THE USTP FINAL PEOPLE’S FREEDOM OF INFORMATION (FOI) MANUAL

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PART 1 – OVERVIEW

Section 1. Rationale

Article II, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Additionally, Article III, Section 7 of the Constitution guarantees the right of the people to information on matters of public concern.

In order to implement the above constitutional provisions, the President issued Executive Order (EO) No. 2, s. 2016, (EO No. 2, for brevity) which directs every government office to prepare its own Freedom of Information (FOI) Manual (Annex “A”).

In recognition of the fundamental human right of privacy, and the role of free and open exchange of information in a democracy in enhancing transparency and accountability in official government acts, the University came up with the USTP Freedom of Information (FOI) Manual (the Manual, for brevity).

The Board of Regents, under Section 17(a) of R.A. 10919, the University Charter, has the power to promulgate rules and regulations not contrary to law, as may be necessary to carry out the purposes and functions of the University.

Section 2. Objectives of the Manual

The Manual aims to achieve the following objectives:

1. Facilitate access to information through the most efficient and expeditious manner in line with the procedures in this Manual;

2. Promote transparency in the exercise of the University’s mandates and functions; and

3. Uphold the fundamental right of the public to free flow of information.

Section 3. Purpose of the Manual

The purpose of this Manual is to provide the process for the University in dealing with requests for access to information/record (requests, for brevity) received under EO No. 2 on the Freedom of Information (FOI).

Section 4. Scope and Limitation of the Manual

The Manual covers all the major and satellite campuses of the University, and contains the following information, in accordance with EO No. 2:
1. The website, location and contact information of the University’s major and satellite campuses where the public can submit requests, and the name and contact information of the officers responsible for receiving such requests (Annex “B”);

2. The name and contact information of the appellate authorities (Annex “B”);

3. The procedures for the filing, processing and disposing of requests;

4. The procedures for administrative appeals and other remedies;

5. Standards forms and templates (Annex “C”);

6. List of exceptions to disclosure; and

7. Schedule of applicable fees.

The Manual applies only to requests made by the public, and does not apply to requests made officially by one office/unit of the university to another.

Section 5. Policy Statement

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

Consistent with the constitutional mandates upholding the right to freedom of information and the implementation of a policy of full public disclosure of all its transactions involving public interest, the University is committed to disclose information to the public involving public interest, subject to limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, such as the Republic Act (RA) No. 10173, otherwise known as the “Data Privacy Act,” and the List of Exceptions approved by the Office of the President, among others.

PART 2 – PROMOTION OF OPENNESS IN GOVERNMENT

Section 1. Duty to Publish Information

The University shall regularly publish in an accessible form, in conjunction with R.A. No. 9485 (Anti-Red Tape Act of 2007), and through its website, timely, true, accurate and updated key information including, but not limited to:

a. A description of its mandate, structure, powers, functions, and duties;
b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;

c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;

d. Work programs, development plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;

e. Important rules and regulations; and

f. Bidding processes and requirements.

PART 3 – PROTECTION OF PRIVACY

Section 1. Protection to Right of Privacy

While providing for access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of an individual, as follows:

a. The University 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 the Manual, existing law, rules or regulations;

b. The University shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts; and

c. Any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the University, shall not disclose that information except as authorized by the Manual, existing laws, rules and regulations.

PART 4 – DEFINITION OF TERMS

Section 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 the University pursuant to law, executive
order, and rules and regulations or in connection with the performance or transaction of its official business.

Section 2. Record – shall refer to information produced or received by an officer or employee of the University, or by the University in an official capacity or pursuant to a public function or duty, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded or stored. It shall also include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by the University.

Section 3. Requestor – shall refer to any individual, entity, or party seeking access to certain information/record through the guidelines of the Manual.

Section 4. FOI Receiving Officer (FRO) – shall refer to the officer, employee or personnel who is tasked to receive, evaluate, process, monitor, communicate and release relative to requests for access to information/record.

Section 5. FOI Decision Maker (FDM) – shall refer to the official designated to have overall responsibility for the initial decision on requests for access to information/record.

Section 6. Working Day – shall refer to any day other than a Saturday or a Sunday, or a day which is declared a public holiday in the Philippines or in the city or municipality where the concerned campus is located.

PART 5 – THE FOI RESPONSIBLE OFFICERS

Section 1. The FOI Receiving Officer

The FOI Receiving Officer (the FRO, for brevity) is an official, employee or personnel of the University who is responsible for receiving, evaluating, processing, monitoring, communicating and releasing relative to requests for access to information/record.

There shall be designated one (1) FRO in each of the major and satellite campuses of the University. Initially, the respective Personal Information Processors (PIPs) designated by the university under the Data Privacy Act (DPA) in the major and satellite campuses shall be the FROs.

The FRO shall be in charge of all requests on behalf of the University, that is, the FRO shall, among others:

a. Receive all requests, and conduct initial evaluation of the same;

b. Forward the requests to the appropriate FOI Decision Maker;

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c. Provide assistance and support to the FOI Decision Maker and the public with regard to the request;

d. Collate and ensure correctness and completeness of the requested information/record upon retrieval;

e. Release/withhold information in accordance with necessary provisions as to approval/disapproval of requests;

f. Monitor all requests and appeals, and for this purpose, the FRO shall employ an efficient routing/monitoring system; and

g. Compile statistical information, as may be required.

Section 2. The FOI Decision Maker

The FOI Decision Maker (the FDM, for brevity) shall be an official of the University who is designated to have overall responsibility for the initial decision on requests for access to information/record.

Initially, the respective Personal Information Controllers (PICs) designated by the university under the Data Privacy Act (DPA) in the major and satellite campuses shall be the FDMs.

Section 3. The Vice President for Administration and Legal Affairs

The Vice-President for Administration and Legal Affairs (the VP-ALA, for brevity) shall be the appellate authority with respect to decisions of the FDM denying a request in whole or in part.

Section 4. The Board of Regents

The Board of Regents shall be the appellate authority with respect to decisions of the VP-ALA denying, in whole or in part, the appeals from decisions of the FDM.

PART 6 – EXCEPTIONS TO FREEDOM OF INFORMATION

There shall be a legal presumption in favor of access to information, public records and official records. No request for access to information shall be denied unless it clearly falls under any of the exceptions to the FOI, among others.

The request shall be denied when the information falls under or is otherwise covered by the following:
1. **Personal Information** – which is protected pursuant to the Data Privacy Act of 2012 (RA 10173), and which 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;

2. **Sensitive Information** – which is protected pursuant to the Data Privacy Act of 2012 (RA 10173), and which shall refer to 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, or to any proceedings for any offense committed or alleged to have been committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;

   c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or 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;

3. **Information Subject of a Vexatious Request** – A vexatious request shall refer to that which is without any stated legal or legitimate purpose, or the stated purpose is contrary to law or existing rules and regulations, or that which is evidently aimed at disrupting the work in the University or harassing its employees and personnel, including identical or substantially similar requests from the same requestor which were previously granted or denied;

4. **Prejudicial Premature Disclosure** – When the disclosure of the requested information is premature, such as, but not limited to, those pertaining to on-going procurement activities;

5. **Information Deemed Confidential or Privileged** – pursuant to law or relevant rules and regulations, including (a) those concerning law enforcement and protection of public and personal safety; (b) those for the protection of privacy of persons and certain individuals such as minors, victims of crimes, or the accused; (c) those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory, or quasi-judicial powers; (d) those relating to national security, defense, or international relations; and (e) those considered confidential under banking and finance laws;
6. **Publicly Available Information** – which is available in the Internet, Official Gazette, other government websites such as COA, DBM, CSC, NEDA, DOST, PhilGEPS, national libraries, and national archives;

7. **Non-Existing Information** – The requested information does not exist or cannot be found in the University, or refers to a third party or other official repository or custodian of information; and

8. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

**PART 7 – RECEIVING, PROCESSING, AND DISPOSING OF REQUESTS**

**Section 1. Filing and Receipt of Requests**

All requests must be in writing, and shall be addressed to the FRO. It may be sent by mail, email or personal delivery. If the request is not made in writing, the FRO shall advice the requestor to put the same in writing, and to indicate therein the required data as hereunder required. Regardless of whether the written request was received through mail, email or personal delivery, the FRO shall stamp “Received” the University’s copy of the same, indicating the date and time of such receipt, the latter’s name, rank, title and position, with the corresponding signature. In the case of a request sent to the FRO by personal delivery, the latter shall furnish the requestor or his representative with copy of the duly received request.

The FRO shall then, on the same day, check the compliance with the following requirements:

a. The request shall state the name, address and contact information of the requestor, as well as provide valid and current government ID of the requestor;

b. The request must be signed by the requestor: Provided, That in the case of requests sent through email, this requirement is waived; and

c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request.

*The Request Form*

The Request Form, when duly accomplished, reflects the details of the request as above required. It serves as a summary of the request to guide in the evaluation of the request. In all cases, the duly accomplished Request Form shall be attached by the FRO on top of the request.

The form shall be available in the FRO’s office, and downloadable from the University’s website.

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Requests Sufficient in Form

If, after checking the request, the FRO finds the same to have complied with the above requirements, the latter shall ask the requestor to duly accomplish the Request Form, in duplicate – one copy for the FRO and the other for the requestor, by simply copying the required data from the request. The FRO shall then stamp “Received” the form, copying the date and time of receipt of the request, indicating the latter’s name, rank, title and position, with the corresponding signature.

Requests Deficient in Form

If, however, after checking the request, the FRO finds the same to be deficient in the above requirements, the FRO shall ask the requestor to duly accomplish the Request Form, in duplicate – one copy for the FRO and the other for the requestor. Upon return of the form, the FRO shall stamp “Received” the same, indicating the date and time of such receipt, and the latter’s name, rank, title and position, with the corresponding signature.

Requests Received through Mail or Email

If the request is received through email, either forwarded or directly from the requestor, the FRO shall acknowledge receipt of the same through a reply email to the requestor, indicating the FRO’s name, rank, title and position. The date and time of receipt of the email shall be that as indicated therein. The FRO shall also print the email and stamp the printout “Received,” indicating therein the latter’s name, rank, title and position, with the corresponding signature. The date and time of receipt of the email shall be that as indicated in the printout.

If the request is received through mail or email, or otherwise not personally delivered by the requestor himself, and the same is found by the FRO to have complied with the above requirements, the latter shall duly accomplish the Request Form by simply copying the required data from the request and without signing the form. The FRO shall then stamp “Received” the form, copying the date and time of receipt of the request, indicating therein the latter’s name, rank, title and position, with the corresponding signature.

If, however, the request is found to be deficient in the above requirements, the FRO shall endeavor to contact the requestor to advise the latter to download the Request Form from the University’s website or to secure a copy of the same from the FRO’s office, and to duly accomplish and submit the same to the FRO through mail, email or personal delivery. Upon receipt of the form, the FRO shall stamp “Received” the same, indicating the date and time of such receipt, and the latter’s name, rank, title and position, with the corresponding signature. Representatives of the requestor, however authorized, shall not be allowed by the FRO to accomplish the form on behalf of the requestor.
Reasonable Assistance to Requestors

Officials, employees and personnel shall provide assistance to requestors by directing them to the FRO. If the request is addressed to them, they shall, on the same day as their receipt, officially forward the same to the FRO who shall stamp “Received” the same, indicating the date and time of such receipt, and the latter’s name, rank, title and position, with the corresponding signature. In the case of requests received through email, the same shall, on the same day of receipt, be forwarded to the FRO who shall acknowledge receipt thereof as described above.

The FRO shall provide reasonable assistance, free of charge, to enable requestors and particularly those with special needs, to comply with the requirements for the request. In case the requestor 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 to the FRO which the latter shall put in writing using the Request Form to be signed by the requestor. The FRO shall stamp “Received” the form, indicating the date and time of such receipt, and the latter’s name, rank, title and position, with the corresponding signature. Further, the said requestor may be assisted by a relative within the fourth civil degree of consanguinity or affinity, or by a representative, either of which should be a person personally known to the requestor, of legal age and who belongs to the same household. The representative shall submit valid proof of identity.

In all cases, the FRO shall, on the same day, proceed with the checking of compliance with requirements, and with the filing out of the Request Form, as described above.

Section 2. Evaluation and Determination by the FDM

The FRO shall identify the responsible FDM appropriate for the request and who is in custody or control of the requested information. The FRO shall then officially indorse the request to the concerned FDM. The FRO shall coordinate with the concerned FDM, and facilitate the handling of the request and retrieval of the requested information in the custody of the office, or within the scope of responsibility, of the FDM.

Subject to review by higher authorities, the FDM has the power and duty to decide whether to grant access to all requested information, or to partially grant or to totally deny access of the requested information.

Upon receipt of the indorsement from the FRO, the concerned FDM shall be responsible for the determination of the applicability of any of the exceptions to the FOI.

In making the above determination, the FDM shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

Approval of the requested access to information, or denial thereof, as the case may be, shall be communicated to the requestor. In the case of denial of the request, wholly or partially, the FRO shall, within fifteen (15) working days from receipt of the request from
the requestor, notify the latter of the denial in writing, specifying the ground/s for the
denial, whether the denial is in whole or in part, and the circumstances upon which the
denial is based. The notice shall be prepared by the FDM. After signing the notice, the
FDM shall forward the same to the FRO. As such, the FRO shall monitor the handling of
all requests.

In the case of an approved request, whether in whole or in part, the FDM shall
issue a notice with the list of documents approved for access. The notice shall indicate the
fact of approval of the request, and that the documents may already be accessed at the
office of the FRO. The notice shall also indicate the quantity of the documents in terms of
the number of pages. The FRO shall collate and ensure that the information provided by
the FDM is complete prior to access by the requestor.

Access to requested information shall be made by the requestor within thirty (30)
working days from the date of notice. Information not accessed within the aforementioned
period may be accessed subject to approval of a new request.

Section 3. Period for Action

Requests fully compliant with the requirements and complete with the necessary
details shall be disposed of, that is, granted or denied, as soon as practicable but within
fifteen (15) working days from receipt thereof from the requestor. For this purpose, the
request shall be considered received by the FRO from the requestor on the date indicated
in the "Received" stamp on the face of the Request Form, notwithstanding prior receipt of
a corresponding letter-request, if any.

Provided, That should, upon the advice of the FDM, the information requested
require extensive search of the University’s records facilities, examination of voluminous
records, the occurrence of fortuitous events, or other analogous cases, the FRO shall advise
the requestor immediately of the extension of the fifteen (15) day period, setting forth the
reason/s for such extension. In no case shall the extension go beyond twenty (20) working
days on top of the original fifteen (15) working days, unless exceptional circumstances
warrant a longer period.

Provided Further, That should the requested information need further details from
the requestor to identify or locate, the fifteen (15) working day period will commence on
the day after the FRO receives the required clarification in writing from the requestor. In
such cases, the FRO shall accordingly inform the requestor: Provided, That the FDM may
defer action on the request until the required clarification is supplied by the requestor.

Provided Further, That the fifteen (15) working day period for disposing of
requests, including any extension thereof, shall already include the service of notice to the
requestor that the request is approved or denied, as the case may be.

Provided Finally, That the failure by the FRO to notify the requestor of the action
taken on the request within the fifteen (15) working day period, including any extension
thereof, shall be deemed a denial of the request.
Section 4. Computation of Period

In computing for the period, Art. 13 of the New Civil Code shall be observed. Hence, a day consists of twenty-four (24) hours. In computing a period, the first day shall be excluded, and the last day included.

Section 5. Service to the Requestor

Any notice, etc. shall be considered served upon the requestor: (a) on the date it is personally received by the requestor himself or through a duly authorized representative, as evidenced by the date and time indicated, and the signature of the requestor or his representative on the University’s copy of the notice, etc.; or (b) on the date of its mailing through the post office as shown by the post office stamp on the envelope and the registry receipt; or (c) in case of notice, etc. served through email, on the date the email is sent as shown on the email itself.

PART 8 – ADMINISTRATIVE REMEDIES

Section 1. Requests for Reconsideration not Allowed

A requestor whose request has been denied, wholly or partially, by the FRO or the FDM is not allowed to file any requests for reconsideration of such denial. Instead, the requestor may file an appeal set forth below.

Section 2. Appeal to the Vice President for Administration and Legal Affairs

A requestor whose request has been denied, wholly or partially, by the FRO or the FDM may file an appeal to the VP-ALA: Provided, that the appeal shall be in writing, and filed by the same requestor within fifteen (15) working days from receipt of the notice of decision or from the lapse of the fifteen (15) working day period to respond to the request, including any extension thereof. The letter of appeal shall state the ground(s) relied upon and the arguments for the reversal of the denial of the request. The requestor may provide supporting information to the appeal.

Section 3. Resolution of Appeal to the VP-ALA

Upon receipt of the appeal, the VP-ALA shall determine whether the request was in fact granted by the FDM concerned and a notice of decision was already sent by the FRO, or whether the appeal is premature for the reason that the fifteen (15) working day period to respond to the request, including any extension thereof, has not yet lapsed. The VP-ALA shall accordingly notify the requestor, and advise the latter that the appeal is deemed withdrawn.

If the filing of the appeal is found to be in order, the VP-ALA shall decide upon the same within thirty (30) working days from the filing of said appeal. The period shall
already include the service to the requestor of the notice of the resolution. Failure of the VP-ALA to decide within the required period shall be deemed a denial of the appeal.

In case the VP-ALA, after consulting all concerned officials as may be necessary, sets aside the denial of the request and grants the appeal, wholly or partially, the latter shall issue a memorandum to the Chancellor concerned or the Executive Dean for Satellite Campuses, as the case may be, directing that access to the requested information be given to the requestor or any other action as may be specified in the memorandum. The memorandum shall then be cascaded by the Chancellor concerned or the Executive Dean for Satellite Campuses, as the case may be, to the FRO and the FDM concerned for proper implementation.

The VP-ALA shall notify the requestor of the resolution of the appeal through the issuance of a notice of resolution, which notice shall be served to the requestor within the same thirty (30) working day period. In the case of a granted appeal, the notice shall indicate such fact and that the documents are ready for pick-up at the office of the FRO within fifteen (15) working days from the date of the notice. The notice shall also indicate the quantity of the documents in terms of number of pages.

In case of denial, the notice shall specify the ground/s for the denial, whether the denial is in whole or in part, and the circumstances upon which the denial is based.

Section 4. Appeal to the Board of Regents

A requestor whose appeal has been denied, wholly or partially, by the VP-ALA is not allowed to file any request for reconsideration of such denial. Instead, the denial may be appealed to the Board of Regents (Board), through its Secretary: Provided, that the appeal shall be in writing, and filed by the same requestor within fifteen (15) working days from receipt of the notice of resolution or from the lapse of the thirty (30) working day period to resolve the first appeal. The letter of appeal shall state the ground(s) relied upon and the arguments for the reversal of the denial of the request. The requestor may provide supporting information to the appeal.

Upon receipt of the appeal, the Board Secretary shall determine whether the appeal with the VP-ALA was in fact granted and a notice of resolution was already sent by the VP-ALA, or whether the appeal is premature for the reason that the thirty (30) working day period to resolve the appeal with the VP-ALA has not yet lapsed. The Board Secretary shall accordingly notify the requestor, and advise the latter that the appeal is deemed withdrawn, without prejudice to refiling after the requestor's receipt of the notice of resolution denying the appeal. In the case where the thirty, (30) working day period to resolve the appeal has already lapsed and no notice of resolution was served by the VP-ALA to the requestor, the appeal with the Board shall be deemed filed on the day following the lapse of said period to resolve, and the Board Secretary shall accordingly notify the requestor.

In case the Board of Regents sets aside the denial of the request and grants the appeal, the University President shall issue a memorandum to the VP-ALA directing that access to the requested information be given to the requestor, as may be approved by the
Board, or any other action as may be specified in the memorandum. The memorandum shall then be cascaded by the VP-ALA to the Chancellor concerned or the Executive Dean for Satellite Campuses, as the case may be, and, in turn, to the concerned FDM, through the FRO, for proper implementation.

The Board Secretary shall notify the requestor of the resolution of the appeal through the issuance of a notice. In case of denial, the notice shall specify the ground/s for the denial, whether the denial is in whole or in part, and the circumstances upon which the denial is based.

The decision of the Board to deny the appeal shall be final and executory.

Section 5. Resort to the Courts

Upon exhaustion of administrative appeals as herein provided, the requestor may file the appropriate case in the proper courts in accordance with the Rules of Court.

PART 9 – FEES

Section 1. Reasonable Fee for Reproduction of Information

In the case where the requestor asks for copy of the documents, the latter shall be charged fees to defray the cost of copying and reproduction of the requested information.

Section 2. Schedule of Fees

The cost of reproduction of document is P10.00 per page.

Section 3. No Fees on Filing of Requests or Appeals

The requestor shall not be charged with any fees for filing requests for information/record. Also, no fees shall be charged to the appellant in the filing of administrative appeals.

Section 4. Exemption from Fees

The University may exempt any requestor from payment of fees, upon request stating the valid reason why such requestor may be allowed to not pay the fees. The Chancellor concerned or the Executive Dean for Satellite Campuses, as the case may be, shall act on such requests.
PART 10 – ADMINISTRATIVE SANCTIONS

Section 1. Administrative Liability

Failure to comply with the provisions of this Manual may be a ground for administrative and disciplinary sanctions against any erring official or employee, and may be deemed a violation of reasonable office rules and regulations, among other administrative offenses, as provided under existing laws or regulations.

For this purpose, the Revised Rules on Administrative Cases in the Civil Service (RRACCS) shall be applicable.

Section 2. Provisions for More Stringent Laws, Rules and Regulations

Nothing in this Manual shall be construed to derogate from any law, rules or regulations prescribed by any agency, which provides for more stringent penalties.

PART 11 – ANNEXES

Annex A – Executive Order No. 2, s. 2016
Annex B – University FOI Directory
Annex C – Request Form
Annex D – Process Flowcharts and Work Instructions

Prepared and submitted by:

[Signature]
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VP, Administration and Legal Affairs

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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 8 of this Order.
(d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
(e) The process for the disposition of requests;
(f) The procedure for the administrative appeal of any denial for access to information; and
(g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of 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 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.
SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

By the President:

(Sgd.) SALVADOR C. MEDIALDEA
Executive Secretary
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FRO: Mr. Jonathan O. Jacobo
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     088-316-3696 / 088-316-3695 / 088-316-3692

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c/o Office of the University and Board Secretary
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Freedom of Information (FOI) Request Form

PART I. INFORMATION ON REQUESTING PARTY

1. Title: (Mr./ Mrs./ Miss/ Ms.) ______ Others: ______

2. Full Name:
   Surname: __________________________
   First Name: ________________________

3. Complete Address:
   Apt./ House No./ Street: ______________
   Brgy./ District: ______________________
   City/ Municipality: ____________________
   Province: ___________________________

4. Company/ Affiliation/ Organization/ School and Position
   ____________________________________
   ________________________________

5. Type of I.D. Given:
   □ Passport □ Driver’s License □ Others:
   □ Postal ID □ Voter’s ID

6. Contact Details:
   Landline: __________________________
   Fax: ______________________________
   Mobile: ____________________________
   E-mail: ____________________________

7. Preferred Mode of Communication:
   □ Landline □ Mobile □ Email □ Postal

8. Preferred Mode of Reply/ Response:
   □ Pick-up □ Fax □ Email □ Postal

9. Name of Representative/ Guardian:
   Surname: ___________________________
   First Name: ________________________
   __________________________________________

10. I.D. of Representative: ____________

11. Proof of Authority: ________________

PART II. REQUESTED INFORMATION

12. Title of Document/ Record Requested:
    _______________________________________________________________________
    _______________________________________________________________________
    □ Photocopy □ Certified Photocopy □ Certified True Copy

13. Date of Document: _________________
    _______________________________________________________________________
    _______________________________________________________________________

14. Purpose of Request:
    _______________________________________________________________________
    _______________________________________________________________________

15. Any other relevant information:
    _______________________________________________________________________
    _______________________________________________________________________

    I declare and certify that the information provided in this form is complete and correct. I am
    aware that giving false or misleading information or using forged documents is a criminal offense.
    I bind myself and my principal to use the requested information only for the specific purpose stated
    and subject to such other conditions as may be prescribed by the university. I understand that the
    university may collect, use and disclose personal information contained in this request.

16. Signature of Requesting Party or Representative: ______________________ Date: __________

* For follow-ups or other inquiries, please contact the FOI Receiving Officer (FRO) at __________

==============================================================================

For Official Use Only

Received by: __________________________ Signature: __________________________

Position: ______________________________

Date and Time Received: __________________________

Remarks: __________________________________________
USTP Freedom of Information (FOI) Flowchart

1. REQUESTING PARTY
   → FOI REQUEST
   (In Writing)
   ↓
   → FOI RECEIVING OFFICER (FRO)
   ↓
   Initial Evaluation / Recommendation by the FRO
   ↓
   → FOI DECISION MAKER (FDM)
   ↓
   APPROVAL
   ↓
   FRO
   ↓
   REQUESTING PARTY
   ↓
   DENIAL
   ↓
   FRO
   ↓
   REQUESTING PARTY
   ↓
   Request for Clarification or Extension
   ↓
   Within 10 working days

   Within 15 working days

   Within 10 working days

   Appeal within 15 working days

   Decide within 30 working days

   Within 10 working days

   Within 15 working days
THIS IS TO CERTIFY that on December 20, 2017, in the occasion of the 4th Quarterly Board of Regents’ Meeting held at the CHED Chairperson’s Conference Room 4th floor, HEDC Building, C.P. Garcia Ave., Diliman, Quezon City, whereat a quorum was present, Resolution No. 60, s. 2017: “Approval of the USTP Freedom of Information Manual”, was passed with the following dispositive portion, to wit:

“WHEREFORE, premises considered, the Board hereby resolves, as it is hereby resolved, to APPROVE the USTP’s Freedom of Information Manual in compliance to Executive Order No. 2, s. 2016 which was signed by the President of the Philippines last July 23, 2016.”

Issued this 4th day of January, 2018 at the Office of the University & Board Secretary, Administration Building, USTP-Cagayan de Oro Campus, C.M. Recto Avenue, Cagayan de Oro City.

CLINT DJANGO G. PACANA
Secretary, Board of Regents