



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

FOI MEMORANDUM CIRCULAR NO. 21-02

**FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR**

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

**SUBJECT : FREEDOM OF INFORMATION (FOI) PROGRAM
CRITERIA AND VALIDATION PROCESS FOR
ELIGIBILITY TO FISCAL YEAR 2021 PERFORMANCE-
BASED BONUS (PBB)**

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;

WHEREAS, Sections 8 and 16 of EO No. 2, s. 2016, instructed all government offices under the Executive Branch to prepare their respective People's Freedom of Information (FOI) Manual and Implementing Details within 120 days upon its effectivity;

WHEREAS, Memorandum Order No. 10 by the Executive Secretary, 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 the electronic FOI (eFOI) in the Executive Branch;

WHEREAS, PCOO Department Order No. 018, s. 2017, created the Freedom of Information – Project Management Office (FOI-PMO) to primarily oversee the implementation of the FOI Program;

WHEREAS, FOI Memorandum Circular (MC) No. 01, s. 2018, instructed all

government offices under the Executive Branch to submit their Agency Information Inventory, FOI Quarterly Registry, and FOI Quarterly Summary;

WHEREAS, FOI MC No. 03, s. 2017, required all government offices under the Executive Branch to enroll in and be onboard the electronic FOI (eFOI) platform (www.foi.gov.ph) to ensure public convenience in requesting information from different agencies under the Executive Branch;

WHEREAS, FOI MC No. 01, s. 2020, recommended that all government offices produce a One-Page FOI Manual based on the template provided by the FOI-PMO and make it available to the public in every office;

WHEREAS, the FOI-PMO rolled out the FOI Assessment Tool entitled Assessing Information Disclosure Practices for FOI (AID-FOI) Compliance Tool in 2019 to determine the capacity and performance of agencies in complying with the FOI Program and their ability to respond to information requests;

WHEREAS, Administrative Order (AO) No. 25, s. 2011, created the Inter-Agency Task Force on the Harmonization of National Government Performance Monitoring, Information, and Reporting System (Task Force AO 25) which is mandated to harmonize, unify, streamline and simplify all existing monitoring and reporting requirements and processes through the development of a common set performance scorecard and the design of a government executive information system;

WHEREAS, Section 5 of EO No. 201, s. 2016, provides that the Task Force AO 25 shall prescribe the conditions for eligibility and procedures for the grant of the enhanced Performance-Based Bonus (PBB);

WHEREAS, Task Force AO 25 issued MC No. 2021-1 which provides for the guidelines for the grant of the PBB for Fiscal Year (FY) 2021 under EO No. 80, s. 2012, and EO No. 201, s. 2016;

WHEREAS, Section 5 (b) of MC No. 2021-1 under Agency Accountabilities, provides that agencies covered by EO No. 2, s. 2016, must comply with the set of FOI Program requirements as among the bases for determining the eligibility of responsible units and individuals.

NOW, THEREFORE, in consideration of the foregoing, strict adherence to the following is hereby ordered:

Section 1. Scope. This FOI MC shall cover all Government Offices under the Executive Branch, including but not limited to the national government and

all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or controlled corporations (GOCCs), State Universities and Colleges (SUCs), and Local Water Districts (LWDs), pursuant to Section 2 of EO No. 2, s. 2016.

Section 2. Validation Process. Covered agencies shall accomplish the validation form through the link "<bit.ly/2021FOIPBB>," on or before the deadline prescribed in Section 4 of this Circular.

The agency shall provide the following details in the validation form:

- a) Name of Agency;
- b) Head of Agency and Designation;
- c) Office Address;
- d) FOI Receiving Officer/Focal Person;
- e) Contact Details of FOI Receiving Officer/Focal Person;
- f) Direct hyperlink to the following uploaded requirements in the Transparency Seal page:
 - i. Updated People's FOI Manual (including new designated list of FOI Receiving Officer/s with corresponding contact details) duly signed by the Head of the Agency;
 - ii. One-Page FOI Manual (including the name of FOI Receiving Officer/s with corresponding contact details and the step-by-step procedure for FOI Request in standard paper-based and electronic format);
 - iii. FOI Reports (Agency Information Inventory, 2021 FOI Registry, and 2021 FOI Summary Report); and
 - iv. Link to the agency's dashboard in the electronic FOI (eFOI) portal (www.foi.gov.ph).
- g) Upload the Accomplished Assessing Information Disclosure Practices for FOI Compliance (AID-FOI) Tool in PDF format.

Agencies with no revision in their existing People's FOI Manual shall retain their current uploaded manual in their respective Transparency Seals. All templates (One-page FOI Manual, FOI Reports, Onboarding Form, and AID-FOI Tool) may be downloaded from the link "<<http://bit.ly/2021AIDFOITool>>."

Agencies shall submit the accomplished FOI Reports, strictly in one (1) Excel sheet (.xls) and based on the template provided in the link "<www.bit.ly/2018FOIReports>," to the FOI-PMO and shall incorporate the same in their respective Transparency Seals with file name "2021 FOI Reports."

Submissions that do not comply with the aforementioned file format and template shall not be considered for validation. However, modifications to said file to reflect agency identity and information shall be allowed.

Section 3. Issuance of Compliance Certificates. A Certificate of Compliance shall be issued to agencies that have complied with Section 2 of this Circular.

Section 4. Deadline of Submission. The FOI-PMO shall commence the validation process on the following dates:

| REQUIREMENTS | DEADLINE |
|--|--------------------------|
| Updated People's FOI Manual | 28 January 2022 (Friday) |
| One-Page FOI Manual | |
| FOI Reports (Agency Information Inventory, 2021 FOI Registry, and 2021 FOI Summary Report) | |
| Onboarding to the eFOI portal (www.foi.gov.ph) | |
| Accomplished AID-FOI Tool | |

Section 5. Non-compliance. The FOI-PMO shall issue in February 2022 a list of agencies who failed to comply with the requirements and deadlines prescribed by this Circular.

These agencies may file a request for reconsideration, through a letter from its Department Secretary/Head of Agency addressed to the FOI-PMO.

The said request shall contain justifiable reasons, which must be factors beyond the agency's control, along with documents pertinent to the matter.

Section 6. Contact Information. Concerned agencies may reach the FOI-PMO through the following contact information:


- a. Telephone number: (02) 8711-9935 ; and
- b. email address: <foi.pco@gmail.com>.

Section 7. *Separability Clause.* If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

Section 8. *Repealing Clause.* All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Circular are hereby repealed, amended or modified accordingly.

Section 9. *Effectivity Clause.* This Memorandum Circular shall take effect immediately.

Manila, Philippines, 23rd day of June year 2021.


JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Champion 