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BOARD OF TRUSTEES

RESOLUTION NO. 008

Series of 2024

A RESOLUTION APPROVING THE PROPOSED REVISION OF THE BATANES STATE COLLEGE FREEDOM OF INFORMATION (FOI) MANUAL

WHEREAS, mandated in Article II, Section 28 of the 1987 Philippine Constitution, the State must adopt and implement a policy of full and public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, inscribed in the same law under Article III, Section 07 guarantees the right of the people to access information on matters of public concern;

WHEREAS, by virtue of Board Resolution No. 58, series of 2017, the Freedom of Information (FOI) Manual of the Batanes State College was approved during its 43rd BSC Board of Trustees Meeting held on 20 October 2017; and

WHEREAS, in an effort to balance the individuals' right to privacy and the need for transparency and accountability in official government acts, Batanes State College has revised its FOI Manual in accordance with Executive Order (EO) No. 02 series of 2016, which directs all government offices to draft their FOI Manual.

NOW, WHEREFORE:

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that upon its collective agreement, the BSC Board of Trustees Approved the Proposed Revision of the Batanes State College Freedom of Information (FOI) Manual.

APPROVED AND ADOPTED during the 59th Batanes State College Board of Trustees Meeting held on 18 April 2024 via Hybrid meeting.

I HEREBY CERTIFY to the correctness of the above-quoted resolution.

ROMINA KATRINA BI BERNARDO
Acting Board Secretary V

Attested:

DJOVI REGALA DURANTE, DPA SUC President I





FREEDOM OF INFORMATION MANUAL

BATANES STATE COLLEGE

2024 REVISION

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1. OVERVIEW

1.1. Purpose

This Manual is to provide the process to guide the public in requesting for information from the College pursuant to Executive Order (E.O.) No. 2, series of 2016.

1.2. Legal Bases

Article 11, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full and public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Article 111, Section 7 of the Constitution, guarantees the right of the people to information on matters of public concern.

In order to implement the constitutional provisions, President Rodrigo Roa Duterte issued Executive Order (EO) No. 02 series of 2016 which direct every government office to prepare its own Freedom of Information Manual (FOI).

In recognition of the human right of privacy and the role of free and open exchange of information in democracy in enhancing transparency and accountability in official government acts, the Batanes State College revised the FOI Manual.

1.3. Structure

This manual shall prescribe the rules and procedures to be followed by the Batanes State College, when a request for access of information is received. The College President shall designate the Vice President as the FOI Decision Maker (FDM) or in the absence of the Vice President, the Director for Administrative and Finance Services for administration and finance matters and the Director for Instruction for academic matters, who shall have the overall responsibility for the initial decision on FOI requests (i.e. to decide whether to release all the records, partially release the records or deny access)

1.4. Coverage

This manual shall cover all the requests for information directed to all departments, sections, units and offices of the college as well as the procedures for the appeal on request for information.







1.5. FOI Receiving Officer

The College President shall designate the FOI Receiving Officer (FRO) of the College. The FRO shall preferably come from the Information Office, or its equivalent. The head of Office of the Information Unit or its equivalent shall be the FRO.

The FRO shall have the following duties and responsibilities:

- a. Receive on behalf of BSC all request for information and facilitate such requests;
- b. Monitor all FOI request and appeals;
- c. Ensure that the FOI request form is completely accomplished;
- d. Provide assistance to the FDM;
- e. Provide assistance and support to the public and College personnel with regard to FOI;
- f. Compile statistical information as required;
- g. Conduct initial evaluation of the request;
- h. Forward the requests to the appropriate office which has the custody of the records;
- i. Advise the requesting party of any decision on the request;
- j. Maintain an FOI logbook and monitoring logsheet of all requests; and
- k. Prepare all other necessary FOI Reports.

1.6. FOI Decision Maker

There shall be an FOI Decision Maker (FDM), designated by the College President, with a rank not lower than a Division Chief or its equivalent, who shall evaluate the request and shall have the overall responsibility for the decision whether to release all the requested records, partially release same or deny access hereto.

1.7. Central Appeals and Review Committee

There shall be a central appeals and review committee (CARC) composed of three (3) officials with a rank not lower than a Department Chairperson/Director, Legal Unit Head, Board and College Secretary, or its equivalent, designated by the College President to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the College President on the denial of such request.

1.8. Approval and Denial of Request to Information

The FDM shall approve or deny all request of information. In case the FDM is on official leave, the College President may delegate such authority to his or her





Chief of Staff or any Officer not below the rank of a Director/Department Chairperson.

2. **DEFINITION OF TERMS**

Administrative FOI Appeal. This refers to an independent review of the initial determination made in response to an FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination, which will then conduct an independent review.

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

bscbatanes.edu.ph. This is the official website of the Batanes State College that can be accessed by the general public.

Consultation. When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made.

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.

FOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, FOI.gov.ph provides central resource for the public to understand FOI, to locate records that are already available online, and to learn how to make request for information that is not yet publicly available. FOI.gov.ph also promotes agency accountability for the administration of the 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 the information that should not be released and disclosed in response to an FOI request because they are protected by Constitution, laws or jurisprudence.

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





FOI Contact. The name, address, and phone number at each government office where you can make an FOI request.

FOI Request. A written request submitted to a government office personally, by email or through the FOI portal asking for records on any topic. An FOI request can generally be made by any Filipino to any government office.

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

Frequently Requested Information. Information released in response to an FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

Full Denial. When the College, cannot release any records in response to an FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

Full Grant. When a government office is able to disclose all records in full in response to an FOI request.

Information. This shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, tapes, photographs, data, research materials, films, sound and video recordings, 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 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 data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

Multi-Track Processing. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one processing track and more complex requests are placed in yet another track. Requests in each track are processed on a first in/first out basis.





Be informed. Be engaged. Know you government better.

Official Record/s. This shall refer to information produced or received by a public officer or employee 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.

Partial Grant/Partial Denial. When a government office is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.

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

Perfected Request. An FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

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

Processed Request or Processed Appeal. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

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

Personal Information. This shall refer to any information, whether recorded in 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.

Received Request or Request Appeal. An FOI request or administrative appeal that an agency has received within a fiscal year.

Referral. This refers to the process to be undertaken by the college whenever it has in kits 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 the 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:

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

Simple Request. An FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

3. PROTECTION OF PRIVACY

While providing for access to information, the College shall afford full protection to a person's right to privacy as follows:

- a. The College shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The College shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access leaks or premature disclosure; and
- 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, shall not disclose that information except as authorized by existing laws.

4. **STANDARD PROCEDURE** (*Please see the Flowchart in Annex "B*")

4.1. Receipt of Request In receiving any request for information, the FROs shall be guided by the following procedures:

A. For requests received personally

a. The requesting party shall fill out and submit the FOI request form to the guard on duty or officer of the day. For this purpose,





- attached herewith and made integral part hereof as annex "C" is the template of the FOI request form.
- b. 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.
- c. The FRO shall fill out the corresponding items below the *Internal Use Only* part of the form.
- d. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party.
- e. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- f. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- B. For requests received from the email
 - a. The request from the email shall be printed out and the FRO shall follow the previously mentioned procedure. The FRO shall also acknowledge the email request.
 - b. The requesting party shall attach a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.
- C. For requests received from the FOI portal
 - a. The request from the FOI portal shall be printed out and the FRO shall follow the previously mentioned procedure. Further, the FRO shall also acknowledge the request.
- D. The College shall respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national or a local public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.



The date receipt of the request will either be:

- The day on which the request is physically or electronically delivered to the College or directly into the email inbox of a member of staff; or
- b. If the College 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, and this has generated an "Out of Office" message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of 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 required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

4.2. Initial Evaluation

After the receipt of the request for information the FRO shall evaluate the contents of the request.

4.2.1. Information exempted from FOI (Please see attached Annex "D")

If the requested information or document is exempted from the coverage of this manual, the FRO shall recommend 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.

4.2.2. Request relating to more than one office under the College

If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also be clear that the respective offices will only provide the specific information that relates to their offices.





4.2.3. Information is not in the custody of BSC

If the requested information is not in the custody of the College, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- a. If the requested records refer 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 day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- b. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of the office, if known.
- 4.2.4. Requested information is already available in the BSC website

Should the information being requested is already posted and publicly available in the BSC website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

4.2.5. Requested information is substantially similar or identical to the previous request

If the requested information is substantially similar or identical to a previous request by the same requester, the request shall be verified from the requesting party as to the repetition of the act. Thereafter, the FRO shall inform the applicant the cause of the denial.

4.2.6. Upon receipt of the request for information, from the FRO, the FDM shall assess and clarify the necessary or validity of the request. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within ten (10) days upon receipt of such request.





4.3. Transmittal of Request by the FRO to the FDM

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

4.4. Role of FDM in processing the request

Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. 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. The FRO shall report to the College President in case the submission is beyond the 10-day period.

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

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

4.5. Role of FRO to transmit the information to the requesting party

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. The FRO shall attach a cover/transmittal letter signed by the FDM and ensure the transmittal of such to the requesting party within 15 working day period upon receipt of the request information.

4.6. Request for an Extension of Time

If the information requested requires extensive search of the College's records facilities, examination of voluminous records or the occurrence of fortuitous event or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20)





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

4.7. Notice to the Requesting Party of the Approval/Denial of the Request

Once the FDM approved or denied the request, the FDM shall immediately notify the FRO, who shall prepare the response to the requesting party in writing.

- a. Approval of Request In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
- b. Denial of Request In case of denial of request, wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground/s for the 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 provided shall be deemed a denial of the request for information.

5. REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail the following remedies:

1. Administrative FOI Appeal

Provided, that the written appeal must be filed by the same requesting party or requestor within fifteen (15) calendar days from the Notice of Denial or from the lapse of the period to respond to the request.

- a. Denial of the request may be appealed by filing a written appeal to the Central Appeals and Review Committee within fifteen (15) calendar days from the Notice of Denial or from the lapse of the period to respond to the request.
- b. The appeal shall be decided by the College President upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within 30-day period shall be deemed a denial of appeal.
- The denial of the Appeal by the College President or the lapse of the period to respond to the request may be appealed further to the BSC



- Board of Trustees which shall be processed and disposed in accordance with the prescribed period provided under this Manual and applicable laws, rules, and regulations.
- d. After the decision of the BSC Board of Trustees, it is understood that the requesting party has already exhausted administrative appeal remedies. As such, the requesting party may file the appropriate judicial action in accordance with Rules of Court.
- 2. Requisites to Perfect and Appeal.

No appeal to the College President or to the Board of Trustees shall be given due course unless the following requisites are complied with:

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

Failure to comply with any of the foregoing requirement my cause the dismissal of the appeal.

6. REQUEST TRACKING SYSTEM

The FRO in coordination with the Management Information Office (MIS) or its equivalent, shall establish a system to trace the status of all requests for information, which may be paper-based, online or both. Provided, that the College shall endeavor the procurement and use of the state-of-art facilities for its tracking system subject to applicable laws, rules, and regulations.

7. FEES

- 7.1. **No Request Fee.** The College shall not charge any fee for accepting requests for access to information.
- 7.2. Reasonable cost of reproduction, copying, and/or delivery of the information. The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the College in





- providing the information to the requesting party. The schedule of fees shall be posted in the College.
- 7.3. **Exemption from fees.** The College may exempt any requesting party from payment of fees due to indigence, lack of funds or similar circumstance, upon request stating the valid reason why such requesting party shall not pay the fee.

8. ADMINISTRATIVE LIABILITY

- **8.1. Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - 1) First Offense reprimand;
 - 2) Second Offense suspension of one (1) day to thirty (30)
 - days; and
 - 3) Third Offense dismissal from the service
- 8.2. **Procedure**. The Revised Rules on Administrative Cases in the Civil Service (RRACCS) shall be applicable in the disposition of cases under this Manual.
- 8.3. **Provisions for More Stringent Laws, Rules, and Regulations.** Nothing in this Manual shall be construed to derogate any law, any rules, or regulation prescribed by any body or agency, which provides for more stringent penalties.

9. MISCELLANEOUS PROVISIONS

- 9.1. **Saving Clause.** If any of the provisions of this Manual is declared invalid, such other provisions not rendered invalid shall be effective, unless otherwise declared so.
- 9.2. **Application of relevant laws and issuances.** All laws, rules and regulations, orders or any other administrative issuances relative to the foregoing Manual shall be suppletory in nature.
- 9.3. **Effectivity.** This Manual shall immediately take effect after fifteen (15) days upon the approval of the Batanes State College (BSC) Board of Trustees (BOT) and the posting thereof within the vicinity of the College, as well as in the BSC official website.





ANNEXES







Annex "A" Executive Order No. 02



MALACAÑAN PALACE

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Section 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:

THE PRESIDENT OF THE PHILIPPINES





BATANES STATE COLLEGE

FREEDOM OF INFORMATION PROGRAM



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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined 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 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 laws 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



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REEDOM OF INFORMA PROGRAM



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 as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy as follows:

- 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 laws, rules or regulations;
- Each government office must protect personal information in its custody (b) 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; and
- Any employee or official of a government office per Section 2 hereof (c) 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 regulations.

SECTION 8. People's Freedom of 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

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BATANES STATE COLLEGE



FREEDOM OF INFORMATION PROGRAM



own People's FOI Manual, which shall include, among others, the following information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests:
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall





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notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 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 wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 party may file the appropriate judicial action 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





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FREEDOM OF INFORMATION PROGRAM



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 and 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 the year of our Lord Two Thousand and Sixteen.

July

in

By the President:

SALVADOR C. MEDIALDEA Executive Secretary



Politera



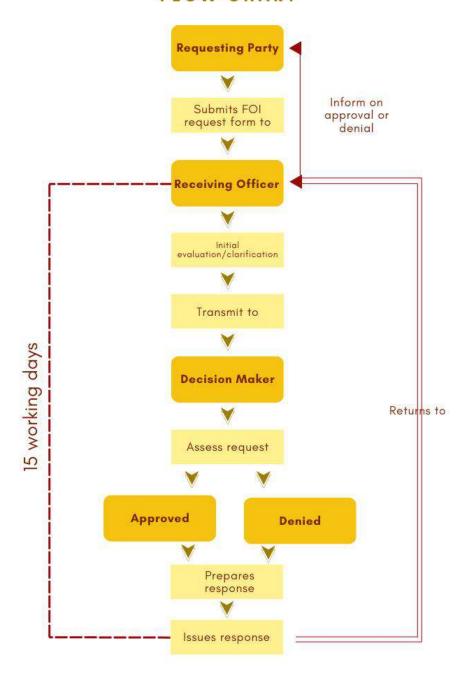




Annex "B" FOI Request Flow Chart



FLOW CHART







FREEDOM OF INFORMATION **PROGRAM**



Annex "C" **FOI Request Form**



FREEDOM OF INFORMATION **PROGRAM**



and is NOT FOR SALE

REQUEST FORM

(Pursuant to Executive Order No. 2, s. 2016) (as of November 2016)

Note: (*) denotes a MANDATORY Held.		
A. REQUESTING PARTY		
*Title (e.g. Mr. Mrs. Ms., Miss) *Gwen Name	*Surname	*M.L.
*Complete Address *Apt./House No./	Street, City/Municipality	r, Province)
Landline/Fax	*Mobile no.	
Email address		
Preferred mode of Communication: (If your request is successful, we will be sending the documents to you in this manner.)	Mobile No. Email Postal Address	□FAX
Preferred mode of Reply:	□ Email □ Fax □ Pick-up at age	
Type of ID given (Please ensure your (Os contain your photo and	/A = 35	ń.
□ Passport □ Driver's License □ SSS ID □ School ID	Company ID Postal ID Voter's ID Others	
B. REQUESTED INFORMAT	ION	
*Agency	Connecting Ager	icy (if applicable)
*Title of Document/Record Requested (please be as detaile	d as possible)
*Date or Period(DD/M/YY)		-11
*Purpose		

C. DECLARATION

PRIVACY NOTICE: Once deemed valid, your information from your application will be used by Batanes State Callege, to deal with your application as set out in the Freedom of Information Executive Order no. 2. If BSC gives you access to a document, and if the document contains no personal information about you, the document will be published online in the BSC's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

- The information provided in the form is complete and correct;

 I have read the Privacy notice; and
 I have presented at least 1 (one) government-issued ID to establish proof of my identity.

I understand that it is an affense to give a misleading information about my identity, and that doing so may result in a decision to refuse to process my application

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*Signature

*Date accomplished (DD/MM/YYYY)

Be informed. Be engaged. Know you government better.

INTERNAL USE ONLY

Title e.g. Mr. Mrs. Ms, Mis	s) *Given Name	*Surname	*M.I.
waruthanananan (100	2.7810 tip 1000		
Agency		- Connecting Agency	(if applicable)
Date entered on	Total Control		
f applicable otherwise N	(/A)		
Proof of ID prese			
Photocopies of original:	should be attached)		
	□ Passport □ Driver's Lic □ SSS □ School ID	Company ID sense Destal ID Voter's ID Others	
*The request is re		o be: Approved	Denied
1000 1000 1000 100 100			
if denied please ci the denial	neck the reason	☐ Incomplete ☐ Data already	
*Second Receiving	og Officer Assi	online	
(print name)	3		
*Title e.g. Mr. Mrs. Ms. A	tiss) "Given Name	e *Surname	*M.
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	manium and to m	lidient	
	assigned to a	pplication:	
		• • • • • • • • • • • • • • • • • • •	*****
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(print name) *Title a.g. Mr. Mrs. Ms. N *Decision on app	Giss *Given Name	e *Surname	ally Successful
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(print name) *Title[a.g. Mr. Mrs. Ms. N *Decision on app If denied please chereason for the denial	"Given Name lication Ck the	s "Surrame Successful	
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(print name) *Title[a.g. Mr. Mrs. Mrs. Nrs. Nrs. Nrs. Nrs. Nrs. Nrs. Nrs. N	ck the Data alread Which exce	Successful Partic Denied Cost y available online ption?	
(print name) *Title a.g. Mr. Mm. Mr. Mr. Mr. Mr. Mr. Mr. Mr. Mr. Mr. Mr	ck the Data alread Which exce	Successful Partic Denied Cost y available online ption?	
*Title a.g. Mr. Mn. Mr. Mr. Mr. Mr. Mr. Mr. Mr. Mr. Mr. Mr	ck the Data alread Which exce	Successful Partic Denied Cost y available online ption?	
(print name) *Titlo[a.g. Mr. Mn. Mr. Nr. Nr. Nr. Nr. Nr. Nr. Nr. Nr. Nr. N	Complished	Successful Partic Denied Cost y available online ption?	ally Successful







Annex "D" List of Exceptions to FOI

In addition to sensitive information as defined under this Manual, the following documents shall not be released to any requesting party, whose purpose other than internal use and reportorial compliance of the College; unless a proper court order is obtained with the specific instructions therein of producing the same.

- 1) Minutes of the meeting of the BSC Board of Trustees, its Financial Committee and other committees which it may create;
- 2) Minutes of the meeting of the BSC administrative council;
- 3) Minutes of the meeting of the BSC academic council;
- 4) Judicial affidavits;
- 5) Filed cases;
- 6) 201 Files;
- 7) SALN;
- 8) Live Birth Certificates;
- 9) Medical examination results of the employees;
- 10) Proceedings or notes during students' consultations with their respective advisers and counselling sessions;
- 11) Results of the Search for Presidency of the College;
- 12) Proceedings, Minutes, and Resolutions of the Personnel Selection for both Faculty and Non-Teaching Personnel;
- 13) Proceedings of anti-sexual harassment cases;
- 14) Proceedings of any issue under the grievance machinery;
- 15) Investigation Reports by committees or bodies duly constituted by the College President and/or BSC BOT or duly constituted authority/ies;
- 16) Individual Performance Commitment Report (IPCR);
- 17) Financial reports and financial documents not yet audited by the Commission on Audit;
- 18) Evaluation results for SUC levelling, AACCUP Accreditation, ISO Certification, IQUAME, and similar quality assurance evaluations processes:
- 19) Academic Rank Evaluation Documents under the National Budget Circular (NBC) NO. 461 and its subsequent issuances;
- 20) Duly accomplished and processed students' enrolment forms;
- 21) School credentials submitted by the student applicants during enrolment period;
- 22) Grade sheets, class cards, and class records;
- 23) Transcript of Records (TORs), Diploma, Certificate of Good Moral and Graduation;
- 24) Document specifically indicated the birthdate and age of the person concerned:
- 25) Medical examination results of students;
- 26) General Payroll of the College;







- 27) Pay slips;
- 28) Proceedings and Minutes of the College Bids and Awards Committee;
- 29) Abstract of Bids;
- 30) Technical Working Group (TWG) recommendation/s;
- 31) Minutes of TWG meetings; and
- 32) All reports not in the final form.

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



FREEDOM OF INFORMATION PROGRAM



Annex "E" One-Page Manual



BATANES STATE COLLEGE

FREEDOM OF INFORMATION PROGRAM



Receiving Officer: Ms. Paola Joy S. Esguerra-Santiago

Designation: Information Officer II
Office: Office of the President

Receiving Office: Office of the President-Information Unit

Contact: 09435554578 Email: pjsioesguerraegmail.com

MODE OF REQUEST





STANDARD REQUEST

eFOI REQUEST

FOR MANUAL REQUEST

STEP 1

Accomplish the BSC FOI Request form found at the guard station counter along the campus entrance.

STEP 2

Submit the BSC FOI Request form with two (2) government-issued IDs and other pertinent documents to the Office of the President - Information Unit.

STEP 3

Receive the result of your request within fifteen (15) days.

FOR REQUEST THROUGH eFOI PORTAL

STEP 1

Access the portal through https://www.foi.gov.ph.

STEP 4

Make a new request.

STEP 2

Tag the Batanes State College.

STEP 5
Accomplish the FOI request form.

STEP 3

Generate an account.

STEP 6

Accomplish other details.

STEP 7

Receive the result of your request within fifteen (15) days.

FOI APPEALS

If you are dissatisfied with your FOI request response, you may file an appeal in writing within fifteen (15) days of receiving the response. Please refer to the contact details printed on the top portion of this form. We will complete the review and inform you of the results within 30 days of receiving your appeal.

For more information, please access the BSC FOI Manual on the left side of the BSC official website: https://bscbatanes.edu.ph/.



Be <mark>informed</mark>. Be <mark>engaged</mark>. Know you government better.





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Builds Scrues Creates
minds communities opportunities