



Freedom of Information Manual

(As of January 2018)

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SECTION I: OVERVIEW

1. Overview

Executive Order (EO) No. 2, otherwise known as the Freedom of Information (FOI) EO, was signed by President Rodrigo Roa Duterte on 23 July 2016. The FOI EO seeks to operationalize the Constitutional provision 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 27 July 2016 in the Manila Bulletin.

Section 8 of EO No. 2 directed all government agencies under executive branch to prepare within one hundred twenty (120) calendar days from the effectivity thereof a People's FOI Manual, which shall include among others the following provisions:

1. The location and contact information of the head, regional, provincial and fields offices and other established places where the public can obtain information or submit requests;
2. The person or office responsible for receiving requests for information;
3. The procedure for filling and processing of requests;
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 the administrative appeal of any denial of access to information; and
7. The schedule of applicable fees.

Pursuant to and in compliance with the foregoing mandate of the FOI EO, the People's FOI Manual for Philippine Pharma Procurement Inc. (PPPI) – Proper is hereby formulated. During the formulation of this FOI Manual, consultations with the Board of Directors, Managers of various department of the company were undertaken. With the objective of classifying the information, document or record under the custody the officers and employee, determining those information which may be subjects of requests for FOI, Identifying the responsible offices/officers, and streamlining procedures of the various responsible officers/employee towards the efficient processing of FOI requests made by the public.

The purpose of this FOI Manual is to guide and assist the public in the processes and procedures involved in requests for the information pursuant to EO No.2. It likewise sets out the rules, procedures and guidelines to be followed by the officials and employee of the PPPI for requests for access to information.

2. Structure of the Manual

This Manual shall set out the rules and procedures to be followed by the PPPI when a request for access to information is received. The President and CEO is responsible for all actions carried out under this Manual and may delegate this responsibility. The President and CEO may delegate a specific officer to act as the Decision Maker (DM), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

SECTION II: DEFINITION OF TERMS

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

- a. **FOI Receiving Officer:** The Head of the Administration department shall be designated as FOI Receiving Officer of PPPI.

The functions of the FRO shall include receiving on behalf of the PPPI all requests for information and forward the same to the appropriate office who has custody of the records (Documentation Controller); monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- That the form is incomplete; or
- That the information is already disclosed in the PPPI's Official Website, foi.gov.ph, or at data.gov.ph.

- b. **Documentation Controller:** The office who has custody of the records requested shall process the FOI request and forward the requested records to the FOI Decision Maker with appropriate recommendation for approval, partial approval or denial of request. Documentation Controller is/are responsible and ensure that the all documents are properly identified/coded, available at all times, who shall act as a recommendatory body to the FOI Decision Makers.

- c. **FOI Decision Maker:** The President and CEO or his duly designated shall be representative FOI Decision Makers and shall conduct evaluation of the request for information as well as the authority to grant the request, or deny it based on the following:
- i. the PPPI does not have the information requested;
 - ii. the information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - iii. the information requested falls under the list of exceptions to FOI; or
 - iv. 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 PPPI.
 - v. The purpose for the request of information is contrary to existing laws and/or policies
- d. **FOI Appeals and Review Committee:** There shall be a central appeals and review committee composed of at least three (3) officials with a rank not lower than a Manager or its equivalent, designated by the President and CEO to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the FOI Decision Makers (FDM) on the denial of such request.

The Quality Management Team shall be designated as the FOI Appeals and Review Committee for FOI in PPPI.

- e. **Approval and Denial of Request to Information:** The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the President and CEO may delegate such authority to his OIC or any Officer not below the rank of a Manager.

SECTION III. PROTECTION OF PRIVACY

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

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

SECTION IV. STANDARD PROCEDURE

(See **Annex C** for flowchart)

1. **Receipt of Request for Information.**

1.1 The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See **Annex D**)

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo such as but not limited to voter's ID, senior citizen's ID, PRC ID, SSS ID, and the like.

- 1.2** In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 1.3** The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written 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. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4** The PPPI must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the PPPI office, or directly into the email inbox of a member of staff; or
- b. If the PPPI has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed. Provided that, upon request for clarification by the FOI Receiving Officer, the same shall inform the requesting party that if no clarification from their end is received within 60 days, the case is automatically closed thereafter. This will serve as advance notice of closure.

2. **Transmittal of Request by the FRO to the FDM:** After receipt of the request for information, the FRO shall evaluate the information being requested. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
3. **Role of FDM in processing the request:** Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary.

In assessing, the FOI Decision Makers must first consider the following:

- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- The information requested falls under the list of exceptions (**Annex A**)
- The purpose for the request is contrary to existing laws and/or policies

If any of the above three instances is present, the FOI Decision Maker will immediately deny the request with notice to the requesting party of the grounds of such denial.

If the request is valid in form and substance, the FOI Decision Maker may proceed in retrieving the information requested. He or she shall then forward the request to the appropriate Data Controller to make all necessary steps to locate and retrieve the information requested. The Data Controller shall ensure that the complete information requested be submitted to the FDM within 5 working days upon receipt of such request. The FDM shall then ensure that the information requested be approved and submitted back to the FRO for release within 5 working days.

The FRO shall note the date and time of receipt of the information from the FDM and report to the FOI and Data Governance Technical Working Group in case the submission is beyond the 10-day period.

If the Data Controller needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from the requesting party.

4. Role of FRO to transmit the information to the requesting party: Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He or she shall attach a cover/transmittal letter signed by the FDM who approved the request and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

5. Request for an Extension of Time: If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

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.

6. Notice to the Requesting Party of the Approval/Denial of the Request: Once the FDM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. The Office of the President and CEO shall be furnished with a copy of all actions on FOI requests, whether approval or denial.

7. Approval of Request: In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

8. Denial of Request: In case of denial of the request wholly or partially, the FRO shall, 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 period herein provided shall be deemed a denial of the request to information.

SECTION V. REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

1. Administrative FOI Appeal to the FOI Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the FOI Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be a verified appeal with non-forum shopping certificate to prevent false testimony and avoid multiple appeals of the same facts, issues and parties.
 - b. The appeal shall be decided by the President and CEO upon the recommendation of the FOI Appeals and Review Committee within thirty (30) Working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION VI. REQUEST TRACKING SYSTEM

The PPPI shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

All FOI requests received by the PPPI shall be encoded in the following tracking systems:

1. eFOI.gov.ph; and
2. FOI Registry (excel file prepared by the Department of Information and Communication Technology).

SECTION VII. FEES

1. **No Request Fee.** The PPPI shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information:** The FRO shall immediately notify in writing the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the PPPI in providing the information to the requesting party. An official receipt (OR) shall be issued to the requesting party upon payment of fee and the said OR shall be presented in the releasing of documents.

The schedule of fees shall be posted by the PPPI.

3. **Exemption from Fees:** The PPPI may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION VIII. 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; and
 - 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 any body or agency, which provides for more stringent penalties.

ANNEX A – LIST OF EXCEPTIONS

<To be provided by the Office of the Executive Secretary>

**ANNEX B – FOI RECEIVING OFFICERS, DATA CONTROLLERS, AND
DECISION MAKERS**

FOI Receiving Officer (FRO)

Ms. Melanie M. Aguelo
OIC-Administration
mhel.aguelo@pitcpharma.com.ph
(02) 840-1123 loc139

Document Controller Officer (DC)

Ms.Rebecca A. Capricho
Documentation Controller
rebecca.capricho@pitcpharma.com.ph
(02) 840-1123 loc 156

FOI Decision Maker (FDM)

Mr. Jose Antonio A. Capistrano Jr.
President & CEO
junjun.capistrano@pitcpharma.com.ph
(02) 840-1123 loc 119

FOI Appeals and Review Committee

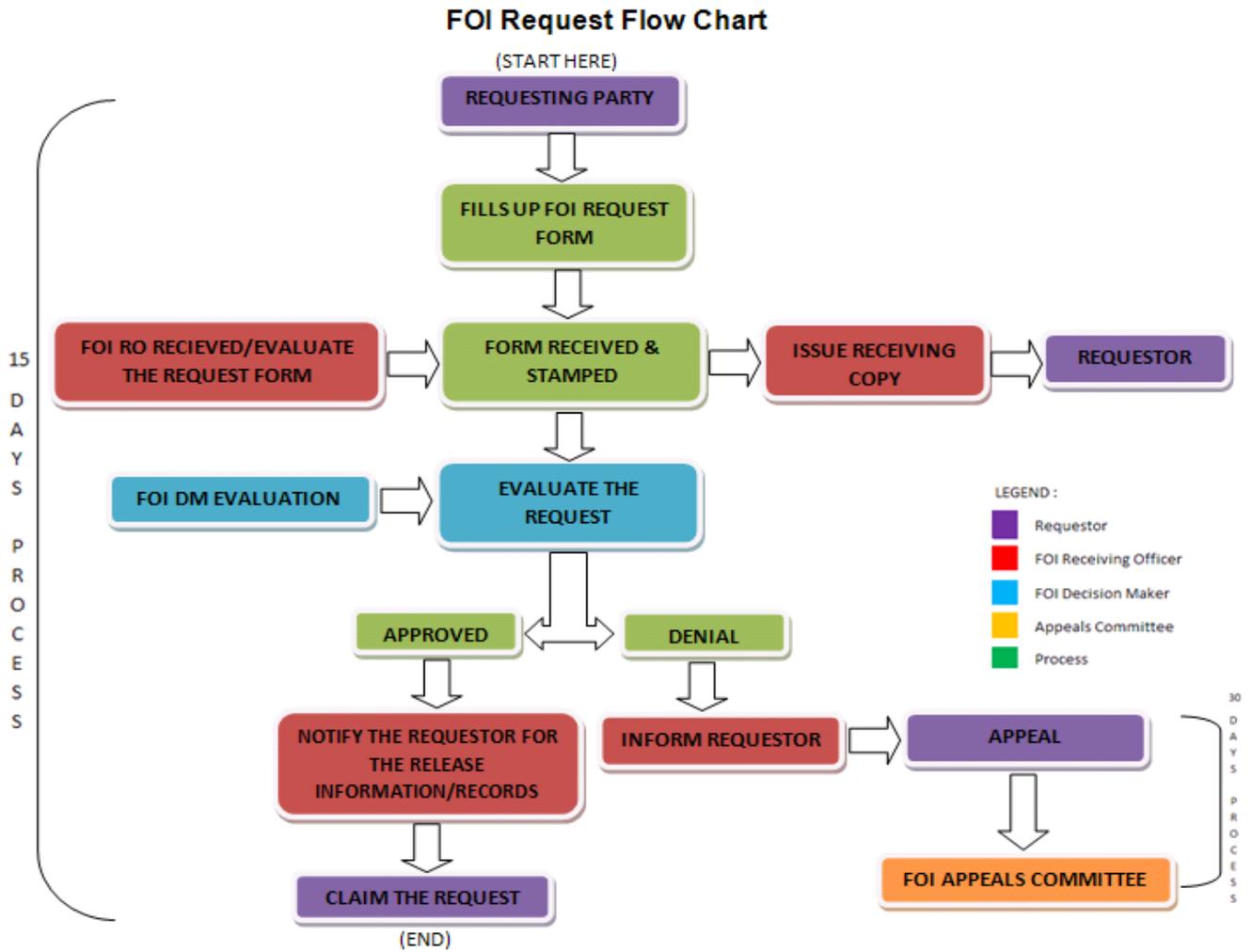
Ms. Maria Ursulita U. Cruz
Quality Management Representative Officer
lita.cruz@pitcpharma.com.ph
(02) 840-1123 loc 149

Ms. Lourdez S. Mendoza
Deputy Quality Management Representative
odette.mendoza@pitcpharma.com.ph
(02) 840-1123 loc 140

Ms.Rebecca A. Capricho
Documentation Controller
rebecca.capricho@pitcpharma.com.ph
(02) 840-1123 loc 156

John Carlo Alegre
Deputy Documentation Controller
john.alegre@pitcpharma.com.ph
(02) 840-1123 loc 148

ANNEX C – FLOW CHART



ANNEX D - FOI REQUEST FORM



ANNEX D
FOUR- _____

FREEDOM OF INFORMATION REQUEST FORM

PPPI-F-FOI-1

PART I. PERSONAL INFORMATION

1. Full Name :
 Surname :
 Family Name
 Middle Name

2. Complete Address
 Apt/House No./Street
 Bldg Name/Subd. Name
 Brgy/District
 City/Municipality
 Province

3. Company/Affiliation/Organization/School and Position :

4. ID Number

5. Type of I.D. Given : (With Photograph and signature)
 Passport Driver's Licence others: (Please Specify)
 SSS/GSIS Postal

6. Contact Details :
 Landline No.:
 Mobile No.:
 E-mail Address :

7. Preferred Mode of Communication :
 Landline Mobile E-mail Postal Address

8. Preferred Mode of Reply/Response :
 Pickup E-mail Postal Address

9. Name of Representative/Guardian: (if applicable)
 Surname
 First Name

10. I.D. of Representative :

11. Proof of Authority :

PART II. REQUESTED INFORMATION

12. Title of Document/Record Requested :
(Please provide as much detail as you can)

13. Date of Document : / /

Photocopy Certified Photocopy Certified Truecopy

14. Purpose of Request (Please be as specific as possible)

15. Any other relevant information :

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 Philippine Pharma Procurement Inc. (PPPI). I understand that the PPPI may collect, use and disclose personal information contained in this request.

16. Signature of Requesting Party or Representative :

Date : (DD/MM/YYYY) / /

For Official Use Only

Received by :
 Name/Signature :
 Position :
 Date and Time Received :
 Remarks :

For follow-ups or other inquiries, please contact +632.8431123 / +632.8402680 / +632.8403704 / +632.8404540 / +632.8404056

This will served as acknowledge receipt of the request party or representative :

Requestor

Signed over Printed Name

Remarks :

Date and Time Received :

FOI Receiving Officer :

Signed over Printed Name

For follow-ups or other inquiries, please contact +632.8431123 / +632.8402680 / +632.8403704 / +632.8404540 / +632.8404056