

PEOPLE'S FREEDOM OF INFORMATION MANUAL

WHEREAS, the Philippine Economic Zone Authority (PEZA) supports the Department of Trade and Industry (DTI) in its commitment to release information in its control involving public interest, subject to limitations provided under the Constitution, applicable laws, rules, regulations and procedures;

WHEREAS, it is the policy of PEZA to uphold the right to freedom of information and the implementation of public disclosure of its transactions involving public interest;

WHEREAS, pursuant to Executive Order (EO) No. 02 (s. 2016) entitled "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," PEZA hereby adopts its People's Freedom of Information (FOI) Manual, as follows:

1. Policy Statement

In line with the constitutional mandate of upholding the right to freedom of information and implementation of full public disclosure of all its transactions involving public interest, PEZA is committed to release information to the public which involves public interest, subject to limitations as provided under the Constitution, applicable laws, rules, regulations and procedures, such as 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.

2. Purpose

The purpose of this FOI Manual is to guide the public in requesting for information from PEZA as prescribed under Executive Order (EO) No. 2 dated 23 July 2016.

3. Scope

This Manual covers all requests for information which are produced and kept under the control of PEZA and which are not publicly available through the PEZA website and other public sources such as, but not limited to, the Official Gazette and newspapers of national circulation.

4. Exceptions

Any information which cannot be released to the public as provided under existing laws and its implementing rules and regulations, jurisprudence and the circularized inventory of exceptions issued pursuant to E.O. No. 2.

In addition, any information protected under the Data Privacy Act of 2012 (R.A. 10173) shall not be released unless with consent of the private party concerned.

5. Requirements and Procedures

- 5.1 The Requesting Party must completely and legibly fill-up the FOI Request form (Annex A) and prepare a photocopy of the Requesting Party's valid government-issued identification card.

The request may also be filed and sent by electronic mail (email) to *foi@peza.gov.ph*. A copy of the FOI Request Form can be downloaded from the PEZA website at *www.peza.gov.ph/foi*. The completely and legibly filled-up form should also be accompanied by a clearly scanned copy of the Requesting Party's valid government-issued identification card.

The request, whether in writing or by email, must contain the full name and updated contact information of the Requesting Party.

The requesting party shall submit the request to the FOI Receiving Officer located at 10/F Double Dragon Center West Building, DD Meridian Plaza, Diosdado Macapagal Avenue, Pasay City

- 5.2 The request shall be stamped received by the FOI Receiving Officer, indicating the date and time of the receipt of the written request.
- 5.3 The Requesting Party will receive a response from PEZA 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 public holiday in the Philippines.
- 5.4 Should the requested information need further details to identify or locate, the fifteen (15) working days will commence the day after it receives the required clarification from the requesting party. In such cases, the requesting party shall be informed by PEZA.
- 5.5 If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the requesting party shall be informed by PEZA of the need for an extension of time.

The Requesting Party shall be informed of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen

(15) working days to act on the request, unless exceptional circumstances warrant a longer period.

5.7 Once PEZA approves or denies the request, the Requesting Party shall be notified by PEZA either in writing or by email at the given contact information of the Requesting Party.

6. Approval of Request

In case of approval, PEZA shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. PEZA shall prepare the letter or email informing the Requesting Party within the prescribed period that the request was granted.

7. Denial of Request

In case of denial of the request wholly or partially, the requesting party shall be notified by PEZA, within the prescribed period, of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

8. Remedies in Case of Denial

The Requesting Party whose request for access to information has been denied may appeal the denial of the request.

A written appeal must be filed by the Requesting Party within fifteen (15) days from receipt of the notice of denial. The request for appeal should be addressed to and contain the subject line "FOI Appeal":

FOI Appeals _____
10/F Double Dragon Center West Building, DD Meridian Plaza
Diosdado Macapagal Avenue, Pasay City

Attention: _____

Subject: FOI Appeal

The appeal shall be decided within thirty (30) working days from the filing of said written appeal.

The decision of the appeals authority shall be final.

The requesting party may file a case in the proper courts upon exhaustion of administrative remedies.

8. Fees

Schedules of Fees

Service	Cost
Photocopy / reproduction if the requested information exceeds 10 pages (11 pages or more)	PhP 2.50 per page starting on the 11 th page and onwards.
Retrieval Fee	Retrieval Fee of documents stored in the Head Office: a. For documents retrievable within one day: PhP 160.00 b. For documents which requires more than 1 day to one (1) week: PhP 300.00 c. For documents requiring more than 1 week: PhP 500.00
Appeal of Notice of Denial (cover administrative expenses and research fee)	PhP 1,000.00

9. Administrative Liability

PEZA's failure to comply with the provisions of this Manual shall be deemed a violation of reasonable office rules and regulations.

The Revised Rules on Administrative Cases of the Civil Service shall be applied for any violations in this Manual.

10. Effectivity

This Manual shall take effect immediately.

Prepared by:


ATTY. MARK P. RUBIO
Attorney III

Approved:


BGEN CHARITO B. PLAZA MNSA, PhD
Director General

Annex "A"
FOI REQUEST FORM

(Please download this form by accessing <http://www.peza.gov.ph/foi/form/foi.pdf>)

Annex "B"
FOI RESPONSE TEMPLATE – DOCUMENT ENCLOSED

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 exactly, unless it is too long/ complicated>.

Response to your request

Your FOI request is approved. I enclose a copy of [some / most / all] of the information you requested [in the format you asked for]

Thank You.

Respectfully,

FOI Receiving Officer

ANNEX "C"
FOI RESPONSE TEMPLATE – DOCUMENT 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 exactly, unless it is too long/ complicated>.

Response to your request

[Some / Most / All] of the information you have requested is already available online from <add details of where that specific information can be obtained e.g. data.gov.ph, foi.gov.ph or other government websites>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may appeal the response, by writing to <insert name of Secretary and postal / e-mail address>. Your appeal should explain why you are dissatisfied with this response, and be made within 15 calendar days from the date when you received this letter. We will complete the appeal process and tell you the result, within 30 calendar days from the date when we receive your appeal.

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If you are not satisfied with result of the appeal, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank You.

Respectfully,

FOI Receiving Officer

ANNEX "D"
FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

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 exactly, unless it is too long/ complicated>.

Response to your request

While our aim is to provide information whenever possible. In this instance, we are unable to provide [some of] the information you have requested because an exception(s) under section(s) <insert specific section number(s) of the List of Exceptions applies to that information. The reason why that exemption(s) applies are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may appeal the response, by writing to <insert name of Secretary and postal / e-mail address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the appeal process and tell you the result, within 30 calendar days from the date when we receive your appeal.

If you are not satisfied with result of the appeal, you then have the right to appeal to the Office of the President under Administrative Order No. 22 (s. 2011).

Thank You.

Respectfully,

FOI Receiving Officer



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FOI MEMORANDUM CIRCULAR NO. 22-01

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

FOR : **ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES AND INSTRUMENTALITIES OF THE EXECUTIVE BRANCH INCLUDING GOVERNMENT -OWNED AND/OR-CONTROLLED CORPORATIONS (GOCCS), STATE UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL WATER DISTRICTS (LWDS)**

SUBJECT : **FREEDOM OF INFORMATION (FOI) PROGRAM CRITERIA AND VALIDATION PROCESS FOR THE ELIGIBILITY TO FISCAL YEAR 2022 PERFORMANCE-BASED BONUS (PBB)**

WHEREAS, Executive Order (EO) No. 2, series of 2016, was issued by President Rodrigo R. Duterte on 23 July 2016 to operationalize the People's Constitutional Right to Information;

WHEREAS, Sections 8 and 16 of EO No. 2 (s. 2016) instructed all government offices under the Executive Branch to prepare their respective People's Freedom of Information (FOI) Manual and implementing details within 120 days from its effectivity;

WHEREAS, Memorandum Order (MO) No. 10 (s. 2016) designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 2 (s. 2016) and all other FOI programs and initiatives, including the electronic FOI (eFOI), in the Executive Branch;

WHEREAS, Department Order No. 18 (s. 2017) created the FOI-Project Management Office (FOI-PMO) to exercise the mandate of the PCOO under MO No. 10 (s. 2016), pursuant to EO No. 2 (s. 2016);

WHEREAS, FOI Memorandum Circular (MC) No. 01 (s. 2018) instructed all government offices under the Executive Branch to submit their FOI Report (Agency Information Inventory, FOI Quarterly Registry, and FOI Quarterly

Summary);

WHEREAS, FOI MC No. 3 (s. 2017) required all government offices under the Executive Branch to enroll in, and be onboard to, the eFOI program (www.foi.gov.ph) to ensure public convenience in requesting for information from the different agencies under the Executive Branch;

WHEREAS, FOI MC No. 1 (s. 2020) recommended that all government offices produce a One-Page FOI Manual, based on the template provided for by the FOI-PMO, and make the same available to the public for each government office;

WHEREAS, the FOI-PMO rolled-out the FOI Assessment Tool, entitled the “Assessing Information Disclosure Practices for FOI (AID-FOI) Compliance Tool”, in 2019 to determine the capacity and performance of agencies to comply with the FOI Program and their ability to respond to information requests;

WHEREAS, the FOI-PMO aims to generate verifiable data to determine the efficiency and effectiveness of the implementing agencies’ compliance to the FOI Program through an FOI Request Feedback Report to be included in the FOI Report;

WHEREAS, Administrative Order (AO) No. 25 (s. 2011) created the Inter- Agency Task Force on the Harmonization of National Government Performance Monitoring, Information, and Reporting System (Task Force AO 25), which is mandated to harmonize, unify, streamline and simplify all existing monitoring and reporting requirements and processes through the development of a common set performance scorecard, and the design of a government executive information system;

WHEREAS, Section 5 of EO No. 201 (s. 2016) provides that Task Force AO 25 shall prescribe the conditions for eligibility, and the procedures for the grant, of the enhanced Performance-Based Bonus (PBB);

WHEREAS, Task Force AO 25 issued MC No. 2022-1, which provides for the guidelines for the grant of the PBB for Fiscal Year (FY) 2022 under EO No. 80 (s. 2012), and EO No. 201 (s. 2016);

WHEREAS, Section 5 (c) of MC No. 2022-1, under Agency Accountabilities, provides that agencies covered by EO No. 2 (s. 2016) must comply with the set of FOI Program requirements. Compliance with these requirements, will be used as one of the bases in determining the eligibility of responsible units and individuals.

NOW, THEREFORE, in consideration of the foregoing, strict adherence to the following is hereby ordered:

Section 1. Scope. This FOI MC 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 (GOCCs), local water districts (LWDs), and state universities and colleges (SUCs), pursuant to Section 2 of EO No. 2 (s. 2016).

Section 2. Validation Process. Covered agencies shall accomplish the validation form through the link “<bit.ly/2022FOIPBB>,” starting 1 January 2023 and to be submitted on or before the deadline prescribed in Section 4 of this Circular.

The agency shall provide the following details in the validation form:

- a) Name of Agency;
- b) Head of Agency and Designation;
- c) Office Address;
- d) FOI Receiving Officer/Focal Person and Designation;
- e) Contact Details of FOI Receiving Officer/Focal Person;
- f) Direct hyperlink to the following uploaded requirements in the Transparency Seal page:
 - i. Updated People’s FOI Manual (including new designated list of FOI Receiving Officer/s with corresponding contact details) duly signed by the Head of the Agency;
 - ii. Updated One-Page FOI Manual (including the name of FOI Receiving Officer/s with corresponding contact details and the step-by-step procedure of FOI Request in standard paper-based and electronic format);
 - iii. Updated FOI Report (Agency Information Inventory, 2022 FOI Registry, and 2022 FOI Summary Report); and,
 - iv. Link to the agency’s dashboard in the electronic FOI (eFOI) portal (www.foi.gov.ph).
- g) Upload the updated accomplished Assessing Information Disclosure Practices for FOI Compliance (AID-FOI) Tool.

Section 3. Format of Requirements. Submissions that do not comply with the file format and templates below shall not be considered for validation. However, modifications to said file to reflect agency identity and information shall be allowed.

Agencies with no revision in their existing People’s FOI Manual shall retain their existing uploaded manual in their respective Transparency Seal. Further, Agencies shall submit the accomplished FOI Report, strictly in single Excel sheet (.xls) and based on the template provided in the link “<www.bit.ly/2022FOIReports>,” to the FOI-PMO and shall incorporate the same in their respective Transparency Seals with the file name “2022 FOI Reports.”

All templates (One-page FOI Manual, FOI Reports, Onboarding Form, AID-FOI Tool, and FOI Request Feedback Form) may be downloaded from the link “<<http://bit.ly/2022FOIPBBTEMPLATES>>.”

Section 3. Issuance of Compliance Certificates. A Certificate of Compliance shall be issued to agencies that have complied with Section 2 of this Circular.

Section 4. Deadline of Submission. The FOI-PMO shall commence the validation process on the following dates:

REQUIREMENTS	DEADLINE
Updated People’s FOI Manual	30 January 2023 (Monday)
Updated One-Page FOI Manual	
Updated FOI Report (Agency Information Inventory, 2022 FOI Registry, and 2022 FOI Summary Report)	
Onboarding to the eFOI portal (www.foi.gov.ph)	
Updated Accomplished AID-FOI Tool	
FOI Feedback Report	

Section 5. Non-compliance. The FOI-PMO shall issue in March 2023 a list of agencies who failed to comply with the requirements and deadlines prescribed by this Circular.

These agencies may file a request for reconsideration, through a letter from its head of agency, addressed to the FOI-PMO.

The said request shall contain justifiable reasons, which must be factors beyond the agency’s control, along with documents pertinent to the matter.

Section 6. Contact Information. Concerned agencies may reach the FOI- PMO through the following contact information:

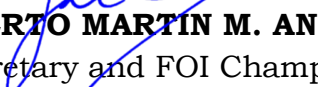
- a. Telephone number: (02) 8711-99-35 ; and
- b. email address: <foi.pco@gmail.com>.

Section 7. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

Section 8. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances, or any part thereof, inconsistent with the provisions of this Circular are hereby repealed, amended or modified accordingly.

Section 9. Effectivity Clause. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 2nd day of May year 2022.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion