



FREEDOM OF INFORMATION (FOI) PEOPLE'S MANUAL

PAROLE AND PROBATION ADMINISTRATION

I. OVERVIEW

1. Introduction

Section 28 Article II of the 1987 Constitution states, *"The State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law"*. Likewise, Section 7 Article III of the Constitution guarantees the people's right to information on matters of public concern.

The incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions.

This constitutional right is the basic anchor of Executive Order No. 2 issued by the President on July 23, 2016. Under the said issuance, all government agencies under the Executive branch are required to prepare their own FOI Manual to serve as a guideline for the public in securing the information they need from the concerned government agency. Such an Order likewise guarantees the public unhindered access to public information and records whenever possible.

2. Objectives

The FOI Manual of the Parole and Probation Administration (PPA) aims to:

- A) Provide guidelines or procedures to the public in securing the necessary information or data from the agency.
- B) Promote transparency/openness in the Administration and efficiency of services regarding access to public documents/information.

3. Coverage

This FOI manual covers all reports for information directed to divisions/units, and regional and field offices of the Parole and Probation Administration.

4. FOI Point Persons

The Administration shall designate the following personnel:

A) **FOI Receiving Officer** - the head of the Public Information Section is designated as the FOI Receiving Officer whose functions include:

- Receiving on behalf of the Agency all reports for information and forwarding the same to the appropriate office that has custody of the records;
- Monitoring all FOI requests and appeals;
- Assisting the FOI Decision Maker;
- Providing assistance and support to the public staff;
- Compiling information as required and conduct an initial evaluation of the request and inform the requesting party if the request is forwarded to the FOI Decision Maker or deny the report due to:
 - 1) Incomplete request form;
 - 2) Presence or inclusion of information being requested on the Agency website.

Other regional offices of PPA shall assign their respective FOI Receiving Officer. ([See Annex 5](#))

B) **FOI Decision Maker** - the Deputy Administrator or any official with a rank not lower than Director or its equivalent is designated as the FOI Decision Maker (FDM) whose responsibility is to evaluate the request and has the authority to grant the request, or deny due to the ff:

- 1) The administration does not have the information requested;
- 2) The information requested is protected by the Data Privacy Act of 2012;
- 3) The information is included in the list of exceptions to FOI; or
- 4) The request is identical or similar to the previous request granted or denied by the Agency.

C) **Alternate FDM** - If the FDM is absent due to an official business or approved leave of absence, the Administrator may designate an alternate FDM to an official with a rank not below a Director or its equivalent.

5. Central Appeals and Review Committee

The Administration will create a Central Appeals and Review Committee composed of three (3) officials with a rank not lower than a Director or its equivalent designated by the Administrator. The committee will review and evaluate the grant or denial of requested information being appealed and provide advice to the Administrator on the denial of request.

6. Exceptions

All information, data, and documents can be accessed by the public from the Administration except for the following:

- A) Results of Records Check
- B) Post-Sentence Investigation Reports
- C) Supervision Reports
- D) Case Documents
- E) Test Results (*Psychological Test, Qualifying and Practitioners' Written Tests*)
- F) Volunteer Probation Assistant (VPA) Profile
- G) 201 File of Officials and Employees
- H) Pre-Parole Investigation Report/ Pre-Executive Clemency Investigation Report
- I) Community Interview Report
- J) Infraction Report
- K) Violation Report
- L) Progress Report
- M) Post-Release Investigation Report (*Absolute Pardon*)

In addition, the Inventory of Exceptions to the right to access information published according to Unnumbered Memorandum dated November 24, 2016, and Memorandum Circular No. 89 dated September 13, 2021, issued by the Executive Secretary is adopted as part of the Freedom of Information Manual. (*See Annex 1*)

II. DEFINITION OF TERMS

- | | | |
|-------------------|---|---|
| 1. Administration | – | refers to the Parole and Probation Administration (PPA) |
| 2. Administrator | – | refers to the head of the Parole and Probation Administration and acts as its executive officer |
| 3. Regional Head | - | the head of a regional office with the rank of Director II or as designated Regional Officer-in-Charge of the PPA |

4. Division Head - refers to the head of a division or a designated Officer-in-Charge in the Central Office of the PPA
5. Field Office Head - the head of any field office with the rank of Chief Probation Officer (CPO) or a designated Officer-in-Charge of the PPA
6. Regional Office - refers to an office that has direct supervision of all the field offices under a particular region
7. Field Offices - refers to Provincial or City probation offices that conduct investigations and handle supervision over the PPA clients
8. Presidential Decree No. 968 as amended - is the law that established the Adult Probation Law of 1976
9. Requesting Party - refers to any person, office, or organization that requests information, data, or documents from the Administration
10. Docket Book - refers to an office record or a register that contains information such as date and time of receipt, name of requesting party, data/information being requested, purpose of the request, and action taken on the request
11. FOI Receiving Officer (FRO) – refers to the head or personnel of the Public Information Section who receives all requests for Information
12. FOI Decision Maker (FDM) – refers to an official or person who shall evaluate the request for information and has the authority to grant or deny the request
13. Central Appeals and Review Committee – refers to a group of persons/officials who shall review the appeals regarding the decision of the FDM

14. 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 (*Data Privacy Act of 2012*)
15. Sensitive personal information - refers to personal information about
- an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
 - an individual's health, education, the 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;
 - issued by government agencies peculiar to an individual which includes, but is not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 - specifically established by an executive order or an act of Congress to be kept classified (*Data Privacy Act of 2012, Section 3[l]*)

III. PROTECTION OF PRIVACY

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

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

4. The FRO and FDM shall exercise reasonable diligence in protecting the personal information disclosed in the application form against leaks, exposure, or unwarranted disclosure that would unduly expose the requesting party to vilification, harassment, or any other wrongful act. *(FOI-MC No. 21-04)*
5. The FRO and FDM may only retain the personal information of the requesting party for the fulfillment of the purpose for which said information was obtained. *(FOI-MC No. 21-03)*

The Administration shall securely discard and dispose of all personal and sensitive personal information of the requesting parties after the lapse of the **two-year retention period**. For paper-based documents, the Administration may discard the personal information by redaction and shredding. *(FOI-MC-No. 21-03)*

IV. STANDARD PROCEDURES FOR FILING A REQUEST FOR INFORMATION

1. Who May Request

- A) Any Filipino citizen outside the agency, including clients and their family members, stakeholders, and members of the media, academic and research institutions; and
- B) Persons within the agency but from offices/divisions other than those directly authorized/responsible for custody and control of the information requested, seeking access to information not for official purposes such as academic research or personal use.

2. Where to File a Request for Information (RFI)

- A) PPA website (<https://www.probation.gov.ph>)
- B) eFOI portal (<https://www.foi.gov.ph>)
- C) Electronic mail (probation.foi.ro@gmail.com)
- D) Records and Mailing Section/Public Information Section of the Central Office
- E) Receiving Section/Area of the respective Regional/Field Offices

3. Process of Filing and Processing of Standard FOI Requests

A) Regional and Field Offices

The following procedures shall govern the filing and processing of requests for access to information on Regional, and Field Offices of the Administration, to wit:

- a) Any person who requests access to information shall submit an accomplished request form in duplicate to the appropriate office, field or regional office. The request shall state the name and contact information of the requesting party, provide valid proof of his/her identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations, it is one of the exceptions contained in the inventory or updated inventory of exceptions, or it is vexatious. (*FOI-MC No. 5, s. 2020*)

The requesting party shall present a national ID or any government-issued ID as proof of identity (driver's license, PRC, SSS, GSIS, passport).

For email, the requesting party shall scan or photograph the properly filled-out request form and send it to the appropriate email address together with the scanned government-issued ID.

- b) The public officer/employee receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, particularly those with special needs, to comply with the requirements.
- c) The request shall be stamped by the field/regional office, indicating the date and time of receipt and the name, rank, title, and position of the receiving officer or employee with the corresponding signature, and a copy furnished to the requesting party.
- d) The field/regional office shall respond to a request as soon as practicable but not exceeding **fifteen (15) working days from receipt**. The response mentioned above refers to the decision of the CPPO/OIC or RD concerned to grant or deny access to the information requested.
- e) The period to respond may be extended whenever the information requested requires an extensive search of the office's records facilities, examination of voluminous records, the occurrence of fortuitous cases, or other analogous cases. The field/regional office shall notify the requesting party of the extension, setting forth the reasons for such

extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

- f) Once a decision is made to grant the request, the person making the request shall be notified of such decision. In the said notice or letter, the names of the requesting parties shall be anonymized or de-identified in compliance with RA No. 10173. *(FOI-MC No. 21-04)*

B) Central Office

The following procedure shall govern the filing and processing of a request for access to information from the Central Office of the Administration, to wit:

- a) Any person who requests access to information shall submit an accomplished request form in duplicate to the FRO who shall refer the request immediately but not to exceed three (3) working days to the FDM. The request shall state the name and contact information of the requesting party, provide valid proof of identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exceptions.

For email, the requesting party shall scan or photograph the properly filled-out request form and send it to the appropriate email address together with the scanned government-issued ID.

- b) The officer/employee receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties particularly those with special needs, to comply with the request requirements.
- c) The request shall be stamped by the receiving officer/employee, indicating the date and time of receipt and the name, rank, title, and position of the receiving officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party.
- d) The division shall respond to a request as soon as practicable but not exceeding *ten (10) working days* upon receipt from the FRO. The response mentioned above refers to the decision of the FDM/head of the division to grant or deny access to the information requested.
- e) The period to respond may be extended whenever the information requested requires an extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases, or other analogous cases. The government office shall

notify the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond *twenty (20) working days* unless exceptional circumstances warrant a longer period.

- f) Once a decision is made to grant the request, the requesting party shall be notified of such decision. In the said notice or letter, the names of the requesting parties shall be anonymized or de-identified in compliance with RA No. 10173. (*FOI-MC No. 21-04*)
- g) The cost of reproduction of the requested documents shall be borne by the requesting party.

4. Process of Filing and Processing of eFOI Requests

The following procedure shall govern the requesting party in filing a request to access information on the eFOI portal.

- a) The requesting party shall request by accessing the eFOI portal (<https://www.foi.gov.ph>).
- b) Click the “Sign Up” button and provide all the required fields. Attach a valid ID to create an account.
- c) Once logged in, the requesting party will be directed to the dashboard. The dashboard shall contain all the FOI requests made by the requesting party/account owner.
- d) Click the “Make a Request” button, then select the name of the agency.
- e) The requesting party will be directed to the “Make a Request Page”. Accomplish all the required fields then click “Send My Request”.
- f) The agency shall evaluate the request and shall notify the requesting party within 15 working days.
- g) The agency shall prepare the information for release based on the requested desired format. It will be sent through the eFOI portal or via email.

5. Charge and Payment Fee

All requests for information are free of charge. However, the cost of reproduction of the requested documents shall be borne by the requesting party.

6. Disposition of Requests

A) Regional and Field Offices

The following shall govern the disposition of requests in field and regional offices:

- a) The officer/employee receiving the request shall stamp the request form indicating the date and time of receipt, his/her name, rank, title, and position with his/her signature, and furnish the requesting party with a copy.
- b) The receiving officer/employee shall record the request in a docket book for such purpose indicating the date and time of receipt, name of requesting party, document requested, purpose, action taken, date released to the requesting party, and other remarks.
- c) The request shall be forwarded to the head of office (CPPO/OIC/RD) for appropriate action.
- d) If the head of the office determines that the request may be granted and the information/document may be retrieved within the same day, the requesting party shall be given a copy as soon as practicable.
- e) If it is not possible to retrieve the requested information/document within the same day, the head of office/officer shall advise the requesting party to return on a certain date which shall not exceed fifteen (15) working days from receipt.
- f) The receiving officer/employee shall accompany the private requesting party whenever there is a need to reproduce the information/documents outside the office premises. The cost of reproduction shall be borne by the private requesting party. If the requesting party is another government office, the cost of such reproduction shall be borne by the PPA.
- g) If it is apparent to the head of the office that the requested document is covered by any of the exceptions in the inventory or protected by the confidentiality of records under P.D. No. 968, as amended, or the reason for the request is contrary to law, existing rules and regulations, a notice of denial shall be made on the request form indicating the grounds.

- h) If the request needs further evaluation, the requesting party shall be advised to return on a certain date but *not to exceed fifteen (15) working days*. The head of office/officer shall prepare a notice of denial indicated on the same form once the invalidity of such request is ascertained.
- i) After the fifteen (15) day period provided in letter (h) has lapsed, the period to grant the request may be extended whenever the information/document requested requires an extensive search of the office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The head of office/officer shall notify the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond *twenty (20) working days* unless exceptional circumstances warrant a longer period.
- j) The CPO/OIC or Regional Director, as the case may be, shall furnish the Office of the Administrator with a copy of the accomplished request form with the action taken.

B) Central Office

The following shall govern the disposition of requests in the Central Office:

- a) The officer/employee of the PIO or the FRO receiving the request shall stamp the request form indicating the date and time of receipt, his/her name, rank, title, and position with his/her signature, and furnish the requesting party with a copy.
- b) The receiving officer/employee or the FRO shall record the request in a docket book for such purpose indicating the date and time of receipt, name of the requesting party, document requested, purpose, action taken, date released to the requesting party, and other remarks.
- c) The FRO shall forward the request to the FDM for appropriate action.
- d) If the FDM determines that the request may be granted and the information/document may be retrieved within the same day, the requesting party shall be given a copy as soon as practicable through the FRO.
- e) If it is not possible to retrieve the requested information/document within the same day, the FDM through the FRO shall advise the requesting party to return on a certain date which shall not exceed fifteen (15) working days from receipt.

- f) An FRO shall accompany the private requesting party whenever there is a need to reproduce the information/documents outside the office premises. The cost of reproduction shall be borne by the private requesting party. If the requesting party is another government office, the cost of such reproduction shall be borne by the PPA.
- g) If it is apparent to the FDM or the division chief that the requested document is covered by any of the exceptions in the inventory or protected by the confidentiality of records under P.D. No. 968, as amended, or the reason for the request is contrary to law, existing rules and regulations, a notice of denial shall be made on the request form indicating the grounds.
- h) If the request needs further evaluation, the requesting party shall be advised to return on a certain date but *not to exceed fifteen (15) working days*. The FDM or the division chief shall prepare a notice of denial indicated on the same form once the invalidity of such request is ascertained.
- i) The period to grant the request may be extended whenever the information/document requested requires an extensive search of the office's records facilities, examination of voluminous records, the occurrence of fortuitous cases, or other analogous cases. The FDM or the division chief through the FRO shall notify the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond *twenty (20) working days* unless exceptional circumstances warrant a longer period.
- j) The FDM shall furnish the Office of the Administrator with a copy of the accomplished request form with the action taken.

V. AUTHORITY TO PROCESS PERSONAL INFORMATION AND RETENTION PERIOD

1. FOI Receiving Officers are only authorized to collect and retain the personal information of the requesting party to process the FOI request and keep a record thereof;
2. FOI Receiving Officers are authorized to retain the personal information of the requesting party for **two years** from the closure of the request. Thereafter, FOI Receiving Officers shall securely discard and dispose of all documents that contain the personal information of the requesting parties. The FOI Receiving officers may discard and dispose of these documents by **redaction and shredding**.

VI. GUIDELINES ON VEXATIOUS FOI REQUEST

1. A request is considered vexatious if it is frivolous, malicious, made in bad faith, intends to harass, vilify, or embarrass, or poses an actual or imminent danger to the office, its officials, or employees.
2. In determining whether a request is vexatious, the FOI Receiving Officers shall consider all relevant circumstances, including but not limited to the following:
 - A) Language of the request
 - B) Burden on the Administration;
 - C) Purpose, motive, or intention for making the request;
 - D) Value of the requested information; or
 - E) History and context of the request
3. A request is presumed to be vexatious if it involves:
 - A) Frequent or overlapping
 - B) Involves personal grudges
 - C) Involves unfounded accusation
 - D) Unreasonably complex
 - E) Reprocessed data
 - F) All other requests that are meant to harass, embarrass, or put into actual or imminent danger the life or the property of the agency, its officials, or employees. (FOI-MC-No. 5, s. 2020)
4. If an FOI request seems vexatious, FOI Receiving Officers or FOI Decision Makers shall not immediately deny the same. Instead, they may extend advice or assistance to the requesting party in the preparation of a valid request. They may also grant the requesting party an opportunity to clarify and/or modify the request.
5. If the request is still vexatious despite clarification and extension of reasonable assistance, the FOI Decision Maker may deny the request by clearly setting forth the ground/s for denial and the circumstance/s on which the denial is based.

VII. GUIDELINES ON THE REFERRAL OF REQUESTS TO ANOTHER FIELD OFFICE, REGION, CENTRAL OR GOVERNMENT AGENCY

1. As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer and FOI Decision Maker. No request for information shall be denied or refused acceptance unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, vexatious, or it is one of the exceptions provided under the Inventory of Exceptions.
2. When the requested information is not in the possession of the field office, region, or delivery unit of the Administration, but is available in another field office, region, delivery unit, or another government agency under the Executive Branch, the request shall be immediately referred by the FOI Receiving Officer to the proper field office, region, delivery unit of the Administration or government agency through the most expeditious manner but not exceeding three (3) working days from receipt of the request.
3. The FOI Receiving Officer shall notify the requesting party of its action including the reason or rationale thereof and shall provide the contact details of the field office, region, division, or government agency where the request was referred.
4. A request that is referred to the appropriate field office, region, delivery unit, or government agency is considered successful if the same is acknowledged and the requested information is disclosed to the requestor. (FOI-MC No. 21-06)

VIII. REDACTION OR EXTRACTION OF INFORMATION BEFORE DISCLOSURE TO THE PUBLIC

1. Where a document or file contains information that is included in the inventory of exceptions and part or parts thereof are disclosable to the public, FOI Receiving Officers and FOI Decision Makers shall ensure that all information under the inventory of exceptions has been redacted or extracted.
2. Redactions can be made to physical documents using redaction tape or a black marker pen. After the concerned information has been redacted from the physical document, it must be scanned and checked to ensure all the reacted information is unreadable.
3. If redaction is deemed difficult, the information shall be extracted by reproducing the disclosable information in a separate file or by photocopying the part or parts of a set of data that is disclosable.

4. In addition to redaction or extraction, it is the responsibility of each information officer to perform the necessary analysis to determine whether some combination of existing data and the data intended to be disclosed could allow for the identification of an individual or pose a security concern.
5. Finally, before redacted government information, official records, and public records are released, the FOI officers shall require the requesting party to sign a written undertaking that he or she shall not share nor disclose the information obtained through the FOI Program to any other person or entity, or use the information obtained in a manner that is not in accordance with the purpose stated in the request. (*FOI-MC No. 4, s., 2019*)

IX. PROCEDURE FOR THE ADMINISTRATIVE APPEAL OF DENIAL FOR ACCESS TO INFORMATION

1. *Regional Office*

- A) Denial of any request for access to information by the Regional Director may be appealed to the Central Appeals and Review Committee.
- B) The written appeal must be filed by the requesting party *within fifteen (15) working days* from the notice of denial or from the lapse of the relevant period to respond to the request.
- C) The Committee shall decide the appeal as soon as practicable but not to exceed *thirty (30) working days* from the receipt of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

In cases under I and II, if it is not possible to personally file the appeal, the requesting party shall send the same through registered mail such appeal to the Committee.

In case the decision of the Committee is unfavorable, the requesting party may file a further appeal to the Secretary of the Department of Justice.

In case the decision of the Secretary of Justice is unfavorable, the requesting party may further elevate the issue to the Office of the President. (*FOI-MC No. 001, s. 2019*)

2. Field Office

- A) Denial of any request for access to information by the CPO/OIC may be appealed to the Regional Director/ROIC having jurisdiction over the concerned Parole and Probation Office.
- B) The written appeal must be filed by the requesting party *within fifteen (15) working days* from the notice of denial or from the lapse of the relevant period to respond to the request.
- C) The Regional Director/ROIC shall decide the appeal as soon as practicable but not to exceed *thirty (30) working days* from the receipt of said written appeal. Failure of the Regional Director/ROIC to decide within the afore-stated period shall be deemed a denial of the appeal.

3. Central Office

- A) Denial of any request for access to information by the FDM may be appealed to the Central Appeals and Review Committee.
- B) The written appeal must be filed by the requesting party within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- C) The Committee shall decide the appeal as soon as practicable but not to exceed thirty (30) working days from the receipt of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

In case the decision of the Committee is unfavorable, the requesting party may file a further appeal to the Secretary of the Department of Justice.

In case the decision of the Secretary of Justice is unfavorable, the requesting party may further elevate the issue to the Office of the President.
(FOI-MC No. 001, s. 2019)

In all cases, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court, upon exhaustion of administrative remedies.

X. TRACKING SYSTEM

The Administration shall establish a system to monitor the status of all reports for information received, whether it is paper-based, online, or both.

XI. 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 one (1) to thirty (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.

XII. FORMS

ADM-FOR-031-001

FOI Form 1

RFC No.: _____

FIELD OFFICE REQUEST FORM

To be filled by REQUESTING PARTY:

NAME : _____
COMPLETE ADDRESS : _____
CONTACT NUMBER : _____
ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- ☐ Termination Order ☐ Discharge on Parole
☐ Certification ☐ Status
☐ Final Release and Discharge
☐ Others: _____

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
Rank/Position : _____ Office: _____
Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

(Signature of CPPO)

FOI Form 2

RFC No.: _____

REGIONAL OFFICE REQUEST FORM

To be filled by REQUESTING PARTY:

NAME : _____
 COMPLETE ADDRESS : _____
 CONTACT NUMBER : _____
 ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- ☐ Termination Order ☐ Discharge on Parole
☐ Certification ☐ Status
☐ Final Release and Discharge
☐ Others: _____

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
 Rank/Position : _____ Office: _____
 Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

 (Signature of Regional Director)

FOI Form 3

RFC No.: _____

LEGAL DIVISION REQUEST FORM

To be filled by REQUESTING PARTY:

NAME : _____
COMPLETE ADDRESS : _____
CONTACT NUMBER : _____
ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- ☐ Legal Opinion
☐ Records of Administrative Cases
☐ Others: _____

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
Rank/Position : _____ Office: _____
Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

(Signature of Division Chief)

FOI Form 4

RFC No.: _____

CASE MANAGEMENT AND RECORDS DIVISION REQUEST FORM**To be filled by REQUESTING PARTY:**

NAME : _____
 COMPLETE ADDRESS : _____
 CONTACT NUMBER : _____
 ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Statistics (Caseload) | <input type="checkbox"/> Issuance regarding policies |
| <input type="checkbox"/> Statistics (Profile of Clients) | <input type="checkbox"/> Case Management Report |
| <input type="checkbox"/> Status of the Case | <input type="checkbox"/> Study on the redefinition of jurisdiction, creation, abolition and merging of offices |
| <input type="checkbox"/> Manuals | |
| <input type="checkbox"/> Others: _____ | |

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
 Rank/Position : _____ Office: _____
 Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

 (Signature of Division Chief)

FOI Form 5

RFC No.: _____

TECHNICAL SERVICES DIVISION REQUEST FORM

To be filled by REQUESTING PARTY:

NAME : _____
COMPLETE ADDRESS : _____
CONTACT NUMBER : _____
ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- ☐ Status Report
☐ Summary Report
☐ Others: _____

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
Rank/Position : _____ Office: _____
Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

(Signature of Regional Director)

FOI Form 6

RFC No.: _____

ADMINISTRATIVE DIVISION REQUEST FORM**To be filled by REQUESTING PARTY:**

NAME : _____
 COMPLETE ADDRESS : _____
 CONTACT NUMBER : _____
 ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> Publication of Vacant Position | <input type="checkbox"/> Statement of Assets, Liabilities and Networth (SALN) |
| <input type="checkbox"/> Report of Disbursements | <input type="checkbox"/> Report of Collections and Deposits |
| <input type="checkbox"/> Contracts | <input type="checkbox"/> Issuances |
| <input type="checkbox"/> Indorsements | <input type="checkbox"/> Communications |
| <input type="checkbox"/> Transmittals | <input type="checkbox"/> Training Modules |
| <input type="checkbox"/> Information Materials | <input type="checkbox"/> Bidding Documents |
| <input type="checkbox"/> Request for Quotation | |
| <input type="checkbox"/> Others: _____ | |

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
 Rank/Position : _____ Office: _____
 Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

 (Signature of Division Chief)

FOI Form 7

RFC No.: _____

COMMUNITY SERVICES DIVISION REQUEST FORM**To be filled by REQUESTING PARTY:**

NAME : _____
 COMPLETE ADDRESS : _____
 CONTACT NUMBER : _____
 ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- ☐ Community Resources Directory ☐ Consolidated Statistical Report on VPA, RJ and Tree Planting
☐ VPA Policy Guidelines ☐ VPA Association Directory
☐ Data on the total no. of VPA nationwide ☐ Project Proposals/Guidelines/Memorandum of Agreement
☐ Others: _____

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____

Rank/Position : _____ Office: _____
 Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

 (Signature of Division Chief)

FOI Form 8

RFC No.: _____

FINANCIAL MANAGEMENT DIVISION REQUEST FORM**To be filled by REQUESTING PARTY:**

NAME : _____
 COMPLETE ADDRESS : _____
 CONTACT NUMBER : _____
 ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> Financial Statement | <input type="checkbox"/> Budget and Financial Accountability Reports |
| <input type="checkbox"/> Budget Execution Documents | <input type="checkbox"/> Statement of Unliquidated Cash Advances |
| <input type="checkbox"/> Ledger Cards | <input type="checkbox"/> Monthly Bank Reconciliation Statement |
| <input type="checkbox"/> Journals | <input type="checkbox"/> Monthly Report of Income and Statement of Actual Income |
| <input type="checkbox"/> Ledgers | <input type="checkbox"/> Monthly Statement of Charges to Accounts Payable |
| <input type="checkbox"/> Remittance Files | <input type="checkbox"/> Statement of Allotment, Obligations and Balances |
| <input type="checkbox"/> Index of Payments | |
| <input type="checkbox"/> Others: _____ | |

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
 Rank/Position : _____ Office: _____
 Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

REASON FOR DENIAL:

- ☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

 (Signature of Division Chief)

FOI Form 9

RFC No.: _____

PLANNING DIVISION REQUEST FORM**To be filled by REQUESTING PARTY:**

NAME : _____
 COMPLETE ADDRESS : _____
 CONTACT NUMBER : _____
 ID PRESENTED : _____ ID No.: _____

INFORMATION/DOCUMENT REQUESTED:

☐ Agency Plan ☐ Reports
☐ Programs ☐ Statistics
☐ Others: _____

PURPOSE:

To be filled by RECEIVING OFFICER:

Received by : _____
 Rank/Position : _____ Office: _____
 Date : _____ Time: _____

REMARKS/ACTION:

☐ GRANTED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

☐ DENIED : (Where to return) _____ Released To: (Name and Signature) _____
 Date: _____

REASON FOR DENIAL:

☐ Included in the Inventory of Exceptions
☐ Confidentiality of Records under PD No. 968, as amended
☐ Contrary to the law, existing rules and regulations
☐ Others

REMARKS : _____

☐ RETURN ON : _____

☐ REFERRED TO : _____ Date: _____

 (Signature of Division Chief)

FOI Form 10

RFC No.: _____

APPEAL FORM
(Central Office)

DATE: _____

In view of the denial of my request, I am hereby appealing the decision and asking that my request be granted, on the following grounds: _____.

SIGNATURE OF THE APPELANT

Received By: _____ Rank: _____ Date: _____ Time: _____

DECISION

☐ GRANTED: _____ REFERRED TO: _____

DATE: _____

☐ DENIED: _____

SIGNATURE OF ADMINISTRATOR

FOI Form 11

RFC No.: _____

**APPEAL FORM
(Regional Office)**

DATE: _____

In view of the denial of my request, I am hereby appealing the decision and asking that my request be granted, on the following grounds: _____.

SIGNATURE OF THE APPELANT

Received By: _____ Rank: _____ Date: _____ Time: _____

DECISION

☐ **GRANTED:** _____ **REFERRED TO:** _____

DATE: _____

☐ **DENIED:** _____

SIGNATURE OF RD/ADMINISTRATOR

FOI Form 12

RFC No.: _____

**APPEAL FORM
(Field Office)**

DATE: _____

In view of the denial of my request, I am hereby appealing the decision and asking that my request be granted, on the following grounds: _____.

SIGNATURE OF THE APPELANT

Received By: _____ Rank: _____ Date: _____ Time: _____

DECISION

☐ **GRANTED:** _____ **REFERRED TO:** _____

DATE: _____

☐ **DENIED:** _____

SIGNATURE OF REGIONAL DIRECTOR

XIII. ANNEXES

ANNEX 1

EXCEPTIONS TO RIGHT OF ACCESS TO INFORMATION

(Memorandum Circular No. 89, Series 2021 dated September 13, 2021)

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

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 injuries 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.

¹These 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;² and
 - b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations, resolutions, minutes of meetings, 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;³ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁴
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;⁵

²These exceptions 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*; *Sereno v. Committee on Trade and Related Matters on the National Economic Development Authority*, G. R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.

⁴Section 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; *Lagman v. Medialdea*, G.R. Nos. 231658, 231771, and 231774, 4 July 2017, 817 PHIL 179-853; and Section 3(a), Rule 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.” This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, The Anti-Terrorism Act of 2020 [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.

- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁶ and
 - c. Patent applications, the publication of which would prejudice national security and interests;⁷
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 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 conditional 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;⁸
 - 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

⁶Akbayan 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.

⁷The 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).

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

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

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

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

¹²Section 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

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) 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;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security members, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) 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

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

¹⁴Sections 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 invoked by National Privacy Commission and government personal information controllers.

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

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

¹⁷Medical and health records are considered as sensitive personal information pursuant to Section 3(1)(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); Section 9, Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act (RA No. 11332); Section 36, Universal Health Care Act (RA No. 11223); Section 28, National Integrated Cancer Control Act (RA No. 11215); and Section 5(l), Mental Health Act (RA No. 11036). Mental health records under RA No. 11036 include information on any aspect of the mental health, treatment, or care of the service user.

¹⁸Section 39(l), Data Privacy Act of 2012. See also Section 9, Free Internet Access in Public Places Act (RA No. 10929); Section 26, Safe Spaces Act (RA No. 11313); and Section 21, Tax Amnesty Act (RA No. 11213).

¹⁹Article 26(2), Civil Code.

or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²⁰

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
- 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 Expanding the Coverage of Exemptions from Revealing the Source of Published News or Information Obtained in Confidence by Including Journalists from Broadcasts, and News Agencies, Amending for the Purpose Section 1 of RA No. 53, as Amended by RA No. 1477 (RA No. 11458). 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

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.

- (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 discriminations;²⁹
- (8) cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;³⁰
- (9) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or
- (10) records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;³²
- (11) names of students who committed acts of bullying or retaliation;³³
- (12) children in situations of armed conflict;³⁴
- (13) 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 ³⁵
- (14) identify, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁶

²⁸ Sections 7, Anti-Trafficking in Person 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 26, Safe Spaces Act (RA No. 11313).

³¹ 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.

³² 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 Section 53, 54 and 55 of IRR of RA No. 8043; Section 14, Simulated Birth Rectification Act (RA No. 11222) and Section 28 of IRR of RA No. 112222.

³³ Section 3(h), Anti-Bullying Act (RA No. 10627).

³⁴ Section 19, Special Protection of Children in Situations of Armed Conflict Act (RA No. 11188).

³⁵ Section 60, 64 and 67, Comprehensive Dangerous Drugs Act of 2002 (RA No. 9165).

³⁶ Section 44, Philippine HIV and AIDS Policy Act (RA No. 11166). Information covered by Section 44 may be disclosed with the written consent of the affected person or in accordance with Sections 45 and 46 of Ra No. 11166.

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:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁷
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority;³⁸
 - c. Records and reports submitted to the Social Security System by the employer or member;³⁹
 - d. Information of registered persons with the Philippine Identification System;⁴⁰
 - e. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities;⁴¹
 - f. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the persons who provided the information under condition of anonymity;⁴²
 - g. Applications and supporting documents filed pursuant to the Omnibus Investments Code of 1987;⁴³

³⁷ 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 Corporate 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); Revised Philippine Ports Authority Manual of Corporate Governance; and Section 18, Energy Virtual One-Stop Shop Act (RA No. 11234).

³⁸ Section 26, Philippine Statistical Act of 2013 (RA No. 10625) and Section 4, Commonwealth Act No. 591. See also Section 10, Community-Based Monitoring System Act (RA No. 11315).

³⁹ Section 24(c), Social Security Act of 1997 (RA No. 1161, as amended by RA No. 8282).

⁴⁰ Section 17, Philippine Identification System Act (RA No. 11055).

⁴¹ Section 43, Philippine HIV and AIDS Policy Act (RA No. 11166).

⁴² 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.

⁴³ Section 81, EO No. 226 (s. 1987), as amended.

- h. Documents submitted through the Government Electronic Procurement System;⁴⁴
- i. 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;⁴⁵
- j. 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;⁴⁶
- k. 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;⁴⁷
- l. 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;⁴⁸
- m. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁹
- n. Certain information and reports submitted to the Insurance Commissioner pursuant to the Insurance Code;⁵⁰
- o. Information on registered cultural properties owned by private individuals;⁵¹
- p. Data submitted by a higher education institution to the Commission on Higher Education (CHED).⁵²

⁴⁴ Section 9, Government Procurement Reform Act (RA No. 9184).

⁴⁵ Section 32, Electronic Commerce Act of 2000 (RA No. 8792).

⁴⁶ Section 94(f), Philippine Mining Act of 1995 (RA No. 7942).

⁴⁷ 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).

⁴⁸ Section 9(c), Anti-Money Laundering Act of 2001, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁴⁹ Section 10, Safeguard Measures Act.

⁵⁰ Section 297 in relation with Section 295 and Section 356, The Insurance Code (as amended by RA No. 10607).

⁵¹ Section 14, National Cultural Heritage Act of 2009 (RA No. 10066).

⁵² CHED Memorandum Order No. 015-13, 28 May 2013.

- q. Any secret, valuable or proprietary information of a confidential character known to a public officer or secrets of private individuals;⁵³
 - r. Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation;⁵⁴ and
 - s. Records of surveillance of suspects and interception and recording of communications acquired by a law enforcement agent or military personnel pursuant to the Anti-Terrorism Act of 2000.⁵⁵
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.⁵⁶
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;⁵⁷
 - b. Matters involved in an Investor State mediation;⁵⁸

⁵³ Articles 229 and 230, Revised Penal Code: Section 3(k), Ant-Graff 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 2000 (RA No. 10021) Section 6.2, Securities Regulation Code (RA No 8799).

⁵⁴ Section 3, Rule IV. PACC Resolution No. 001, s. 2018 (IRR of the PACC).

⁵⁵ Section 16, The Anti-Terrorism Act of 2020 (RA No. 11479).

⁵⁶ Section 3(g), Rule IV. Rules on CCESPOE.

⁵⁷ Sections 9, 23 and 33, Alternative Dispute Resolution (ADR) Act of 2004 (RA No 9285), and DOJ Circular No. 98 (s. 2009) of the IRR of the ADR Act.

⁵⁸ Article 10, International Bar Association Rules for Investor-State Mediation.

- c. Information and statements made at conciliation proceedings under the Labor Code.⁵⁹
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁶⁰
- 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;⁶¹
- f. Information related to investigations which are deemed confidential under the Securities Regulations Code;⁶²
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁶³
- 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;⁶⁴
- i. Investigation report and the supervision history of a probationer;⁶⁵
- j. Those matters classified as confidential under the Ant-Terrorism Act of 2020 and its IRR;⁶⁶
- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶⁷ 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;⁶⁸

⁵⁹ Article 237, Labor Code

⁶⁰ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁶¹ Section 178, Revised Corporation Code of the Philippines. May be invoked by the SEC and any other official authorized by law to make such examination

⁶² Sections 13.4, 15.4, 29.2 (b), and 64.2 of the Securities Regulation Code.

⁶³ 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.

⁶⁴ DOJ Department Circular No 006-16 (No. 6), 10 February 2016.

⁶⁵ Section 17, Probation Law of 1976 [PD No. 968 (s.1976)].

⁶⁶ Sections 18 and 45, The Anti-Terrorism Act of 2020 (RA No. 11479) and Rules 5.8 and 5.19 of the IRR of RA No 11479.

⁶⁷ Section 14, Civil Service Commission Resolution No: 01-0940.

⁶⁸ 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 the amendatory laws, such as:
 - a. RA No. 1405 (Law on Secrecy of Bank Deposit);
 - 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. 9100 (Anti-Money Laundering Act of 2001);
 - e. RA No. 9510 (Credit Information System Act); and
 - f. RA No. 245, as amended by Presidential Decree No. 1878;
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;⁶⁹
 - (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);⁷⁰ 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;⁷¹
 - 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

⁶⁹ 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.

⁷⁰ Article 7, UNCITRAL Transparency Rules.

⁷¹ Senate v. Neri, supra; Senate v. Ermita, supra.

- (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁷²
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁷³
 - e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁴
 - f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷⁵ and
 - g. Attorney-client privilege existing between government lawyers and their client.⁷⁶

⁷² Section 8(D), Code of Conduct and Ethical Standards for Public Officials and Employees.

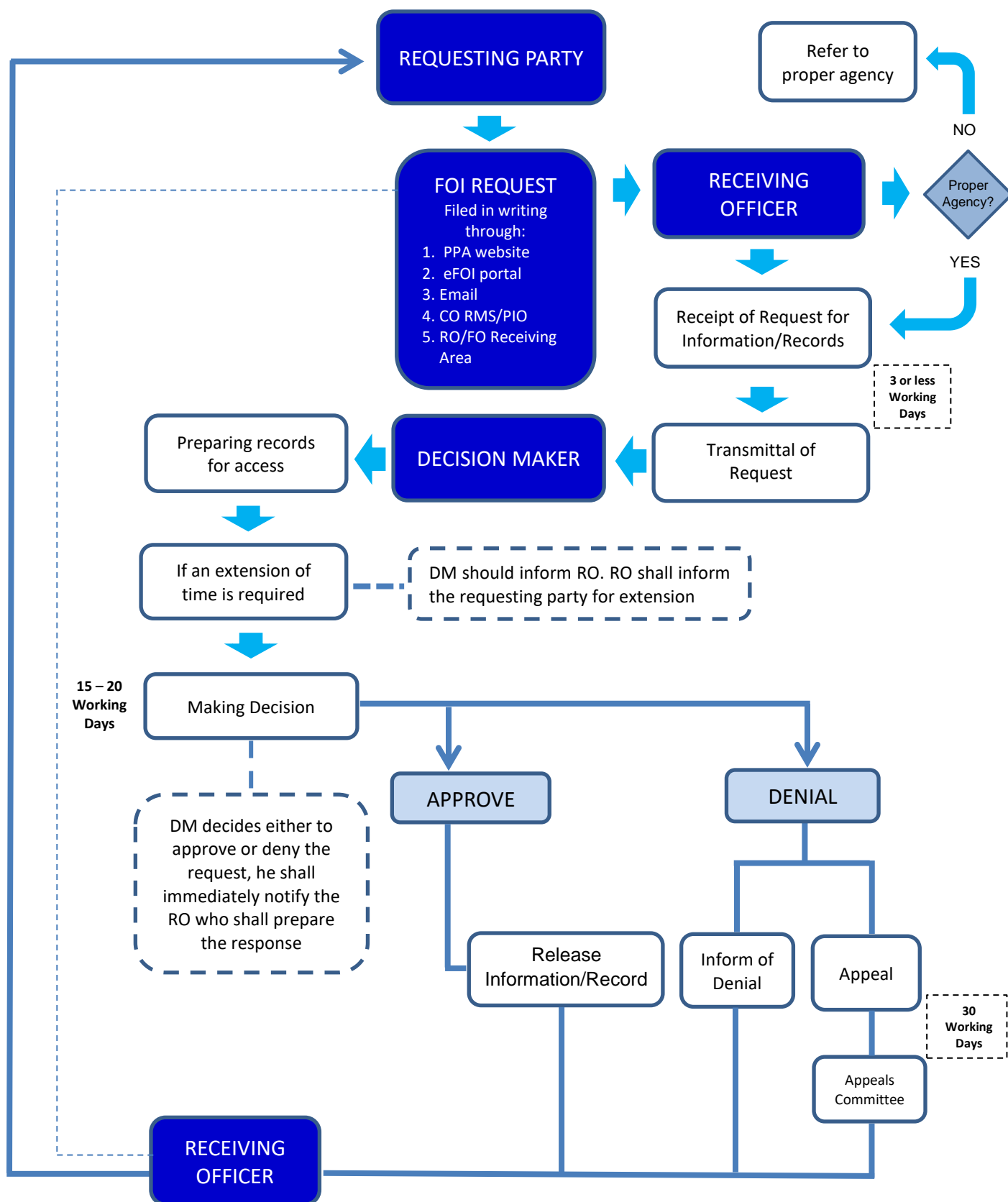
⁷³ Belgica v. Ochoa, G.R. No. 208566, 19 November 2013; and Valmonte v. Belmonte Jr., G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁷⁴ 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.

⁷⁵ Romero v. Guerzon, G.R. No. 211816, 18 March 2015.

⁷⁶ Canon 21 of the Code of Professional Responsibility.

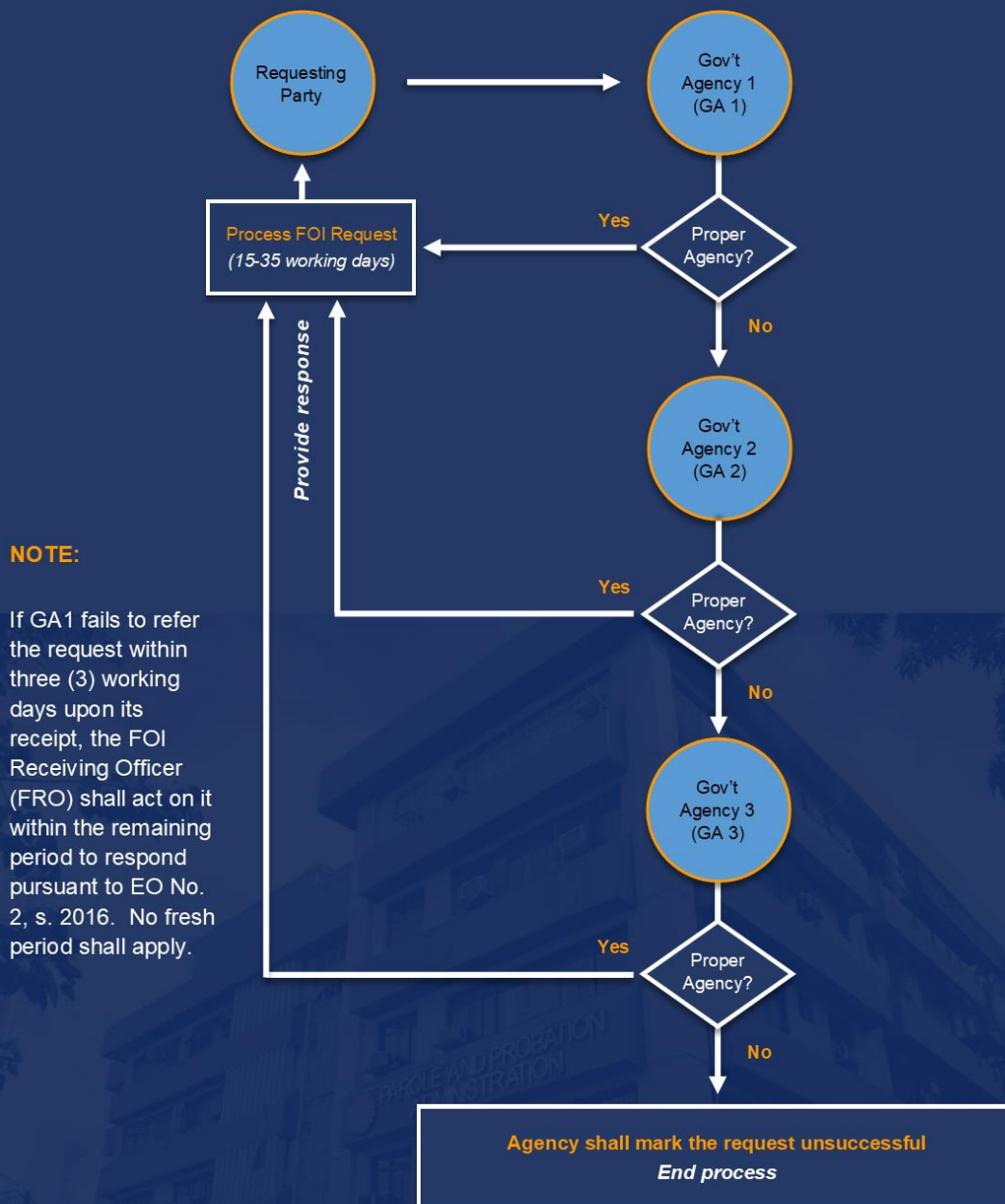
PPA-FOI Request Flow Chart
Central Office and Field Offices



NO WRONG DOOR POLICY

FLOW CHART

(FOI Memorandum Circular No. 21-05)



PAROLE AND PROBATION ADMINISTRATION
Diliman, Quezon City

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FOI One Page Manual

Freedom of Information Program

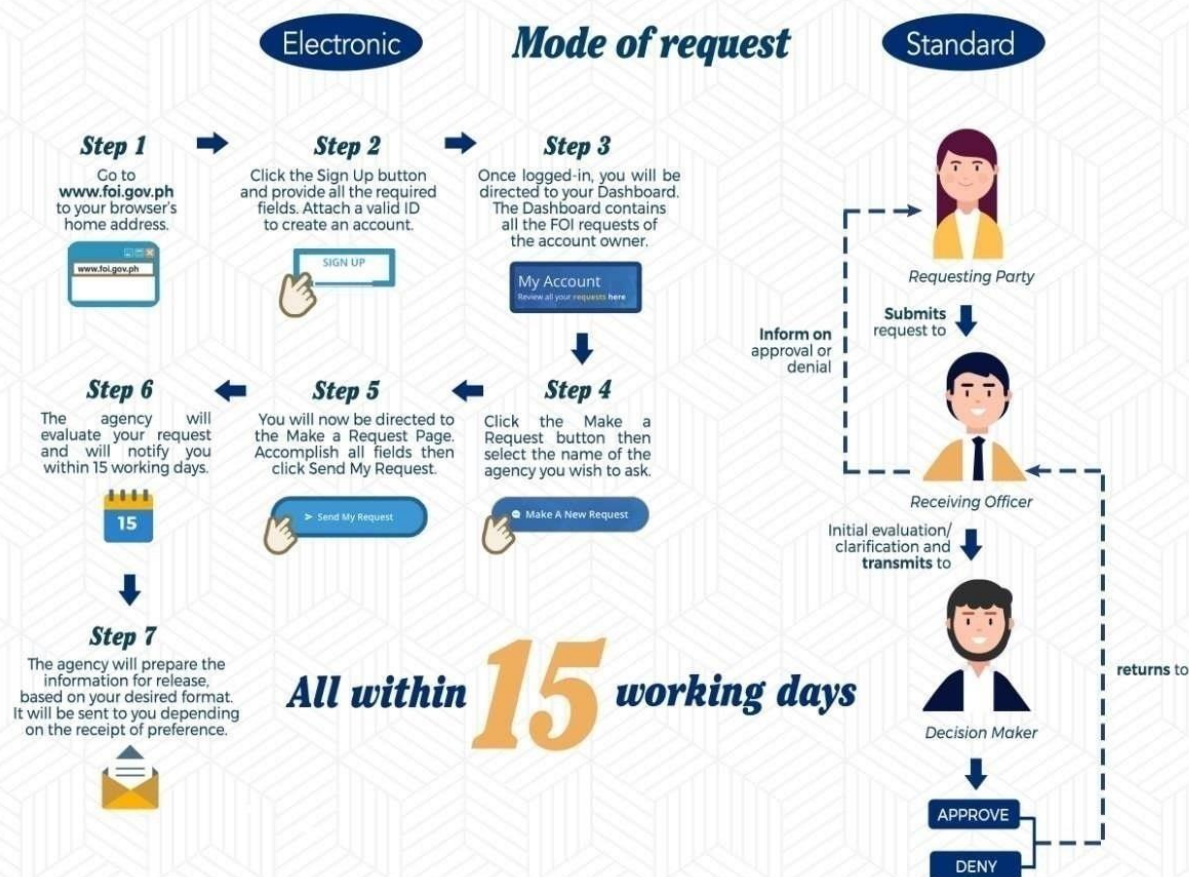
Agency: PAROLE AND PROBATION ADMINISTRATION

Receiving Officer: Pamela Denise Datu
Designation: Executive Assistant II
Office: Office of the Administrator

Mary Aaron Joan Balaoro
Administrative Officer IV
Public Information Section

Receiving Office: Public Information Section-Administrative Division
2nd Floor, DOJ Agencies Bldg., NIA Road, Diliman, Quezon City

Contact No.: (02) 8927-0004 Email: probation.foi.ro@gmail.com



FOI Appeals

If you are not satisfied with the response to your FOI request, you may ask us to carry out an internal review of the response by writing to aodojppa@gmail.com. Your review request should explain why you are dissatisfied with the 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 appeal.



Be informed. Be engaged. Know your government better.

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