

MOUNTAIN PROVINCE STATE POLYTECHNIC COLLEGE (MPSPC)



FREEDOM OF INFORMATION (FOI) MANUAL

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SECTION 1

OVERVIEW

1. Purpose of the Manual: The purpose of this Freedom of Information Manual of the Mountain Province State Polytechnic College is to provide the processes or procedures to be observed by the public in requesting information/documents from the College, in response to the Executive Order No. 2, s. 2016 (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) dated July 23, 2016. (Annex A).

2. Structure of the Manual: This Manual sets out the definition of terms, standard operating procedures, remedies, fees, and administrative liability. It also provides for the relevant forms and other annexes. The Manual contains the following specific information:

- a) Requirements and procedures to be observed by a Requesting Party (RP) in filing a complete and official Request for Information (RFI);
- b) Standard form for filing an RFI;
- c) Types of disposition/action on an RFI;
- d) Processing time for acting on RFIs;
- e) Appeals mechanism in case of denial; and
- f) Fees

3. Coverage of the Manual: The Manual shall cover all requests for information/documents/records directed to Mountain Province State Polytechnic College

4. Responsible Officer: For purposes of the Manual, there shall be an FOI Receiving Officer (FRO).

SECTION 2

DEFINITION OF TERMS

College. Refers to Mountain Province State Polytechnic College.

FOI Receiving Officer (FRO). The designated person within MPSPC who is authorized to receive and evaluate the validity of an RFI, route the request to the unit concerned, and receive the response from the relevant unit which processed the RFI, for release to the Requesting Party (RP).

Freedom of Information (FOI). This refers to the right of the people to access information, as recognized by the Executive Branch, on matters of public concern. It involves the full public disclosure of all government transactions involving public

interest, subject to the procedures and limitations provided in Executive Order No. 2, s. 2016.

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.

MPSPC. Refers to Mountain Province State Polytechnic College.

www.mpspc.edu.ph. The official website of MPSPC

Official records shall refer to information or documents produced or received by a public officer or employee, or by a government agency in an official capacity or pursuant to a public function or duty.

Public records shall include information required by law, executive orders, rules, or regulations to be entered, kept and made publicly available by a government agency.

Request for Information (RFI). A written request submitted to MPSPC through the records office, for information or records which are under the custody of the MPSPC.

Requesting Party (RP). Includes any individual, whether or not a Filipino citizen, or any entity, whether a corporation, civil society organization, academic institution, media organization, or any other private organization. The requesting party may also refer to another government agency, a foreign government, or a multilateral organization, though the protocols in this Manual are not applicable to their requests for information.

Responsible officials – Officials and employees of MPSPC responsible for the implementation of this manual.

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

- a. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical and/or political affiliations;
- b. About an individual's health, education, genetic or sexual life, or to any proceeding 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 their denial, suspension or revocation, and tax returns; and

- d. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3

PROMOTION OF OPENNESS IN GOVERNMENT

1. Access to Information: MPSPC recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in E.O. No. 2.

2. Exceptions: MPSPC is committed to disclose to the public any and all information involving public interest under its custody, subject to the limitations as provided for under the Constitution and applicable Philippine laws, rules, regulations and procedures, the master list of exceptions identified by the MPSPC (ANNEX C).

3. Protection of Privacy: While providing for access to information, MPSPC shall observe the provisions of the Data Privacy Act of 2012.

SECTION 4

STANDARD PROCEDURES FOR FILING A REQUEST FOR INFORMATION

1. Where and How to File a Request for Information (RFI).

1.1. A request for information (RFI) addressed to the President of MPSPC can be filed at any one of the following receiving points:

- a. www.mpspc.edu.ph;
- b. mpspc@mpspc.edu.ph; and
- c. Office of the President of the Mountain Province State Polytechnic College.

1. 2. The Requesting Party (RP) should accomplish in full the standard request form for FOI requests [Annex B] which is available online, at the Records Office or at the Office of the President. No RFI made over social media or via telephone/cellphone or submitted directly to MPSPC employees will be entertained.

1.3. A Requesting Party (RP) who is unable to comply with the requirement of a written request because of illiteracy or due to being a person with disability (PWD), may request assistance from the FOI receiving officer to reduce an oral request in writing. The requesting party will also have to provide proper identification and authorization.

1.4. The Request for Information (RFI) will be received by the FOI Receiving Officer (FRO) assigned in each of the abovementioned points.

2 Processing of the RFIs

2.1 Upon receipt of the RFI, the FRO shall evaluate the validity/completeness of the request.

2.2 If the RFI is deemed valid, the requesting party shall receive a printed acknowledgment receipt, indicating the unit where it will be forwarded. If the RFI comes through the foi.gov.ph portal and electronic mail (email), the requesting party will be sent an electronic acknowledgment or response.

2.3 The FRO shall forward the RFI to the unit concerned within the same day, except when the RFI is received after 3 p.m., in which case the FRO may forward it the following working day.

2.4 Upon receipt, the concerned unit shall process the request and prepare the necessary action document.

3. Period to Respond

3.1 The College shall respond to the requesting party within fifteen (15) working days from the date of receipt of the complete request for information (RFI).

3.2 A working day is any day other than a Saturday, Sunday, or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the Civil Code shall be observed.

3.3 The period may be extended whenever the request requires extensive search of the records facilities of the college, examination of voluminous records, or in case of the occurrence of fortuitous events or other analogous cases. The college through the FOI Receiving officer shall inform the requesting party of the extension, setting forth the reasons for such extension.

4. Response on the Request:

4.1. Upon receipt of the request for information from the FRO, the concerned unit shall prepare the requested information and forward it to the FRO. The FRO shall forward the same to the MPSPC President for perusal and appropriate action.

4.1. Upon receipt of the requested information from the Office of the President, the FRO shall collate the information, notify the requesting party in writing, and direct the party to pay any applicable fees.

4.2. In case of denial, the FRO shall notify the requesting party in writing, clearly setting forth the ground for denial and the circumstances on which the denial is based. Denial of requested information shall be based on the following:

a. Requested information is already posted and available online. If the information being requested is already posted and publicly available in the

MPSPC website (www.mpspc.edu.ph), the RP will receive a notification informing him/her of the website link where the information is posted.

b. Requested information is among the exceptions to the FOI. If the information/document/record requested cannot be disclosed/provided because its non-disclosure is protected by the Constitution, Philippine laws or jurisprudence, or it is among the inventory of exceptions identified by MPSPC, the RP shall receive a notice of full denial of the RFI.

c. Requested information is identical or substantially similar to a previous request by the same requesting party. Any RFI that is identical or substantially similar to an earlier one from the same requesting party, and whose request has already been acted upon by the college shall no longer be entertained nor granted. In such a case, the RP shall be notified accordingly.

d. Requested Information is Not in the Custody of the College: If the college determines that the requested information refers to another government agency, the College shall notify the requesting party.

SECTION 5

REMEDIES IN CASE OF DENIAL

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

SECTION 6

PROCESSING TIME FOR ACTION ON RFIs

Activity/Action	Time Limit
Acknowledgment of Receipt of the RFI by the college	On the same day the RFI is received, except when received after 5 p.m.
Completion of Information Requested or denial of the RFI. Issuance of Appropriate Notice to the Requesting Party	Within fifteen (15) working days from receipt of the request
Extension Period	Not to exceed twenty (20) working days, in addition to the mandated fifteen (15) working days, unless exceptional circumstances warrant a longer period as agreed upon with the requesting party
Filing of Appeal on Denial of RFI	Within fifteen (15) working days from the notice of denial
Decision on Appeal of Denial of RFI	Within thirty (30) working days from filing of the appeal

SECTION 7

FEES

1. No Request Fee: The College shall not charge any fee for accepting requests for information.

2. Reasonable Cost of Reproduction and Copying of the Information: The College may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The FRO shall immediately notify the requesting party.

3. Exemption from Fees: The College may exempt any requesting party from payment of fees, upon submission of a written request stating the valid reason.

SECTION 8

ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI

Any public official or employee who willfully and knowingly fails to act on the request within the period of stated in this manual shall be tantamount to gross neglect of duty and shall constitute grounds for administrative liability.

2. Procedure

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

SECTION 9

FINAL PROVISIONS

1. Repealing Clause

All other guidelines of the same purpose, issued in full or in part by the College, if any, contrary to and inconsistent with any provisions of this manual is hereby repealed, modified or amended accordingly.

2. Separability Clause

If there are any provisions in this manual, or application of such provisions to any circumstances, is found to be invalid or unlawful, the other provisions not affected shall remain valid and subsisting.

3. Posting and Effectivity

This Manual shall be posted on the college website and shall take effect upon its approval by the Board of Trustees and fifteen (15) days from the date of filing with the Office of the National Administrative Registrar.

ANNEX A

MALACAÑANG PALACE MANILA
BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02, S. 2016

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

ANNEX B

FOI Request Form**DOKUMENTO o IMPORMASYON NA KAILANGAN/** *Document or information needed*

MGA TAON/PANAHONG SAKLAW / Year: _____

LAYUNIN / Purpose _____

PANGALAN / Name _____ CONTACT NO. _____

TIRAHAN / Address _____

LAGDA / Signature _____ PETA / Date _____

KATIBAYAN NG PAGKAKAKILANLAN*(Proof of Identity)*

Passport No. _____ Driver's License _____ Others _____

PARAAN NG PAGTANGGAP NG IMPORMASYON*(How would you like to receive the information)*☐ Email _____☐ Pick-Up (Office Hours) _____

(To be accomplished by the MPSPC)

Time received: _____ Date received: _____ Reference number: _____

(dd-mm-yyyy)

Received by : _____

(Signature over Printed Name and Position)

Referred to/transmitted to: _____

(Name of unit head of concerned unit)

Date/Time of Referral: _____

(To be accomplished upon completion of the RFI)

Type of Action Undertaken: _____

Approved By: _____

President, MPSPC

Remarks: _____

Received by: _____

FOI Receiving Officer

Date and Time of Receipt: _____

ANNEX C**Freedom of Information (FOI) List of Exceptions****MOUNTAIN PROVINCE STATE POLYTECHNIC COLLEGE**

1. Information on on-going evaluation or review of bids or proposals being undertaken by the Bids and Awards Committee and such other similar committees, as there is yet no official act, transaction or decision at this point.
2. Internal communications, memoranda, opinions, reviews, comments and other operational matters of confidential nature, including but not limited to:
 - 2.1 Internal emails of past and present employees, officers or directors;
 - 2.2 Internal files especially drafts and notes of public officers concerned (any unofficial or unacted upon documents should not be disclosed without prior approval);
 - 2.3 Legal opinions or comments rendered by the Legal Officer;
 - 2.4 Contract review including drafts and notes of public officers concerned;
 - 2.5 Records of pending internal investigations; and
 - 2.6 Documents and/or information pertaining to matters under litigation, the purpose of which is to prejudice a pending issue before a court or obstruct the administration of justice.