

Republic of the Philippines
LUNG CENTER OF THE PHILIPPINES



Freedom of Information

Executive Order No. 2
Series of 2016

LCP FOI MANUAL
(as of 02 January 2020)

FOREWORD

In response to Executive Order No. 2, dated July 23, 2016, which requires all government offices under the Executive Branch to prepare a FOI (Freedom of Information) Manual, the Lung Center of the Philippines (LCP) formulated its own FOI Manual. The Executive Order mandates the “Operationalizing in The Executive Branch the People's Constitutional Right to Information and The State Policies to Full Public Disclosure and Transparency in The Public Service and Providing Guidelines Therefor”. Under this, in further pursuance to FOI Memorandum Circular No. 3 S. 2017, all government offices covered by Executive Order No. 2 are required to enroll in and be onboard the electronic Freedom of Information (eFOI) platform (www.foi.gov.ph) by the end of 2018, to ensure public convenience in requesting for information from different agencies under the Executive Branch.

The LCP fully supports the FOI program of the government and it will not shirk from its responsibility in providing information to whoever is in need, regardless of creed, color, sex, socioeconomic status or political affiliation. But, while cognizant of this responsibility, it is fully aware of the Data Privacy Act of 2012 (Republic Act No. 10173) and shall afford protection to a person's right to privacy. It will likewise observe the non-disclosure of information prohibited by existing laws and jurisprudence.

This Manual is made simple, with clearly stated guidelines and Standard Operating Procedure (SOP) that will adequately provide appropriate information to LCP personnel and to those needing it. Included in this Manual are annexes as follows: Annex “A” (Executive Order No.2), Annex “B” (LCP Center Order No. 055 dated February 27, 2018), Annex “C” (Exceptions to the Right of Access to Information), Annex “D” (Process Flow-Chart of the SOP) Annex “E” (Electronic Freedom of Information (eFOI) Portal Platform) and Annexes F-1 to F-4 (FOI Response Templates).

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1. PURPOSE:

The purpose of this FOI Manual is to guide the Lung Center of the Philippines (LCP) in dealing with requests for information pursuant to Executive Order No. 2 (Annex "A"), dated July 23, 2016 on Freedom of Information (FOI).

2. CONTENTS:

This manual shall set out the rules and procedures to be followed by the LCP when a request for access to information is received.

3. COVERAGE:

This shall cover all requests for information, except those that should not be released by legal prohibitions.

4. DEFINITION OF TERMS:

4.1 Consultation – the process whereby a government agency, after it has located a record that contains information of interest to another government agency, seeks the opinion of the latter regarding its disclosability before taking action on it.

4.2 data.gov.ph – the Open Data Website that serves as the government's comprehensive portal for all public government data that are searchable, understandable and accessible.

4.3 eFOI.gov.ph – the website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, it provides a central resource for the public to understand the FOI, to locate records that are already available online and to learn how to make a request for information that are not yet publicly available. It also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in the Annual FOI Reports, so that they can be compared by agency and by over time.

4.4 Exceptions – refer to information that should not be released and disclosed in response to a FOI request because they are protected by the constitution, laws or jurisprudence.

4.5 Freedom of Information (FOI) - the right of the people to information on matters of public concern, recognized by the Executive Branch which adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2 dated July 23, 2016. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

4.6 FOI Contact – the name, address and phone number of the government office where one can make a FOI request.

- 4.7 FOI Request** - a written request submitted to a government office personally or by email asking for information on any topic made by any Filipino.
- 4.8 FOI Receiving Office** – the primary contact of an agency where the requesting party can call and ask questions about the FOI process or the pending FOI ...
- 4.9 Frequently Requested Information** – the information, as determined by the agency, that have become or are likely to become the subject of subsequent requests for substantially the same records, released in response to a FOI request.
- 4.10 Full Denial** – the act, by the government office, of not releasing any record, in response to a FOI request because the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.
- 4.11 Full Grant** – the act, by the government office, of allowing release of all records in full, in response to a FOI request.
- 4.12 Information** – refers to any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer-stored data; any other 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.
- 4.13 Information For Disclosure** – information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.
- 4.14 Multi-track Processing** – a system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited for processing are placed in yet another track. Requests in each track are processed on a first-in/first-out basis.

- 4.15 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.
- 4.16 Open Data** – refer to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- 4.17 Partial Grant/Partial Denial** – is a condition wherein, in response to a FOI request, portions of the record are disclosed and portions of it are denied.
- 4.18 Pending Request or Pending Appeal** – is a condition in which a government office, in response to a FOI request or administrative appeal, has not yet taken a final action in all respects and it captures anything that is open at a given time, including requests that are well within the statutory response time.
- 4.19 Perfected Request** – a FOI request which reasonably describes the records sought and is made in accordance with the government office's regulations.
- 4.20 Personal Information** – refer to any information, whether or not recorded in a material form, 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.
- 4.21 Proactive Disclosure** – refers to information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their mission and functions.
- 4.22 Processed Requests or Processed Appeals** – refer to the number of requests or appeals where the agency has completed its work and has sent a final response to the requester.
- 4.23 Public Records** – include information, required by laws, executive orders, rules or regulations to be entered, that are kept and made publicly available by a government office.
- 4.24 Received Request or Received Appeal** – a FOI request or administrative appeal that an agency has received within a fiscal year.
- 4.25 Referral** – the process whereby a government office locates a record that originated from, or is of otherwise primary interest to, another agency, then forwards that record to the latter for processing and for final determination before it is sent to the requester.

4.26 Sensitive Personal Information – refer to personal information, as defined in the Data Privacy Act of 2012, that are:

4.26.1. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliation.

4.26.2. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have been committed by such person, and the disposal of such proceedings or the sentence by any court in such proceedings.

4.26.3. Issued by government agencies peculiar to an individual which include, but not limited to, social security numbers, previous or current health records, licenses or their denials, suspension or revocation, and tax returns; and

4.26.4. Specifically established by an executive order or an Act of Congress to be kept classified.

4.27 Simple Request – a FOI request that an agency anticipates will involve a small volume of material or which will be processed relatively quickly.

4.28 Statutory Response Time – the period within which to respond to requests which, under the law, is fifteen (15) working days.

5. KEY PLAYERS AND THEIR RESPONSIBILITIES: The key players under Center Order No. 055 (Annex “B”), dated February 27, 2018 are as follows:

5.1. FOI Receiving Officer (FRO)

5.1.1 Receives all requests for information and forwards the same to the appropriate office which has custody of the pertinent records.

5.1.2 Monitors all FOI requests and appeals.

5.1.3 Provides assistance and support to the public and to the Center regarding the implementation of the FOI Manual.

5.1.4 Compiles statistical information as required.

5.1.5 Conducts the initial evaluation of requests and, thereafter, advises requesting parties whether their request will be forwarded to the FDM (FOI Decision Maker) for further evaluation or denied based on relative grounds.

5.1.6 Exercises any and all other functions required of her under the FOI Manual.

5.2. FOI Decision Maker (FDM)

5.2.1. Conducts evaluation of FOI requests and grants or denies the same based on the grounds set forth in the FOI Manual and pertinent laws, rules and regulations.

5.2.2. Decides on Program-and Policy-related FOI requests and on Administrative, Financial and Legal - related FOI requests.

5.3. Central Appeals and Review Committee (CARC)

5.3.1 Evaluates and reviews decision of the FDM on FOI requests.

5.3.2 Provides disposition of FOI appeals with due regard to the objects, spirit and intents of the FOI Manual, relevant laws, rules and regulations, rights of any person which may be involved, especially those pertaining to privacy and confidentiality, universally-accepted practices, and such other considerations that may aid in the judicious resolution of FOI appeals.

5.4. Data Custodian – the office which has custody of the records requested.

5.4.1 Undertakes processing of the FOI request and forwards it to the FDM with appropriate recommendation for approval, partial approval or denial of the request.

5.4.2 Acts as the recommendatory body to the FDM

6. PROMOTION OF OPENNESS IN THE GOVERNMENT

6.1. Duty to Publish Information

The LCP shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485 or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information, including, but not limited to:

6.1.1. A description of its mandate, structure, powers, functions, duties and decision-making processes;

6.1.2. A description of the frontline services it delivers and the procedure and the length of time by which they may be availed of;

- 6.1.3. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- 6.1.4. The work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- 6.1.5. The important rules and regulations, orders or decisions;
- 6.1.6. The current and important database and statistics that it generates;
- 6.1.7. The bidding processes and requirements; and
- 6.1.8. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

6.2. Accessibility of Language and Form

The LCP shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

6.3. Keeping of Records

The LCP shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents generated or collected.

7. PROTECTION OF PRIVACY

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

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

8. STANDARD OPERATING PROCEDURE (SOP)

8.1. Receiving of the Request

The FRO receives the request and checks compliance to the following requirements:

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

(It 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 voter's ID, senior citizen's ID, PRC ID, SSS ID or the like.

In case the requesting party is unable to make a written request due to illiteracy or disability, he or she may make an oral request which shall be transcribed into a written form by the FRO).

8.1.1. The FRO stamp – receives the request and indicates on it the following:

- Date and Time of Receipt
- Name, Rank, Title and Position of the Public Officer who actually received it.
- Signature of the Receiving Public Officer

8.1.2. The FRO furnishes the requesting party with a stamped copy of the written request.

8.2. Response to the Request

8.2.1 The LCP must respond to requests within fifteen (15) working days following the date of receipt of the request.

(Date of Receipt of the request is the day when the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of the staff. However, if the government office has asked the requesting party for further details to identify and locate the requested information, the Date of Receipt of the request is the day

when the necessary clarification is received. Furthermore, when the request has been emailed to an absent member of the staff, and this has generated an “out of office” message with instructions on how to re-direct the message to another contact, the Date of Receipt of the request shall be the day when the request arrives at the inbox of that contact).

8.2.2. Should the requested information need further details to identify or locate them, then the fifteen (15) working days will commence on the day the required clarification is received.

8.2.3. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be considered closed; provided that, upon request for clarification by the FRO, the latter has informed the requesting party that the request is automatically closed if no clarification is made within sixty (60) calendar days. This will serve as an advanced notice of closure.

8.3. Initial Evaluation

8.3.1. The FRO conducts an initial evaluation of the contents of the request.

8.3.2. Based on the initial evaluation, the FRO proceeds on any of the following:

8.3.2.1. Denies outright the request by notifying the requesting party, in writing or by email, stating clearly the ground or grounds for denial and the circumstances on which the denial is based; or

8.3.2.2. Refers the request to the agency concerned if the records requested are not in the custody of the LCP, notifying, in writing or by email, the requesting party of the referral; or

8.3.2.3. Informs the requesting party, in writing or by email, that the information being requested are already posted and publicly available in the LCP website and provides the requesting party with the website link where the information is posted; or

8.3.2.4. Informs the requesting party, in writing or by email, that the information being requested are substantially similar or identical to the previous request by the same requester.

8.4. Transmittal of Request by the FRO to the FDM

8.4.1. The FRO, forwards a copy of the request to the FDM within one (1) working day after receipt of the written request for further evaluation.

8.4.2. The FRO records the date and time the request is received by the FDM who acknowledges receipt of the request with his/her signature.

8.5. Processing of the Request

8.5.1. The FDM receives and assesses the request within two (2) working days after receipt.

8.5.2. Based on his/her evaluation, the FDM proceeds on any of the following:

8.5.2.1 Denies the request because any of the following is present:

- 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 "C").
- The purpose for the request is contrary to existing laws and/or policies.

8.5.2.2. Consults with the agency concerned regarding the disclosure of record that contains information of interest to that agency before making any final determination.

8.5.2.3. Seeks clarification from the requesting party if further details are needed to identify or locate the information.

(In this case, the counting of the 15-working day requirement in responding to requests shall stop and shall resume on the day the required clarification is received.)

8.5.2.4. Requests from the requesting party an extension of time within which to respond as this may require extensive search of records facilities or examination of voluminous records. The delay may also, be due to the occurrence of fortuitous events or other analogous cases.

(In no case shall the extension exceed 20 working days on top of the mandated 15 working days to act on the request, unless exceptional circumstances warrant a longer period.)

8.5.2.5 Approves the request.

8.5.3 The FDM notifies the requesting party, through the FRO, regarding his/her decision either in writing or by email within one (1) working day after his/her evaluation.

(If it is a denial, the notice shall clearly set forth the ground or grounds for the 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 here in provided shall be deemed a denial of the request to information.)

8.5.4 If the request is approved, the FDM forwards it to the appropriate Data Custodian.

8.5.5 The Data Custodian receives the request then locates and retrieves the information requested.

8.5.6 The Data Custodian submits the information requested to the FRO within five (5) working days from receipt of the request.

8.5.7 The FRO receives, collates, and ensures completeness of the requested information.

8.5.8 The FRO attaches a cover/transmittal letter to the requested information to be signed by the FDM within five (5) working days after receipt.

8.5.9 The FRO notes down the date and time of receipt of the requested information from the FDM.

8.5.10 The FRO informs the requesting party that the requested information, is ready for release upon payment of applicable fees, if any.

9. Process Flow Chart (See Annex “D”)

10. Remedies in Case of Denial

10.1 Administrative Remedy – the means of seeking remedy from the agency which has denied its request for information.

10.1.1. This can be done by filing an appeal with the CARC (Central Appeals and Review Committee) of the LCP.

10.1.2. The written appeal must be filed by the same requesting party within fifteen (15) calendar days from receipt of the notice of denial or from the lapse of the period to respond to the request.

10.1.3. The appeal must be verified with a certificate of non-forum shopping to prevent false testimony and to avoid multiple appeals of the same facts, issues and parties.

10.1.4 The appeal shall be decided by the LCP Executive Director upon the recommendation of the LCP CARC within thirty (30) working days from the filing of the said written appeal.

10.1.5 Failure to decide within the 30-working day period shall be deemed a denial of the appeal.

10.2. Judicial Remedy – the means of seeking remedy from a court.

10.2.1. It should be availed only when all the means of administrative processes provided by law have been used up or exhausted.

This is in order to:

- provide an orderly procedure prescribed by law with respect to matters peculiarly within the competence of the agency;
- give the agency an opportunity to decide on its own matters and to correct its own errors; and
- to prevent unnecessary and premature resort to the court.

10.2.2. Upon exhaustion of administrative remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

11. FEES

Generally, the LCP shall not charge any fee for accepting requests for access to information. However, a reasonable cost may be charged for copying of the information and reproduction. In such cases, the FRO shall immediately notify in writing the requesting party. Such fee shall be the actual amount spent by the LCP

in providing the information to the requesting party. An official receipt (OR) shall be issued to the requesting party upon payment of the fee and the said OR shall be presented in the releasing of documents. The schedule of fees shall be posted by the LCP. In some instances, the LCP may exempt any requesting party from payment of fees upon request, stating the valid reason why such requesting party shall not pay the fee.

12. ADMINISTRATIVE LIABILITY

12.1 Non – Compliance with this FOI Manual

Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

- 1ST Offense – Reprimand
- 2ND Offense – Suspension of one (1) to thirty (30) days
- 3RD Offense – Dismissal from the service

12.2 Procedure in the Disposition of Cases

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

12.3 Provisions for More Stringent Laws, Rules and Regulations

Nothing in this Manual shall be construed to derogate from any law, rule or regulation prescribed by anybody or agency which provides for more stringent penalties.

ANNEXES

Executive Order No. 02, s. 2016

Signed on July 23, 2016

ANNEX "A"

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

WHEREAS, pursuant to Article 28, Article II of the 1987 Constitution, 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;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, 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;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean: (a) "Information" shall mean 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. (b) "Official record/records" shall 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. (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order 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, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing. In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows: (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations; (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts. (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions: (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests; (b) The person or office responsible for receiving requests for information; (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order. (d) The standard forms for the submission of requests and for the proper acknowledgment of requests; (e) The process for the disposition of requests; (f) The procedure for the administrative appeal of any denial for access to information; and (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information: (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his 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 exception as hereinabove provided. (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section. (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it. (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding

fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested. (e) The period to respond may be extended whenever the information requested requires 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 person making the request 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 and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the 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 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 stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information. (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request. (b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing 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. (c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**

President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**

Executive Secretary

ANNEX B



LUNG CENTER OF THE PHILIPPINES

Quezon Avenue Extension, Quezon City, Philippines 1100
Tel. nos. 924-61-01 to 20 Fax no. (632) 924-0707 / 925-20-21
E-mail: lungcenter_its@yahoo.com



CENTER ORDER
No. 055 s. 2018

SUBJECT : Designating LCP Freedom of Information Implementation (FOI) Officers and Constituting the Central Appeals and Review Committee

DATE : 27 February 2018

In compliance to Executive Order (EO) No. 2 s. 2016 (Freedom of Information Law) based on the Freedom of Information (FOI) Manual, the following are hereby designated as FOI officers with the corresponding responsibilities:

• **CONCEPCION B. GRIAR** **FOI Receiving Officer (FRO)**
Duties and Responsibilities:

1. Receive all requests for information and forward the same to the appropriate office which has custody of the pertinent records;
2. Monitor all FOI requests and appeals;
3. Provide assistance and support to the public and to the Department with regard to the implementation of the FOI manual
4. Compile statistical information as required;
5. Conduct the initial evaluation of requests and, thereafter, advise requesting parties whether their request will be forwarded to the FDM, for further evaluation, or denied based on relative grounds; and
6. Exercise any and all other functions required of her under the FOI manual.

• **DR. RAMON A. SULLA** **FOI Decision Maker (FDM)**
Duties and Responsibilities:

1. Conduct evaluations of FOI requests, and grant or deny the same based on the grounds set forth in the FOI Manual and pertinent laws, rules and regulations.
Note: Decisions of the FDM shall be in written form and shall clearly state the facts of the requests and the basis for the grant or denial thereof.



LUNG CENTER OF THE PHILIPPINES

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• CENTRAL APPEALS and REVIEW COMMITTEE (CARC)

Chair: Vincent M. Balanag, Jr., MD
Vice Chair: Sullian Sy-Naval, MD

Members: Victoria C. Idolor, MD
Dominador San Andres, Jr., MD
Glenda L. Picardal, PhD
Eulalia V. Esguerra
Genoveva M. Hipol
Felicitas C. Aquino

Functions:

1. Evaluate and review decisions of the FDM on FOI request
2. Provide disposition of FOI appeals with due regard to the objects, spirit, and intents of the FOI manual, relevant laws, rules and regulations, the rights of any person which may be involved, especially those pertaining to privacy and confidentiality, universally accepted practices and such other consideration that may aid in the judicious resolution of FOI appeals.

This order shall take effect immediately.

For the guidance of all concerned.


VINCENT M. BALANAG, JR., MD
Executive Director

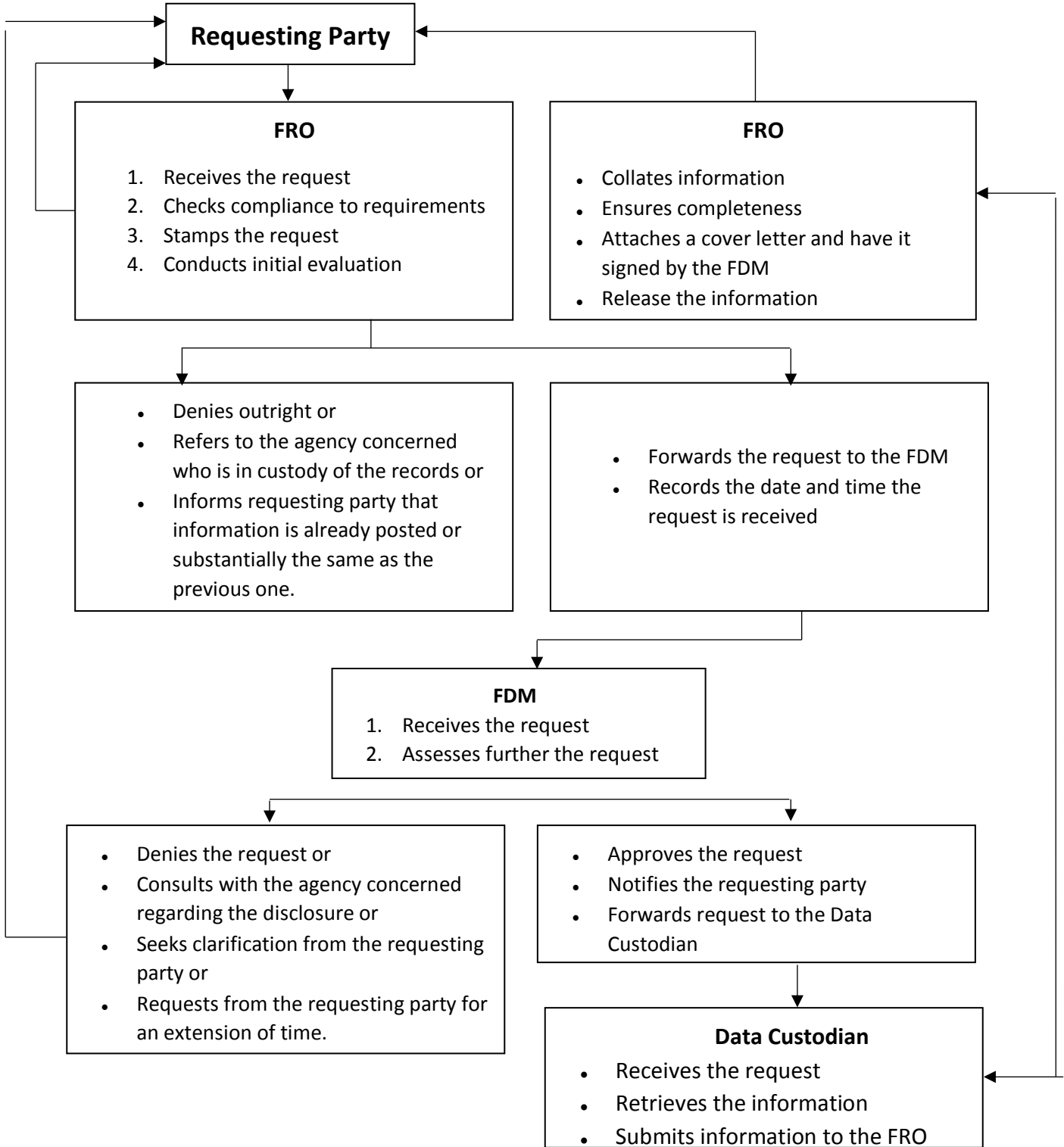
ANNEX “C”

EXCEPTIONS TO THE RIGHT OF ACCESS TO INFORMATION

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 inquiries 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.

ANNEX "D"

PROCESS FLOW CHART



ANNEX "E"

ELECTRONIC FREEDOM OF INFORMATION (eFOI) PORTAL ONBOARDING FORM

Agency Acronym LCP

Agency Seal / Logo 

Agency Name Lung Center of the Philippines

Short Description of Agency Government Owned and Controlled Corporation (GOCC) of Tertiary Specialty Hospital for Lung and Chest Diseases.
(One-liner description of the agency and/or Its mandate)

Complete Description of Agency The Lung Center of the Philippines (LCP) is a premier Institution for lung and other chest diseases providing quality health care through excellent service, training and research.
(complete mandate of agency)

Agency Website lcp.gov.ph

eFOI Decision Maker/s (FDM's) RAMON A. SULLA, MD, Medical Specialist III
ramonsullamd@gmail.com 924-6101 local 1047

eFOI Receiving Officer/s (FROs) CONCEPCION B. GRIAR, Records Officer II
cbgriar@yahoo.com 924-6101 local 1021

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Note:

- Electronic copy of the onboarding form may be downloaded at bit.ly/efoi-form .
- Accomplished onboarding form shall be submitted in MS Word format (.doc) through foi.pco@gmail.com .
- FDM's and FRO's must have different email addresses as it will serve as their login credentials
- It is advisable to create an FOI email address than to use the personal email accounts of the eFOI Officers. Official / business email addresses (@gov.ph) are also preferred.

FREEDOM
-----of-----
INFORMATION



LUNG CENTER OF THE PHILIPPINES
Quezon Avenue, Quezon City, Philippines 1100

ISO 9001: 2015 CERTIFIED

FOI RESPONSE TEMPLATE

Date: _____

Dear _____:

Greetings!

Thank you for your request dated (insert date) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (quote requests exactly)

Response to Your Request:

Your FOI request is approved, Enclosed is a copy of the information you requested.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker

FREEDOM
-----of-----
INFORMATION



LUNG CENTER OF THE PHILIPPINES
Quezon Avenue, Quezon City, Philippines 1100

ISO 9001: 2015 CERTIFIED

FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE

Date: _____

Dear _____:

Greetings!

Thank you for your request dated (insert date) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (quote requests exactly)

Response to Your Request:

Some/Most/All of the information you have requested is already available online form (add details of where the information can be obtained, e.g. data.gov.ph, foi.gov.ph, or lcp.gov.ph)

Your Right to Request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: Appeals Committee c/o Office of the Executive Director, Lung Center of the Philippines, 4/F Room 4001, Quezon Avenue, Quezon City 1100. Your review request should explain why you are dissatisfied with this response, and should be made within fifteen (15) calendar days from your date of receipt of this letter.

LCP shall complete the review and respond to you within thirty (30) days from our receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to appeal to the Office of the President under Administrative Order, No. 22, s. 2011.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker

FREEDOM
-----of-----
INFORMATION



LUNG CENTER OF THE PHILIPPINES
Quezon Avenue, Quezon City, Philippines 1100

ISO 9001: 2015 CERTIFIED

FOI RESPONSE TEMPLATE- DOCUMENT NOT AVAILABLE

Date: _____

Dear _____:

Greetings!

Thank you for your request dated (insert date) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (quote requests exactly)

Response to Your Request:

While our aim is to provide information whenever possible, in this instance LCP does not have the information you requested. However, you may wish to contact (insert appropriate agency). We have accordingly forwarded your request.

Your Right to Request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: Appeals Committee c/o Office of the Executive Director, Lung Center of the Philippines, 4/F Room 4001, Quezon Avenue, Quezon City 1100. Your review request should explain why you are dissatisfied with this response, and should be made within fifteen (15) calendar days from your date of receipt of this letter. LCP shall complete the review and respond to you within thirty (30) days from our receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to appeal to the Office of the President under Administrative Order, No. 22, s. 2011.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker

FREEDOM
-----of-----
INFORMATION



LUNG CENTER OF THE PHILIPPINES
Quezon Avenue, Quezon City, Philippines 1100

ISO 9001: 2015 CERTIFIED

FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

Date: _____

Dear _____:

Greetings!

Thank you for your request dated (insert date) under Executive Order No. 2, s. 2016 on Freedom of Information in the Executive Branch.

Your Request:

You asked for (quote requests exactly)

Response to Your Request:

While our aim is to provide information whenever possible, in this instance LCP does not have the information you have requested because an exception under sections (insert specific numbers) of the List of Exceptions applies to that information.

Your Right to Request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: Appeals Committee c/o Office of the Executive Director, Lung Center of the Philippines, 4/F Room 4001, Quezon Avenue, Quezon City 1100. Your review request should explain why you are dissatisfied with this response, and should be made within fifteen (15) calendar days from your date of receipt of this letter. LCP shall complete the review and respond to you within thirty (30) days from our receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to appeal to the Office of the President under Administrative Order, No. 22, s. 2011.

Thank you.

Respectfully,

Conforme:

FOI Receiving / Releasing Officer

FOI Decision Maker