

FOI

(FREEDOM OF INFORMATION)
PEOPLE'S MANUAL



SOUTHERN LEYTE
STATE UNIVERSITY

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ARTICLE I

OVERVIEW

Section 1. Purpose of the Manual. The purpose of this FOI Manual is to provide a guide to assist the public in filing Information referred by law as Information, Official Record/s, and Public Record/s accessible for disclosure in accordance with law.

Section 2. Structure of the Manual. This Manual sets out the rules and procedures to be followed by the public in filing Information requests and by the Southern Leyte State University (SLSU) in receiving and in acting of the same. The University President is responsible for all actions carried out under this Manual and may delegate this responsibility to the respective Campus Director. The University President is the overall decision maker on Information request. Thus, no Information shall be released without the approval of the University President or, by the respective Campus Director acting as Officer- in-Charge, except when the Information request is substantially defective wherein the FRO may deny it outright.

Section 3. Coverage of the Manual. This Manual shall cover all requests for information, public records, official records, or any documents and papers pertaining to official acts and transactions as mandated in Sec. 3 of E.O. No. 2, s. 2016. It specifically covers any information referred to and identified as non-sensitive personal information, non-personal information, and those not protected by Data Privacy Act of 2012 (RA 10173) which can be disclosed or accessed by any rightful person or entity in accordance with law. It excludes ordinary, usual, routinary, day-to-day transactions that entail information sharing and/or request.

ARTICLE II

DEFINITION OF TERMS

Freedom of Information (FOI). It refers to 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, s. 2016. 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.

Information. It shall mean any records, documents, papers, reports, letters, contracts, minutes and transcript 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.

The following two items are generally known as Information:

A. Personal Information. It 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; and

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

- (a) About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (b) About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have been committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- (c) Issued by government agencies peculiar to an individual which includes, but 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.

Official Record/s. It 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.

Public Record/s. It shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

Information Request. A written request submitted to a government office personally or by email by any Filipino asking for information, public records, official 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.

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

Information request.

Outright Denial. It refers to denial decided by the FRO without the intervention of the Decision Maker's discretionary authority in accordance with law.

Pending Request. It refers to a request for which a government office has not acted for processing the request and put on hold for further clarification, elucidation, extensive search, completion, and due to fortuitous event/force majeure.

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

Decision Maker (DM). It refers to the University President of SLSU or Campus Director.

FOI Receiving Officer (FRO). It refers to the person who receives, processes, or puts on hold, or denies (if the request can be done in such manner under the authority of the FRO without DM's intervention or exercise of authority in relation to the requested information), and release any requested information.

Point Person (PP). It refers to the person or personnel having custody of the Information who is responsible for the preparation and release of the requested Information to the FRO.

ARTICLE III

PROMOTION OF OPENNESS IN GOVERNMENT

Section 4. Duty to Publish Information. The University shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, otherwise known as the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- (a) A description of its mandate, structure, powers, functions, duties and decision-making process;
- (b) A description of frontline services it delivers and the procedure and length of time by which they may be availed of;
- (c) The names of its key officials, their powers, functions and responsibilities, and their profiles 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 or decisions;
- (f) Current and important database and statistics that it generates;
- (g) Bidding processes and requirements; and
- (h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

Section 5. Keeping of Records. The University shall, subject to existing rules and regulations, create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

ARTICLE IV PROTECTION OF PRIVACY

Section 6. Privacy Protection. While providing for access to information, the University shall afford full protection to a person's right to privacy, as follows:

- (a) The University 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 University shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
- (c) The FRO, PP, DM/the University President or any of the respective Campus Administrator who has access, whether authorized or unauthorized, to personal information in the custody of the University, shall not disclose that information except as authorized by existing laws.

ARTICLE V REQUEST TRACKING SYSTEM

Section 7. Tracking System. The University through the Office of Management Information System (MIS) in coordination with the Records Office shall establish a system to trace the status of all requests for information received by it, which may be paper-based, online or both.

ARTICLE VI
ROLES AND RESPONSIBILITIES OF DM, FRO, AND PP

Section 8. Decision Maker or University President. The University President shall act on the recommendation of the FRO within two (2) working days upon receipt thereof whether to grant or deny the Information request.

Section 9. FOI Receiving Officer. The FRO shall act on the Information requested by the requesting party by recommending it for approval by the President or Campus Administrator, clarify it with the requesting party or any personnel who may inform him about the said request in pendency, and deny the request outright.

- a. The FRO may put on hold the request based on the following grounds:
 - 1. The request is incomplete;
 - 2. It needs clarification from the requesting party/personnel who can elucidate ideas or information related to the request;
 - 3. It is affected by the occurrence of fortuitous event/ force majeure; and
 - 4. Other analogous cases or exceptional circumstances which warrant longer period.
- b. The FRO may deny the request based on the following grounds:
 - 1. The Information is already available online;
 - 2. The request is identical or substantially similar to a request by the same requesting party whose request has already been previously granted by the University President;
 - 3. The Information is not in custody of this office/agency;
 - 4. It contains sensitive personal information protected under RA No. 10173, otherwise known as Data Privacy Act of 2012; and
 - 5. It falls under the list of exceptions to right of access of information.

Section 10. Point Person. The Point Person is responsible for the preparation and release of requested information in his custody as ordered by the President.

ARTICLE VII
STANDARD PROCEDURE

Section 11. Filing an Information Request

- (a) Any citizen of the Republic of the Philippines may file an Information request for disclosure pertaining to any information in the custody of the University;
- (b) Any citizen desiring to file an Information request shall fill out an Information request form and file it before the Office of the FOI Receiving Officer in the university, to wit:
 - 1. It must be in writing, stating the name and contact information of the requesting party, as well as provide valid proof of identification (such as government issued ID with photo) or, in case of a representative, the duly notarized authorization of the requesting party, and signature of the requesting party;
 - 2. It shall reasonably and specifically describe the information requested and the reason for, or purpose of, the Information request; and
 - 3. The requesting party shall sign an undertaking stating that the Information shall not be used for any purpose other than the reason stated in the request, and that the Information shall not be released unless a reasonable fee is paid to defray the necessary expenses, if any, incurred in producing the Information which shall include photocopying, printing, and expenses for office resources and transmitting the information.
- (c) The request can be made through e-mail, provided, that the requesting party shall attach in the e-mail a scanned copy of the signed Information request, and a copy of a duly recognized government issued identification card with photo. The Information request shall be acknowledged by the FRO through e-mail within twenty-four (24) hours upon receipt, except when the request is received on a Saturday, Sunday, or a day which is declared a national public holiday in the Philippines or local holiday in the province and municipality concerned, in which case the e-mail shall be acknowledged on the next working day. An FOI request can be made through the eFOI platform (foi.gov.ph).

- (d) If the requesting party is unable to make a written request, because of illiteracy or disability, the FRO shall assist him/her in making a request which must be authenticated by the requesting party by signing it or by affixing the requesting party's thumb mark on the space above his name and on the undertaking.
- (e) After the request has been completed, the request shall be stamped received and signed by the FRO, indicating the date and time of the receipt of the written request. A copy of the request shall be furnished to the requesting party. In case of e-mail request with accompanying undertaking, it must be processed by following the procedure mentioned above, and be acknowledged by a reply e-mail.
- (f) The University must respond to the Information request not later than 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 or a local holiday in the province and municipality concerned.
- (g) The date of receipt of the Information request physically or electronically shall be on day the request is acknowledged through stamping and email reply, respectively.
- (h) Should the requested information need further details to be identified or located, the FRO may clarify the details from the requesting party and the fifteen (15) working days shall toll and start anew on the day after the FRO receives the required clarification reply. Failure of the requesting party to provide the information requested within sixty (60) days from the time he/she is informed of the request for additional information, the request shall be deemed abandoned.
- (i) The requesting party may follow-up on the Information request any day, from Monday to Friday (office hours) at the Office of the FOI Receiving Officer where the request is filed.

Section 12. Processing, Pendency and Denial of Information Request. Upon finding that the Information request is compliant as regards to form and substance, the FRO shall recommend to the University President or Campus Director that the request be granted at full extent. If the FRO finds that the Information request is not compliant as to form, he shall put on hold the Information request as stated in (a) Section 9, Article VI. However, if the FRO finds that the Information request is not compliant as to substance, he shall deny it outright.

If the Information request is completely compliant with regard to the abovementioned requisites, i.e., form and substance, the FRO shall endorse and recommend it to the President or Campus Director for granting or denying the said request or as it deemed necessary. If the president finds the Information request meritorious, he may grant it by ordering the Point Person to prepare the subject Information and the latter shall submit the same to the FRO as soon as practically possible. The FRO shall finally release the said information within two (2) working days upon receipt of the requested information submitted by the Point Person. If the requested information is not claimed within the claiming period for release, the sixty-day expiration period starts to count the next day after the last day of the claiming period. Therefore, the request information is deemed abandoned after sixty-day expiration.

In case the subject information is subject for pendency, the FRO shall notify the requesting party. When the cause/s of the pendency is satisfied and complied, it shall be processed in the manner mentioned in the next preceding paragraph. The running of period for the release of the requested Information shall toll and continue after the clarification is received and fully understood. However, if the request does not comply substantially, it shall be denied outright and the requesting party will be notified of such denial.

Section 13. Grant and Denial of the Information Request. After receiving the recommendation by the FRO, the President or Campus Director, in the case of Satellite Campus, shall grant or deny the request in his discretionary power. In case of granting the request, he may notify the Point Person to prepare and release the requested information to the FRO. If the request is denied, he shall issue the denial through the FRO. Subsequently, the FRO shall notify the requesting party of the said denial.

ARTICLE VIII

REMEDIES

Section 14. FOI Appeals. Whenever the requesting party feels aggrieved of the denial of the request, he may file a FOI Appeal within ten (10) working days from receipt of the denial before the Office of the University President. The President will decide the appeal within ten (10) working days upon its receipt. If the President still denies the appeal, the aggrieved party may file a motion for review within ten (10) workings days upon receipt before the office of the President. Subsequently, the President shall create a committee composing the University FOI Head acting as Chairperson, and five (5) Campus FOI Heads of the University to resolve the motion for review within ten (10) working days upon receipt of the subject motion for review. Furthermore, the President will act upon the recommended resolution by the committee. However, if the decision of the President negates the motion for review, the aggrieved party may elevate the matter within ten

(10) working days to the Board of Regents by filing an appeal before the office of the University President in accordance with applicable laws.

ARTICLE IX

FEEES

Section 15. No Request Fee. The University shall not charge any fee for accepting requests for access to information.

Section 16. Reasonable Cost of Reproduction and Copying of the Information. The requesting party may be required to pay a fee for reproduction or copying which is necessary to produce the information. Such fee shall be limited to the actual amount spent by the University in producing the information to the requesting party.

Section 17. Undertaking to Pay Costs of Reproduction and Copying of the Information. Before the requested information is released, the requesting party should pay the reasonable cost of producing, copying, printing and other expenses borne by the University in producing the information pursuant to the undertaking in the Information request form.

Section 18. Exemption from Fees. The University President may, upon request, exempt any requesting party from payment of fees, on the ground that the requesting party is indigent. A requesting party seeking to be exempted from payment of fees must execute a duly notarized Affidavit of Indigency.

ARTICLE X

LIABILITIES

Section 19. Non-compliance with FOI –The DM, FRO, and PP are jointly liable for failure to comply with the provision of this manual. The following are grounds for administrative penalties:

- (a) 1st Offense – Reprimand;
- (b) 2nd Offense – Suspension of one (1) to thirty (30) days; and
- (c) 3rd Offense – Dismissal from the service.

Section 20. Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of administrative cases for failure to comply with

the provisions of this Manual.

Section 21. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate any laws, rules, or regulations prescribed for more stringent penalties.

ARTICLE XI

AMENDMENTS OR REVISION

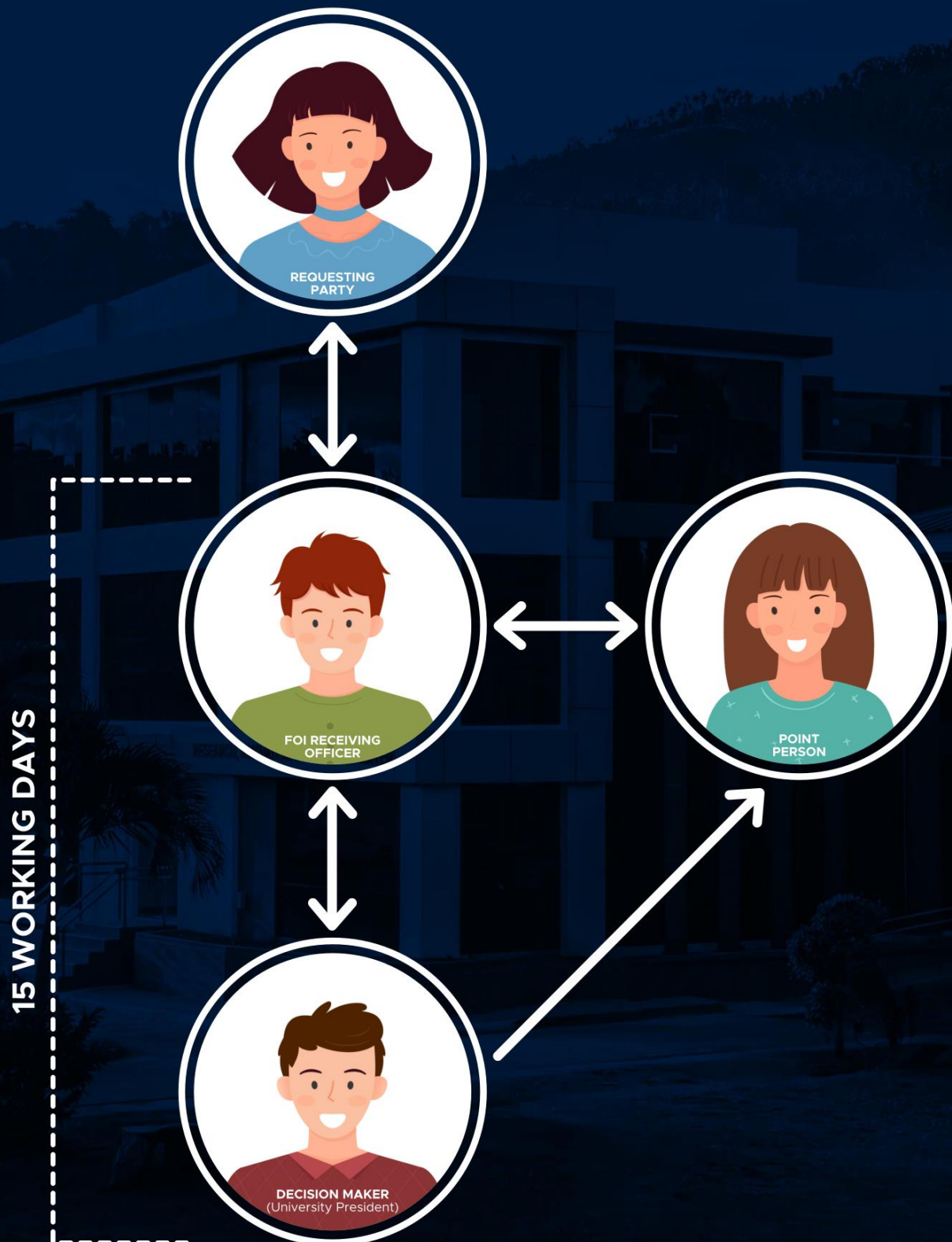
Section 22. Amendment or Revision. Any amendment or revision of this manual shall be in concurrence with the incumbent University FOI Head and Campus FOI Heads. Failure to comply with this provision on amendment or revision shall be deemed null and void.

References:

1. 1987 Constitution of the Philippines
2. RA No. 10173, otherwise known as Data Privacy Act of 2012
3. RA No. 11032, otherwise known as Ease of Doing Business and Efficient Government Delivery Service Act of 2018
4. Executive Order No.2, Series of 2016


JUDE A. DUARTE, DPA
University President

INFORMATION REQUEST FLOW CHART





Republic of the Philippines
SOUTHERN LEYTE STATE UNIVERSITY
Sogod, Southern Leyte, Philippines

ANNEX B. INFORMATION REQUEST FORM

Doc. Code: SLSU-QF-QA06

Revision: 01

Date: 22 January 2021

INFORMATION REQUEST FORM (Pursuant to Executive Order No. 2, s. 2016)

Please read the following information carefully before proceeding with your application. Use blue ink. Write neatly and in normal letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary.

FOI Tracking Number: – –

▪ Declaration with Undertaking

Privacy Notice: "Once deemed valid, your information from your application will be used by the SLSU FOI Office to deal with your application as set out in the Freedom of Information Executive Order No. 2 series of 2016 and its institutional policy and mechanisms. If the University gives you access to a document or information, the document or information will be published online in the SLSU FOI Office's disclosure log, along with your name and the date you applied. Furthermore, the data or information collected and acquired will also be used in producing required FOI reports as part of the office's reportorial responsibility to the Presidential Communications Operations Office (PCOO) as the regulatory body."

Undertaking: "The requesting party undertaken to pay the necessary expenses incurred in producing the information, record or document requested. Failure of the requesting party to pay the necessary expenses incurred in producing the information, record or document authorizes the FRO to withhold the release of the information, record or document. Further, the requesting party undertakes not to use the information requested for a purpose different from the reason (s) stated in the request."

Declaration: "I HEREBY DECLARE that under the penalty of perjury under Art. 183 of the Revised Penal Code of the Philippines that the foregoing is true and correct; I have read and understood the privacy notice and the required undertaking; and I have presented at least one (1) government-issued identification (ID) to establish proof of my identity. Furthermore, 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 over printed name

Time and Date

▪ 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 (Mr., Ms., Mrs., Atty., etc.)

2. Given Name (First Name – Middle Initial – Family Name)

3. Mobile Number

4. Complete Address

5. Email Address

6. Preferred Mode of Communication

☐

Mobile

☐

Email

☐

Postal

7. Preferred Mode of Receipt of Document

☐

Email

☐

Postal

☐

Pick-up (Office Hours)

8. Proof of Identity (Make sure ID contains your photo and signature.)

☐

Passport

☐

Driver's License

☐

SSS

☐

Postal ID

☐

Voter's ID

☐

Others: _____

▪ Requested Information/Document

9. Title of Information/Document

10. Date/Period or Reference No. (If known)

11. Document Type/Format

☐

Hardcopy

☐

PDF

☐

Others: _____

12. Purpose

▪ **FOI Receiving Officer (FRO)**

13. Time and Date of Receipt

14. Preliminary Action on the request/ Application

☐ Pending

Reason: ☐ The request is incomplete;

☐ It needs clarification from the requesting party/personnel who can elucidate ideas/information related to the request;

☐ It is affected by the occurrence of fortuitous event/force majeure; and

☐ Other analogous cases or exceptional circumstances which warrant a longer period

☐ Referred to _____

☐ Denied

Reason: ☐ The information is already available online;

☐ The request is identical or substantially similar to a request by the same requesting party whose request has already been previously granted by the University President;

☐ The information is not in custody of this office agency;

☐ It contains sensitive Personal Information Protected under RA No. 10173, otherwise known as Data Privacy Act of 2012; and

☐ It falls under the list of exceptions to right of access of Information.

15. _____
(Signature over printed name)
FOI Receiving Officer

▪ **Point-Person (PP)**

16. Time and Date of Receipt

17. Implied Cost

No. of Pages: _____

18. Requires Time Extension

☐ Yes ☐ No

Reason: ☐ The request is incomplete;

☐ It needs clarification from the requesting party/personnel who can elucidate ideas/information related to the request;

It is affected by the occurrence of fortuitous event/force majeure; and

Other analogous cases or exceptional circumstances which warrant a longer period

19. _____
(Signature over printed name)
Point-Person

(Office)

(Position/Designation)

▪ **University President/Campus Administrator**

20. Time and Date of Receipt

21. Action

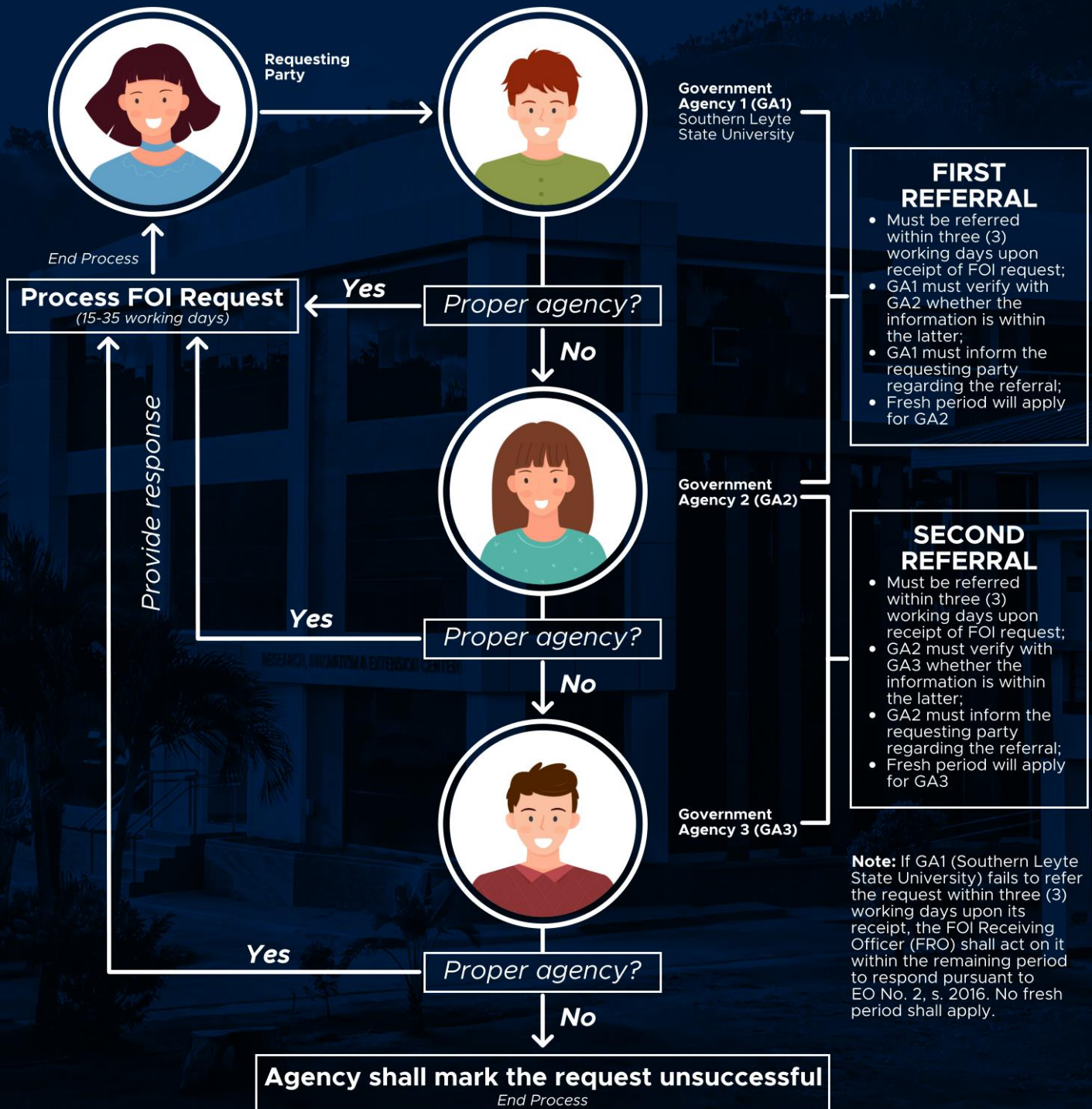
☐ Approved ☐ Denied

Reason:

22. _____
(Signature over printed name)
University President/Campus Administrator

NO WRONG DOOR POLICY FLOWCHART

(FOI Memorandum Circular No. 21-05)



ANNEX D. EXCEPTIONS TO RIGHT TO ACCESS OF INFORMATION

EXCEPTIONS TO RIGHT TO ACCESS OF INFORMATION

For the guidance of all government offices and instrumentalities covered by Executive Order 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 contain 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.

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

ANNEX E. FOI DECISION MAKER AND RECEIVING OFFICERS

Decision Maker:

Dr. Jude A. Duarte
University President, Southern Leyte State University
president@southernleytestateu.edu.ph

Receiving Officers:

Mr. Rey G. Comabig
Head, University Freedom of Information Services
rcomabig@southernleytestateu.edu.ph
+639178878047

Ms. Vaniza C. Estrera
Receiving Officer, Bontoc Campus
vestrera@southernleytestateu.edu.ph
+639677283318

Ms. Carol Ann B. Orias
Receiving Officer, Hinunangan Campus
corias@southernleytestateu.edu.ph
+639510345440

Ms. Maria Dulce S. Gonzalez
Receiving Officer, Maasin City Campus
mgonzalez@southernleytestateu.edu.ph
+639268918596

Mr. Krissanto Ray C. Mogueis
Receiving Officer, San Juan Campus
rmo_sj@southernleytestateu.edu.ph
+639675635540

Mr. Joel V. Mari
Receiving Officer, Tomas Oppus Campus
jmari@southernleytestateu.edu.ph
+639386033629

