



Republic of the Philippines
WESTERN PHILIPPINES UNIVERSITY
A Strong Partner for Sustainable Development

FREEDOM OF INFORMATION MANUAL

Approved by the Board of Regents during its Special Meeting
on September 14, 2017 at the Executive House,
WPU Puerto Princesa Campus



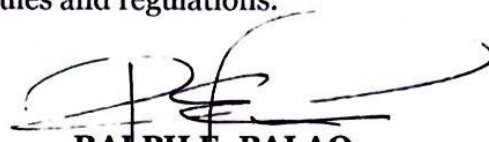
Republic of the Philippines
Western Philippines University

A STRONG PARTNER FOR SUSTAINABLE DEVELOPMENT

OFFICE OF THE UNIVERSITY BOARD SECRETARY

CERTIFICATION

This is to certify that the enclosed **WPU Freedom of Information (FOI) Manual** had been approved by the WPU Board of Regents on September 14, 2017 by virtue of Board Resolution No. 344, Series of 2017 subject to the provisions of Executive Order No. 2, s. 2016 and all other applicable government rules and regulations.



RALPH E. PALAO
Board Secretary



Republic of the Philippines

Western Philippines University

ASTRONG PARTNER FOR SUSTAINABLE DEVELOPMENT

Freedom of Information Manual

Approved by the Board of Regents during its Special Meeting on
September 14, 2017 at the Executive House,
WPU Puerto Princesa Campus

TABLE OF CONTENTS

I. Overview	3
A. Background and Purpose	3
B. Coverage	4
C. Protection of Privacy	4
II. Definition of Terms	5
III. Functions of FOI Offices, Officials and Employees	7
Section 2. FOI Receiving Office (FRO).	7
Section 3. FOI Evaluating Office (FEO).	8
Section 4. FOI Decision Maker (FDM).	9
Section 5. FOI Appeals Authority.	9
IV. PROCEDURE	9
Section 6. Filing and Content of the FOI Request.	9
Section 7. Time to Respond to FOI Requests.	12
Section 8. Initial Action upon Receipt of the FOI Request.	12
Section 9. Determination of and Transmittal to the FEO.	1
Section 10. Evaluation by FEO and Action by FDM.	15
Section 11. Remedies in Case of Denial.	20
Section 12. Request Tracking System.	21
Section 13. Fees.	21
Section 14. Administrative Liability.	22
Section 15. No Wrong Door Policy	22
ANNEX “A” Standard FOI Request Form	24
ANNEX “B” FOI Request Flow Chart	26
ANNEX “C” No Wrong Door Policy Flow Chart	28

I. OVERVIEW

A. Background and Purpose

Executive Order (EO) No. 2, otherwise known as the Freedom of Information (FOI) EO, was signed by President Rodrigo Roa Duterte on July 23, 2016. The FOI EO seeks to operationalize the Constitutional provisions on full public disclosure of all State transactions involving public interests (Section 28, Article II) and the right of the people to information on matters of public concern (Section 7, Article III). EO No. 2 took effect immediately after its publication on July 27, 2016 in the Manila Bulletin.

The FOI Manual of the Western Philippines University (WPU) was formulated in compliance to Section 8 of EO No. 2 directing all government agencies under the Executive branch to prepare within one hundred twenty (120) calendar days from the effectivity thereof a People's FOI Manual. This Manual includes among others the following provisions:

- (1) The location and contact information of the head and other established offices where the stakeholders can obtain information or submit requests;
- (2) The person or office responsible for receiving requests for information;
- (3) The procedure for the filing and processing of request;
- (4) The standard forms for the submission of requests and for the proper acknowledgement of request;
- (5) The process for the disposition of requests;
- (6) The procedure for administrative appeal of any denial of access to information; and
- (7) The schedule of applicable fees.

During the formulation of this FOI Manual, consultations with the various offices were undertaken, with the objective of classifying the information, document or record under the custody of the offices or officers, determining those information which may be the subject of requests for FOI, identifying the responsible offices/officers, and streamlining procedures of the various responsible offices/officers towards the efficient processing of FOI requests made by the stakeholders. This manual was revised pursuant to FOI-MC No. 21-05.

The purpose of this Manual is to guide and assist the stakeholders of the processes and procedures involved in request for information pursuant to EO No. 2. It likewise sets out the rules, procedures and guidelines to be

followed by the officials and employees of the offices within the University for requests for access to information.

B. Coverage

This FOI Manual shall cover all requests for information directed, filed or submitted to offices of the University, which include the following:

- (1) Office of the University President;
- (2) Office of the BOR Secretary;
- (3) Office of the Vice President for Academic Affairs
- (4) Office of the Vice President for Administration and Finance;
- (5) Office of the Vice President for Research, Development and Extension
- (6) Records Office
- (7) Office of the University Registrar;
- (8) Office of Student Affairs and Services;
- (9) Planning Office;
- (10) Information Office;
- (11) Human Resource Management Office; and
- (12) University Health Services

C. Protection of Privacy

While providing access to information, the University shall afford full protection to a person's right to privacy as mandated by laws, as follows:

- (1) It 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) It shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
- (3) Any official or employee who has access, whether authorized or unauthorized, to personal information in the custody of the concerned offices within the University, shall not disclose that information except as authorized by existing laws.

II. DEFINITION OF TERMS

SECTION 1. Definition of Terms. For the purpose of this FOI Manual, the following shall mean:

- a) **Administrative FOI Appeal** – refers to the procedure for appealing an unfavorable or adverse action by the FOI Decision Maker on an FOI request. Requesting parties who are dissatisfied with the action taken by the FOI Decision Maker on their FOI request have a right to appeal such unfavorable or adverse action to the FOI Appeals Authority, who shall then conduct a review of the said appeal.
- b) **Exceptions to FOI** – refers to those class of privileged information that are outside the scope of the constitutional right to information and which may not be released or disclosed to the public, as provided under the Constitution, laws or jurisprudence. These exceptions are enumerated in Section 10.12 hereof.
- c) **FOI Appeals Authority** – refers to the office or person which decides appeals from the action of the FOI Decision Maker, and has authority to affirm, reverse, or modify such action.
- d) **FOI Decision Maker or FDM** – refers to the office or person who evaluates the recommendation of the FOI Evaluating Office on FOI requests and has authority to approve or deny such requests.
- e) **FOI Evaluating Office or FEO** – refers to the office with the responsibility of evaluating and reviewing FOI requests and preparing recommendations to the FDM.
- f) **FOI Receiving Office or FRO** – refers to the designated office where the stakeholders may file or submit FOI requests, inquire about the FOI process and the status of pending FOI requests. For WPU, the Records Office shall act as the FRO.
- g) **FOI Request** – is a written request by any person submitted to a government office, personally or by other electronic means, requesting information or public records as defined herein.
- h) **Freedom of Information or FOI** – pertains to the right of the people to information on matters of public concern, subject to the limitations established by law.
- i) **Information** – means any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video

recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

- j) **Official Record/s** – 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.
- k) **Fully Compliant FOI Request** – refers to an FOI request which fully complies with the formalities set forth by this FOI Manual.
- l) **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.
- m) **Public Records** – include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
- n) **Sensitive Personal Information** – as defined in the Republic Act No. 10173 (Data Privacy Act of 2012), refers to personal information:
 - (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - (2) About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
 - (3) 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
 - (4) Specifically established by executive order or an act of Congress to be kept classified.

III. FUNCTIONS OF FOI OFFICES, OFFICIALS AND EMPLOYEES

SECTION 2. FOI Receiving Office (FRO).

- 2.1. All FOI requests to the University shall be filed with and/or submitted to the FRO.
- 2.2. The stakeholders may request information on all FOI related concerns from the University, including a copy of this FOI Manual, with the FRO.
- 2.3. The Head of the FRO shall designate an FRO Officer (FRO) from among his/her subordinates to assist in the proper discharge of the functions of the FRO.
- 2.4. The contact details of the FRO and FROO are as follows:

Name of Office (FRO)	WPU Records Office
Name of Head of Office of FRO	Armie A. Mejorada
FOI Receiving Officers (FRO)	Armie A. Mejorada Administrative Officer V Sarah Jane B. Torreflores Records Officer II
Address:	Room 102 Administration Building, Western Philippines University, San Juan, Aborlan, Palawan
Contact Number:	09998812033
e-mail address:	foi@wpu.edu.ph

- 2.5. The functions of the FRO shall include the following:
 - 2.5.1. Serve as the initial point of contact to the stakeholders on FOI requests in the University;
 - 2.5.2. Receive all FOI requests on behalf of the University;
 - 2.5.3. Conduct initial evaluation of FOI requests and make a determination whether these are fully compliant FOI requests;

- 2.5.4. Deny or refuse to accept FOI requests based on the results of its initial evaluation;
 - 2.5.5. Undertake preliminary determination of the appropriate FEO which has custody of the requested information and forward the request to such office;
 - 2.5.6. Forward a fully compliant FOI request to the appropriate FEO for evaluation;
 - 2.5.7. Monitor all FOI requests and appeals;
 - 2.5.8. Compile statistical information of FOI requests and actions taken thereon; and
 - 2.5.9. Provide such other assistance to the FDM and FEO.
- 2.6. The names and official contact information of the FRO and the FROO shall be conspicuously displayed outside the FRO for the public's viewing. Any change of information pertaining to the FRO and FROO shall likewise be posted in the same manner and reflected in an updated FOI Manual.

SECTION 3. FOI Evaluating Office (FEO). The office which has possession or custody of the requested document shall be the FEO for the particular FOI request.

- 3.1 In case there is a need to make further determination as to which office has custody of the information requested, the FRO shall act as the default FEO.
- 3.2 The FEO shall have the following functions:
 - 3.2.1 Review the merits of the FOI requests;
 - 3.2.2 Determine whether it has possession of the requested information;
 - 3.2.3 Evaluate whether the requested information falls under any of the Exceptions to FOI;
 - 3.2.4 Determine whether grounds for denial of the request exist;
 - 3.2.5 Coordinate with different offices, or if necessary, with other government agencies, prior to taking action on the request; and
 - 3.2.6 Prepare necessary recommendation on the FOI request to the FDM, such as grant, denial, partial grant or denial, redacting certain information, referral to other offices, or such other actions as may be appropriate.

- 3.3 The Head of the FEO shall designate an FEO officer (FEOO) from among his subordinates to perform the functions of the FEO.

SECTION 4. FOI Decision Maker (FDM). The Head of Office of the FEO shall be the FDM.

- 4.1. The FDM shall have the primary function of evaluating the recommendations of the FEO on any FOI request and taking action thereon.
- 4.2. The FDM may grant, deny, partially grant or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such other actions as may be appropriate.
- 4.3. As general rule, the FDM shall grant an FOI request, unless there exist grounds to deny the same.

SECTION 5. FOI Appeals Authority. The University President, or his/her duly authorized representative, shall be the FOI Appeals Authority in the University. The FOI Appeals Authority shall have the power to review by appeal decisions of the FDM and take final action on any FOI request within the University.

IV. PROCEDURE

SECTION 6. Filing and Content of the FOI Request.

- 6.1. Where Filed. An FOI Request shall be filed with the FRO.
- 6.2. Requisites of an FOI Request. An FOI request must be made in writing and shall comply with the requisites set forth in this Manual.
- 6.3. FOI Request Form. A person or party making an FOI request shall use the standard FOI Request Form and submit two (2) copies thereof. The original shall be kept by the FRO, while the copy shall be returned to the requesting party.

The standard FOI Request Form shall be available free of charge upon request from the FRO or through the University's website. An FOI request shall only be considered valid when accompanied by the standard FOI Request Form.

The standard FOI Request Form is attached as **ANNEX "A"** of this Manual.

- 6.4. Contents. An FOI request shall contain the following:

- 6.4.1. Details of the requesting party, such as name, contact information, affiliation, company or organization;
- 6.4.2. Reasonable description of the information requested;
- 6.4.3. Specific reason for, or purpose of, the request for information;
- 6.4.4. Whether photocopy or certified true copy of the subject information/document is requested;
- 6.4.5. Preferred mode of communication and receipt of the response; and
- 6.4.6. Proof of authority, if made through a representative.

6.5. Purpose of Request. For purposes of this Manual, the reason for or purpose of the request for information shall be specific or adequately and sufficiently described. The following general averments of the purpose such as “for information”, “for research”, “for legal purposes” or other similarly worded purpose shall not be considered to have met the requirement of specificity. Failure to specify the reason for or purpose of the request for information, despite request by the FRO to provide a specific reason or purpose, shall be ground for denial of the FOI request.

6.6. Identification and Proof of Authority. A requesting party shall attach to his/her FOI request the following:

- 6.6.1. At least two (2) valid government I.D.s containing the photograph and signature of the requesting party;
- 6.6.2. If the request is made through a representative, in addition to 6.6.1, the written authorization of the principal and at least two (2) valid government I.D.s containing the photograph and signature of such representative as well as the person who gave the authorization to the such representative;
- 6.6.3. If the requesting party is a juridical entity, its representative must provide an original or certified true copy of the board resolution, corporate secretary’s certificate, or sole proprietor’s certificate which will prove the representative’s authority to act in behalf of such juridical entity;
- 6.6.4. If the requesting party is a natural person who is a member, employee, affiliated with or related to a juridical entity, company or organization, and the request is made not in behalf of such juridical entity, company or organization but arises from such membership, affiliation or relation, said requesting party must provide a proof of employment or affiliation, such as but not limited to the following:

- A. For an employee or member- a copy of the company or organization I.D.;
- B. For students or student whether pursuing undergraduate or graduate studies who are not students of nor affiliated to the Western Philippines University (WPU)- a copy of the school I.D. and an original or certified true copy of the written endorsement of the supervising teacher/professor/instructor; and

6.6.5. If the requesting party is a minor, his/her guardian or any competent supervising adult shall comply with requirements for a representative.

The authorization shall expressly state the extent of the authority of the representative to make the request, provide clarification, receive the requested information, and to bind the principal for all representations and/or undertaking made by the representative in connection with the request for information.

6.7. Mode of Request. FOI requests may be made through registered mail, electronic mail (e-mail), or through official online portals, provided, that the requesting party shall provide all the required information and attach the supporting documents.

If the requesting party chooses to file an FOI request in a separate written request, by email or other official portals, such request shall be accompanied by a duly-filled up standard FOI Request Form and attached to said written request or e-mail.

6.8. Reasonable Assistance. The FRO shall provide reasonable assistance, free of charge, enable all requesting parties and particularly those with special needs, to comply with the request requirements, without prejudice to Section 13 of this Manual. In case the requesting party is unable to make written request, he or she may make an oral request, and the attending FROO shall reduce it in writing. Reasonable assistance shall not cover reproduction costs of the requesting party's copy of the FOI request and the supporting documents.

6.9. Exceptional Situations. In meritorious cases, the FRO may accept an FOI request which lacks the standard FOI Request Form, provided that the FOI request contains all the required information and complies with the other requirements of an FOI request and attach the same to the written request.

SECTION 7. Time to Respond to FOI Requests.

7.1. The University shall respond to requests for access to information within fifteen (15) working days from the date of receipt of a fully compliant FOI request.

For clarity, the period to respond to FOI requests shall not commence unless the request is a fully compliant FOI request.

7.2. 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 public holiday in the Province of Palawan, Municipality of Aborlan and Barangay San Juan. In computing the period, Article 13 of the New Civil Code shall be observed.

7.3. For purposes of computing the fifteen (15) working days, the date of receipt of the FOI request shall be reckoned as follows:

7.3.1. If made personally, the date actually filed and stamped “received” by the FRO;

7.3.2. If made by registered mail, the date of actual receipt of the request by the FRO;

7.3.3. If sent by e-mail or other official online portals, the date it was actually electronically delivered to or received by the designated e-mail or portal if the same arrived before 5:00 p.m. of the working day. Requests received after 5:00 p.m. shall be considered received on the next working day;

7.3.4. Where the officer having charge of the designated e-mail is unavailable and the designated e-mail has generated an “out of office” message with instructions on how to re-direct the message to another e-mail contact, the date of receipt will be the day the

Page |

request is received in the e-mail inbox of the latter subject to the qualification in the preceding subsection; or

7.3.5. Where the FRO has requested the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification to the satisfaction of the FRO is received.

SECTION 8. Initial Action upon Receipt of the FOI Request.

8.1. Initial Evaluation. Upon receipt of the FOI request, the FRO shall ascertain whether the request is a fully compliant FOI request in accordance with the requirements provided in Section 6 hereof.

8.2. Grounds for Denial during Initial Evaluation. During the initial evaluation by the FRO, the request may be denied on the following grounds:

8.2.1. Non-Compliant FOI Request. The FRO shall only accept a fully compliant FOI request, and shall not accept a request that lacks any of the required contents or documents provided in Section 6 hereof.

The requesting party shall be advised of the deficiency with instructions to comply with the deficiency, as soon as practicable, if the request was personally filed, or within the period prescribed in Section 8.3 if the request was filed through registered mail or email.

In case the request lacks any of the requirements provided in Section 6 above, the FRO may consider other relevant document or evidence as the circumstances may warrant or waive any requirement, upon showing of meritorious grounds, subject to the approval of the FDM.

8.2.2. Requested information has already been publicly disclosed. When the information being requested has already been publicly disclosed such as when the same is publicly available in the University website or other official website, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

8.2.3. Requested information is substantially similar or identical to the previous request. Should the requested information be substantially similar or identical to a previous request by the same requesting party which request has already been previously granted or denied by the University, the request shall be denied unless the requesting party can provide justifiable explanation for the subsequent request.

8.3. Period to Advise Requesting Party of Denial Based on Initial Evaluation. The FRO shall, within fifteen (15) working days from receipt of the request, advise the requesting party of denial of the request, specifying the ground for the denial in Section 8.2 hereof.

8.4. Request for Clarification. The FRO may likewise request for clarification from the requesting party to identify or locate the requested information. The Clarification shall toll the running of the fifteen (15) working dayperiod and the period shall commence anew the day after the required clarification is received by the FRO.

- 8.5. Receiving of Request. Upon determining that the request is a fully compliant FOI request, the FRO shall stamp “received” the duly filled-up FOI Request Form and the first page of the request letter, if attached, indicating the date and time of the receipt of the FOI request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature, and a copy furnished to the requesting party.
- 8.6. In case the FOI request was made through e-mail, the e-mail shall be printed out and the FRO shall observe the same procedure above. The FRO shall likewise acknowledge by e-mail the receipt of a fully compliant FOI request.
- 8.7. When Request for Information Received by an Office other than the FRO. If an FOI request is received by an office other than the FRO, such receiving office shall:
- 8.7.1. transmit the FOI request to the FRO request to the FRO within three (3) working days from receipt of such request;
 - 8.7.2. advice the requesting party of the transfer to the FRO within fifteen (15) working days from receipt of such request;
- 8.8. Ascertaining Identity of the Requesting Party. The FRO shall, using available resources and bearing in mind the time constraints, ascertain and verify the identity of the requesting party to avoid requests from fictitious persons. For this purpose, the FRO may request the assistance of relevant government agencies to confirm the identity of the requesting party based on documents filed.

SECTION 9. Determination of and Transmittal to the FEO. Upon determination that the request is a fully compliant FOI request, the FRO shall proceed to determine whether the University has custody or possession of the requested information.

- 9.1. After ascertaining that the information requested is in the possession of the University, the FRO shall forward the request to the appropriate FEO, within one (1) day from receipt of such request. The FRO shall record the date, time and name of the FEO who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
- 9.2. In case the FRO is unable to determine the appropriate FEO, the FRO shall be given an additional two (2) working days to undertake further coordination to determine the FEO.

- 9.3. If at the end of the three (3) working days from receipt of the request, the FRO is still unable to determine the appropriate FEO, the FRO shall act as the FEO and proceed to evaluate the request in accordance with Section 10 of this Manual.
- 9.4. If the requested information is under the custody of more than one office within the University, the FRO shall forward the request to all concerned offices. The FRO shall also instruct the respective FEOs that the latter will only provide the specific information that relate to their offices.
- 9.5. If some of the requested information is not under the custody of the offices within the University, the FRO, acting as FEO and FDM, shall observe the procedure in Section 10.11 below insofar as those information not under the custody of the offices under the University.

SECTION 10. Evaluation by FEO and Action by FDM.

- 10.1. Upon receipt of the FOI request from the FRO, the FEO shall proceed to evaluate the request, which shall consist of:
 - 10.1.1. Ascertaining whether the information requested is in the possession or custody; and
 - 10.1.2. Determining whether there are grounds for the denial of the requested information.
- 10.2. Request for Clarification. If the FEO requires clarification or further details to identify or locate the information requested, he/she shall, through the FRO, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working dayperiod, which period shall commence anew the day after the required clarification is received by the FRO.
- 10.3. Request for an Extension of Time. If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, or cannot be easily retrieved due to occurrence of fortuitous events or other analogous cases, the FEO shall, within ten (10) working days from receipt by the FEO of the request, inform the FRO of the need for extension of time to act on the request.
- 10.4. Notice to Requesting Party of Extension. The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

- 10.5. Consultation. The FEO shall undertake the necessary consultations with the appropriate offices on whether the requested information is covered by any of the Exceptions to FOI, which consultation shall include that of the office where the information or record originated.
- 10.6. Submission of Recommendation to FDM. The FEO shall prepare and submit its recommendation to the FDM, who shall approve or deny the request.
- 10.7. Notice to the Requesting Party of the Approval/Denial of the Request. Once the FDM approves or denies the request, he/she shall advise the FRO of such action. The FRO shall prepare the response to the requesting party either in writing, by e-mail, or, if practicable, through other mode of response preferred by the requesting party.
- 10.8. Approval of Request. In case of approval, the FEO shall advise the FRO of such approval and transmit to the FRO the requested information within ten (10) working days from the FEO's receipt of the request.
- The FRO shall, within the prescribed period, advise the requesting party of the grant of the request and direct such requesting party to pay the applicable fees, if any.
- 10.9. Denial of Request. In case of denial of the request, whether wholly or partially, the FEO shall, through the FRO, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.
- Failure to notify the requesting party of the action taken on the request within the prescribed period shall be deemed a denial of the request for access to information.
- 10.10. Grounds for Denial. An FOI request may be denied based on the following grounds:
- 10.10.1. The office does not have the possession or custody of the information requested;
- 10.10.2. The information requested falls under the Exceptions to FOI;
or
- 10.10.3. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the University.
- 10.11. When Requested Information is not in the Possession or Custody of the University. If, after exercising due diligence, the FDM/FEO finds that

the requested information is not in the custody or possession of the University, the FDM shall either deny or refer the request to the department, agency, or office which has custody of the information, if known, within the prescribed period for acting on the request.

10.11.1. The FEO shall ascertain whether the information requested is in the possession of another department, agency, or office.

10.11.2. If the department, agency, or office which has custody is ascertained, the FEO shall, through the FRO, refer the request to such appropriate department, agency, or office and advise the requesting party of such referral, and the contact details of that office, if known.

10.11.3. If the information requested is in the custody or possession of an office not within the coverage of E.O. No. 2, the request shall be denied, and the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

10.12. Exceptions to FOI. The following information, data records and/or documents are exempted from the coverage of this Manual and therefore should not be released or disclosed:

10.12.1. Information, data, or records which fall under any of the exceptions enshrined in the Constitution, existing law or jurisprudence, in accordance with Section 4 of Executive Order No.2 series of 2016, and Pursuant to the **“Inventory of Exceptions to Executive Order No. 2 S. 2016”** Memorandum issued by the Office of the Executive Secretary dated 24 November 2016 to wit:

- a) Information covered by Executive privilege.
- b) Privileged information relating to national security, defense or international relations.
- c) Information concerning law enforcement and protection of public and personal safety.
- d) Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused.

- e) Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or 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.
- f) Prejudicial premature disclosure.
- g) Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged.
- h) Matters considered confidential under banking and finance laws, and their amendatory laws.
- i) Disclosure of proceedings before the Committee on Decorum and Investigation (CODI) during preliminary investigation.
- j) Personal and sensitive information concerning natural persons resulting in invasion of privacy unless waived in writing by the person concerned pursuant to Republic Act No. 10173 (Data Privacy Act of 2012).
- k) Prohibition of disclosure of the identity of persons who furnish information on any violation of the law to public officers.
- l) Disclosure of information such as drafts of proceedings, orders, resolutions, decisions, memoranda or audit reports by any administrative or quasi-judicial body in the exercise of its regulatory and adjudicatory functions.
- m) Information pertaining to trade secrets and commercial or financial information submitted by a natural or juridical person obtained in confidence or covered by privileged communication, and /or filed in connection with an application in a government agency, the revelation of which would prejudice the interests of such natural or juridical person in trade, industrial, financial or commercial competition.

- n) Any information related to the Republic Act 9160 (Anti-Money Laundering Act of 2001 as amended).
- o) Disclosure of confidential information under the National Internal Revenue Code.
- p) Disclosure of information related to the Republic Act No. 8293 (Intellectual Property Rights Act).
- q) Disclosure of information related to the Republic Act No. 10055 (Philippine Technology Transfer Act of 2009).
- r) Disclosure of information related to the Republic Act 9285 (Alternative Dispute Resolution Act of 2004).
- s) Disclosure of information on an on-going evaluation, review of bids or proposals being undertaken by the Bids and Awards Committee (BAC) or its technical working group (TWG) which are not yet considered as official acts, transactions, or decisions.
- t) Disclosure of information related to identity of news informants or sources under Republic Act No. 1477 (The Shield Law).
- u) Disclosure of information in violation of Republic Act No. 4200 (The Anti-Wiretapping Law).
- v) Disclosure of confidential source, investigation proceedings, and records of assigned hearing officers, investigators, and deputized inspectors, when the premature disclosure thereof may result to the endangering the life, safety and security of any individual, and pre-empt the resolution of a case.
- w) Other exceptions to the right to information under laws, jurisprudence, rules and regulations such as:
 - I. Testimony from a government official, unless pursuant to a court or legal order,
 - II. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:

- (1) any purpose contrary to morals or public policy; or
- (2) any commercial purpose other than by news and communications media for dissemination to the general public;

- III. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;
- IV. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;
- V. The Requested information pertains to comments and disclosures on pending cases in judicial proceedings and
- VI. Attorney-client privilege existing between government lawyers and their client.

10.12.2. Pursuant to the mandate of CHED Memorandum Order No. 07 Series of 2022. The minutes of the meetings of the Western Philippines University (WPU) Board of Regents shall be confidential in character and any request for a copy of said minutes or excerpts of the same. Shall be Subject to the approval of the Vice-Chairperson of the said Board. The approval or denial of such request shall be appealable to the Board's Chairperson.

10.13. Redaction. If the information, document or record requested contains information which may be disclosed and other information which are covered by the Exceptions to FOI (such as personal information or sensitive personal information protected under the Data Privacy Act of 2012), the FDM shall direct that the information excepted be redacted prior to the release of the requested information, document or record.

SECTION 11. Remedies in Case of Denial. A party whose request for access to information has been denied may avail of the remedy set forth herein:

11.1 Administrative FOI Appeal to the FOI Appeals Authority. The requesting party may file an appeal of the adverse or unfavorable action of the FDM with the FOI Appeals Authority. The appeal shall be filed

within fifteen (15) days from the lapse of the period to respond to the request.

- 11.2 The appeal shall be decided by the FOI Appeals Authority within thirty (30) working days from receipt of the appeal. Failure to decide within the thirty (30)-day period shall be deemed a denial of the appeal.
- 11.3 The denial of the appeal by the FOI Appeals Authority shall be considered final, and the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 12. Request Tracking System. The FRO of the University shall develop and establish a system to ensure that all requests for information received, status of pending requests, and requests acted upon are properly documented and monitored.

SECTION 13. Fees.

- 13.1 No Filing Fee for FOI Requests. The University shall not charge any fee for accepting requests for access to information.

- 13.2 Reasonable Cost of Reproduction and Copying of the Information. The University may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations.

The FRO shall notify the requesting party in case there shall be a reproduction and copying fee in connection with the requested information. The schedule of fees shall be conspicuously posted outside the FRO, or in any place within the University accessible to the stakeholders, and shall be published in the University official website.

- 13.3 Exemption from Fees. The University may exempt the requesting party from payment of fees, upon showing of justifiable grounds.

SECTION 14. Administrative Liability.

- 14.1 Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be considered a violation of reasonable office rules and regulations and punishable as follows:

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

- 14.2 Procedure. The provisions of the Revised Rules on Administrative Cases in the Civil Service issued by the Civil Service Commission shall be applicable in the disposition of administrative cases against employees and officials of the University.

SECTION 15. No Wrong Door Policy. In compliance with FOI-MC No. 21-05, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.


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

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

If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply. If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency. GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the “Second Referral” and another fresh period shall apply. Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred. The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

15.2. The No Wrong Door Policy Flowchart is hereby fully adopted and incorporated in this manual and attached herewith as Annex “C”.

FOR THE UNIVERSITY:

 Digitally signed
by Liao Amabel
Siose
Date: 2025.05.15
14:25:40 +08'00'

AMABEL S. LIAO

President

Western Philippines University

ANNEX “A”

Standard FOI Request Form



FREEDOM OF INFORMATION REQUEST FORM

I. INFORMATION ON REQUESTING PARTY

1. Title: (Mr/Mrs/Miss/Ms) Others
2. Name (Last Name, First Name, M.I.) :
3. Complete Address :
4. Contact Details: Landline :
Mobile :
E-mail :
5. Preferred Mode of Communication: ☐ Mobile E- ☐ mail Postal ☐ Address
6. Preferred Mode of Reply/Response: ☐ Pick-up E- ☐ mail Postal ☐ Address
7. Proof of Identification/Authorization Presented:

II. REQUESTED INFORMATION

8. Details on Information being Requested (*Please be specific as possible*):

Nature of Information (e.g., record, document, data, minutes, maps, photographs)	Description	Date/Period Covered	Form (Photocopy, Certified Photocopy, Certified True Copy)

9. Purpose of Request (*Please be specific as possible*):

I declare and certify that the information provided in this form is complete and correct. I am aware that giving false or misleading information or using forged documents is a criminal offense. I bind myself and my principal to use the requested information only for the specific purpose stated and subject to such other conditions as may be prescribed by the Western Philippines University.

10. Signature of Requesting Party/Representative: Date:

For Official Use Only

Received by:

Name and Signature: _____

Position: _____

Date and Time Received: _____

Action Taken:

☐ Granted

☐ Denied due to _____

Fee: PhP _____

O.R. No. _____

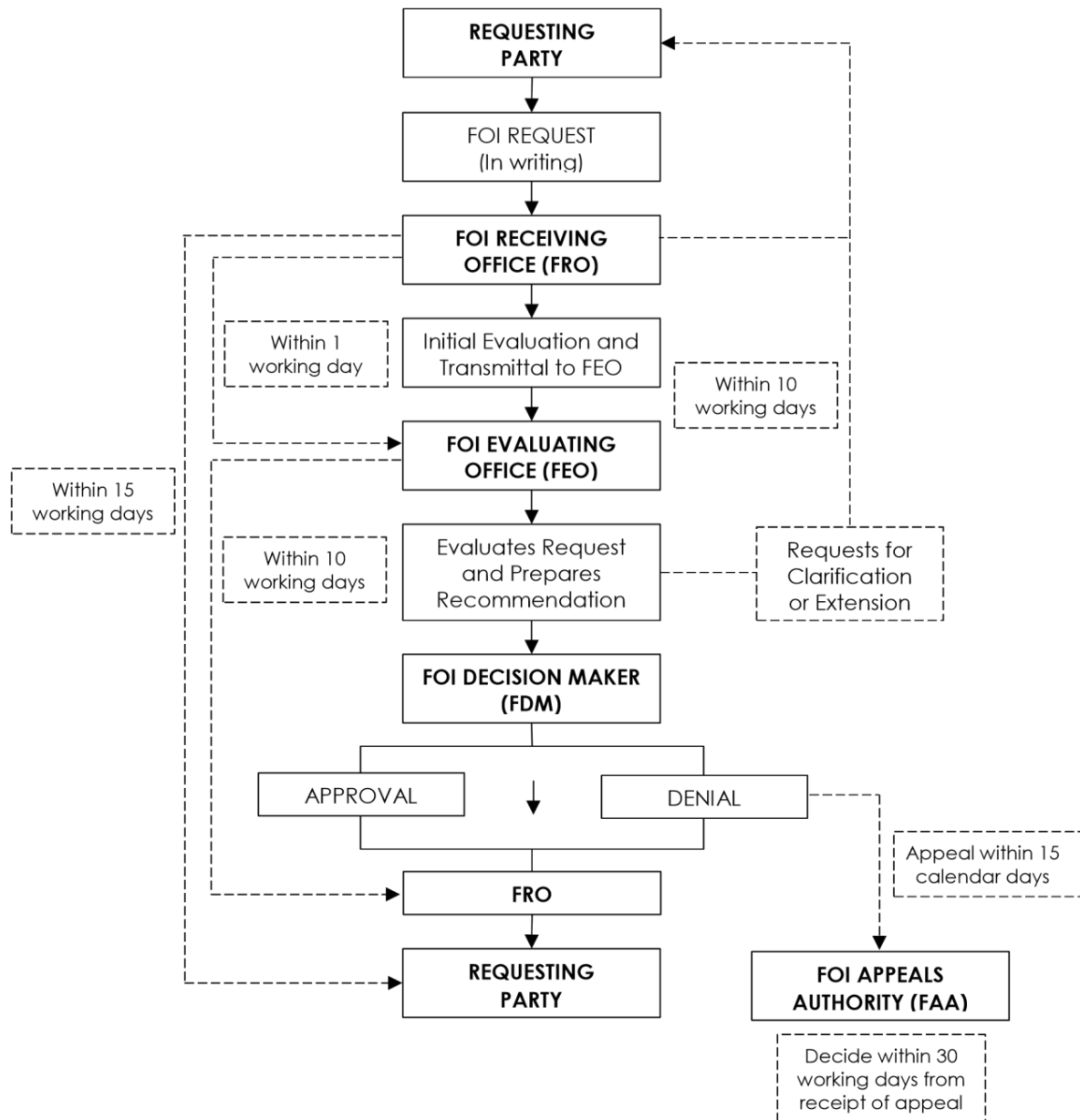
Date: _____

Receiving/Releasing Officer

ANNEX “B”

FOI Request Flow Chart

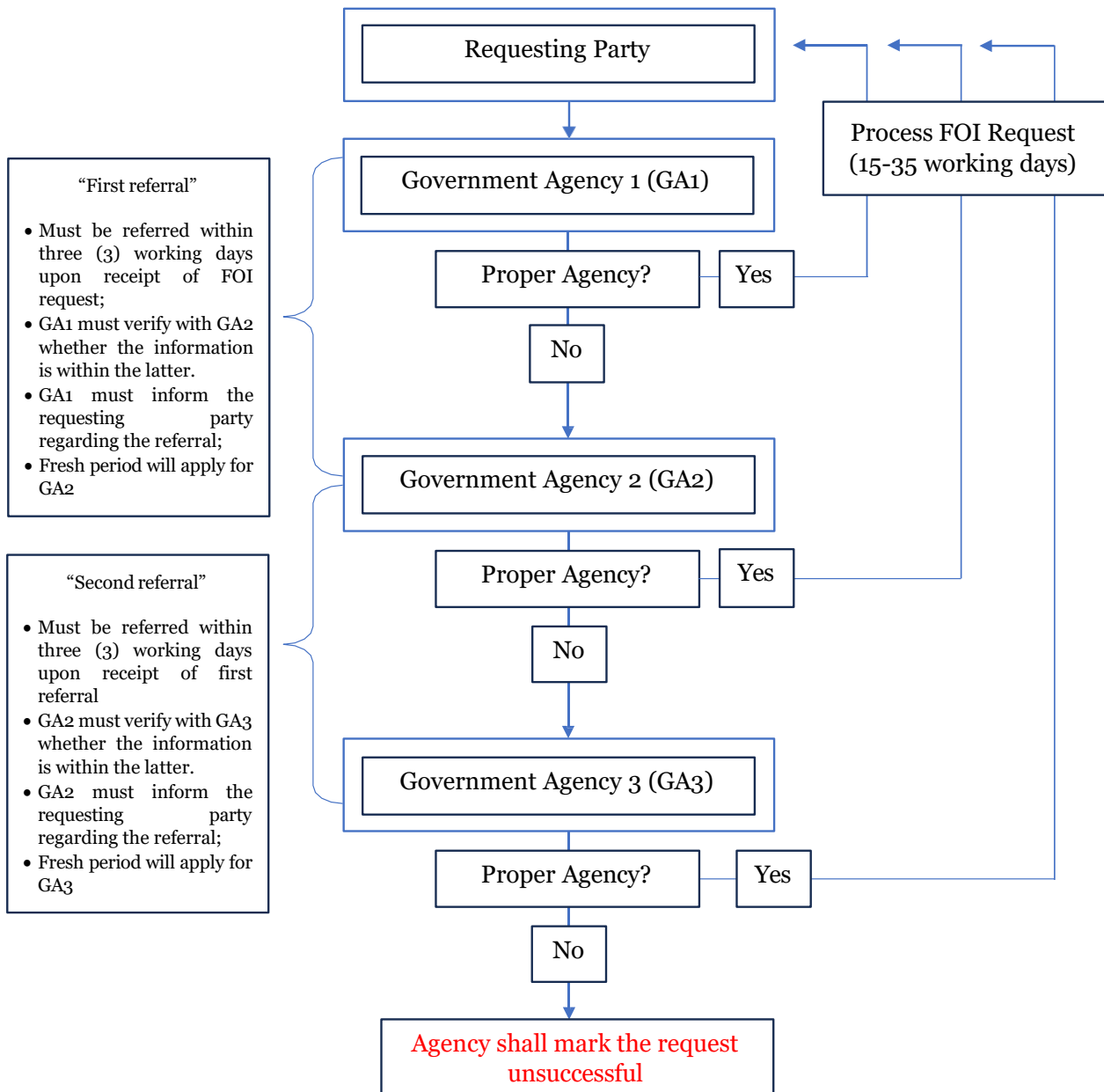
FOI Request Flow Chart



ANNEX “C”

No Wrong Door Policy Flow Chart

NO WRONG DOOR POLICY FLOWCHART



NOTE:

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