- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- d. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Access to Information:** The MinSCAT 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 E.O. No. 2.

2. **Exceptions:** Access to information shall be denied when the information falls under any of the exceptions. **(Annex B)**

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

- a. The MinSCAT shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws.
- b. The MinSCAT shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the College, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE

1. **Request for Information:** All requests for information shall:
- a. Be in writing and be accomplished using the prescribed form; **(Annex C)**
 - b. Provide the full name and contact information of the requesting party including a valid government identification card with photograph and signature; and
 - c. Reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The FOI Request form shall be made available in the different offices of the College and on the College website.

If the FRO determines that the request is not complete, the FRO shall immediately return it and inform the requesting party to submit the complete form. **(Annex D)**

2. **Manner of Making Request:** A request for information shall be made by the requesting party by delivering it personally to the MinSCAT, by sending it thru mail, or by sending it thru electronic mail.

In case the requesting party is unable to make a written request because of illiteracy or disability, he or she may make an oral request and the FRO shall reduce it into writing. The requesting party shall sign the form.

3. **Receipt of Request:** A complete request for information shall be signed and stamped received by the FRO after it has been delivered to him/her by the personnel who actually received the request. The FRO shall indicate the date and time of receipt and the name, rank, title and position of the said personnel at the receiving station.

For email requests sent on a non-working day, and during non-working hours, receipt shall be at the start of the working hours of the next working day. A confirmation email shall then be sent to the requesting party. For email requests to be considered received:

1. they must be sent to minscatpresjetzam@gmail.com; and
2. an acknowledgement email must be sent to the requesting party within 1 working day

4. **Period to Respond:**

- 4.1 The MinSCAT shall respond to the requesting party within fifteen (15) working days from the date of receipt of the complete request for information.
- 4.2 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 Civil Code shall be observed.

The date of receipt shall be:

- (1) The date when the request is physically delivered to the MinSCAT;
 - (2) The date when the request is received by mail by the MinSCAT; or
 - (3) The date when the request is electronically received by the MinSCAT, provided that, when the request has been emailed to an MinSCAT employee who is absent and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact, then it shall be the date when the request is electronically delivered to that contact.
- 4.3 The period may be extended whenever the request requires extensive search of the records facilities of the MinSCAT, examination of voluminous records, or in case of the occurrence of fortuitous events or other analogous cases. The FDM shall inform the FRO, and the FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. **(Annex E)**

In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

5. **Transmittal of Request by the FRO to the FDM:** The FRO shall forward the request for information to the FDM within one day from receipt. The FRO shall record the date and time and the name of the FDM who received the request in a record book with the corresponding signature.

6. **Response on the Request:** Upon receipt of the request for information from the FRO, the FDM shall assess the request. Response shall be relayed by the FRO to the requesting party, by mail or by email.

6.1 **Request Relates to More Than One Division/Unit:** If the FDM needs details from different MinSCAT units, clarification from said units shall be made.

6.2 **Request Needs Clarification:** If the FDM needs further details to identify or locate the information, clarification from the requesting party shall be made. **(Annex F)**

This shall stop the running of the 15-day period, which will continue to run the day after the required details are received from the requesting party.

6.3 **Approval of Request:** Upon receipt of the requested information from the FDM, the FRO shall collate the information, notify the requesting party in writing, and direct the party to pay any applicable fees. **(Annex G)**

6.4 **Denial of Request:** No request shall be denied by the FDM unless (i) the reason for the request is contrary to law or rules and regulations **(Annex H1)**, or (ii) the request falls under the exceptions under the Inventory of Exceptions issued by the Office of the President **(Annex H-2)**. The FRO shall notify the requesting party in writing, clearly setting forth the ground for denial and the circumstances on which the denial is based.

6.5 **Requested Information is Substantially Similar or Identical to a Previous Request:** The College shall not be required to act if, upon determination by the FDM, the requested information is substantially similar or identical to a previous request by the requesting party, whether the same has been granted or denied. The requesting party shall be advised accordingly. **(Annex I)**

6.6 **Requested Information is Available On-Line:** If the FDM determines that the requested information is already available on the MINSCAT website or

any other government website covered by this E.O., the requesting party shall be advised accordingly and provided with the website link where the information is posted. **(Annex J)**

6.7 **Requested Information is Not in the Custody of the MINSCAT:** If the FDM determines that the requested information refers to another government agency, the request shall be transferred to such appropriate government agency, copy furnished the requesting party. **(Annex K-1)**

If the government agency is 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. **(Annex K-2)**

SECTION 5. REMEDIES IN CASE OF DENIAL OF A REQUEST

1. In case of denial of a request for information, the requesting party may appeal to the Appellate Authority. The appeal shall be in writing, and shall be filed within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided within thirty (30) working days from receipt of the appeal.
2. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 6. REQUEST TRACKING SYSTEM

The College 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 7. FEES

1. **No Request Fee:** The MinSCAT shall not charge any fee for accepting requests for information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The MinSCAT may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The FRO shall immediately notify the requesting party.
3. **Exemption from Fees:** The FDM may exempt any requesting party from payment of fees, upon submission of a written request stating the valid reason.

SECTION 8. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI:** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand
 - b. 2nd Offense - Suspension of one day to thirty days
 - c. 3rd Offense - Suspension of one month to six months
 - d. 4th Offense - Dismissal from the service
2. **Procedure:** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **Provision for More Stringent Laws, Rules and Regulations:** Nothing in this Manual shall be construed to derogate from any law or rules or regulations

prescribed by the Civil Service Commission which provide for more stringent penalties.

SECTION 9. FOI OFFICERS

The names and contact details of the FOI Officers of the College are as follows:

Designation	Name	Telephone	Email
FOI Receiving Officer	Andrea P. Rogelio Records Office III	09178539587	rogelio_andrea@yahoo.com.ph
FOI Decision Maker	Jesse T. Zamora, Ed.D. SUC President II	09178708728	minscatpresjetzam@gmail.com
FOI Appellate Authority	MINSCAT a Board of Trustees	09178708728	minscatpresjetzam@gmail.com

SECTION 10. POSTING AND EFFECTIVITY

This Manual shall be posted on the MinSCAT website upon its approval by the Administrative Council and/or Board of Trustees.

Approve this ____ day of December in the year of our Lord Two Thousand and Seventeen during the ____ Regular BOT meeting at CHED Central Office C. P. Garcia St. UP Compound Quezon City.

ANNEX "A"

EXECUTIVE ORDER NO. 2

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.

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



Republic of the Philippines
Mindoro State College Main Campus Bongabong Campus Calapan City Campus
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LIST OF EXCEPTIONS

1. Information that directly relates to the national security or defense and its revelation may cause grave damage to national security or internal or external defense of the state.
2. National Security Matters.

At the very least, this jurisdiction recognizes the common law holding that there is a military, diplomatic and other national security matters.
3. Executive Privilege involving information relating to the President's commander-in chief, appointing, pardoning and diplomatic powers.
4. Information pertaining to the foreign affairs of the Republic of the Philippines when its revelation shall/ may unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states.
5. Information on inter-government exchange s prior to the conclusions of treaties and executive agreements may be subject to reasonable safeguards for the sake of national interest.
6. Deliberate Process Privilege
7. Presidential Communication's Privilege.
8. The information requested pertains to internal and/ or external defense, law enforcement and border control, when the disclosure thereof may:
 - a. Lead to the disclosure of the identify of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information complied by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, or

b. Disclosure legitimate techniques and procedure for law enforcement investigations or prosecutions, or would disclose legitimate guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

c. Endanger the life or physical safety of any individual, or

d. Deprive a person of a right to a fair trial and impartial adjudication.

9. Criminal Matters.

Also excluded are classified law enforcement matters, such as those relating to the apprehension, the prosecution and the detention of criminals, which courts may not inquire into prior to such arrest, detention and prosecution. Efforts at effective law enforcement would be seriously jeopardized by free public access to, for example, police information regarding rescue operations, the whereabouts of fugitives, or lead on covert criminal activities.

10. Investigation or proceeding conducted by public authorities.

11. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries.

12. Prohibition on the Disclosure of investigatory 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:

a. Interfere with enforcement proceedings:

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

c. Disclose the identity of a confidential source and 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 unjustifiably disclose investigative techniques and procedures.

13. Proceeding before the Committee on Decorum and Investigation during preliminary investigation.

14. Informer's privilege of the Government not to disclose the identity of a person or persons whom furnish information of violations law to officers charged with the enforcement of the law and the identity of a confidential informant.
15. Prohibition on disclosure the identity of persons who furnish information of violations of law to officers I charge with the enforcement of the law.
16. Prohibition on the disclosure of information that would put the life and safety of an individual in imminent danger.
17. The information requested consist of drafts of orders, resolutions, decisions, memoranda or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory audit and adjudicatory function.
18. Proceeding before, or information in the possession of, any government agency, tribunal, board, or **officer, which** under its respective rules or regulations are treated as confidential and privileged.
19. Confidential information generally refers to information not yet made a matter of public records relating to pending cases, such as notes drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers. Even after the decision, resolution, or order is made public, such information that a justice or judge uses in preparing a decision, resolution, or **order shall remain confidential.**
20. Courts records, including pleadings and other documents filed by litigants are confidential
21. Requested information pertains to an act which tends to exact testimony from government officials by a citizen are confidential
22. Such information, record or document compromises drafts of decision orders, rulings, policy decisions, memoranda, etc.
23. The information required pertains to the personal information of a natural person other that the requesting party, and its disclosure would constitute an unwarranted invasion of his/her privacy, unless it forms part of the public record, or the person is or was an official of the government agency and the information relates to his other public function or the person has consented, I writing to the disclosure of the information.

24. Information concerning the application, together with all the records, documents and communications relating thereto and its processes shall be confidential.
25. Information requested pertains to trade secrets and commercial or financial information obtained from a natural or juridical person other than the requesting party, obtained in confidence or covered by privileged communication, and/or filed with a government agency, whenever the relation thereof would prejudice the interest of such natural or juridical person in trade, industrial, financial or commercial competition.
26. Trade Secrets and Banking Transactions.
27. Confidential, commercial and financial information are excluded from disclosure.
28. Confidential business information gathered by certain government agencies or officials on the operations, books, records or private corporations and business not required to be made public.
29. Anti-Money laundering concerns, covered or suspicious transaction reports, or any **other information in relation thereto**.
30. Prohibition of disclosing information under the National Internal Revenue Code.
31. Prohibition on the disclosure of confidential information under the National Revenue Code.
32. Trade secrets acquired by government agencies or officials in the discharge of their duties.
33. Information relating to potential intellectual property right.
34. Documents submitted through the Government Electronic Procurement System (GEPS).
35. Confidential matters under the Arbitration Law and Alternative Dispute Resolution Law involving arbitration proceeding and when the parties in an arbitration clause so provided that the proceeding and its incidents shall be confidential and information acquired in mediation or arbitration proceedings.
36. An oral or written statement made or which occurs during mediation or for purposes of considering, conducting,

participating, initiating, continuing or reconvening mediation or retaining a mediator.

37. Pleading, motions, manifestations, witness statement, reports filed or submitted in arbitration or for expert evaluation.
38. Information on on-going evaluation or review of bids or proposals being undertaken by the bidding or review committee which are not yet considered as "official acts, transaction, or decisions" on the bids or proposals or "definite propositions" on the part of the government.
39. Information considered as privilege communications | legal proceeding by law or by the Rulers of Court.
40. Privileged communication under the Rules of Court (in respect of government lawyers, government doctors, and other public officers and employees).
 - a. A public officer cannot be examined during his term of office or afterwards as to communications made to him in official confidence, when the court finds that the public interest would suffer by the disclosure.
41. Attorney-client privilege existing between a government lawyer and their client.
42. Client identity is privileged where a strong probability exists that revealing the clients name would implicate that client in the activity for which he sought the lawyer's advice or would expose the client to evil liability.
43. Confidentiality of information relating to pending cases even after the decision, resolution or order is made public.
44. Requesting information pertains to comments and disclosure on pending cases in judicial proceedings.
45. Records of cases that are still pending for decision are privileged materials that cannot be disclosure, except only for pleading, orders and resolutions that have been made available by the court to the general public.
46. Identify of News, Informants under R.A. 1477 (The Shield **Law**).
47. Requested information pertains to unauthorized recording from all the parties of any private communication spoken word to secretly overhear, intercept or record of such communication by using any recording device

48. Secrets of private individual know by public officer by reason of his or her office.
49. Divulging valuable information of a confidential character, acquired by his office or by him on account of his official position to unauthorized person, or releasing such information in advance of its authorized released date.
50. Confidential or classified information officially known to public officer and employees by reason of their office and not made available to the public
51. Non-disclosure of Statement of Assets, Liabilities and Net Worth if the purpose/s is /or any of the following purposes (a) any purpose contrary to morals or public policy; or **(b)** any commercial purpose other than by news and communications media for dissemination to the general public
52. The information is of a nature that its premature disclosure would: (1) in the case of an agency that regulates or deals with currencies, interest rates, securities, commodities, or financial institutions, be likely to lead speculations in currencies, interest rates, securities, commodities market; or (2) in the case of other agencies, be likely to frustrate the effective implementation of a proposed official action: Provided, that the information shall be disclosed once the above-mentioned dangers have ceased.
53. Information involving a subsequent identical or substantially similar request from the same requesting party where it has previously complied with a request for information unless a reasonable interval has lapsed between compliance between with the previous request and the making of the current **request.**
54. The right information may be subject to reasonable regulations as to manner and hours of examination, efforts to avoid loss or damage, undue interference with the duties of the custodian of the records, and ensuring the right of the persons entitled to also inspect the records. Requesting citizens, further, cannot compel custodians of records to prepare list of abstracts of the data.
55. Government officials cannot be compelled to prepare lists and detailed reports on how congressional funds were disbursed.

Other Exceptions

- Confidentiality of information known to a public official or employee by reason of his office.

- Information and statements made at reconciliation proceedings.
- Expenditure relating to classified information, such as the purchaser of information and payments of rewards.

RULE 4 of RA 6713

(Code of Conduct and Ethical Standards for Public Officials and Employees)

- Information, record or documents kept secret in the interest of national defense or security
- Conduct of foreign affairs
- Disclosure would put the life and safety of an individual in imminent danger
- Information, record or document sought falls within the concepts of established privilege or recognized exceptions
- Information, record or document compromises drafts of decisions, orders, rulings, policy, decisions, memoranda
- Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy
- It would disclose investigatory records compiled for law enforcement purposes
- Interfere with enforcement proceedings
- Deprive a person of a right to a fair trial or an impartial adjudication
- Disclose the identity of a confidential source
- Unjustifiably disclose investigate techniques and procedures
- Premature disclosure of which would lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution
- Likely or significantly to frustrate implementation of a proposed official action.



Republic of the Philippines

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**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?)

Gawaing itinalaga _____

(Lumagda sa ibaba ng pangalang nakalimbag) _____

(Submitted to)

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 "D"



Republic of the Philippines

Mindoro State College of Agriculture and Technology

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		Tel.: (+63) 917-1232988 Fax: (+63) (43) 2862368

FOI RESPONSE TEMPLATE – COMPLETION OF FORM

Date: _____

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested

You asked for <quote request>.

Response to your request

After processing your request, we found that you have failed to provide the following necessary details: [list missing details]. For the processing of your request, please provide us with the necessary missing details.

Thank you.

Respectfully,

FOI Receiving Officer



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FOI RESPONSE TEMPLATE – EXTENSION OF PERIOD

Date: _____

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested

You asked for <quote request>.

Response to your request

[Since your request requires extensive search of the records and facilities of the COLLEGE] or [Because of (mention specific fortuitous event) which is beyond our control], we are asking for an extension of ____ days in order to fully process your request.

Thank you.

Respectfully,

FOI Receiving Offices



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 Alcate, Victoria, Oriental Mindoro 5205 Tel.: (+63) 917-1232988 Fax: (+63) (43) 2862368

FOI RESPONSE TEMPLATE – CLARIFICATION

Date: _____

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested

You asked for <quote request>.

Response to your request

In order to fully process your request, may we ask for the following clarificatory details:
[list needed details for processing of request].

Thank you.

Respectfully,

FOI Receiving Officer



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FOI RESPONSE TEMPLATE – APPROVAL

Date: _____

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested

You asked for <quote request>.

Response to your request

Your FOI request is APPROVED. Enclosed is a copy of [some/most/all]* of the requested information [in your preferred format]

Thank you.

Respectfully,

FOI Receiving Offices



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FOI RESPONSE TEMPLATE – DENIAL (contrary to law, rules and regulations)

DATE

Dear: _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request>.

Response to your request

Your FOI request is DENIED because it is contrary to [cite specific provision law, rule or regulation]. If you would like to appeal this denial, you may submit an appeal within fifteen (15) days from the receipt of this letter.

Thank you.

Respectfully,

FOI Receiving Office



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FOI RESPONSE TEMPLATE – DENIAL (falls under list of exceptions)

Dear: _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request>.

Response to your request

Your FOI request is DENIED because it falls under the list of exceptions, specifically [cite ground for exemption]. If you would like to appeal this denial, you may submit an appeal within fifteen (15) days from the receipt of this letter.

Thank you.

Respectfully,

FOI Receiving Officer



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FOI RESPONSE TEMPLATE – SIMILAR TO PREVIOUS REQUEST

Dear: _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request>.

Response to your request

Since your requested information is substantially similar or identical to your previous request dated _____, the COLLEGE shall not act upon your request. Please be guided accordingly.

Thank you.

Respectfully,

FOI Receiving Officer



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FOI RESPONSE TEMPLATE – AVAILABLE ONLINE

Date: _____

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request>.

Response to your request

We would like to inform your requested information can be FOUND ONLINE at the website of the College. Your requested information can be found at the following link/s: [www.]

Thank you.

Respectfully,

FOI Receiving Office



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FOI RESPONSE TEMPLATE – NOT IN CUSTODY

(information with other executive agency)

Date: _____

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request>.

Response to your request

We would like to inform you the College is NOT IN POSSESSION of the information you have requested. As such, we have transmitted your request to [NAME OF AGENCY] which can properly process your request. You may follow up your request with [NAME OF CONTACT PERSON] at this number [CONTACT NUMBER OF AGENCY].

Thank you.

Respectfully,

FOI Receiving Officer



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**FOI RESPONSE TEMPLATE – NOT IN CUSTODY
 (information not with agency covered by E.O. No. 2)**

DATE _____

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request

You asked for <quote request>.

Response to your request

We would like to inform you the University is NOT IN POSSESSION of the information you have requested. As such, we have transmitted your request to [NAME OF AGENCY] which can properly process your request. You may follow up your request with [NAME OF CONTACT PERSON] at this number [CONTACT NUMBER OF AGENCY].

Thank you.

Respectfully,

FOI Receiving Officer