CONSTRUCTION INDUSTRY AUTHORITY OF THE PHILIPPINES (CIAP) PEOPLE'S FREEDOM OF INFORMATION (FOI) MANUAL

Updated as of October 2025

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ISO 9001 : 2015
Cert No. 24/182135

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CONSTRUCTION INDUSTRY AUTHORITY OF THE PHILIPPINES (CIAP)
PEOPLE's FREEDOM OF INFORMATION (FOI) MANUAL

Section 1. Overview

1.1. **Organizational Overview.** The Construction Industry Authority of the Philippines (CIAP) is a government agency attached to the Department of Trade and Industry (DTI) for policy and program coordination, as mandated under Presidential Decree (PD) No. 1746. The agency was created on November 28, 1980 with the mandate to promote, accelerate, and regulate the growth and development of the construction industry. It acts as a central agency for cohesive industry policy formulation, coordination with other government agencies on matters affecting the industry, and implementation of programs to address industry challenges and issues.

As such, the governing board of CIAP is composed of representatives from the government and private sectors headed by the Secretary of Trade and Industry as Chairperson, the Secretaries of the Departments of Public Works and Highways, Transportation, and Labor and Employment, the Chairpersons of the CIAP's implementing boards namely: Philippine Contractors Accreditation Board (PCAB), Philippine Overseas Construction Board (POCB), Philippine Domestic Construction Board (PDCB), and Construction Manpower Development Foundation (CMDF), the President of the Philippine Constructors Association (PCA) Inc., and a representative of the private construction sector appointed by the President of the Philippines as its members.

The CIAP exercises jurisdiction and supervision over the following boards which act as its implementing arms and perform the following functions:

a) PCAB - exercising regulatory powers and other functions of the defunct Philippine Contractors Licensing Board (PCLB) created under Republic Act (RA) No. 4566 (the Contractors' License Law); composed of a Chairperson and two (2) members all appointed by the President.
b) POCB - vested with powers and functions related to the promotion and export of construction services; created under PD No. 1167 (Overseas Construction Incentives Decree); composed of a Chairperson and four (4) members all appointed by the President.
c) PDCB - mandated to formulate, recommend, and implement policies, guidelines, plans and programs for the efficient implementation of public and private construction in the country; created under PD No. 1746; composed of a Chairperson and four (4) members all appointed by the President.
d) CMDF – tasked to undertake manpower development programs for the construction sector; created under PD No. 1746 composed of a Chairperson and four (4) members all appointed by the DTI Secretary.
e) Construction Industry Arbitration Commission (CIAC) - vested with original and exclusive jurisdiction over construction disputes except labor; created under Executive Order (EO) No. 1008; composed of a Chairperson and two (2) members all appointed by the CIAP Board.

The CIAP has an Executive Office headed by an Executive Director who is responsible for ensuring effectiveness and proper coordination of the CIAP's policies and programs, particularly by its implementing boards. The CIAP Executive Office has technical, administrative, finance and management support services for CIAP and its boards. Further, the CIAP Executive Office is also responsible for: reporting to the Board on matters pertaining to and/or concerning the Authority and the industry; planning and monitoring of the implementation of policies and programs of the CIAP and its implementing arms; and providing administrative services to support the agency's operations, among others.

Each implementing board has its own Secretariat also headed by an Executive Director.

In the performance of these mandates, there are information and data provided by and to the public that should be kept strictly confidential or can only be shared to third parties in accordance with the guidelines set forth in the Freedom of Information (FOI) Manual of CIAP.

1.2. Purpose and Coverage of the Manual

This manual sets out the rules and guidelines that should be followed in the process of dealing with requests for information received pursuant to EO No. 2, series of 2016 (Freedom of Information). It shall cover all requests for information directed to CIAP and its Implementing Boards (PCAB, POCB, PDCB, CMDF, and CIAC).

1.3. Responsibility of the Agency

The Head of the Agency shall be responsible for all actions carried out in this manual and may delegate this responsibility to the respective heads of the Implementing Boards who shall act as the Decision Maker and shall have the overall responsibility for the initial decisions on the received requests.

1.4. Persons Who May Avail

Pursuant to Section 3 of EO No. 2, series of 2016, 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, subject to the rules and guidelines prescribed under this manual.

Foreign nationals may also request for information, insofar as it is allowed under applicable Philippine laws, its implementing rules and regulations, or any jurisprudence interpreting the same which shall be cited in his/her request. In processing the said request, this manual shall be applied in a suppletory manner.

1.5. FOI Receiving Officer

There shall be an FOI Receiving Officer (FRO) designated at the CIAP. The FRO shall preferably come from the Communications and External Relations Section, or its equivalent office. The FRO shall hold office at CIAP Office located at Executive Building Center, No. 369 Sen Gil Puyat Avenue, corner Makati Avenue, Makati City.

The functions of the FRO shall be as follows: receive on behalf of CIAP all requests for information and facilitate such request; ensure that the FOI request form is completely accomplished; provide assistance and support with regard to FOI; process all requests and forward to the concerned office (within and outside CIAP) as may be appropriate; provide assistance in ensuring all requests are responded to within the prescribed time; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; compile statistical information as required; and conduct initial assessment of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation.

Each implementing board of the CIAP shall have their own respective FROs (see Annex C).

1.6. FOI Decision Maker

There shall be an FOI Decision Maker (FDM), designated by the Head of Agency, with a rank of not lower than a Division Chief or its equivalent, who shall conduct evaluation of the request for information and has the authority to decide whether to grant or deny the requests, either fully or partially, based on any of the grounds enumerated in this manual and other applicable laws, rules, and regulations.

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 Director or its equivalent, designated by the Head of the Agency, whose function is to review the denial of an FOI request, pursuant to a written appeal filed by the requesting party.

A person whose FOI Request has been denied by the FDM may appeal said denial to the CIAP CARC within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request. The Committee shall also provide expert advice to the Agency Head on the denial of such request.

The appeal shall be decided by the Agency Head upon the recommendation of the CARC within thirty (30) working days from the filing of the written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

1.8. **Approval and Denial of Request to Information**
The FDM shall approve or deny all requests for information. In cases where the Decision Maker is on official leave, the FDM/Agency Head may delegate such authority to the Officer-in-Charge (OIC) or any Officer not below the rank of a Director.

Section 2. Definition of Terms

The following terms used in this manual shall be defined as follows:

CIAP WEBSITE. The official website of the CIAP accessible via www.construction.gov.ph;

CLIENT. A Filipino citizen or domestic firm obtaining the services or information from the government office;

CONCERNED BOARD. Refers to the implementing boards of CIAP where the information may be secured;

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. This process is called a "consultation";

E-FOI PLATFORM (foi.gov.ph). The online platform for FOI which functions as an alternative avenue for the filing of FOI requests. The platform provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available.

It also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time;

EXCEPTIONS. Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence;

FREEDOM OF INFORMATION (FOI). The policy of the Executive Branch embodied under EO No. 2, series of 2016, which 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 procedures and limitations provided in the said EO and other laws, rules, and regulations;

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

FOI REQUEST. A written request (hard copy or electronic copy) submitted to the CIAP asking for any information or records on any topic, subject to the limitations provided for in this manual;

FOI REQUEST FORM. The prescribed pro-forma template a person making a request is required to complete and submit to the CIAP to initiate the FOI process;

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. A manner of disposition of an FOI request by which the information requested is not released based on any ground provided for in this manual;

INFORMATION. Any records, documents, papers, reports, letters, contracts, minutes, and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of the CIAP pursuant to relevant laws, rules, and regulations or in connection with the performance or transaction of official business;

OFFICIAL RECORD/S. Information produced or received by the CIAP or any of its officials and employees in an official capacity or pursuant to a public function or duty;

OPEN DATA. Publicly available data structured in a way that enables the data to be fully discoverable and usable by end users;

OPEN DATA PHILIPPINES (data.gov.ph). The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible;

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 based on any ground provided for in this manual;

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which the CIAP 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;

PERSONAL INFORMATION. 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 entity holding the information, or would directly and certainly identify an individual when put together with other information;

PROCEEDINGS. The term "proceedings" shall include information communications to or from DTI and its attached agencies, the pleadings, applications and other papers filed with DTI and its attached agencies, sworn statements, documentary and testimonial evidence, reports and minutes taken of the proceedings, and other orders, decision, award or resolution issued by the arbitrator(s), mediator(s) or conciliator(s) and hearing officer(s) and such other information treated as confidential under specific Rules of DTI and its attached agencies.

The confidentiality provision of this Rule on proceedings shall not apply where disclosure of the terms of settlement is required: [a] in the course of business transactions of the parties, [b] compliance with the requirements of applicable laws; and [c] by judicial orders.

PUBLIC RECORDS. Information required by laws, rules, or regulations to be entered, kept, and made publicly available by the CIAP;

REFERRAL. Is a process where in a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester.

REQUESTING PARTY. The person seeking disclosure of information from the CIAP pursuant to FOI.

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer to personal information:

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

SIMPLE REQUEST. An FOI request that involves a small volume of material which will be able to be processed relatively quickly.

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

Section 3. Promotion of Openness in Government

3.1. **Access to Information**. The CIAP shall ensure that 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, subject to compliance with EO No. 2, series of 2016 and other applicable laws, rules, and regulations.

3.2. **Duty to Publish Information.** The CIAP shall regularly publish, print, and disseminate at no cost to the public and in an accessible form, primarily through their website, timely, true, accurate, and updated key information including, but not limited to:

a. Essential information about the agency, such as its mandate, structure, powers, functions, duties and decision-making processes;
b. Enumeration and description of all frontline services offered by the CIAP, including their process flows and turnaround time;
c. The names and profiles of its key officials, including their powers, functions and responsibilities, and curriculum vitae;
d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
e. Important rules and regulations, orders, decisions, and other issuances
f. Current and important database and statistics that it generates;
g. Bidding processes and requirements; and
h. Opportunities for the public to participate in the formulation of policy or the exercise of its powers.

3.3. **Use of Plain Language.** The CIAP shall ensure that plain language is used which can easily be understood by the requesting party in responding to FOI requests.

3.4. **Keeping of Records.** The CIAP shall create and/or maintain accurate and reasonably complete documentation and 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 4. Protection of Privacy

4.1. While providing access to information, public records, and official records, the CIAP shall afford full protection to a person's right to privacy through:

a. Ensuring that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;

b. Protecting personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks, or permanent disclosure; and

c. Prohibiting any of its officials, employees, the FRO, or the FDM, who has access, whether authorized or unauthorized, to personal information in the custody of the CIAP, from disclosing the said information, except as authorized under existing and relevant laws.

4.2. Before making a request, the requesting party may consult a lawyer or an expert on data privacy about his/her rights and/or obligations under RA No. 10173 (Data Privacy Act) and its implementing rules and regulations to ensure that his/her requests may be given due course under existing laws and/or jurisprudence.

Section 5. Standard Procedure

*(See **Annex "C"** for flowchart)*

5.1. Submission and Receipt of Request for Information

5.1.1. **Form, Content, and Attachments.** The FRO shall receive the request for information from the requesting party and check compliance to the following requirements:

a. The request must be in writing.
b. The request must state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization.
c. The request must reasonably describe the information requested and the reason for, or purpose of, the request for information.

5.1.2. **Electronic Requests.** Requests may be done through e-mail, provided that the requesting party shall attach in the e-mail a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.

5.1.3. **Requests Submitted Through Representatives.** An FOI request may be made through a representative, provided that proof of the representative's authority, such as a special power of attorney or a letter of authority, and a photocopy of at least one (1) of the representative's government-issued OD are attached to the FOI request form.

5.1.4. **Requests by Persons Unable to Write.** In cases where 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.

5.1.5. **Screening by the FRO.** Upon receipt of an FOI request, the FRO shall examine the same for compliance with the requirements set in this manual. Should the request be found to be non-compliant, the FRO shall return the request accompanied by a list of deficiencies that must be addressed.

5.1.6. **Receipt and Acceptance of Request.** If the request is found to be compliant with the requirements under the manual, 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.

In case of e-mail requests, the e-mail must be printed out, compliant to the procedure mentioned above, and duly acknowledged. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

5.1.7. The CIAP must respond to requests promptly, within fifteen (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday, or a day which is declared a national public holiday in the Philippines. In computing for the period, Article 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
b. If the government office 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 member of staff, 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 that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence 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.

5.2. **Initial Evaluation.** After receipt of the request for information, the FRO shall evaluate the validity and contents of the request.

5.2.1. ***For requests relating to more than one office under the CIAP***: If the request for information received requires compliance from different offices under the CIAP, the FRO shall forward such request to the concerned offices and ensure proper coordination and monitoring of compliance.

5.2.2. ***For requested information that is not within the custody of the CIAP or any of its offices and implementing boards:*** If the requested information is not within the custody of the CIAP or any of its offices and implementing boards, the FRO shall, upon discussions with the FDM, undertake the following process:

a. If the records requested refer to another government office, the request will be immediately transferred to the appropriate office through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the fifteen (15) working day limit. The fifteen (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 EO No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

c. If CIAP, in good faith, erroneously referred the request to GA2 (government agency no. 2), the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

Furthermore, the "No Wrong Door Policy for FOI" is applicable to Government-to-Government transactions only. Inter-agency transactions are not covered.

5.2.3. ***For requested information that is already posted and available online:*** If the information being requested is already posted and publicly available in the CIAP's website or other platforms such as the 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.

5.2.4. ***For 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 denied. However, the FRO shall inform the applicant of the reason of such denial.

5.2.5. ***For requested information outside the FOI program:*** If the information requested falls outside the scope of the FOI program, the FDM shall advise the requesting party that the information or services may be provided through other platforms and cannot be counted as an FOI request.

5.2.5.1. A complaint submitted through or lodged in the FOI platforms shall be forwarded to the appropriate office or unit. However, this shall not be counted as an FOI request.

5.3. **Acknowledgement**

The FRO shall send an acknowledgement to the requesting party, in case the request for information is valid. The acknowledgement should contain the following details: (a) date of receipt of the request; (b) date of issuance of the response; and (c) status of the request.

5.4. **Transmittal of Request by the FRO to the FDM**

After 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 such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

5.5. **Role of the FDM in Processing the Request**

The FDM, assisted by the FRO, shall evaluate the requests and may fully or partially deny the same based on any of the following grounds:

a) The form is incomplete;
b) The requested information is not under the jurisdiction of the CIAP;
c) The information is already disclosed in the agency's official website, the eFOI platform, the Open Data Philippines website, or any other publicly accessible source;
d) The request is identical or substantially similar to previous requests by the requesting party;
e) The requested information is protected under RA No. 10173 (Data Privacy Act of 2012) or other laws, rules, or regulations; or
f) The information being requested is included in the FOI Inventory of Exceptions.

In case of full denial, the FDM shall inform the FRO, who shall, in turn, notify the Requesting Party in writing within fifteen (15) working days from receipt of the request, clearly stating the reasons for the denial.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the fifteen (15) working day period and will commence the day after it 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.

The FRO shall note the date and time of receipt of the information from the FDM and report to the Agency Head or the designated officer, in case the submission is beyond the 10-day period.

5.6. Role of the 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. He/she shall attach a cover/transmittal letter signed by the Agency Head or the designated officer and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

5.7. Notice of Time Extension

In cases where the processing of the information requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events, or other similar occurrences, the FDM shall request the FRO to notify the requesting party in writing or via e-mail of the time extension, clearly stating the reasons therefor.

In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

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

Once complete, the FDM shall transmit the requested information to the FRO who shall transmit the same to the requesting party or notify the requesting party of its availability for pick up no later than fifteen (15) working days from receipt of the request.

All actions on FOI requests, whether approval or denial, shall pass through the FOI Decision Maker for final approval.

5.8.1. **Approval.** In case of approval, the FRO shall ensure that all records have been retrieved and checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or e-mail informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

5.8.2. **Denial.** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing or via e-mail. 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 to information. All denials on FOI requests shall pass through the Office of the Agency Head or to his/her designated officer.

Section 6. Remedies in Case of Denial

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

a) By filing a written administrative FOI Appeal to the CIAP's 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 Head of Agency 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 the 30-day period shall be deemed a denial of the appeal.

Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

Section 7. Request Tracking System

The CIAP shall establish a tracking system which is maintained to monitor the status of all FOI requests, using the prescribed computer-based (excel) format or similar open and accessible formats.

Section 8. Fees and Costs

8.1. No Request Fee. The CIAP shall not charge any fee for accepting requests for access to information.

8.2. Reasonable Cost of Reproduction and Copying 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 CIAP in providing the information to the requesting party. The fees shall be settled by the requesting party before the request has been released.

As regards to documents/information requested from CIAC, below are the applicable fees pursuant to CIAC Resolution No. 06-2014 (Imposing Administrative Fees on Requests and Motions Relative to the Cases Filed with the CIAC).

Requests	Administrative Fees
• Request for certification of copies of any paper, record, document, order, or award/decision	₱10.00 per page
• Request for clearance or any other certification	₱100.00
• Request relative to closed cases within the retention period	₱1,000.00 per document to be searched
• All other requests	₱200.00 per request

For PCAB, the schedules of appropriate fees are as follows:

Documentary Stamp Tax	₱30.00
Legal Research Fund	₱12.00
Certified True Copy/Certification Fee	₱48.00 per page
Listing of Contractors (Hardcopy / Softcopy)	₱24.00 per page

8.3. Exemption from Fees. CIAP may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee (please identify these valid reasons for exemption).

Section 9. Administrative Liability

9.1. Non-Compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

a. First Offence - Reprimand;
b. Second Offense - Suspension of one (1) to thirty (30) days;
c. Third Offense - Dismissal from the service

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

9.3. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

Annex "A"

FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

The Freedom of Information (FOI) Program is the Government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism, which allows Filipino citizens to request any information about government transactions and operations, provided that it shall not put into jeopardy – privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order (EO) No. 2, s. 2016 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.

FOI is an integral element of President Rodrigo Roa Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance. EO 2 was signed by the President on July 23, 2016.

Making a Request

3. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

4. What information can I ask for through FOI?

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.

5. What agencies can we ask for information?

An FOI request under EO 2 (s.2016) can be made before all government offices under the Executive Branch, including Government -Owned and/or -Controlled Corporations (GOCCs) and State Universities and Colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

6. How do I make an FOI request?

The request process slightly varies depending on which platform is used.

Through Standard Paper-based Request Form:

a. Place your request in writing by filling out a request form and submit the form to the agency's Receiving Officer. State your full name and contact information, and provide a valid copy of your government-issued ID as proof of your identity. Describe in detail the document you wish to access.
b. The Receiving Officer shall validate the request and will log it accordingly on the FOI tracker or registry.
c. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
d. The request will be forwarded to the FOI Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
e. The request shall be forwarded to the officials involved to locate the requested information.
f. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
g. If necessary, the head of the agency shall provide clearance to the response.
h. The agency shall prepare the information for release, based on your desired format. It shall be sent to you depending on the receipt preference.

Through the eFOI Platform (www.foi.gov.ph):

Like the paper-based FOI platform, requests made through the eFOI platform will be automatically sent to the agencies concerned for immediate processing.

You will be required to create an eFOI account. Through this account, you will see a dashboard of all your FOI requests including its results.

eFOI Requestors must create/log in to his/her account:

a) Click the Log-in button and enter the email address and password.
b) In case the requestor is a new user, click the Sign-up button, and provide the required information.

c) Once logged-in, the user will be directed to the Dashboard. The Dashboard contains all the requests done by the account owner.
d) Click the “Make a Request” button. Once clicked, the user may choose the name of the agency.
e) Users will be directed to the Make a Request Page. Complete the required fields. Once sent, the request will be forwarded to the Receiving Officer of the concerned agency.
f) The same process of clarification, retrieval, and approval of release applies to the eFOI platform.
g) Once approved, the response will be posted to the user’s Dashboard.

7. How much does it cost to make an FOI request?

There are no fees to make a request but the CIAP may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

8. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request.

If the request is granted, you can expect to receive the documents as an attachment, through the eFOI portal, email, or be requested to collect the documents at the CIAP. If the request is denied, the CIAP will give an explanation on the grounds for the denial.

9. How long will it take before I get a response?

The standard processing time is fifteen (15) working days upon receipt of the request. Under such circumstances, an agency will inform you of an extension, which shall not be longer than twenty (20) working days.

10. What if I am not satisfied with how the Agency handled my FOI request?

If you are not satisfied with the response or if the CIAP fails to provide a response within the required fifteen (15) working days, the requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of the required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate casein the proper courts in accordance with the Rules of Court.

11. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of the required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate casein the proper courts in accordance with the Rules of Court.

Annex "B"

Executive Order (EO) No. 2, Series Of 2016

MALACAÑAN PALACE
MANILA

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:

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

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:

(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 laws, 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; and

(c) Any employee or official 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 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

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

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

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 July in the year of our Lord Two Thousand and Sixteen.

By the President:

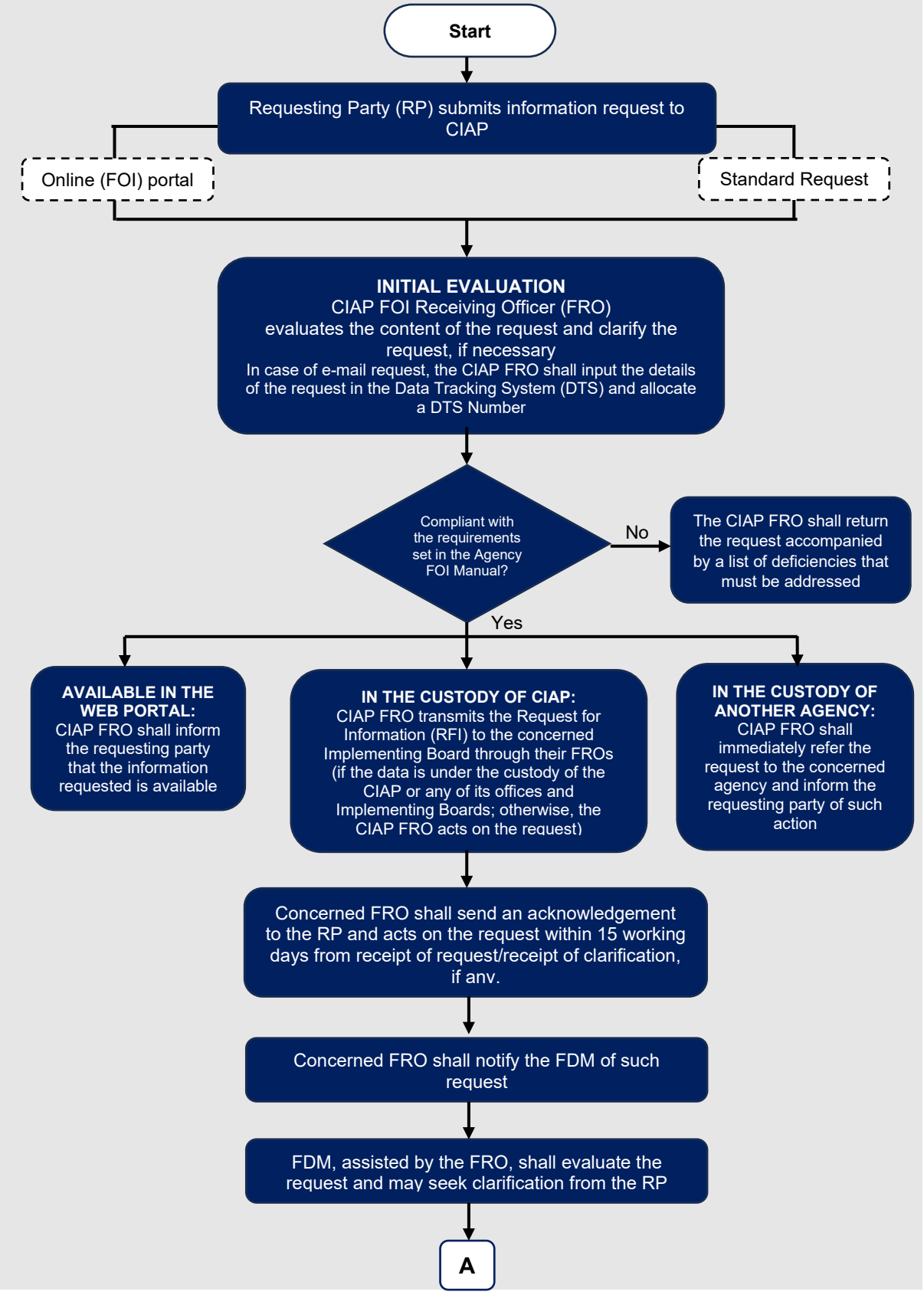
SALVADOR C. MEDIALDEA
Executive Secretary

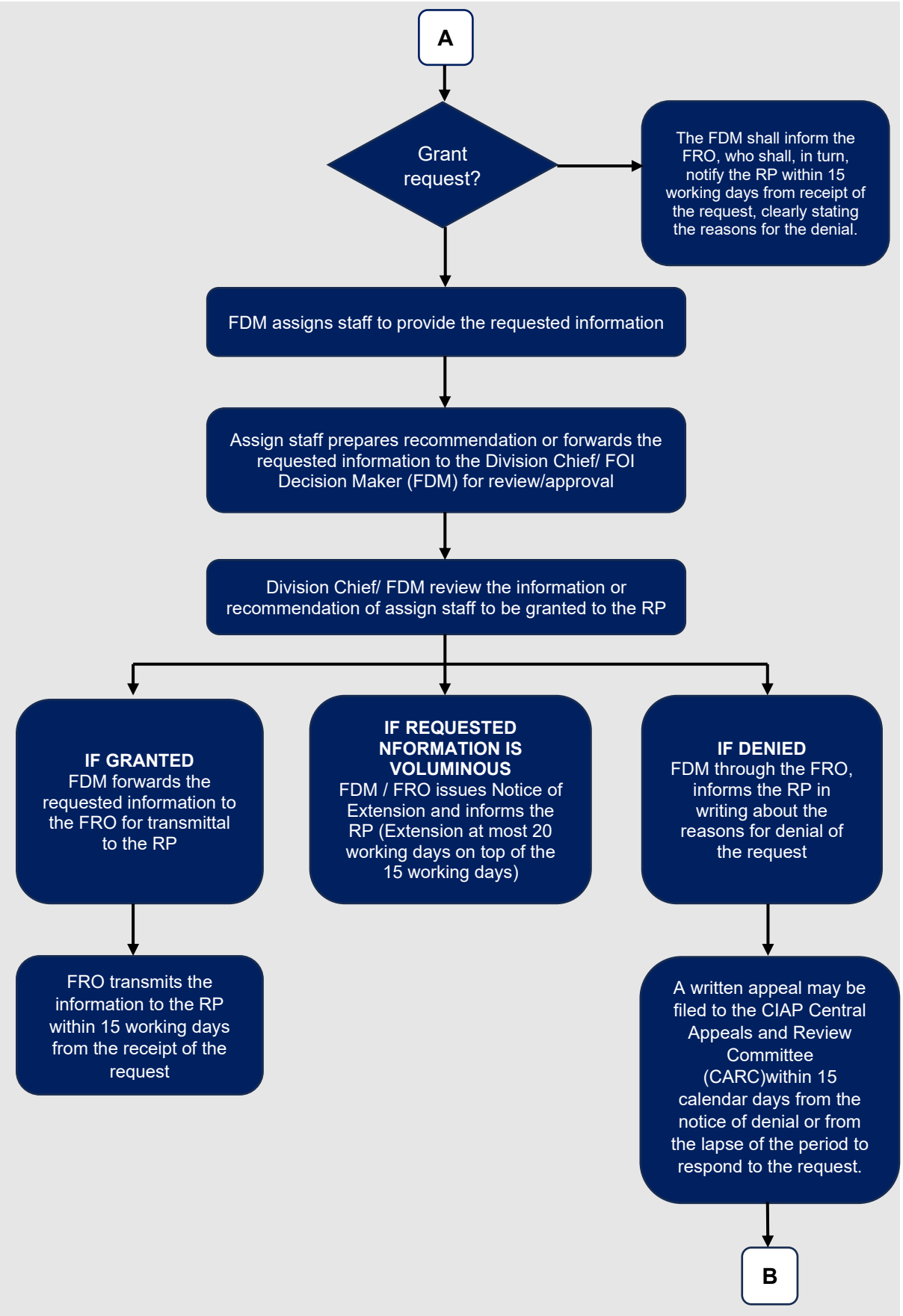
REPUBLIC OF THE PHILIPPINES
PRRD 2016 - 000156

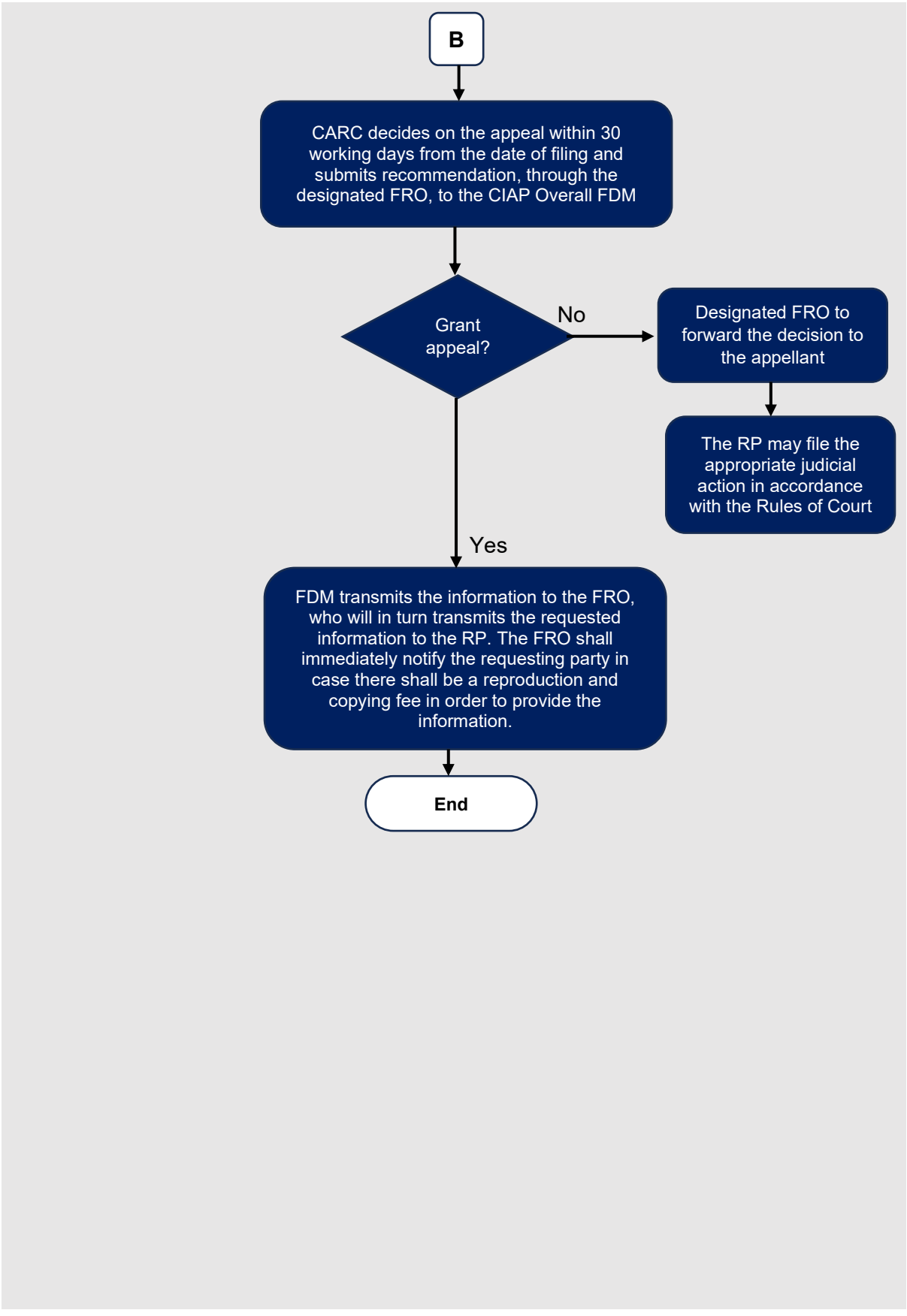
CERTIFIED COPY:

MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACAÑANG RECORDS OFFICE

Annex "C"
FOI REQUEST FLOW CHART




A
Grant request?
The FDM shall inform the FRO, who shall, in turn, notify the RP within 15 working days from receipt of the request, clearly stating the reasons for the denial.
FDM assigns staff to provide the requested information
Assign staff prepares recommendation or forwards the requested information to the Division Chief/ FOI Decision Maker (FDM) for review/approval
Division Chief/ FDM review the information or recommendation of assign staff to be granted to the RP
IF GRANTED
FDM forwards the requested information to the FRO for transmittal to the RP
IF REQUESTED NFORMATION IS VOLUMINOUS
FDM / FRO issues Notice of Extension and informs the RP (Extension at most 20 working days on top of the 15 working days)
IF DENIED
FDM through the FRO, informs the RP in writing about the reasons for denial of the request
FRO transmits the information to the RP within 15 working days from the receipt of the request
A written appeal may be filed to the CIAP Central Appeals and Review Committee (CARC)within 15 calendar days from the notice of denial or from the lapse of the period to respond to the request.
B


B
CARC decides on the appeal within 30 working days from the date of filing and submits recommendation, through the designated FRO, to the CIAP Overall FDM
Grant appeal?
No
Designated FRO to forward the decision to the appellant
The RP may file the appropriate judicial action in accordance with the Rules of Court
Yes
FDM transmits the information to the FRO, who will in turn transmits the requested information to the RP. The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information.
End

Annex “D”

FOI REQUEST FORM

FOI Tracking Number:

FREEDOM OF INFORMATION REQUEST FORM

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

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◄) denotes a MANDATORY field.

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title *(e.g. Mr, Mrs, Ms, Miss)*
2. Given Name/s *(including M.I)* ◄
3. Surname ◄

4. Complete Address *(Apt/House Number, Street, City/Municipality, Province)* ◄

5. Landline/Fax
6. Mobile ◄
7. Email

8. Preferred Mode of Communication ☐ Landline ☐ Mobile Number ☐ Email ☐ Postal Address
(If your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply ☐ Email ☐ Fax ☐ Postal Address ☐ Pick-Up at Agency

10. Type of ID Given *(Please ensure your IDs contain your photo and signature)* ☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voter's ID ☐ School ID ☐ Company ID ☐ Others

B. Requested Information

11. Agency - Connecting Agency *(if applicable)* ◄ ◄

12. Title of Document/Record Requested *(Please be as detailed as possible)* ◄

13. Date or Period *(DD/MM/YY)* ◄

14. Purpose ◄

15. Document Type ◄

16. Reference Numbers *(if known)* ◄

17. Any other Relevant Information ◄

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency'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.

I declare that:
- The information provided in the form is complete and correct;
- I have read the Privacy notice;
- I have presented at least one (1) government-issued ID to establish proof of my identity

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

Signature ◄ _____

Date Accomplished *(DD/MM/YYYY)* ◄ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name *(Print name)* ◄ _____

Agency - Connecting Agency *(if applicable, otherwise N/A)* ◄ _____ ◄ _____

Date entered on eFOI *(if applicable, otherwise N/A)* ◄ _____

Proof of ID Presented *(Photocopies of original should be attached)* ☐ Passport ☐ Driver's License ☐ SSS ID ☐ Postal ID ☐ Voter's ID ☐ School ID ☐ Company ID ☐ Others _____

The request is recommended to be: ☐ Approved ☐ Denied

If Denied, please tick the Reason for the Denial ☐ Invalid Request ☐ Incomplete ☐ Data already available online

Second Receiving Officer Assigned *(print name)* ◄ _____

Decision Maker Assigned to Application *(print name)* ◄ _____

Decision on Application ☐ Successful ☐ Partially Successful ☐ Denied ☐ Cost

If Denied, please tick the Reason for the Denial ☐ Invalid Request ☐ Incomplete ☐ Data already available online ☐ Exception Which Exception? _____

Date Request Finished *(DD/MM/YYYY)* ◄ _____

Date Documents (if any) Sent *(DD/MM/YYYY)* ◄

FOI Registry Accomplished ☐ Yes ☐ No

RO Signature ◄ _____

Date *(DD/MM/YYYY)* ◄ _____

FREEDOM OF INFORMATION REQUEST FORM

IMPORTANT – Please read this information carefully before you complete the FOI request form. Once you have completed your request, we **strongly advise** that you keep a copy for your records.

What is Executive Order No.2 s. 2016?

On July 23, 2016, President Rodrigo Roa Duterte signed Executive Order No. 2, also known as the Freedom of Information (FOI) Executive Order (EO). It upholds the constitutional right of people to information on matters of public concern.

The Executive Order covers all government offices under the Executive Branch, including government-owned or -controlled corporations (GOCCs) and state universities and colleges (SUCs). It requires all executive departments, agencies, bureaus, and offices to make public records, contracts, transactions and any information requested by a member of the public, except for sensitive information and matters affecting national security.

What is Freedom of Information?

The FOI EO is an important enabling mechanism to promote transparency in the government's administrative process. Through FOI, citizens are empowered to make a formal request to get information held by the government, barring certain sensitive and important data related to the nation's security. The FOI complements continuing proactive information disclosure efforts where agencies are duty-bound to publish information in the spirit of openness and transparency.

Freedom of Information is an integral element of President Duterte's Good Governance Plan aligned to reforms and initiatives that pursue greater transparency, accountability, and citizen participation in governance.

Who is overseeing the implementation of FOI Executive Order No. 2?

The Presidential Communications Operations Office (PCOO) is over-seeing the implementation and operationalization of the FOI program. PCOO is also responsible for monitoring compliance and performance of all government agencies.

MAKING AN FOI REQUEST

Who can make an FOI request?

Under the FOI EO, any Filipino citizen can make an FOI request. As a matter of policy, requesting parties are required to present proof of identification (e.g., passport, driver's license, SSS ID, voters ID) in the submission of an FOI request.

Which agencies can I request information from?

An FOI request can be made to any government office 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.

What information can I request for through FOI?

Information, official records, public records, documents, and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, subject to exceptions necessary to protect essential public or private interest.

Is there an online alternative to making an FOI request?

You may choose to fill out an online application on foi.gov.ph after signing up for an account. You will also need to upload a valid copy of your government-issued ID upon registration.

What is the procedure for making a valid FOI request?

To make a valid request, you must:

- Place your request in writing. Ensure to state your full name, contact information and provide a valid copy of your government-issued ID as proof of your identity. You can use the attached form or send a letter detailing your request submitted directly to the concerned agency or by email;
- Describe in detail the documents you wish to access; and
- Include the preferred mode of communication in order to be alerted about the status of your request, as well the preferred mode of receiving the documents, should your request be granted.

FEES

How much does it cost to make an FOI request?

There are **NO FEES** for making an FOI request. An agency however, may charge a reasonable fee for necessary costs associated with processing a request - including costs of printing, delivery, reproduction and/or photocopying.

NOTE: Use of this FOI request form is optional. Any written format for a Freedom of Information request is acceptable.

PROCESSING TIMES

When can I expect to receive a response to an FOI request?

Under the FOI EO, the standard processing time is fifteen (15) working days. During this time, you will be contacted regarding your FOI request through your preferred mode of communication.

If your request is granted, you can expect to receive the documents either through regular mail or email, or be requested to collect the documents at the office you had applied to. Otherwise, the agency will explain why your request is delayed or denied.

Can an agency request for a time extension?

In some cases, an agency may need more time to review your request and thereby inform you of an extension of processing period. Under such circumstances, an agency is permitted to extend an additional twenty (20) working days should the need arise.

Can I have my request expedited?

There is no process by which requests can be expedited. All requests will be reviewed equally on a case-by-case basis and allotted the fifteen (15) working day processing period from the time of receipt.

COMPLAINTS HANDLING

What if you are not happy with how the agency has handled your request?

Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure indicated in the Agency FOI Manual; 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.

The appeal will 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.

Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

IMPORTANT INFORMATION

Privacy

Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2.

If the agency gives you access to a document, and if the document contains no personal information about you, the document may be published online in the Agency'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.

Copyright

Annex “E”

REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pamcamgutuhan 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.

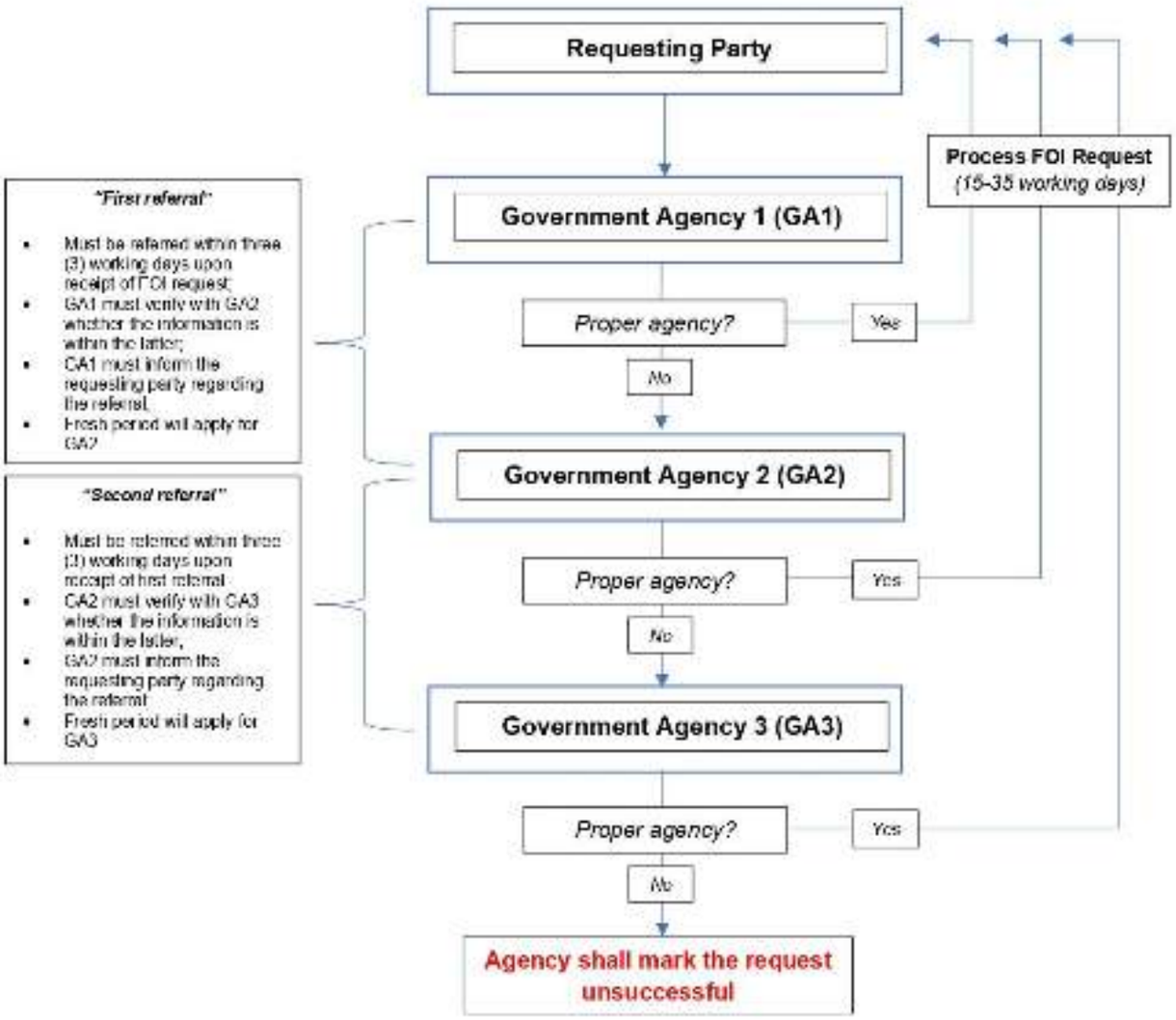
Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th **day of** August **2021.**

JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion

Annex A

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.

Annex “F”

FOI RESPONSE TEMPLATE

Date: _____

Dear _____,

Greetings!

Thank you for your request dated <insert data> under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Your request:

You asked for: <quote requests exactly, unless it is too long/complicated>

Response to your request:

Your FOI request is approved. The answer to your request is <insert answer>

Thank you.

Respectfully,

_____
Approving Authority

Annex “G”

FREEDOM OF INFORMATION LIST OF EXCEPTIONS
CONSTRUCTION INDUSTRY AUTHORITY OF THE PHILIPPINES

Confidentiality of Information

The information which CIAP and its implementing arms received or gathered shall only be used for the purposes for which they were collected. Sharing information which falls under the exemptions described below with third parties is not allowed unless there is written consent from the owner of the information secured by the requesting party and a letter-request is submitted stating the reason/purpose for which it is sought.

The following information are kept confidential and shall not be published or released to third parties except (i) with the consent of the parties, or (ii) where disclosure of the terms of settlement is required, or (iii) where required by law or where resort to the court is made under the Rules of Court. The specific treatment of this information is covered under specific rules:

1. Information contained in the personnel, HRD, medical or similar records that may constitute an invasion of personal privacy;
2. Information gathered from CIAP and its implementing Boards administrative hearings and proceedings including arbitration, conciliation and mediation and other law enforcement activities, the premature disclosure of which may interfere with or jeopardize the conclusion of such proceedings;
3. Sub judice matters (specifically merits or demerits of a case that has property been brought to the judicial process for resolution;
4. Recommendations submitted by the CIAP and its implementing Boards on matters that require approval and are pending with the Secretary or President;
5. Information kept secret in the interest of national defense or security or the conduct *of* foreign affairs;
6. Information covered by Executive Privilege;
7. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to Sections 9, 23, and 33 of the Alternate Dispute Resolution Act of 2004;
8. Arbitration proceedings including communications to or from the Construction Industry Arbitration Commission (CIAC), the pleadings, applications and other papers filed with CIAC, sworn statements, documentary and testimonial evidence, reports and minutes taken of the proceedings, and other orders, decision, award or resolution issued by the arbitrator(s), pursuant to Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration;
9. Executive Order No. 608. Establishing a National Security Clearance System for Government Personnel with Access to Classified Matters.
10. Deliberative Process Privilege;
11. The information requested consists of drafts of orders, resolutions, decisions and memorandum or audit reports by any executive, administrative, regulatory, constitutional, judicial or quasi-judicial body in the exercise of their regulatory audit and adjudicatory function;
12. Proceedings before or information in the possession of any government agency, tribunal, board or officer, under its respective rules or regulations are treated as confidential and privileged;
13. Confidential information not yet made a matter of public record relating to pending cases such as notes, drafts, research papers. internal discussions, internal memorandum, records of internal deliberations and similar papers. Even after the decision, resolution or order shall remain confidential;
14. Requested information which tends to exact testimony from government officials by a citizen are confidential such as information, record or document comprises drafts of decisions, orders, rulings, policy decisions, memorandum, etc.;
15. The information requested pertains to the personal information of a natural person other than the requesting party, and its disclosure would constitute an unwarranted invasion of his or her personal privacy, unless it forms part of a public record, or the person is or was an official of the government agency and the information relates to his other public function or the person has consented, in writing to the disclosure of the information;
16. Confidentiality of information coming into the possession of the Office;
17. Personal and sensitive information concerning natural persons resulting in invasion of privacy;
18. Shared health record. Information requested terrains to trade secrets and commercial or financial information obtained from a natural or juridical person other than the requesting party, obtained in confidence or covered by privileged communications, and/or filed with a government agency, whenever the revelation

thereof would prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition;

19. Financial Transactions;
20. Trade Secrets under the Consumer Act of the Philippines;
21. Trade Secrets under the Intellectual Property Code;
22. Information classified as confidential, the disclosure of which would prejudice legitimate commercial interests or competitive of the investor or its investments;
23. Information considered as privileged communications in legal proceedings by law or by the Rules of Court;
24. Other information requested is exempted from disclosure by law or by the Constitution, in addition to those provided in these sections; and
25. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals
26. And such other exceptions applicable to CIAP as listed under Inventory of Exceptions to Executive Order No. 2, s. 2016 dated 24 November 2016.

Other source: Source: Memorandum from the Office of the Executive Secretary with subject: Inventory of Exceptions to Executive Order No. 2 (s. 2016), release 24 November 2015

Annex "H"

FOI CENTRAL APPEALS AND REVIEW COMMITTEE, DECISION MAKERS AND RECEIVING OFFICERS

Central Appeals and Review Committee (CARC)

The CARC, which shall, along with other duties provided under the FOI Manual, review decisions of the FDM on FOI requests, as well as provide expert advice to the CIAP Executive Director, is hereby constituted and shall be composed of the following:

Chair	CIAP Executive Director
Members	PCAB Executive Director PODCB Executive Director CMDF Executive Director

	CIAC Executive Director

FOI Decision Makers (DM)

The FOI Decision Makers (DM) shall conduct evaluation of the request for information and has the authority to decide whether to grant or deny the requests, either fully or partially, based on any of the grounds enumerated in this manual and other applicable laws, rules, and regulations. As such, the following are designated FOI DM per Implementing Board:

PCAB	Technical and Financial Evaluation Division (Division Chief) Monitoring and Enforcement Division (Division Chief) Records and Information Division (Division Chief)
PODCB	Overseas Program Development Division (Division Chief) Domestic Program Development Division (Division Chief)
CMDF	Competency Assessment and Certification Division (Division Chief) Productivity and Competency Enhancement Division (Division Chief)
CIAC	Arbitration, Mediation and Conciliation Division (Division Chief)

FOI Receiving Officers (FRO)

as of January 2025

Name of Office and FOI Decision Maker	Location	Assigned FOI Receiving Officer	Contact Information
Construction Industry Authority of the Philippines **Atty. Natalie pardo-Labang** Division Chief	5/F Executive Building Center 369 Sen. Gil J. Puyat Ave., Makati City 1209	Overall CIAP FRO: **Ms. Jessica B. Galitob,** TIDS Alternate FROs: **Ms. Jessica A. Baje**, TIDS **Mr. Khen O. Murillo**, TIDS	Telephone No.: 8895-6826 Email Address: jessica_galitob@construction.gov Telephone No.: 8895-6826 jessicabaje@construction.gov.ph khenmurillo@construction.gov.ph
Philippine Contractors Accreditation Board (PCAB) **Engr. Sergie T. Retome** Divison Chief, TFED **Atty. Jinky Ann H. Cruz** Division Chief, MED **Paul Ryan Sting F. Fugen** Division Chief, RID	5/F Executive Building Center 369 Sen. Gil J. Puyat Ave., Makati City 1209	Primary FRO: **Mr. Nathaniel C. Rivera,** TIDA Alternate FRO: **Mr. Conrado O. Villoso,** TIDR	Telephone No.: 8895-4258 | 0917-828-6807 Email Address: nathanielrivera@construction.gov.ph Telephone No.: 8895-4258 | 0917-828-6807 Email Address: conradovilloso@construction.gov.ph
Philippine Overseas Construction Board (POCB) **Irma V. Merza** Division Chief	5/F Executive Building Center 369 Sen. Gil J. Puyat Ave., Makati City 1209	Primary FRO: **Ms. Mary Ann N. Acosta**, Admin. Assistant III Alternate FRO: **Mr. Homer A. Bagadiong**, Admin. Assistant III	Telephone No.: 8896-1833 Email Address: maryannacosta@construction.gov.ph Telephone No.: 8896-1833 Email Address: homerbagadiong@construction.gov.ph

Philippine Domestic Construction Board (PDCB) **Engr. Jocelyn C. Carrasco** Division Chief	5/F Executive Building Center 369 Sen. Gil J. Puyat Ave., Makati City 1209	Primary FRO: **Ms. Ariane Monique D. Balaoing**, TIDS Alternate FRO: **Ms. Dana Lorraine C. Faurillo**, TIDS	Telephone No.: 8896-0801 Email Address: arianemoniquebalaoing@construction.gov.ph Telephone No.: 8896-0801 Email Address: danalorrainefaurillo@construction.gov.ph

Construction Manpower Development Foundation (CMDF) **Jan Amiel C. de Leon** Officer-in-Charge, CACD **Engr. Anthony Von Ryan O. Panelo** Officer-in-Charge, PCED	5/F Executive Building Center 369 Sen. Gil J. Puyat Ave., Makati City 1209	Primary FRO: **Engr. Johayna W. Alsheik**, Senior TIDS Alternate FRO: **Ms. Rea Q. Muñoz**, Admin. Assistant III	Mobile No.: 0917-850-8563 Email Address: johaynaalsheik@construction.gov.ph Mobile No.: 0917-850-8563 Email Address: reamunoz@construction.gov.ph
Construction Industry Arbitration Commission (CIAC) **Delia B. Perlada** Division Chief	2/F Executive Building Center 369 Sen. Gil J. Puyat Ave., Makati City 1209	Primary FRO: **Ms. Lorna F. Rivera**, Senior TIDS Alternate FRO: **Ms. Kim Julienne A. Bautista**, TIDS	Telephone No.: 8897-0853 Email Address: lornarivera@construction.gov.ph Telephone No.: 8897-0853 Email Address: kimjuliennebautista@construction.gov.ph