

BICOL STATE COLLEGE OF APPLIED SCIENCES AND TECHNOLOGY

CITY OF NAGA

FREEDOM



F
INFORMATION

TABLE OF CONTENTS

I. Legal Basis	2
II. Policy Statement	2
III. Objectives/Purposes	2
IV. Scope And Coverage	3
V. Definition Of Terms	3
VI. Guidelines And Procedures.....	5
1. Request for Information	5
2. Receipt of Request	5
3. Period to Respond.....	6
4. Response to the Request	6
5. Remedies in Case of Denial.....	7
6. Compliance to Subpoena Duces Tecum	7
7. Unclaimed Records	7
8. Request Tracking System	7
9. Fees and Charges.....	7
VII. Responsible Offices	8
VIII - Administrative Liability	9
IX - Effectivity	9
Annex "A"	11
Annex 'B'	16
Annex "C"	18
Annex "D"	20
Annex "E"	21
Annex "F"	22
Annex "G"	23
Annex "H"	24
Annex "I"	25
Annex "J"	26
Annex "K"	27
REQUEST OF INFORMATION	32
CERTIFICATION AND APPROVAL	35
References.....	36

I. LEGAL BASIS

Executive Order (EO) No. 2, otherwise known as the Freedom of Information (FOI), was signed by President Rodrigo Roa Duterte on July 23, 2016, and took effect on July 27, 2016. The FOI EO seeks to operationalize the constitutional provisions on full disclosure of all state transactions involving public interest (Section 7, Article III) and the right of the people to information on matters of public concern (Section 7, Article III).

Section 8 of Executive Order No.2 (**see Annex A**) directed all government agencies under the executive branch to prepare within one hundred twenty (120) calendar days from the effectivity thereof an FOI Manual, which provides the process on how to deal with requests of information received. Memorandum Circular No.2017-1, dated March 9, 2017, of the Department of Budget and Management (DBM) provides that the FOI Manual should be uploaded in the agency Transparency Seal on or before October 1, 2017, as one of the Good Governance Conditions for validation by the Presidential Commission Operation Office (PCOO), hence, this FOI Manual of the College.

II. POLICY STATEMENT

The College adheres to the state policy on full disclosure of all transactions involving public interests and the right of the people to information on matters of public concern. While providing for access to information, 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 and is protected by making reasonable security arrangements against unauthorized access, leaks, or premature disclosure. It shall further ensure that any official or employee of the College who has access to personal information in the custody of the offices of the College, whether authorized or unauthorized, shall not disclose that information except as authorized by laws.

III. OBJECTIVES/PURPOSES

The objectives of the Manual are:

1. To classify the information, document, and record under the custody of the offices in the College;
2. To determine the information which may be the subject of the request for FOI purposes;
3. To identify the responsible offices/officials to handle FOI requests;
4. To assess the capability of such responsible office/official; and
5. To streamline procedures of the various responsible offices/officials towards the efficient processing of FOI requests for access to information.

The basic purpose of this Manual is to guide and assist the public in the processes and procedures involved in the request for information pursuant to EO No. 2. It likewise sets out the rules, procedures, and guidelines to be followed by the officials and employees of the offices of the college for requests on access to information.

IV. SCOPE AND COVERAGE

This manual sets out the definition of terms, guidelines and procedures, remedies, fees and charges, and administrative liability related to FOI, Specifically, it includes, among others, the following provisions:

1. The location and contact information of the College President and offices (see Annex B) where the public can obtain information or submit requests;
2. The officials or offices responsible for receiving requests for information;
3. The procedure for filing and processing of requests;
4. The standard forms for the submission of requests and for the proper acknowledgment of requests;
5. The process for the disposition of requests;
6. The procedure for the administrative appeal of any denial of access to information; and
7. The schedule of applicable fees and charges.

The Manual covers all requests for information directed, filed, or submitted to the office of the College President, Records Officer, and other academic and administrative offices. The Guidelines and Procedures outlined in Item VI of this Manual do not apply to students or their authorized representatives requesting their credentials, i.e., diploma, transcript of records, certificate of good morals, honorable dismissal certifications, and other similar documents, personally or through their authorized representatives.

V. DEFINITION OF TERMS

For the purpose of this Manual, the following terminologies are defined:

1. **Date of Receipt** - shall mean:
 - a. The date when the request is physically delivered to the Records Office or other offices in the College;
 - b. The date when the request is received by mail by the Records Office or other offices; and
 - c. The date when the request is electronically received by the Records office or any other office in the College, provided that the request has been emailed to the employee of the Records Section or any other office of the College who is absent, and this has generated an "out of office" message with instructions on how to re-direct the message to another contact, then it shall be the date when the request is electronically delivered to that contact.
2. **Exceptions to Freedom of Information** - refer to those classes of privileged information that are outside the scope of the constitutional right to information and which may not be released or disclosed to the public, as provided under the Constitution, laws, or jurisprudence, such as the following:
 - a) Information covered by Executive Order;
 - b) Privileged information relating to national security, defense, or international relations;
 - c) Information concerning law enforcement and protection of public and personal safety;

- d) Information deemed confidential for the protection of privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
 - e) Information, documents, or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or offices, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
 - f) Prejudicial premature disclosure;
 - g) Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
 - h) Matters considered confidential under banking and finance laws and their mandatory laws;
 - i) Other exceptions to the right to information under laws, jurisprudence, rules, and regulations.
3. **Freedom of Information (FOI)** – pertains to the **right** of the people to information on matters of public concern, subject to limitations established by laws.
 4. **Information** – means 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 office in the college pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business of the College.
 5. **Official Record/s** – refers to information produced or received by an official or employee of the College in an official capacity pursuant to his/her duties and functions.
 6. **No Wrong Door Policy** – refers to the standardized procedure for referring Freedom of Information (FOI) requests to the appropriate government agency when the initial receiving agency does not have possession or custody of the requested information or records, or is not authorized to release them (**see Annex K**).
 7. **Personal Information** – refers to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the office holding the information, or when put together with other information would directly and certainly identify an individual.
 8. **Public Records** – include information required by laws, executive orders, rules or regulations to be entered, kept, and made publicly available by the college.
 9. **Requesting Party** – refers to any person or entity established by law requesting any information, document, or record not included under exceptions to the Freedom of Information (FOI) pursuant to Executive Order No. 02, s. 2016.
 10. **Responsible Officials and Employees** - refer to officials and employees of the College for the implementation of this Manual.
 11. **Sensitive Personal Information** – as defined in the Data Privacy Act of 2012 (Republic Act No.10173), sensitive personal information refers to the following:

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

12. **Working Day** – any day other than a Saturday, Sunday, or a day that is declared a national public holiday, special holiday, and or non-working holiday in the Philippines.

VI. GUIDELINES AND PROCEDURES

The following guidelines and procedures shall govern the filing and processing of requests for access to information.

1. Request for Information

- a) All requests for information shall:
 - a.1 be in writing and be accomplished using the prescribed FOI Request Form (**see Annex C**)
 - a. 2 Provide the full name and contact information of the Requesting Party, including a valid government identification card with photograph and signature;
 - a. 3 reasonably describe the information requested, and the reason for, or purpose of the request for information; and
 - a.4 be made by Requesting Party to deliver it personally to the Records Office, by sending it by mail, or by sending it by electronic mail or through an authorized representative.
- b) The Requesting Party should be assisted in ensuring that the FOI request form is filled out completely.
- c) The request shall be addressed to the Records Officer or to the concerned office in the College as enumerated in Annex B.

2. Receipt of Request

- a. The Receiving Staff records the request in the logbook intended for FOI-related requests by indicating the full name and complete address of the Requesting Party, cellphone and landline numbers, the nature of the information requested, and the purpose for which the document will be used. S/he issues the FOI Request Form and assists the Requesting Party in filling out the form to ensure its completeness.
- b. Requests for any information, document, or record not in the custody of an office or already turned over to the Records Section of the College for archive purposes should be referred to the Records Officer for appropriate action.
- c. For email requests sent on a non-working day and during non-working hours, receipt shall be at the start of the working hours of the next working day. A confirmation email shall then be sent to the

requesting party. For the email requests to be considered received:

- c.1 They must be sent to president@biscast.edu.ph; and
- c.2 An acknowledgment email must be sent to the Requesting Party within one (1) working day.

- d. If the Requesting Party cannot personally appear before the concerned office, s/he should send a representative bearing an authorization letter and two (2) proofs of identification.
- e. A person who is unable to write because of illiteracy or due to disability may make an oral request to the Records Office. The latter shall transcribe the oral request into the FOI Request Form.
- f. The Requesting Party should affix his/her signature on the FOI request form; in case of inability to sign, The Requesting Party may use his/her thumb mark instead.
- g. The Records Office will affix the reference number to the FOI request form and log the request.

3. Period to Respond

- a. The Records Officer shall respond to the Requesting Party within fifteen (15) working days from the date of receipt of the complete FOI request for information.
- b. If the requested information, document, or record is not covered by an exception to FOI and other legal impediments to issue the same, the FOI Request form shall be immediately forwarded to concerned officials for signature, and shall notify the requesting party in writing (**see Annex D**), and direct the party to pay applicable fees and charges.
- c. In computing for the period, Article 13 of the Civil Service Code shall be observed.
- d. The period may be extended whenever the request requires an extensive search of the records by the Records Officer, examination of voluminous records, or the occurrence of fortuitous events or other analogous cases. The Records Officer shall inform the Requesting Party of the extension, setting forth the reasons for such extension (**see Annex E**).

4. Response to the Request

- a. Upon receipt of the request for information from the Requesting Party, the Records Officer shall assess the request. A response shall be relayed by the Records Officer to the Requesting Party by mail or email.
- b. If the Records Officer needs further details to identify or locate the information, clarification from the Requesting Party shall be made (**see Annex F**). This shall stop the running of the 15–day period, which will continue to run the day after the required details are received from the Requesting Party.
- c. No request shall be denied by the Records Officer unless:
 - c.1 The reason for the request is contrary to laws, rules, and regulations (**see Annex G**);
 - c.2 The request falls under the exception to FOI. The Records Officer shall notify the Requesting Party in writing, clearly setting forth the ground for denial and the circumstances on which the denial is based (**see Annex H**).
- d. The Records Office shall not be required to act if, upon its determination, the requested information is substantially similar or identical to a previous request by the Requesting Party, whether the same has been granted or denied. The requesting shall be advised accordingly (see Annex J).
- e. If the Records Officers determine that the requested information is already available on the BICAST website or any government website covered by EO 2, the Requesting Party shall be advised accordingly and provided with the website link where the information is posted (**see Annex J**).

5. Remedies in Case of Denial

- a. In case of denial of a request for information, the Requesting Party may appeal to the College President.
- b. 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 (see **Annex K – Process Flow for the Request of Document**).
- c. Upon exhaustion of administrative remedies, The Requesting Party may file the appropriate judicial action in accordance with the Rules of Court.

6. Compliance to Subpoena Duces Tecum

Notwithstanding the foregoing limitations, here the examination or production of information, documents, or records is directed through a subpoena duces tecum or other compulsory processes issued by the Courts, the Office of the Special Prosecutor, the Office of the Ombudsman or any of the latter's Deputies, or any investigating body authorized by law to issue subpoenas, the College President or any official or employee of the College shall immediately refer the said subpoena to the OSG Deputized Special Legal Counsel of the College for evaluation.

7. Unclaimed Records

Unclaimed records requested by the interested parties shall remain the property of the College subject to general and college schedules on disposition of records approved by the National Archive's Office.

8. Request Tracking System

The College, through the Records Office, shall establish a system to trace the status of all requests for information received by it, which may be paper-based, online, or both.

9. Fees and Charges

- a. The College shall not charge any fee for accepting requests for information; however, a one hundred Pesos (P100.00) charge will be collected for the use of the official dry seal of the College.
- b. Three pesos (P 3.00) will be charged for every document photocopied. For scanned documents, the college will charge ten pesos (P 10.00) per image.
- c. The actual cost of delivery will be charged for every mail depending upon the type of courier (e.g. postal/registered mail, LBC, etc.)
- d. In case of withdrawal of the request after payment of fees has been made, a refund of such payment shall not be allowed.

VII. RESPONSIBLE OFFICES

1. Receiving Staff

- a. Receives requests for information, documents, or records;
- b. Provides assistance to the public with regard to the requirements and procedures for gaining access to information;
- c. Forward requests to the Records Officer for evaluation;
- d. Maintains an orderly/organized log on all requests received by the Records Office or others in the College;
- e. Compiles and monitors the status of requests;
- f. Make follow-ups with concerned offices if needed; and
- g. Submits a monthly report regarding the number of requests and the action taken by the office.

2. Heads of Offices

- a. Shall be responsible for overseeing the implementation of this manual.
- b. It transmits to the Records Office any request for information that is already under the custody of said office.

3. Records Officer

- a. Determines the applicable charges for the delivery of requested information;
- b. Ensures that the College maintains accurate and reasonably complete records of important information in appropriate formats and implements a record management system that facilitates any identification, retrieval, and communication of information to the public, subject to existing laws, rules, and regulations;
- c. Evaluates requests for information received and recommends a course of action to the Chief Administrative Officer and the College president;
- d. Assigns reference number to all FOI requests; and
- e. Formulates Request Tracking System.

4. Vice President for Administration and Finance

- a. Decides whether the requested information falls within the custody of the College;
- b. Has the final say, at the division level, whether to grant or deny the request;
- c. Countersigns all releases of requested information; and
- d. Denies or approves FOI requests

5. President

- a. Decides on appealed cases of denial of FOI requests.
- b. Calls the attention of responsible officials who fail to comply with the provisions of this manual and, where warranted, undertake the necessary administrative measures against erring officials or employees.

VIII. ADMINISTRATIVE LIABILITY

1. Disciplinary Action

Failure to comply with the provisions of this Manual shall be grounds for the following administrative penalties:

- | | | |
|-------------------|---|---|
| a. First Offense | - | Reprimand |
| b. Second Offense | - | Suspension of one (1) day to thirty (30) days |
| c. Third Offense | - | Suspension of one (1) month to six months |
| d. Fourth Offense | - | Dismissal from service |

2. Procedure

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

3. Provision for more stringent Laws, Rules, and Regulations

Nothing in this Manual shall be construed to derogate from any law, rule, or regulation prescribed by the Civil Service Commission that provides for more stringent penalties.

IX. EFFECTIVITY

This Manual shall become effective upon approval by the Board of Trustees.


ALEX H. NAVARROZA, PhD
SUC President II

ANNEXES

ANNEX “A”

EXECUTIVE ORDER NO.2

MALACAÑANG PALACE

Manila

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 THEREFORE

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:

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, and 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'

I. Agency Information

Name of Agency: State Universities and Colleges (SUCs)
Bicol State College of Applied Sciences and Technology (BISCAST)

Location: 98 Peñafrancia Avenue, Naga City, Camarines Sur, 4400

Head of Agency: Dr. Alex H. Navarroza

Website: <https://biscast.edu.ph/>

Email Address: president@biscast.edu.ph

Contact Number: (054) 881 2231

Facebook Page: <https://www.facebook.com/biscast>

II. Receiving Officer

RICHARD P. NABUA, LPT
Information Officer III

Email: pio@biscast.edu.ph
Contact Number: 0939 126 1706

III. Accountable Offices:

OFFICE/DEPARTMENT	LOCALNUMBER
President's Office	205
Vice President for Academic Affairs	208
Vice President for Administration and Finance	209
Guard House	911

Accounting Office	401
Administrative Services Office	301
Admission and Testing Office	302
Advance Education Services and Quality Assurance	501
Auxiliary Services Office	303
Bids and Awards Committee Office	402
BFA Office	206
Board of Trustees	201
Budget Office	403
Cashiers Office	404
College of Architecture and Design	101
College of Arts and Sciences	102
College of Education	103
College of Engineering	104
College of Trades and Technology	105
Dental Office	601
Document and Record Section	502
Food Laboratory	609
General Services Unit	304
Guidance Office	610
Gender and Development	602
Human Resource Development Office	202
Human Resource Management Office	210
Information Communication Technology Office	305
Institutional Planning Office	203
Lab High	106
Legal Office	204
Library	603
Manufacturing Fabrication Laboratory	604
Medical Office	605
Multimedia Hub Office	306
NEXUS	309
Project Management Unit	307
Procurement Office	405
Public Information Office	207
Registrar Office	606
REPED Office	503
Strategic Foresight and Innovation Office	607
Student Development Office	608
Supply and Property Management Unit	308



ANNEX "C"

FREEDOM OF INFORMATION REQUEST FORM

Reference No. _____

I. Requesting Party	
Full Name: _____ Cellphone No. _____ Landline No.: _____ Complete Address _____ Email Address: _____	
Information / Documents/Records Requested:	
Specific Purpose/s	
Desired Mode of Receiving Information/Documents/Records	Desired Mode of Notice
_____ to be picked up personally _____ thru mail (postal) _____ thru a representative	_____ through landline _____ through text message _____ by mail (thru letter) _____ by Email
Undertaking	
<p>I hereby certify that the undersigned is the person whose name and signature appear hereunder and that the above requested information, documents or records will be used for the above –mentioned purpose and for no other purpose. In case of Statement of Assets, liability and net worth (SALN), neither will the contents thereof and the private address of its owner be disclosed to a third party who is not the requesting party.</p> <p>Should I violate the terms of this undertaking, I understand that the official or employee concerned may bring action against me and that, as a consequence thereof, the court in which such action is brought may assess a penalty in an amount provided in Section II(d) of RA No.6713, or impose the penalty provided for under Article 183 (False Testimony in other cases and perjury in solemn affirmation) of the Revised Penal Code, where applicable.</p>	
_____ Requesting Party	
II. Receiving Staff	
Name: _____ Position: _____ Signature: _____ Office: _____ Date: _____ Receipt: _____ Time: _____	



ANNEX "D"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

Said request is APPROVED.

Enclosed herewith is a copy of the requested
information/documents/records. Thank you very much.

Very truly yours,

Records Officer



ANNEX "E"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

Since your request requires an extensive search of the records in the facilities of the College or (because of a fortuitous event), which is beyond our control, we are asking for an extension of _____ days in order to fully process your request.

Thank you very much.

Very truly yours,

Records Officer



ANNEX "F"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

In order to fully process your request, may we ask for the following clarificatory details (list of needed details for the processing of the request)?

Thank you very much.

Very truly yours,

Records Officer



ANNEX "G"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

Your request is DENIED because it is contrary to law (cite specific provision of law, rule, or regulations)

If you would like to appeal this denial, you may submit an appeal within fifteen (15) working days from receipt of this letter to the Board of Trustees through the College President.

Thank you very much.

Very truly yours,

Records Officer



ANNEX "H"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

Your request is DENIED because it falls under the list of exemptions, specifically (cite ground for exception).

If you would like to appeal this denial, you may submit an appeal within fifteen (15) working days from receipt of this letter to the College President.

Thank you very much.

Very truly yours,

Records Officer



ANNEX "I"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

Since your requested information is substantially similar or identical to your previous request dated _____, The College shall not act on your request. Please be guided accordingly.
Thank you very much.

Very truly yours,

Records Officer



ANNEX "J"

Dear _____:

Greetings!

This is in reference to your request for _____
dated _____.

We would like to inform you that your requested information can be found online on the College Website.
Your requested information can be found at the following link: www.biscast.edu.ph

Thank you very much.

Very truly yours,

Records Officer

ANNEX “K”



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

FOI-MC No. 21- 05

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 : GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY OTHERWISE KNOWN AS THE “NO WRONG DOOR POLICY FOR FOI”

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to Information, and Policy of Full Public Disclosure in the Executive Department;

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. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

WHEREAS, there is a need to break the prevailing “silo system” and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;

NOW, THEREFORE, by virtue of PCOO’s mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned:

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request for Information. – Any person who requests for access to information shall comply with Section 9 of EO No. 02, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “**First Referral**” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the “**Second Referral**” and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. - The FOI-PMO shall create a “**FOI Internal Messenger**”. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Please see Annex “A” of this Circular for the No Wrong Door Policy Flowchart.

Section 7. Status of the Request. – A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8. Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. – For the convenience of all FROs and FDMs

in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

To assist the FROs in locating the requested information or record, an annual updating of the AII shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

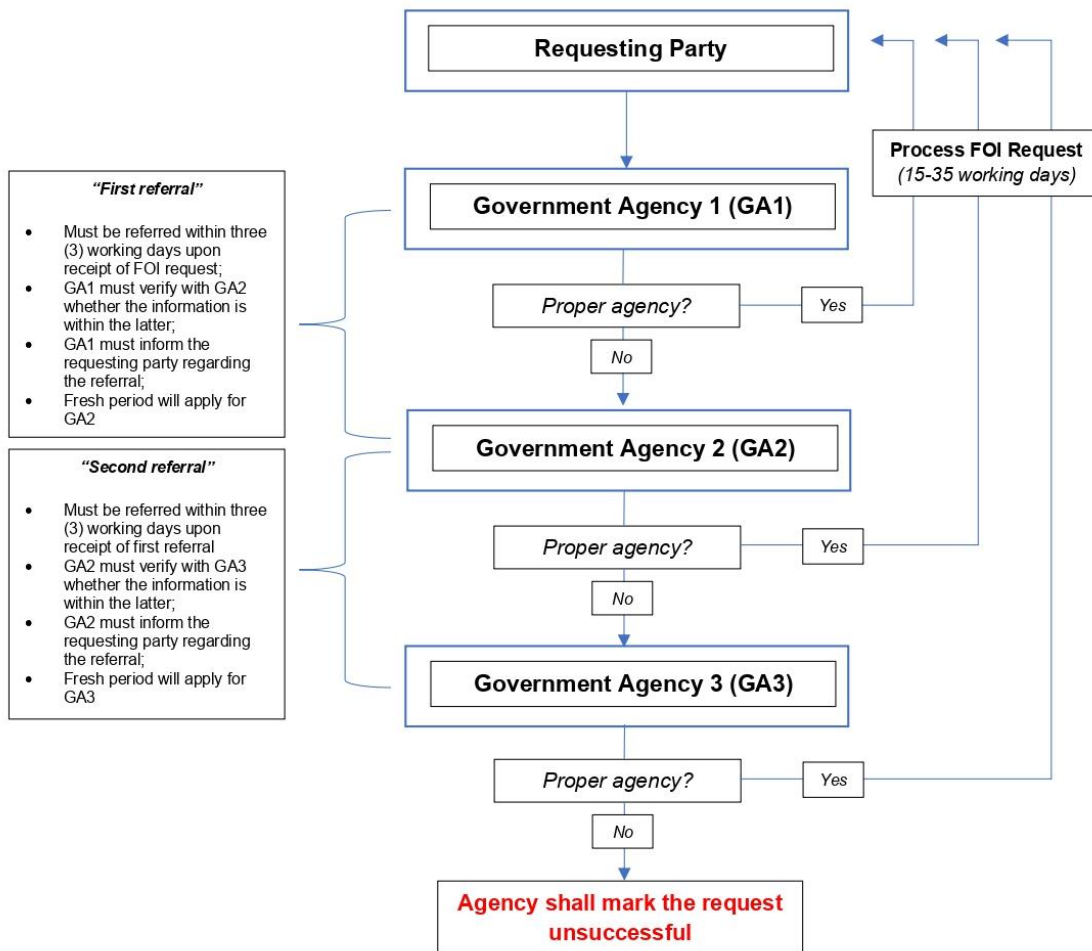
Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

NO WRONG DOOR POLICY FLOWCHART



NOTE:

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

Title: REQUEST OF INFORMATION

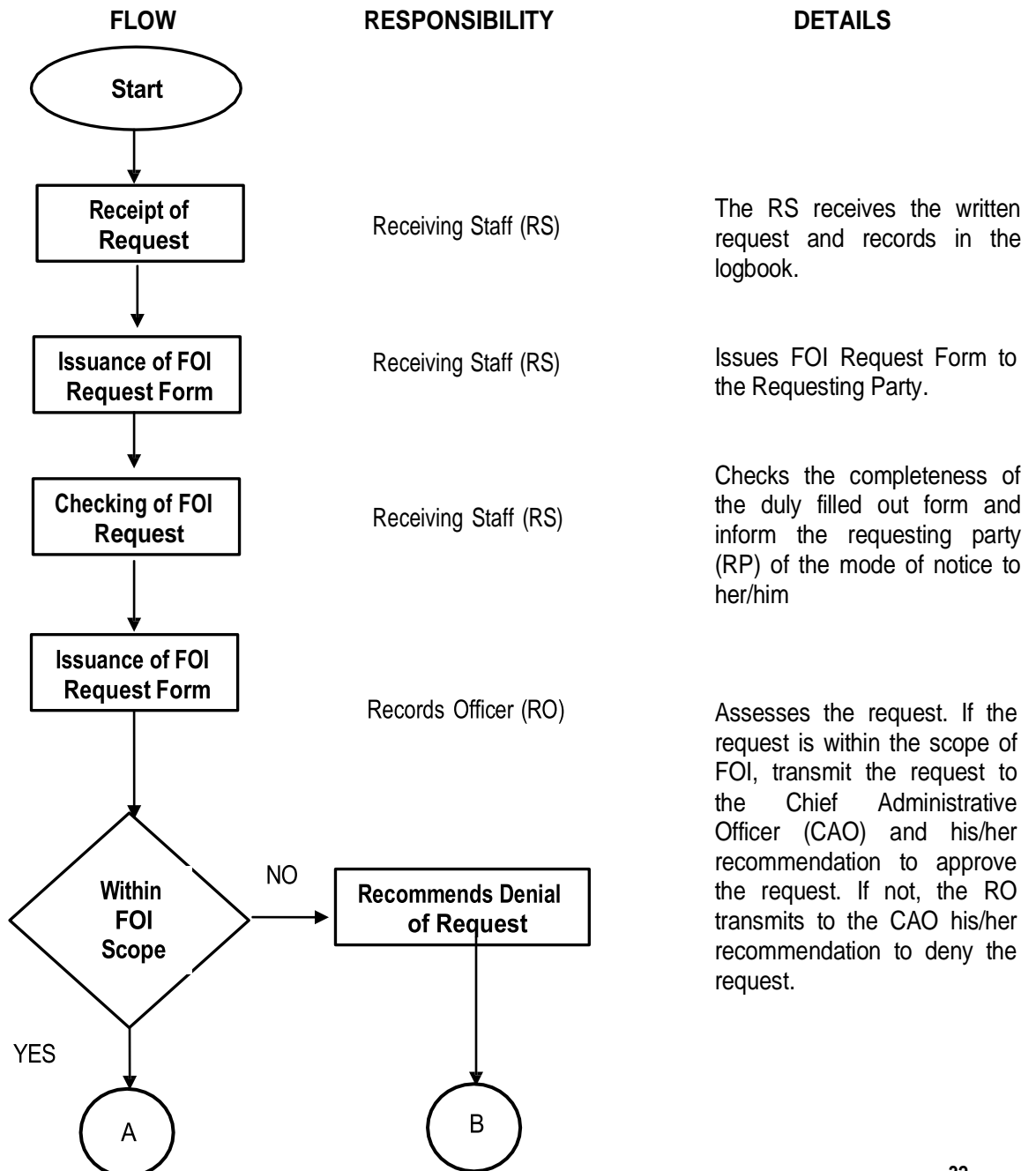
1.0 Objective

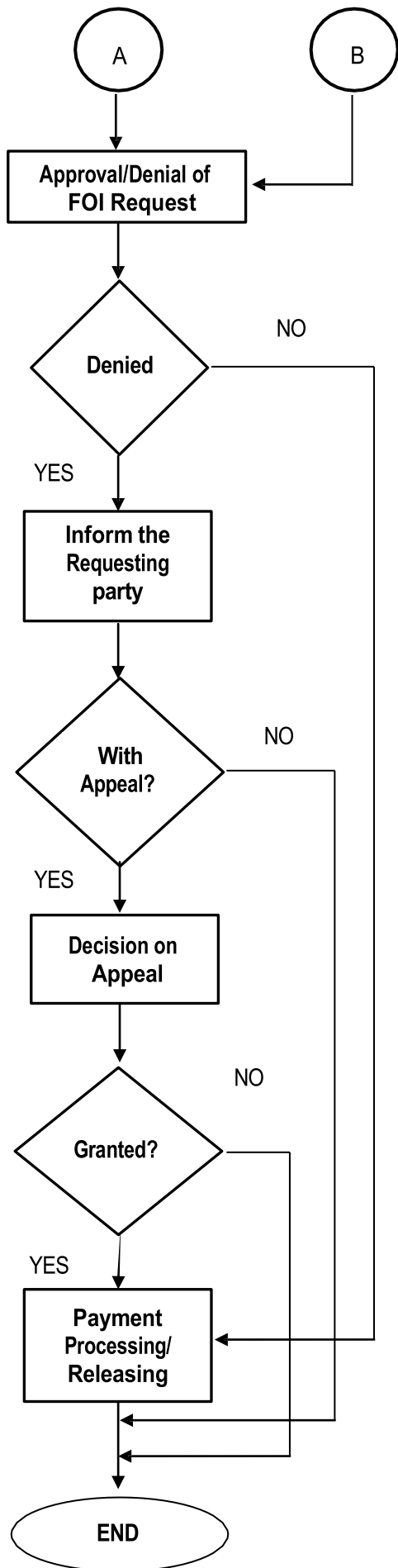
To provide standard procedures by which the College and concerned offices will deal with requests for information received pursuant to Executive Order No.02, s.2016 as Freedom of Information (FOI).

2.0 Scope

This covers all requests for information directed, filed, or submitted to the offices of the College, which includes all offices as receivers of requests, the Records Office, the Office of the Chief Administrative Officer, and the Office of the College President. Request for credentials and appropriate certification by students on their authorized representative.

3.0 Process Flow





AO

Acts on the recommendation of the RO and affixes his/her signature and forwards the request to the RO. Releases the request information and releases it to the requesting party.

If the request is not denied, the RO processes the requested information. If denied, the requesting party will be informed of the decision.

CP

The CP shall render decision on the appeal within 30 days.

Legend:

RS – Receiving Staff
 RO – Receiving Officer
 AO – Accountable Officer
 CP – College President

4.0 References


FOI Request Form

Logbook

Official Receipt

Executive Order No. 02, s. 2017

Note: per Committee Recommendation

 Proposed by:
DR. ORBEL S. CEPEDA
DQMR



OFFICE OF THE PRESIDENT

VISION

An internationally recognized smart university for transformative and innovative education

MISSION

Produce technology-competent, environment-resilient, culture-sensitive, and industry-ready graduates who are socially responsive leaders imbued with character, work, and personal values through innovation management, transformative education, cutting-edge research, and industry-driven enterprise development

ISO 9001:2015 QUALITY POLICY

BISCAST is committed to provide quality applied sciences and technology education through continual improvement of its quality management system, satisfying applicable requirements, thereby exceeding stakeholder's expectations.

CERTIFICATION AND APPROVAL

This is to certify that the content of this Freedom of Information Manual is compliant with **Executive Order No. 02, Series of 2014, "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 THEREFORE"** and **FOI-MC No. 21-05 "GUIDELINES ON THE REFERRAL OF REQUESTED INFORMATION, OFFICIAL RECORD/S AND PUBLIC RECORD/S TO THE APPROPRIATE GOVERNMENT AGENCY OTHERWISE KNOWN AS THE 'NO WRONG DOOR POLICY FOR FOI.'"**

Certified and approved:


DR. ALEX H. NAVARROZA
 SUC President II

References:

1. Freedom of Information Manual of the Office of the President of the Republic of the Philippines.
2. Freedom of Information Manual of the Office of the Vice President of the Republic of the Philippines
3. Freedom of Information Manual of the National Library
4. COA Circular No.2013 – 006 dated September 18, 2013
5. RA 6713 and Revised Penal Code
6. CSPC Freedom of Information Manual
7. Laguna State Polytechnic University Freedom of Information Manual