



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Pangkomunikasyon
Malacañang, Manila

FOI – MC No. 001, s. 2019

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

**FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES
AND INSTRUMENTALITIES OF THE EXECUTIVE
BRANCH, INCLUDING GOVERNMENT-OWNED AND/OR
-CONTROLLED CORPORATIONS (GOCCS) AND STATE
UNIVERSITIES AND COLLEGES (SUCS)**

**SUBJECT : GUIDELINES ON THE FREEDOM OF INFORMATION
APPEALS MECHANISM**

WHEREAS, Executive Order (EO) No. 2, s. 2016 was issued by President Rodrigo R. Duterte on 23 July 2016 to operationalize the People's Constitutional Right to Information and the State Policies to full public disclosure and transparency in the public service;

WHEREAS, Section 8 of EO No. 2, s. 2016 instructed all government offices of the Executive Branch to prepare their respective People's Freedom of Information (FOI) Manual which shall include among others the procedure for the administrative appeal of any denial for access to information;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 2, s. 2016, and all other FOI programs and initiatives including electronic FOI;

WHEREAS, Department Order No. 018, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate under MO No. 10, s. 2016;

WHEREAS, government offices shall respond to a request as soon as practicable but not exceeding fifteen (15) working days upon receipt thereof, whether to grant or deny access to the information requested. Period to respond may be extended for not more than twenty (20) working days in cases provided under EO No. 2, s. 2016;

WHEREAS, Section 12 of EO No. 2, s. 2016, provides that in case of denial of request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground/s

for denial. Failure to notify the requesting party of the action taken within the period provided herein shall be deemed a denial of the request for information;

WHEREAS, pursuant to MO No. 10, s. 2016, the PCOO is mandated to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI Programs;

WHEREAS, Section 13 of EO No. 2, s. 2016, provides the remedies in cases of denial of request for access to information, wherein denial of any request for information may be appealed to the person or office next higher in authority. However, while most agencies have formally established their appeals mechanism and designated those in charge to handle appeals, there are still those who do not have a formal appeals mechanism or who have not designated officers who should handle appeals from the denial of request for information;

WHEREAS, Administrative Order No. 22, s. 2011, prescribes for the rules and regulations governing appeals to the Office of the President;

NOW, THEREFORE, for and in consideration of the foregoing, the implementing agencies are encouraged to provide in their FOI Manual the following appeals mechanism for efficiency and uniformity:

Section 1. Creation of Central Appeals and Review Committee (CARC). Implementing agencies are advised to establish a Central Appeals and Review Committee that will exercise the following functions:

- Receive, review, evaluate, and assess the appeal on the denial of the request for information;
- Determine if the appeal was filed within the period provided under EO No. 2, s. 2016;
- Recommend to the head of agency the actions on the appeal filed by the requesting party;
- Ensure that the appeal be decided within thirty (30) working days from the filing of said appeal; and
- Implement the decision of the head of agency regarding the appeal.

Section 2. Composition of CARC. The CARC shall be composed of at least three (3) senior officers with equal or higher rank to the decision maker. The CARC shall review and analyze the grant or denial of request of information and provide expert advice to the head of agency on granting or denying of said request for information.

Section 3. Alternative to CARC. Appeal may be filed to a person or office next higher in authority, if the implementing agency does not establish its CARC or whose decision maker is the head of agency.

Section 4. Procedure of filing an Appeal. The requesting party shall file a written appeal to the CARC, or to the person or office next higher in authority,

whichever is applicable, within fifteen (15) working days upon receipt of the notice of denial or lapse of the period within which the receiving officer or decision maker should have notified the requesting party of the denial of the request.

Where the decision maker is the head of agency, the requesting party may file its appeal to the department head where said agency/bureau is attached. In case the decision of the department head is unfavorable, the requesting party may file its appeal to the Office of the President.

Section 5. Submission of names to FOI-PMO. All agencies covered by EO No. 2, s. 2016 shall submit names of members of CARC or designated officer/s tasked to handle appeals to the denial of request for access to information to:

FREEDOM OF INFORMATION – PROJECT MANAGEMENT OFFICE

Presidential Communications Operations Office

Atty. Kristian R. Ablan

Assistant Secretary and FOI Program Director

Unit 103, 1575 BFB Building, JP Laurel St.,

San Miguel, Malacañang, Manila

Section 6. Filing of petition/case to proper Courts. The requesting party, upon exhaustion of administrative appeal remedies under AO No. 22, s. 2011, may file the appropriate petition or case to the proper court in accordance with the Rules of Court.

Section 7. Filing of Administrative Case. The requesting party, upon exhaustion of administrative remedies, may file the appropriate administrative case against erring public officials in violation of EO No. 2, s. 2016.

Section 8. Effectivity. This Circular shall take effect immediately.

JAN 31 2019 Manila, Philippines


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion 