



Republic of the Philippines
Department of Agriculture
AGRICULTURAL TRAINING INSTITUTE

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MEMORANDUM

M23-09-952

TO : ALL CENTER DIRECTORS/ OICs
ATI Regional Training Centers and ITCPH
ALL DIVISION CHIEFS/OICs
HEADS OF OFFICE, ADMINISTRATIVE AND FINANCE UNIT
ATI Central Office

FROM : REMELYN R. RECOTER, MNSA, CESO III
Director IV

DATE : September 18, 2023

SUBJECT : UPDATED FREEDOM OF INFORMATION (FOI) MANUAL OF THE
AGRICULTURAL TRAINING INSTITUTE

Pursuant to the **Executive Order No. 2, series of 2016** also known as the **Freedom of Information (FOI) Program**. The Agricultural Training Institute updated its **FOI Manual** to provide the process to guide and assist Filipino citizens in requesting information directed to the Agricultural Training Institute.

These include the updating of the processes, information of the agency, contact details, website URL, and inclusion of the **FOI-MC No. 21-05** also known as "**No wrong door policy for FOI**" in the ATI's FOI Manual.

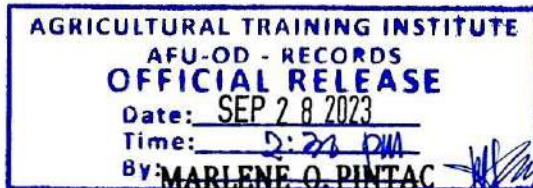
The updated FOI Manual can be downloaded from the ATI Central Office website through its transparency seal or through this link: <https://ati2.da.gov.ph/ati-main/content/transparency-seal>

For your information and guidance

RRR/AJA/JCC/RTH/rth

Masaganang Agrikultura, Maunlad na Ekonomiya

ISO 9001:2015 Certified
C.R. No. TUV100 05 3040



ATi-MAN/ISD-04 Rev.01 Date Received: 9/28/23



Republic of the Philippines
Department of Agriculture
AGRICULTURAL TRAINING INSTITUTE
Diliman, Quezon City, Philippines



FREEDOM OF INFORMATION

MANUAL

2023



AM-man/ISD-04 Rev.01 Date Received: 9/28/23

PREFACE

The Agricultural Training Institute Freedom of Information (FOI) Manual is designed to guide and assist the Institute in dealing with the requests of information received under Executive Order No. 2 on FOI.

It recognizes and confirms the commitment of the Government to full public disclosure, transparency and accountability in public service. The Manual contains information on the existing mechanisms for the provision of the information and the processes, timelines and accountability. Definition of Terms is included to provide clarity and common understanding of key words used repeatedly in the Manual. The Administrative Provisions are likewise included to guide the public on accountabilities in compliance with FOI.


REMELYN R. RECOTER, MNSA, CESO III
Director W



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SECTION 1: OVERVIEW

1. **Purpose:** The purpose of this FOI Manual (Manual) is to provide the process to guide and assist the ATI including its Network of Regional Training Centers, in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (Annex "A")
2. **Structure of the Manual:** This Manual shall set out the rules and procedures to be followed by the ATI, and its network of Regional Training Centers, when a request for access to information is received. The ATI DIRECTOR is responsible for all actions carried out under this Manual and may delegate this responsibility to the DEPUTY DIRECTOR of the ATI and the respective Heads of the ATI Regional Training Centers. The Director, Deputy Director or the respective Heads of the ATI Regional Training Centers, may delegate a specific officer to act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **Coverage of the Manual:** The Manual shall cover all requests for information directed to the ATI and all its regional training centers, as follows:
 - a. ATI Regional Training Center, La Trinidad, Benguet (ATI- CAR)
 - b. ATI Regional Training Center, Santa Barbara, Pangasinan (ATI-RTC1)
 - c. ATI Regional Training Center, San Mateo, Isabela (ATI- RTC2)
 - d. ATI Regional Training Center, San Ramon, Dinalupihan, Bataan (ATI-RTC3)
 - e. ATI Regional Training Center, Trece Martires City, Cavite (ATI-RTC4a)
 - f. ATI International Training Center for Pig Husbandry, Lipa City, Batangas (ATI-ITCPH)
 - g. ATI Regional Training Center, Naujan, Mindoro (ATI-RTC4b)
 - h. ATI Regional Training Center, Pili, Camarines Sur (ATI- RTC5)
 - i. ATI Regional Training Center, Banga, Aklan (ATI-RTC6)
 - j. ATI Regional Training Center, Tagbilaran City, Bohol (ATI- RTC7)
 - k. ATI Regional Training Center, Baybay, Leyte (ATI-RTC8)
 - l. ATI Regional Training Center, Pagadian City, Zamboanga (ATI-RTC9)
 - m. ATI Regional Training Center, El Salvador, Misamis Or. (ATI- RTC10)
 - n. ATI Regional Training Center, Panabo City, Davao (ATI- RTC11)
 - o. ATI Regional Training Center, Tantaran, So. Cotabato (ATI- RTC12)
 - p. ATI Regional Training Center, Butuan City, Agusan del Norte (ATI-CARAGA)



4. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) designated at the ATI. The FRO shall come from any of the Divisions preferably come from the Information Service Division at the/ Information Services Section at the ATI Training Centers Office, or its equivalent, of the ATI. The FRO shall hold office at Information Services Division (ISD), G/F ATI Building, Elliptical Road, Diliman, Quezon City.

The functions of the FRO shall include receiving on behalf of the ATI and or any of its training centers, all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the ATI's Official Website (ati2.da.gov.ph/).

Regional Training Centers and the International Training Center for Pig Husbandry of the ATI shall assign their respective FROs. (Annex "D")

5. **FOI Decision Maker:** There shall be an FOI Decision Maker (FDM), designated by the DIRECTOR, with a rank of not lower than a Division Chief or Center Superintendent, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
- a. The ATI does not have the information requested;
 - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - c. The information requested falls under the list of exceptions to FOI; or
 - d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the ATI.
6. **Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee composed of Division Chiefs, designated by ATI DIRECTOR to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the DIRECTOR on the denial of such request. The heads of the Training Centers shall likewise create a Central Appeals and Review Committee within their center in similar manner stated herein.



7. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the ATI DIRECTOR may delegate such authority to his/her DEPUTY DIRECTOR. The heads of the Training Centers shall likewise have the authority to delegate such authority in the same manner.

SECTION 2: DEFINITION OF TERMS

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.

eFOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph 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. eFOI.gov.ph 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.

Ati2.da.gov.ph. The official website of the ATI that provides information on the programs, projects and activities undertaken by ATI. It also provides links to the ATI Training Centers' website that shows the programs, projects and activities specifically implemented in the regions.

The ATI also provides electronic extension services via the e- extension.gov. ph.

INFORMATION. Shall mean those stipulated in 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.

INFORMATION FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information



encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, ati.da.gov.ph, e-extension.gov.ph without need for written requests from the public.

OFFICIAL RECORD/S. 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.

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

PUBLIC RECORDS. Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

PUBLIC SERVICE CONTRACTOR. Shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

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

- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- b. 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;
- c. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or 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.



SECTION 3. GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.

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

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."

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

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

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

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. Any Filipino can generally make a FOI request to any government office.

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.

FREQUENTLY REQUESTED INFORMATION. Info released in response to FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the ATI or any of its office cannot release any records in response to FOI request, to which the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.



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

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose portions of the records in response to FOI request, but must deny other portions of the request.

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

PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

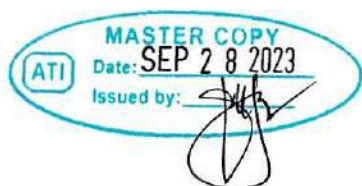
PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.

REFERRAL. When 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. This process is called a "referral."

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



SECTION 4. PROTECTION OF PRIVACY

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

- a. The ATI shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The ATI shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the ATI, shall not disclose that information except as authorized by existing laws.

SECTION 5. STANDARD PROCEDURE

1. Receipt of Request for Information.

1.1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing, either through a formal letter or email;
- The requesting party must fill up the FOI Request Form completely (See Annex "F")

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the filled-out FOI request form, and a copy of a duly recognized government ID with photo.

1.2. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.

1.3. 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 email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

- 1.4. The ATI or any of its office, must respond to requests promptly, within fifteen (15) working days from the date of receipt of the request, excluding Saturdays, Sundays and non-working holidays. In computing for the period, Art. 13 of the New Civil Code shall be observed. (Refer to Memo Circular issued by PRRD / DA Sec / 2017) 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.

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

2.1 Request relating to more than one office under the DEPARTMENT: If a request for information is received which requires to be complied with, of different attached agencies, bureaus and offices, the FRO shall forward such request to the said attached agency, bureau and office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such agencies, bureaus and offices that they will only provide the specific information that relates to their agencies, bureaus and offices.

2.2 .Requested information is not in the custody of the ATI or any of its offices: If the requested information is not in the custody of the ATI or any of its offices, ATI should follow the "Process of Referral under **FOI MC No. 21-05** also known as the "**NO WRONG DOOR POLICY FOR FOI**" (ANNEX "C").



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.

3. **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.
4. **Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.



The FRO shall note the date and time of receipt of the information from the FDM and report to the DIRECTOR or the DEPUTY DIRECTOR, or Heads of Regional Training Centers, in case the submission is beyond the 10-day period.

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 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.

5. **Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the DIRECTOR or the DEPUTY DIRECTOR, or Heads of Training Centers concerned and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.
6. **Request for an Extension of Time:** If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. **Notice to the Requesting Party of the Approval/Denial of the Request:** Once the DM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the DIRECTOR or DEPUTY DIRECTOR or any of his/her designated Division Chief/Center Superintendent for final approval.
8. **Approval of Request:** In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any
9. **Denial of Request:** 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. 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 DIRECTOR or to her designated focal persons.

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:

1. Administrative FOI Appeal to the ATI Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request
 - a. Denial of the Appeal by the Heads of the ATI and the Training Centers may be appealed by filing a written appeal to the ATI 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 ATI Director upon the recommendation of the Central Appeals and Review Committee within fifteen (15) working days from the filing of said written appeal. Failure to decide within the 15-day period shall be deemed a denial of the appeal.
 - c. The denial of the Appeal by the ATI Director or the lapse of the period to respond to the request may be appealed further to the Office of the DEPARTMENT SECRETARY.
2. 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 ATI shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 8. FEES

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



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 ATI in providing the information to the requesting party. The schedule of fees shall be posted by the ATI.
3. Exemption from Fees: The ATI may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 9. ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of 1 to 30 days
 - c. 3rd Offense - Dismissal from the 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. 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"



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 2

REORGANIZING AND RENAMING THE PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE AND ITS ATTACHED AGENCIES INTO THE OFFICE OF THE PRESS SECRETARY, ABOLISHING THE OFFICE OF THE PRESIDENTIAL SPOKESPERSON, AND FOR OTHER PURPOSES

WHEREAS, it is the policy of the Administration to nurture a well-informed and enlightened citizenry, as well as to protect, promote, and abide by the highest standards of free expression and respect for press freedom;

WHEREAS, it is the policy of the Administration to provide true, accurate, and relevant information through effective utilization of communications assets and resources;

WHEREAS, Memorandum Order No. 32, s. 1986 created the Office of the Press Secretary which handled the information and communications operations of the Office of the President (OP);

WHEREAS, Executive Order No. 4, s. 2010, as amended, created the Presidential Communications Operations Office (PCOO) and organized the agencies attached therein;

WHEREAS, E.O. No. 111, s. 2020 reconstituted the Office of the Presidential Spokesperson and abolished the Presidential Communications Development and Strategic Planning Office (PCDSPO);

WHEREAS, there is a need to rationalize and consolidate the communications arm of the Administration for a more efficient delivery of public policy to the general public;

WHEREAS, Section 31, Chapter 20, Title III, Book III of the Executive Order No. 292, s. 1987, or the Administrative Code of 1987 provides that the President has continuing authority to reorganize the administrative structure of the OP;

NOW, THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Philippines, by virtue of the powers vested in me by existing laws, do hereby order the following:

Section 1. Office of the Press Secretary. The PCOO is hereby reorganized and renamed as the Office of the Press Secretary (OPS) which shall be headed by a Press Secretary.

Section 2. Organization of the OPS. The OPS shall be organized as follows:

THE PRESIDENT OF THE PHILIPPINES



a) **Office of the Secretary.** The Office of the Secretary (OSec) shall have an Assistant Secretary, with support staff of not more than twenty (20) personnel to be designated by the Press Secretary and approved by the Executive Secretary in the exigency of the service and in accordance with civil service law and rules;

b) **Undersecretaries.** In addition to the foregoing, there shall be **undersecretaries** for the following areas, each of which shall have **assistant secretaries** and support staff:

1. Operations, Plans and Policies;
2. Administration, Finance and Procurement;
3. Legal Affairs;
4. Media Accreditation and Relations;
5. Digital Media Services;
6. Print Media Services, and related GOCCs and attached agencies;
7. Broadcast Media Services, and related GOCCs and attached agencies; and
8. Special Concerns.

Section 3. Powers and Functions of the OPS. The OPS shall perform the following functions:

- a. Pronounce, on behalf of the President, matters pertaining to his actions, policies, programs, official activities, and accomplishments;
- b. Develop and implement necessary guidelines and mechanisms pertaining to the delivery and dissemination of information on policies, programs, official activities, and achievements of the President and the Executive Branch;
- c. Coordinate the crafting, formulation, development, and enhancement of the messaging system under the OP and the Executive Branch;
- d. Supervise and coordinate with the agencies and government-owned and controlled corporations (GOCCs) attached to the OPS for purposes of further strengthening the system of information delivery to the public.
- e. Establish and maintain rapport with private media and other similar entities and stakeholders; and
- f. Perform such other functions as the OP may assign from time to time.

Section 4. Divisions. All existing divisions and units of the PCOO shall be organized and reorganized under the areas of concern of the undersecretaries of the OPS. All redundant positions, divisions, and units, as may be determined by the OP, shall be abolished.

Section 5. Office of the Presidential Spokesperson. The Office of the Presidential Spokesperson is hereby abolished, and all its permanent personnel, equipment, and functions are transferred to the OPS.

Section 6. Agencies, Bureaus, and other Offices attached to the OPS. The following agencies, bureaus, and offices shall be attached to the OPS for purposes of supervision, control, and budget clustering:

- a. APO Production Unit;
- b. Bureau of Broadcast Services;
- c. Intercontinental Broadcasting Corporation;
- d. National Printing Office;



- e. News and Information Bureau; and
- f. People's Television Network, Inc.

Section 7. Transfer of the Radio Television Malacañang (RTVM). RTVM and all its permanent personnel, equipment and functions shall be placed under the direct supervision and control of the Presidential Management Staff (PMS).

Section 8. Strengthening the Philippine Information Agency. The Philippine Information Agency (PIA) shall be under the direct supervision of the OP. The PIA shall absorb the following offices previously under the control and supervision of the PCOO:

- a. Bureau of Communications Services;
- b. Freedom of Information-Program Management Office; and
- c. Good Governance Office;

Further, the PIA shall continue to be headed by a Director-General, with a rank of Undersecretary, and shall be entitled to four (4) Deputy Directors-General with the rank, salary, and emoluments of Assistant Secretary, and four (4) Assistant Directors-General with the rank, salary, and emoluments of Director IV. The said Deputy and Assistant Directors-General shall be entitled to their respective support staff. These Deputy Directors-General and Assistant Directors-General shall support the plans, programs, and policies of the PIA and the OP in developing communications and various priority thrusts.

The Divisions and Regional Offices of the PIA shall each be headed by a Director II, to be appointed by the Director-General, subject to existing civil service rules.

Lastly, the Director-General, Deputy Directors-General, Assistant Directors-General and Directors II positions shall be included in the *plantilla* positions and shall be considered for eligibility and ranking under the Career Executive Service regulations.

Section 9. Rationalization and Streamlining. All concerned offices shall cause for the rationalization of staffing patterns, subject to the approval of the Department of Budget and Management (DBM) and the OP.

Section 10. Appropriations. The budget of the offices herein reorganized shall be sourced from the remaining budget of the PCOO, its attached agencies, and the OP, for the current year. The succeeding years' appropriations for the said offices shall be prepared in accordance with regular government budget procedures.

Section 11. Discharge of Functions. Except as may be required or warranted under this Executive Order, all agencies shall continue to discharge their respective functions and responsibilities as defined under existing laws or issuances.

Section 12. Repeal. E.O. No. 4, s. 2010 and E.O. No. 111, s. 2020, are hereby repealed. All other orders, rules, regulations and issuances, or parts thereof, which are inconsistent with this Order, are hereby repealed or modified accordingly.



Section 13. Separability. If any section or provision of this Order is declared unconstitutional or invalid, the portions not otherwise affected shall remain in full force and effect.

Section 14. Effectivity. This Order shall take effect immediately.

DONE, in the City of Manila, this 30th day of June, in the year of our Lord Two Thousand and Twenty-Two.

By the President:

VICTOR D. RODRIGUEZ



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ANNEX "B"

LIST OF EXCEPTIONS

Exceptions to Right of Access to Information

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. 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 officers, 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;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

¹ These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.



For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings; and
 - b. Matters covered by deliberative process privilege, namely:
 - I. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials; and
 - II. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;
2. Privileged information relating to national security, defense or International relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;
 - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs; and

2 This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9

December 1998, 299 SCRA 744.

3 *Akbayan v. Aquino*, supra; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, supra. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

4 Section 3(d) Rule IV, Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [Revised Manual for Prosecutors of the Department of Justice (DOJ)] are also covered under this category of exceptions.

5 *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, supra; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, supra; *Neri v. Senate*, supra; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

6 *Akbayan v. Aquino*, supra; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.



- c. Patent applications, the publication of which would prejudice national security and interests;
- 3. Information concerning law enforcement and protection of public and personal safety:
 - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;⁹
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹⁰
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹¹ and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹²

7 The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section

44.3 of the Intellectual Property Code (RA No. 8293, as amended by RA No. 10372).

8 Section 3(f), Rule IV, Rules on CCESPOE; Chavez v. PCGG, supra. May be invoked by law enforcement agencies.

9 Akbayan v. Aquino, supra; and Section 51, Human Security Act of 2007 (RA No. 9372). May be invoked by law enforcement agencies.

10 Section 3(b), Rule IV, Rules on CCESPOE.

11 Section 19, New Anti Carnapping Act of 2016 (RA No. 10883). May be invoked by law enforcement agencies.

12 Section 7, Witness Protection, Security and Benefit Act (RA No. 6981).



4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused.

These include:

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹³ personal information or records,¹⁴ including sensitive personal information, birth records,¹⁵ school records,¹⁶ or medical or health records;¹⁷

Sensitive personal information as defined under the Data Privacy Act of 2012 refers to personal information:¹⁸

- I. about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- II. about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- 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.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual¹⁹ and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²⁰

13 Section 3(e), Rule IV, Rules on CCESPOE.

14 Sections 8 and 15, Data Privacy Act of 2012 (RA No. 10173); 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 entity holding the information, or when put together with other information would directly and certainly identify an individual [Section 3(g), Data Privacy Act of 2012]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

15 Article 7, The Child and Youth Welfare Code [Presidential Decree (PD) No. 603].

16 Section 9(4), Education Act of 1982 [Batas Pambansa (BP) Blg. 232].

17 Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), Data Privacy Act of 2012; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016- 0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

18 Section 3(l), Data Privacy Act of 2012.

19 Article 26(2), Civil Code.



Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;²¹

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²² and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) records of child and family cases;²³
 - (2) children in conflict with the law from initial contact until final disposition of the case;²⁴
 - (3) a child who is a victim of any offense under the Anti-Child Pornography Act of 2009, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;²⁵
 - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;²⁶
 - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;²⁷

20 Section 11, Data Privacy Act of 2012.

21 Section 4, Data Privacy Act of 2012.

22 An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

23 Section 12, Family Courts Act of 1997 (RA Act No. 8369).

24 Section 43, Juvenile Justice and Welfare Act of 2006 (RA No. 9344).

25 Section 13, Anti-Child Pornography Act of 2009 (RA No. 9775).

26 Section 31, A.M. No. 00-4-07-SC, Re: Proposed Rule on Examination of a Child Witness



- (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁸
 - (7) names of victims of child abuse, exploitation or discrimination;²⁹
 - (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³⁰
 - (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³¹
 - (10) names of students who committed acts of bullying or retaliation;³²
 - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the Comprehensive Dangerous Drugs Act of 2002, as amended; and ³³
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁴
5. 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 officers, 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, such as but not limited to the following:

27 Section 44, Anti-Violence Against Women and their Children Act of 2004 (RA No. 9262); and People v. Cabalquinto, G.R. No. 167693, 19 September 2006.

28 Section 7, Anti-Trafficking in Persons Act of 2003 (RA No. 9208), as amended by RA No. 10364.

29 Section 29, Special Protection of Children Against Abuse, Exploitation and Discrimination Act (RA No. 7610).

30 Section 14, Juvenile Justice and Welfare Act of 2006; Section 7, Anti-Trafficking in Persons Act of 2003, as amended; and Section 29, Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

31 Section 15, Domestic Adoption Act of 1998 (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), Inter-Country Adoption Act of 1995 (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

32 Section 3(h), Anti-Bullying Act (RA No. 10627).

33 Sections 60, 64 and 67, Comprehensive Dangerous Drugs Act of 2002 (RA No. 9165).

34 Sections 2(b), 18, 30, and 32, Philippine AIDS Prevention and Control Act of 1998 (RA No. 8504).



- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁵
- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁶
- c. Records and reports submitted to the Social Security System by the employer or member;³⁷
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁸
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;³⁹
- f. Applications and supporting documents filed pursuant to the Omnibus Investments Code of 1987;⁴⁰
- g. Documents submitted through the Government Electronic Procurement System;⁴¹
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the Electronic Commerce Act of 2000;⁴²
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the Philippine Mining Act of 1995 and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;⁴³

35 Sections 45, 106.1, and 150.2, The Intellectual Property Code (RA No. 8293, as amended by RA No. 10372); Section 66.2, Securities Regulation Code (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, The Corporation Code (BP Blg. 68); Section 34, Philippine Competition Act (RA No. 10667); Sections 23 and 27 (c), The New Central Bank Act (RA No. 7653); Anti-Money Laundering Act (RA No. 9160); Section 18, Strategic Trade Management Act (RA No. 10697); Sections 10 and 14, Safeguard Measures Act (RA No. 8800); Section 12, Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990 (RA No. 6969); Article 290, Revised Penal Code; Section 10.10, Rule 10, 2012 Revised IRR of Build-Operate-Transfer Law (RA No. 6957); and Revised Philippine Ports Authority Manual of Corporate Governance.

36 Section 26, Philippine Statistical Act of 2013 (RA No. 10625); and Section 4, Commonwealth Act No. 591. May be invoked only by the PSA.

37 Section 24(c), Social Security Act of 1997 (RA No. 1161, as amended by RA No. 8282).

38 Section 29, Philippine AIDS Prevention and Control Act of 1998 (RA No. 8504).

39 Section 34, Philippine Competition Act (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

40 Section 81, EO No. 226 (s. 1987), as amended.

41 Section 9, Government Procurement Reform Act (RA No. 9184).

42 Section 32, Electronic Commerce Act of 2000 (RA No. 8792).

43 Section 94(f), Philippine Mining Act of 1995 (RA No. 7942).



- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁴⁴
 - k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;⁴⁵
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁶
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the Insurance Code;⁴⁷
 - n. Information on registered cultural properties owned by private individuals;⁴⁸
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁴⁹ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵⁰
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵¹

44 Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

45 Section 9(c), Anti-Money Laundering Act of 2001, as amended. May be invoked by AMLC, government banks and its officers and employees.

46 Section 10, Safeguard Measures Act.

47 Section 297 in relation with Section 295 and Section 356, The Insurance Code (as amended by RA No. 10607).

48 Section 14, National Cultural Heritage Act of 2009 (RA No. 10066).

49 CHED Memorandum Order No. 015-13, 28 May 2013.

50 Articles 229 and 230, Revised Penal Code; Section 3(k), Anti-Graft and Corrupt Practices Act (RA No. 3019); Section 7(c), Code of Conduct and Ethical Standards for Public Officials and Employees (RA No. 6713); Section 7, Exchange of Information on Tax Matters Act of 2009 (RA No. 10021); and Section 6.2, Securities Regulation Code (RA No. 8799).

51 Section 3(g), Rule IV, Rules on CCESPOE.



7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the Alternative Dispute Resolution Act of 2004;⁵²
 - b. Matters involved in an Investor-State mediation;⁵³
 - c. Information and statements made at conciliation proceedings under the Labor Code;⁵⁴
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁵
 - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁵⁶
 - f. Information related to investigations which are deemed confidential under the Securities Regulations Code;⁵⁷
 - g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁸
 - h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the Comprehensive Dangerous Drugs Act of 2002;⁵⁹
 - i. Investigation report and the supervision history of a probationer;⁶⁰
 - j. Those matters classified as confidential under the Human Security Act of 2007;⁶¹
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶² and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁶³

⁵² Sections 9, 23 and 33, Alternative Dispute Resolution (ADR) Act of 2004 (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁵³ Article 10, International Bar Association Rules for Investor-State Mediation.

⁵⁴ Article 237, Labor Code.

⁵⁵ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁵⁶ Section 142, Corporation Code. May be invoked by the SEC and any other official authorized by law to make such examination.

⁵⁷ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the Securities Regulation Code.

⁵⁸ Section 53(b)(1) of the Pre-Need Code of the Philippines. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

⁵⁹ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶⁰ Section 17, Probation Law of 1976 [PD No. 968 (s.1976)].

⁶¹ Sections 9, 13, 14, 29, 33 and 34, Human Security Act of 2007 (RA No. 9372).

⁶² Section 14, Civil Service Commission Resolution No. 01-0940.

⁶³ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.



8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
 - a. RA No. 1405 (Law on Secrecy of Bank Deposits);
 - b. RA No. 6426 (Foreign Currency Deposit Act of the Philippines) and relevant regulations;
 - c. RA No. 8791 (The General Banking Law of 2000);
 - d. RA No. 9160 (Anti-Money Laundering Act of 2001); and
 - e. RA No. 9510 (Credit Information System Act);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
 - a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁶⁴
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁶⁵ and
 - (3) Refugee proceedings and documents under the 1951 Convention Relating to the Status of Refugees, as implemented by DOJ Circular No. 58 (s. 2012);
 - b. Testimony from a government official, unless pursuant to a court or legal order;⁶⁶
 - c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁶⁷
 - d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁶⁸

64 Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

65 Article 7, UNCITRAL Transparency Rules.

66 Senate v. Neri, supra; Senate v. Ermita, supra.

67 Section 8(D), Code of Conduct and Ethical Standards for Public Officials and Employees.

68 Belgica v. Ochoa, G.R. No. 208566, 19 November 2013; and Valmonte v. Belmonte Jr., G.R. No. 74930, 13 February 1989, 252 Phil. 264.



- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁶⁹
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁰ and
- g. Attorney-client privilege existing between government lawyers and their client.⁷¹

69 Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, Investment Company Act (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

70 *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

71 Canon 21 of the Code of Professional Responsibility.



ANNEX "C"
"NO WRONG DOOR POLICY FOR FOI"
FOI-MC No. 21- 05





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;

7th Floor Times Plaza Building, United Nations Ave., Ermita, City of Manila, Philippines



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

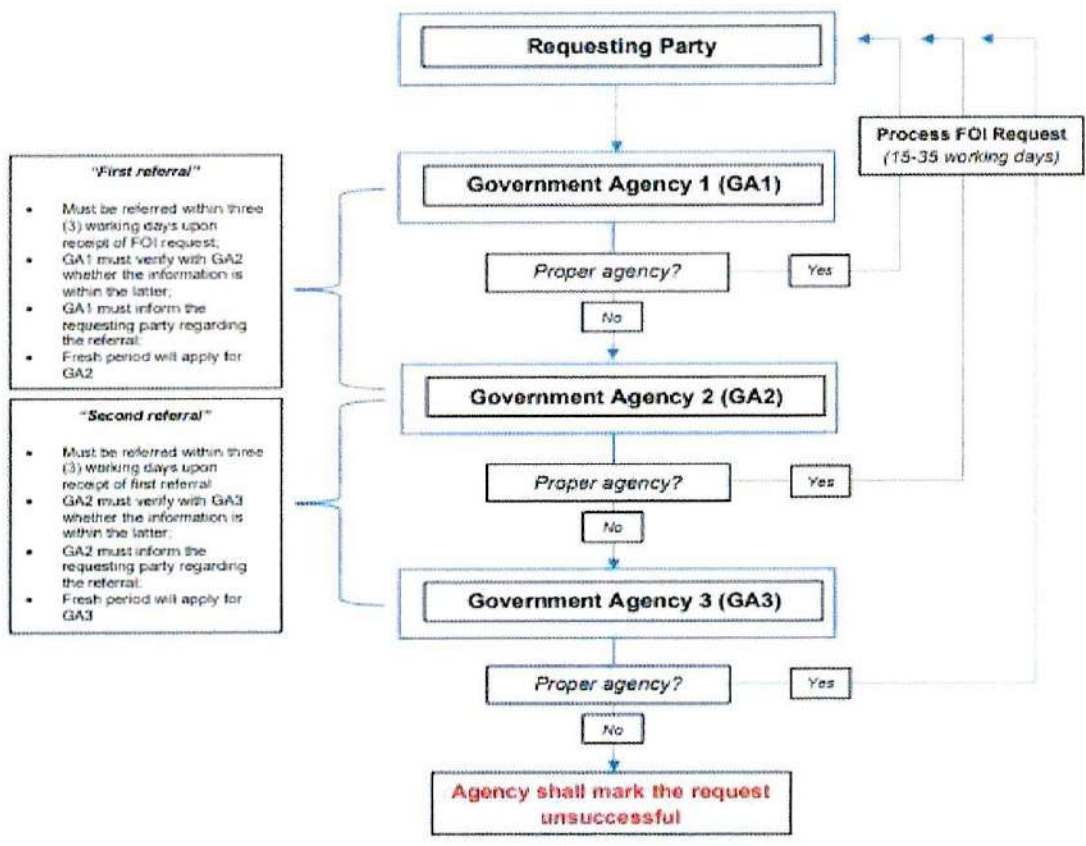
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Annex A

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.

MASTER COPY
 (ATI) Date: SEP 28 2023
 Issued by:

ANNEX "D"

FOI Receiving Officers of AGRICULTURAL TRAINING INSTITUTE

OFFICE	Receiving Officers	Office Address	Telephone No.	Email
ATI Central Office	ROMMEL T. HALLARES Agriculturist I Information Services Division	ATI Building, Elliptical Road, Diliman, Quezon City	(02)-89298541	info@e-extension.gov.ph website https://ati2.da.gov.ph/
Luzon				
ATI-ITCPH	AMY G. EGUIA, MSAN OIC Center Director	International Training Center on Pig Husbandry (ITCPH) Bo. Maraouy, Lipa City	+63) 43 756-1987 ; 756-1996 ; 756-1997	atiitcphrecords@gmail.com
ATI-Cordillera Administrative Region	CHARLIE C. SAGUDAN Training Center Director	Benguet State University Compound, Km. 5, Balili, La Trinidad, Benguet 2601	074-422-2375	rtccar.dcc@ati.da.gov.ph
ATI-Ilocos Region	Rogelio C. Evangelista, DPA Center Director	Provincial Nursery Compound, Tebag East, Sta. Barbara, Pangasinan	(075) 523 2266	rtc1.dcc@ati.da.gov.ph
ATI-Cagayan Valley Region	IMELDA M. GUILLERMO Center Director / Training Center Superintendent II	San Mateo Center: Malasin, San Mateo, Isabela 3328	0917-501-4270	rtc2.dcc@ati.da.gov.ph
ATI-Central Luzon	Engr. JOEY A. BELARMINO, PhD Center Director / TCS II	Government Complex, San Ramon, Dinalupihan, Bataan	(047) 240-5035	rtc3.dcc@ati.da.gov.ph
ATI-Calabarzon	ROLANDO V. MANINGAS, PHD TCS II/Center Director	8575 Camerino Street, Brgy. Lapidario, Trece Martires City, Cavite	(046) 419-0210	rtc_calabarzon@ati.da.gov.ph



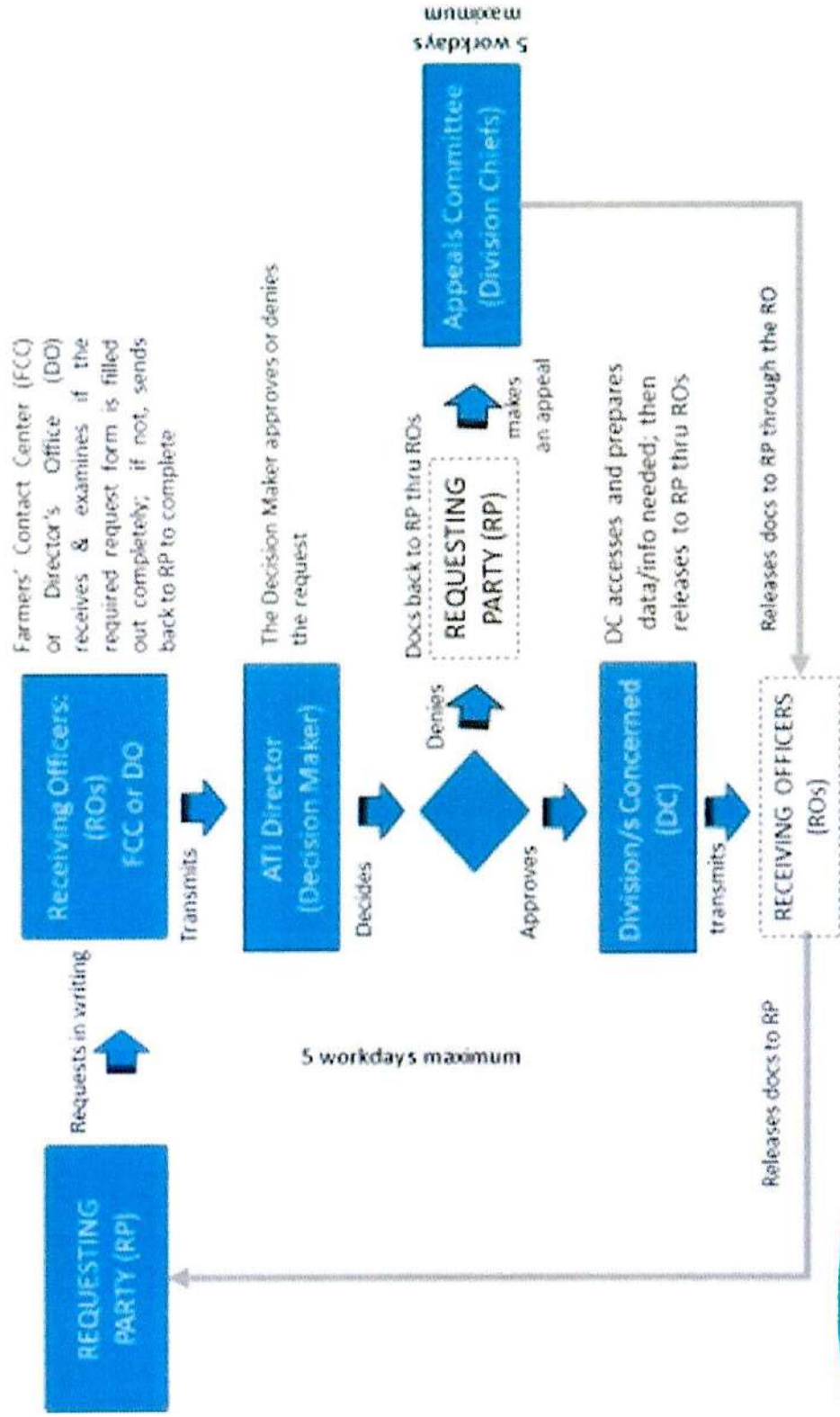
ATI-MiMaRoPa Region	PAT ANDREW B. BARRIENTOS, M.M.,J.D. Center Director	Barcenaga, Naujan, Oriental Mindoro	(02) 3591967	dcc_mimaropa@ati.da.gov.ph
ATI-Bicol Region	ELSA A. PAROT Training Center Superintendent II	ATI-RTC 5, Diversion Road, San Agustin, Pili, Camarines Sur	(054) 884-5866	rtc5_dcc@ati.da.gov.ph
Visayas				
ATI-Western Visayas	MARY ANN A. RAMOS, MPM Officer-in-Charge	ATI Building, ASU Compound, Banga, Aklan	(036) 267-5951	rtc6.dcc@ati.da.gov.ph
ATI-Central Visayas	GRACIA F. ARADO, PhD Training Center Superintendent (TCS II)	ATI-RTC 7 Training Complex, Cabawan District, TAGbilaran City 6300 Bohol	(038) 411-3661	rtc7.dcc@ati.da.gov.ph
ATI-Eastern Visayas	HAZEL GRACE T. TAGANAS Training Center Superintendent II Center Director	ATI-RTC 8, Visayas State University Campus, Visca, Baybay City, Leyte, Philippines	(053) 563-7635	atirtc8@ati.da.gov.ph
Mindanao				
ATI-Zamboanga Peninsula	GERRY R. PAGARIGAN OIC Center Director	Pres. Corazon Aquino, Regional Center, Brgy. Balintawak, Pagadian City	(062) 925-0747	rtc9.dcc@ati.da.gov.ph
ATI-Northern Mindanao	MARIA LYDIA A. ECHAVEZ Center Director	ATI Building, El Salvador City, Misamis Oriental 9017 Philippines	0917-7707 438 / 0949-8895-462	rtc10.dcc@ati.da.gov.ph
ATI-Davao Region	ALICIA D. NEBREJA Center Director	Brgy. Datu Abdul Dadia, Panabo City, Davao del Norte 8105	(084) 217 3433	rtc11.dcc@ati.da.gov.ph
ATI-SOCCSKSAR GEN	ABDUL I. DAYA-AN Training Center Superintendent II	AH26, Brgy. San Felipe, Tantangan, South Cotabato	(083) 229 1024 / 229 1023	rtc12.dcc@ati.da.gov.ph
ATI- Caraga Region	Jessie V. Beldia OIC, Center Director	Brgy. Los Angeles, Butuan City	(+63)929-3546355	aticaraga@ati.da.gov.ph



ANNEX "E"

FOI Request Flow Chart

INFORMATION REQUEST FLOW



MASTER COPY
 Date **SEP 28 2023**
 Issued by: *[Signature]*

ANNEX "F"

FOI Request Form



Republic of the Philippines
 Department of Agriculture
AGRICULTURAL TRAINING INSTITUTE
 ATI Building, Elliptical Road, Diliman, Quezon City, Metro Manila 1100
 Tel. Nos. (63-2) 8929-8541 to 49 & 8928-7397 Fax No. (63-2) 8920-9792
 Email: ati_director@ati.da.gov.ph & ati_director@yahoo.com
 URL: <http://www.ati.da.gov.ph> www.e-extension.gov.ph

FOI Request Form

Title of the Document: _____	
Year Coverage _____	
Purpose _____	
Name: _____	Contact Number: _____
Signature: _____	Date: _____
Address: _____	
<i>How would you like to receive the information?</i>	
<input type="checkbox"/> Email	Proof of Identity:
<input type="checkbox"/> Fax	<input type="checkbox"/> Passport _____
<input type="checkbox"/> Postal Address	<input type="checkbox"/> Driver License _____
<input type="checkbox"/> Pick up (<i>Office hours</i>)	<input type="checkbox"/> others _____
Submitted to: _____	Received By: _____
<i>(Signature over printed name)</i>	<i>FOI Receiving Officer</i>
Date/Time of Submission: _____	
Certified By: _____	Remarks: _____
<i>(Signature over printed name)</i>	
Type of action Conducted: _____	
Privacy Statement	
<i>The Agricultural Training Institute (ATI) is committed to protect and respect your personal data. We recognize our responsibilities and our data subject's right under the Republic Act No. 10173, also known as the Data Privacy Act of 2012.</i>	
Privacy Consent	
<i>I have read and understand the Institute's Data Privacy Statement and express my consent for ATI to collect, store, use, share, process and update my personal information.</i>	

<i>Signature over printed name</i>	

ANNEX "G-1"
FOI RESPONSE TEMPLATE - ANSWER

DATE

Dear _____, Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

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

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "G-2"

FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

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

Your right to request a review

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

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

Thank you.

Respectfully,

FOI Receiving Officer

ANNEX "G-3"
FOI RESPONSE TEMPLATE - DOCUMENT NOT AVAILABLE

DATE

Dear _____,

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance this Office does not have [some of]* the information you have requested. However, you may wish to contact <insert name of other authority/organization> at<insert contact details. Who may be able to help you. The reasons why we don't have the information are explained in the Annex to this letter.

Your right to request a review

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

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

Thank you.

Respectfully

FOI Receiving Officer

ANNEX "G-4"
FOI RESPONSE TEMPLATE - UNDER EXCEPTIONS

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

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

Your right to request a review

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

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

Thank you.

Respectfully,

FOI Receiving Officer