



# MARINDUQUE STATE COLLEGE

P. MANGUERA, SR. ROAD, TANZA, BOAC, MARINDUQUE

# FOI

FREEDOM OF INFORMATION

# MANUAL



Republic of the Philippines  
**MARINDUQUE STATE COLLEGE**  
Boac, Marinduque

## **FREEDOM OF INFORMATION (FOI) MANUAL**

### **1.0 RATIONALE**

Pursuant to Executive Order No. 02, also known as the Freedom of Information Order, signed by His Excellency Rodrigo Roa Duterte on July 23, 2016 which provides directives towards “Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies to Full Public Disclosures and Transparency in the Public Service and Providing Guidelines Therefor.” Hence, the Marinduque State College, hereby complies with that directive to formulate and implement the Freedom of Information (FOI) Manual of the institution.

### **2.0 LEGAL BASES**

The 1987 Philippine Constitution  
Executive Order No. 02 dated July 23, 2016

### **3.0 THE MARINDUQUE STATE COLLEGE FOI MANUAL COVERAGE**

#### **ARTICLE 1. GENERAL PROVISIONS**

**Section 1. Policy Declaration.** In recognition of the people’s constitutionally guaranteed right to information on matters of public concern, Marinduque State College shall endeavor to release information involving public interest subject to reasonable conditions and limitations as provided for in the 1987 Philippine Constitution, applicable laws, rules and regulations.

**Section 2. Purpose.** The purpose of this manual is to guide the public in requesting for information from the College and to provide the detailed process for guidance of the different branches, schools, units and offices in dealing with requests of information pursuant to Executive Order No. 02.

**Section 3. Objectives.** The manual sets the rules and procedures to be followed by all branches, schools, units and offices of the College, whenever there is a request for access to information. The College President shall be responsible for all actions carried out under this manual and may delegate this responsibility to the Vice President, Deans and Directors or Heads of Offices as the College President may deem appropriate.

**Section 4. Coverage.** This manual shall cover all requests for information directed to all branches, schools, units and offices of the College as well as the procedures for the appeal on request for information.

## **Section 5. Definition of Terms.**

**Administrative FOI Appeal.** This refers to an independent review of the initial determination made in response to an FOI request in accordance with the procedures established herein.

**Consultation.** This refers to the process of asking for the views of other government agency as to the disclosability of the records which are found to contain information of interest to such other government agency when such records are in possession of the College.

**Data.gov.ph.** The Open Data website that serves as the government's comprehensive portal for all public government data which are 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 any 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 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 FOI by graphically displaying the detailed statistics contained in the Annual FOI Reports, so that they can be compared by agency and over time.

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

**Freedom of Information.** This refers to the constitutionally guaranteed right of the people to information in matters of public concern which 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.

**Information.** This 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, recorded, stored or archived in whatever format, whether offline or online, which are made, received or kept 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 transactions 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 date. These types of information can already be posted to government websites, such as data.gov.ph without need for written request from the public.

**Official Records.** This shall refer to information produced or received by a public officer or employee or by a government office in an official capacity or pursuant to a public function or duty.

**Open Data.** This refers to the publicly available data structured in a way that enables the data to be fully discoverable and usable by end-users.

**Pro-active Disclosure.** This refers to disclosure of information made by the College without waiting for specific FOI request.

**Public Records.** This shall include information required by laws, executive orders, rules or regulations to be entered, kept and made publicly available by a government office.

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

**Referral.** This refers to the process to be undertaken by the College whenever it has in its possession a record that originated with, or is of otherwise primary interest to another agency by forwarding the record to the other agency to process the record and to provide the final determination directly to the requesting party.

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

- i. About an individual race, ethnic origin, marital status, age, color and religious philosophical or political affiliations.
- ii. 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.
- iii. 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;
- iv. Specifically established by an executive order or an act of congress to be kept classified.

## **ARTICLE II. THE FOI RECEIVING OFFICER AND DECISION-MAKER**

**Section 6. *The FOI Receiving Officers:*** Their Duties and Responsibilities. For purposes of efficiency and streamline process, the Deans and Directors and the Vice President for Administration in case of GASS shall serve as the concurrent FOI Decision Makers (FDM) in their respective units.

The FDM shall evaluate the request for FOI and shall have the overall responsibility for the decision on the FOI request whether to release all the requested records, partially release the same or deny access thereto.

## **ARTICLE III. PROMOTION OF TRANSPARENCY IN THE GOVERNANCE OF MARINDUQUE STATE COLLEGE**

**Section 7. *Duty to Publish Information.*** The College shall regularly publish, print and disseminate at no cost to the public and in accessible form, in conjunction with Republic Act No. 9485 otherwise known as the Anti-Red Tape Act of 2007, and through their website, timely true, accurate and updated key information including but not limited to:

- (a) A description of its mandate, structure, powers, functions, duties and decision-making processes;
- (b) A description of frontline services it delivers and the procedure and length of time by which such services may be availed of;
- (c) The names of its key officials, their powers, functions and responsibilities as well as their profile;
- (d) Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments and expenditures;
- (e) Important rules and regulations, orders or decisions;
- (f) Current and important database and statistics that it generates;
- (g) Bidding processes and requirements; and

(h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

**Section 8. *Accessibility of Language Form.*** The College shall endeavor to translate its key information into Filipino language and present them in popular forms and means.

**Section 9. *Keeping of Records.*** The College shall create and/or maintain in appropriate formats accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operation, activities, communications and documents received or filed with them and the data generated or collected.

**Section 10. *Protection of Privacy.*** While providing for access to information, the College and its colleges, units and offices shall afford full protection to a person's right to privacy, as follows:

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

#### **ARTICLE IV. STANDARD PROCEDURE**

**Section 11. *Receipt of Request for Information.*** In receiving any request for information the FROs shall be guided by the following procedures:

The requesting party shall fill out and submit the FOI Request Form to the nearest branch, school, unit or office of the College. For this purpose, attached herewith and made integral part hereof as Annex "A" is the template of FOI request form.

The FRO shall receive the request for information from the requesting party and check compliance with the guidelines on the request for information as enumerated herein.

The request shall be stamped received by the FRO, indicating the date and time of receipt of the written request, the name, rank, title and position of the FRO, with corresponding signature and a copy furnished to the requesting party.

In case of email requests, the email shall be printed out and the fro shall follow the previously mentioned procedure. In addition, the FRO shall input the details of the request on the logbook and allocate a reference number herein. Further, the FRO shall also acknowledge the email request by electronic email.

The College, its branches, schools, units or offices shall respond to any FOI request promptly, within fifteen (15) working days 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 or local public holiday in the Philippines.

The computation of the period shall be guided by the provision Article 13 of the Civil Code of the Philippines which provides that *in computing a period, the first day shall be excluded and the last day included*".

The date of the receipt of the request will either be:

- i. The day on which the request is physically or electronically delivered to the College or its branches, schools, units and offices; or
- ii. If the College or its branches, schools, units or offices 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 FRO or member of staff, and this has generated an "out of office" message with instructions on how to re-direct the message to another contact. In this case, the date of receipt will be the day the request arrives in the inbox of the contact.

Should the requested information need further details to identify or locate, the 15 working days will commence to the day after it receives the require clarification from the requesting party. In such cases, the requesting party shall be informed by the College.

**Section 12. Initial Evaluation of Request.** After the receipt of the request for information, the FRO shall evaluate the contents of the request and initially determine if the requested information may be allowed to be given or is subject to the exception as enumerated in Section 13, herein.

**Section 13. Records/Information Exempted from the Coverage of this Manual.** The following records/documents are exempted from the coverage of this manual hence should not be released or disclosed:

- (a) Minutes of the meetings of the MSC Board of Trustees, its Financial Committee and other committees which it may create
- (b) Minutes of the meetings of the College Administrative Council
- (c) Minutes of the meetings of the College Academic Council
- (d) Judicial affidavits filed in all cases involving the College
- (e) All pending cases involving the College and its employees
- (f) 201 files of all employees
- (g) Documents of the College Selection Board

- (h) Statement of Assets Liabilities and Networth
- (i) BAC Minutes of Meetings
- (j) Abstract of Bids
- (k) TWG Recommendation
- (l) OPCR and IPCRs
- (m) Financial Reports and financial documents not yet audited by the Commission on Audit
- (n) Minutes of TWG meetings
- (o) All reports not in the final form
- (p) Inter-office and inter-agency memoranda/correspondences
- (q) Student records
- (r) Pay slips

The College upon prior determination and approval of its Board of Trustees, Academic Council and Administrative Council, may provide other information of documents which may be exempted from the coverage of this manual in addition to the foregoing enumeration.

**Section 14. *Action on request for information involving records/information Exempted from the Coverage of this manual.*** If the requested information or document is exempted from the coverage of this manual, the FROs shall recommended the denial of the request for information to the FDM. The FDM shall evaluate the recommendation of the FRO and shall notify the requesting party of the decision on the request.

**Section 15. *Request relating to more than One Office other than the College.*** If the received request for information requires compliance from other agencies, bureaus or offices, the College shall forward such request to the said agencies, bureaus or offices concerned and ensure that it is well coordinated and shall monitor its compliance. The FRO shall also clear with the FRs of such agencies, bureaus or offices that they will only provide the specific information that relates to their agencies, bureaus and offices.

**Section 16. *Request Information is not in Custody of the College or any its branches, schools, units or offices.*** If the requested information is not in the custody of the College or any of its branches, schools, units or offices, the College shall undertake the following steps:

If the requested record pertain to another agency, the request shall 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 days limit. The 15 working day requirement for the receiving office commences the day after it receives the request.

If the records refer to an office not within the coverage of Executive Order No. 02, the requesting party shall be advised accordingly and provided with the contact details of the office, if known.

**Section 17. *Requested information is already posted and available online.*** If the requested information is already posted and publicly available in the BU website, data.gov.ph or foi.gov.ph., the

request shall be denied. However, the College shall inform the requesting party of the reason for such denial.

**Section 18. *Transmittal of request by the FRO to the FD.*** After the receipt of the request for information from the FRO, the FDM shall assess and clarify the request of necessary. The FDM shall make all necessary steps to locate and retrieve the information requested and 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.

If the FDM needs further details to identify and 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 to run again the day after the FRO receives the required clarification from the requesting party.

**Section 19. *Transmittal of the requested 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 FDM and ensure the transmittal of such to the requesting party within the 15 working day period upon receipt of the request for information.

**Section 20. *Request for an Extension of Time.*** If the information requested requires extensive search of the College's records facilities, examination of voluminous records, or there is 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. On no case shall the extension exceed twenty (20) working days on top of the mandated 15 working days to act on the request, unless exceptional circumstance warrant a longer period.

**Section 21. *Notice to the Requesting Party of the Approval/Denial of the Request.*** Once the FDM 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.

**Section 22. *Approval of the 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.

**Section 23. *Denial of the Request.*** In case of denial of the request, wholly or partially, the requesting party shall be notified in writing by the concerned FRO of such denial within the prescribed period. The notice shall clearly set forth the ground or grounds for the denial and the circumstances on which the denials is based. Failure to notify the requesting party of the action taken on the request within the period provided herein shall be deemed a denial of the request for information.



## ARTICLE V. REMEDIES IN CASE OF DENIAL

**Section 24. *Procedure of Appeal.*** A person whose request for access to information has been denied may avail the following remedies:

(a) Appeal to the College President. The requesting party whose request for information has been denied by the FDM has fifteen (15) calendar days from receipt of the notice of denial within which to appeal such denial of the request to the Office of the College President.

(b) Period to decide. The appeal shall be decided by the College President within thirty (30) working days from the filing of the said appeal. Failure to decide the appeal within the 30-day period shall be deemed a denial of the appeal.

(c) Appeal to the Board of Trustees. The denial by the College President of the lapse of the period to respond to the request may be appealed further to the College Board of Trustees within thirty (30) working days from the notice of the denial of the appeal.

(d) Resort to Court action. Upon exhaustion of all administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

**Section 25. *Requisites to Perfect an Appeal.*** No appeal to the College President or to the Board of Trustees shall be entertained unless the following requisites are complied with:

- (a) It must be in writing and must contain;
- (b) The full name and address of the appealing party.
- (c) The full name and office address of the FDM who denied the request for information.
- (d) A narration of the relevant and material facts leading to the filing of the appeal.
- (e) Certified true copies of the documentary evidences and affidavit of witnesses, if any.
- (f) Certification or statement of non-forum shopping.
- (g) It must be filed within the prescriptive period.
- (h) It must be filed in the appropriate appellate authority.

Failure to comply with any of the foregoing requirements may cause the dismissal of the appeal.

## ARTICLE VI. FEES

**Section 26. *Fees.*** The College or any of its colleges, units or colleges shall not charge any fee for accepting requests for information or in perfecting any appeal as set forth herein.

**Section 27. *Reasonable cost of production and copying of 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 be the actual amount spent by the College or any of its colleges, units or offices in providing the information to the requesting party. The schedule of fees shall be posted in all offices of the College.

**Section 28. *Exemption from Fees.*** The College or any of its colleges, units or offices may exempt any requesting party from payment of fees due to indigency, lack of funds or similar circumstance, upon request and subject to the showing of proof of any such circumstances.

#### **ARTICLE VII. ADMINISTRATIVE SANCTION**

**Section 29. *Non-compliance with the FOI.*** Failure to comply with any of the provisions of this manual shall be a ground for an administrative sanction. In case of finding of guilt, the following penalties shall be imposed:

1 <sup>st</sup> offense	-	Reprimand
2 <sup>nd</sup> offense	-	Suspension of one (1) to thirty (30) days
3 <sup>rd</sup> offense	-	Dismissal from service

**Section 30. *Procedure.*** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this manual.

#### **ARTICLE VIII. MISCELLANEOUS PROVISIONS**

**Section 31. *Saving clause.*** Matters not covered by the provisions of this Manual shall be referred to the College President for appropriate action.

**Section 32. *Application of relevant laws and issuances.*** The provision of RA 9470 and its IRR as well as other relevant issuances shall be suppletorily applied in all matters not covered by this manual.

**Section 33. *Effectivity.*** This policy shall take effect upon approval of the Marinduque State College Board of Trustees.

  
**MERIAN P. CATAJAY-MANI, Ed. D.**  
SUC President II