



TRANSFORMING THE MSME LANDSCAPE

**FREEDOM OF INFORMATION  
(FOI) MANUAL**

(As of January 2024)

Approved by:



**Robert C. Bastillo**  
President/CEO



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## **I. OVERVIEW**

### **A. Purpose**

This Freedom of Information (FOI) Manual aims to guide the public on the procedure for filing/submitting a request for information relative to the business transactions and operations of Small Business Corporation (SB Corporation or SB Corp for brevity) pursuant to Executive Order (EO) No. 2<sup>1</sup> (s. 2016). At the same time, this Manual shall guide the responsible SB Corp units as well as officers and employees, in handling and processing requests for information without comprising data privacy and protection and banking information security.

### **B. Policy Statement**

Consistent with the constitutional mandate, SB Corp upholds the right to Freedom of Information and implements full public disclosure of all its transactions involving public interest.

In line with this, SB Corp commits to disseminate information to the public involving public interest and to release upon request by a party or the public, any other information relative to its business transactions and operations, subject to the limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, such as Republic Act (RA) No. 10173, otherwise known as the “Data Privacy Act,”<sup>2</sup> the FOI List of Exceptions<sup>3</sup> approved by the Office of the President and Banking Laws, among others.

### **C. Protection of Privacy**

Consistent with the provisions enshrined under the “Data Privacy Act” and the “FOI Exception List”, and other applicable laws and regulations, SB Corp shall afford full protection to its stakeholder’s right to privacy. As such, SB Corp shall ensure that personal information, sensitive personal information and privileged personal information, in its custody or under its control shall not be disclosed unless permitted and required by existing laws. SB Corp shall ensure reasonable security measures against unauthorized access, leaks or premature disclosure.

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<sup>1</sup> See Annex “A” – Operationalizing in the Executive Branch of the People’s Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor

<sup>2</sup> See Annex “B”- Data Privacy Act of 2012

<sup>3</sup> See Annex “C” - FOI Exception List

## **D. Coverage**

This Manual covers all eligible requests for information directed to the President/CEO of SB Corp and may be filed or submitted to the following offices:

- 1) SB Corp Head Office
- 2) SB Corp Regional Offices
- 3) SB Corp Desk Offices

The eligibility of the request for information shall be determined upon review and evaluation by SB Corp FOI Evaluation Officer.

## **II. DEFINITION OF TERMS**

For purposes of this Manual, the following terms shall mean:

- a) *“FOI Receiving Officer”* shall mean the SB Corp employees designated as described hereunder:
  - i. Public Assistance and Complaints Desk (PACD) Officers for the Regional Offices;
  - ii. Customer Relations Management Unit (CRMU) designated officer for walk-in requests and requests sent via electronic mail; and
  - iii. Communications Department for the Electronic FOI Portal.

The FOI Receiving Officers are responsible for centrally receiving all sorts of official external Communications pertaining to FOI requests.

- b) *“FOI Evaluation Officer”* shall mean the Information Security Officer for general information and the Data Protection Officer for personal/sensitive information. These officers are responsible for securing the information in the custody or under the control of SB Corp and for vetting requests for information prior to endorsement to the FOI Decision Maker for approval or denial.
- c) *“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.



- d) *“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.
- e) *“Personal information”* shall mean 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.
- f) *“Privileged information”* shall mean any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged Communications.
- g) *“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.
- h) *“SB Corp Head Office”* shall mean the main office of SB Corp located at 17<sup>th</sup> and 18<sup>th</sup> Floors, 139 Corporate Center, 139 Valero St corner Sedeno St., Makati City.
- i) *“SB Corp Regional Offices”* shall mean the South Luzon Office located at Unit 1903, 19<sup>th</sup> Floor, 139 Corporate Center, 139 Valero St corner Sedeno St., Makati City, the North Luzon Office located in Baguio City, the Visayas Office located in Cebu City, and the Mindanao Office located in Davao City.
- j) *“SB Corp Desk Offices”* shall mean the satellite offices of the Regional offices, the addresses of which are contained in Annex D.
- k) *“SB Corp Stakeholders”* shall mean all groups that are or may be affected by SB Corp’s activities or action including customers, employees, partners, suppliers, regulatory bodies, funders, and policy makers, local communities.
- l) *“Sensitive Personal Information<sup>4</sup>”* shall mean personal information:
  1. About an individual’s race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
  2. About an individual’s health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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 an executive order or an act of Congress to be kept classified.

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<sup>4</sup> Section 3 (l), R.A. 10173.

**III. COMPOSITION OF SB CORP FOI TEAM - THEIR FUNCTIONS, DUTIES AND RESPONSIBILITIES**

**Section 1. Composition of SB Corp FOI Team**

<b><i>FOI TEAM MEMBER</i></b>	<b><i>RESPONSIBLE UNIT/DEPT/OFFICER</i></b>
<p><i>SB Corp -FOI Receiving Officer (SB Corp-FRO)</i></p> <ul style="list-style-type: none"> <li>· <i>For request received in the Regional/desk Offices from walk-in clients</i></li> <li>· <i>For request received in the Head Office from walk-in clients</i></li> <li>· <i>For request received through the Electronic FOI Portal</i></li> </ul>	<ul style="list-style-type: none"> <li>· <i>Public Assistance and Complaints Desk (PACD) Officers</i></li> <li>· <i>Customer Relations Management Unit (CRMU)</i></li> <li>· <i>Communications Department</i></li> </ul>
<p><i>SB Corp - FOI Evaluation Officer (SB Corp-FEOr)</i></p> <ul style="list-style-type: none"> <li>· <i>For records/documents containing general Information and not publicly available on the SB Corp Website</i></li> <li>· <i>For records/documents containing personal information</i></li> </ul>	<ul style="list-style-type: none"> <li>· <i>Chief Information Security Officer</i></li> <li>· <i>Data Protection Officer (For Personal/Sensitive Personal Information)</i></li> </ul>
<p><i>SB Corp - FOI Decision Maker</i></p>	<p><i>President and CEO</i></p>
<p><i>SB Corp - FOI Decision Maker for Appeal</i></p>	<p><i>ManCom</i></p>

## **Section 2. Functions, Duties and Responsibilities of the FOI Team Members**

### 2.1. SB Corp FOI Receiving Officers (SB Corp-FROs)

- 2.1.1 The SB Corp-FROs shall be responsible for receiving all requests for information filed or submitted by the Requesting Party within their areas of responsibilities.
- 2.1.2 For FOI request filed at the Head Office through walk-in and/or via email, the designated **CRMU Officers**<sup>5</sup> shall serve as the SB Corp -FROs.
- 2.1.3 For FOI request filed in the regions/provinces through walk-in, the designated **PACD Officers**<sup>6</sup> shall serve as the SB Corp -FROs of SB Corp in such regions/ provinces
- 2.1.4 The FRO shall assist the walk-in FOI Requesting Party in making/lodging/submitting his/her request in accordance to the procedures set forth in **Section 3.3.1** (Standard Mode) and **Section 3.3.2 (Electronic Mode)**.
- 2.1.5 The SB Corp-FRO shall then stamp “Received” and indicate the date and time of receipt on the accomplished request form and issue FOI prescribed format acknowledgement receipt to the Requesting Party with a marginal note “**assisted in using the portal**”<sup>7</sup> , and keep a copy for file. *(Note: This is to have proof that the client is provided with such assistance.)*
- 2.1.6 For FOI request filed through the Electronic FOI Portal, the Communications Department shall serve as the FOI Receiving Officer.
- 2.1.7 The Communications Department shall be responsible for the **processing**<sup>8</sup> of all Requests for Information received directly from the Electronic FOI Portal, the FROs in the Regional and Desk Offices, and Head Office, including those referred by government agencies under the Executive Branch pursuant to FOI MC No. 21-05 or the No Wrong Door Policy; **management** of the SB Corp FOI Registry; and **submission** of the required reports to the Presidential Communications Operations Office (PCOO), within the prescribed timelines.

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<sup>5</sup> Refer to Annex “D” Directory of SB Corp FOI Receiving Offices/Officers

<sup>6</sup> See Annex “D” – Directory of SB Corp FOI Receiving Offices/Officers

<sup>7</sup> If the Requesting Party opted to lodge the FOI Request through the Electronic FOI Portal with the assistance of the FRO.

<sup>8</sup> Processing – from initial assessment of the type of information being requested, forwarding to FEOr and FDM for their appropriate actions, and notifying the Requesting Party and/or the referrer-government agency, of the results/status of the FOI Request.

## 2.2. SB Corp FOI Evaluation Officers (SB Corp-FEOs)

2.2.1 The Chief Information Security Officer (CISO) and the Data Protection Officer (DPO) shall serve as the FOI Evaluation Officers (SB Corp-FEOs).

2.2.2. The CISO shall be responsible for FOI Requests that involve general information about SB Corp, its businesses and transactions not falling within the FOI list of exceptions.

2.2.3. The DPO shall be responsible for FOI Requests that involve Personal information, Sensitive Personal Information and Privileged Information held or in the custody of SB Corp.

## 2.3. SB Corp FOI Decision Maker (SB Corp-FDM)

2.3.1. The President/CEO shall serve as the SB Corp FOI Decision Maker (SB Corp-FDM).

2.3.2. The SB Corp-FDM may approve or deny the request for information based on the recommendation of the FEO or may approve or deny the same based on his/her own evaluation or assessment after taking into consideration the recommendation of the FEO.

## 2.3. SB Corp FOI Appeals Authority

2.3.1. The Management Committee (ManCom) shall serve as the SB Corp-FOI Appeals Authority. They shall have the power and duties to review by appeal the decision of the SB Corp-FDM and to take final action on any FOI request filed with SB Corp.

2.3.2. The SB Corp-FOI Appeal Authority shall determine the applicability of any of the exceptions to the request. As such, reasonable diligence should be exercised to ensure that no exception shall be used or availed of to deny any request for information or access to public or official records.

## **IV. GENERAL PROCEDURES**

### **Section 3. Content and Filing FOI Request**

**3.1 Content.** All requests for information must be made in writing and addressed to the President/CEO of SB Corp and must contain the required information set forth in the prescribed FOI Request Form<sup>9</sup> attached to this Manual or uploaded in the SB Corp website.

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<sup>9</sup> See Annex "E" – FOI Request Form

**3.2 Where to File.** The FOI request may be filed or submitted to the Head Office, Regional Offices or Desk Offices personally by the Requesting Party (walk-in); or it may be filed or submitted through registered mail/courier; or electronic mail (email); or it may be lodged through the Electronic FOI Portal.

**3.3 How to File.** For walk-in requests, the FRO shall personally attend to the Requesting Party and shall brief him/her of the two modes of filing the FOI Request - Standard Mode and the Electronic Mode, as illustrated in the **SB Corp One-Page FOI Manual**<sup>10</sup>, and encourage him/her to use the latter mode to facilitate the disposition of the request.

Should the Requesting Party opt to use the Standard Mode, the FRO shall facilitate the disposition of the FOI Request based on the procedures set forth in Section 3.3.1.

Should the Requesting Party opt to use the Electronic Mode, the FRO shall assist the Requesting Party to lodge his/her request through the Electronic FOI Portal using the office' computer readily made available for such purpose based on the procedures set forth in Section 3.3.2.

#### 3.3.1 Standard Mode

3.3.1.1. The Requesting Party shall fill out two (2) copies of the FOI Request Form which is available at SB Corp Head Office, Regional Offices, Desk Offices and SB Corp website. Thereafter, submit the FOI Request Form to any of the SB Corp FOI Receiving Offices.

3.3.1.2. In case the FOI request shall be made through registered mail/courier or electronic email, the Requesting Party should provide all the required information set forth in the FOI Request Form.

3.3.1.3. Upon receipt of the copies of the FOI Forms, the SB Corp FOI Receiving Officer or his/her duly designated alternate shall initially evaluate the Request Form to determine the completeness of the information required therein.

3.3.1.4. The SB Corp-FRO shall then stamp on the request with the word "Received" and indicate therein the time and date the completed FOI Request Forms were received, issue acknowledgement receipt<sup>11</sup> to the Requesting Party, and keep a copy for file.

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<sup>10</sup> See Annex \_\_\_\_

<sup>11</sup> See Annex "F" – FOI response Template 1

3.3.1.5. If the filing or submission is made through registered mail/courier or electronic mail, the SB Corp -FOI Receiving Officer shall print in two (2) copies the request and keep one copy for file. The date and time indicated in the email shall be deemed to be the date and time the FOI request is received. The SB Corp -FRO shall acknowledge in writing the receipt of the requesting party's Request for Information through mail or email.

### 3.3.2 Electronic Mode

3.3.2.1. The Requesting Party shall create an FOI Request Account by going to an internet browser [www.foi.gov.ph](http://www.foi.gov.ph) then clicking the Log-in icon, selecting the Sign-up button, filling out all the data fields, and by attaching the valid ID.

3.3.2.2. The Requesting Party shall log-in to his/her FOI Request Account and click the **Make a Request** icon, Select SB Corp on the dropdown, and accomplish the FOI Request data fields, and click the **Send my Request** icon.

Alternatively, the Requesting Party may go to [www.sbcorp.gov.ph](http://www.sbcorp.gov.ph), click the **Freedom of Information** icon, then the **Make a Request** icon, accomplish all the data fields, and then click the **Send My Request** icon.

## **Section 4. Time to Respond to the FOI Request**

- 4.1 Within the day, the FOI Receiving Officer shall forward the FOI Request to the Communications Department (Head Office) for processing.
- 4.2 The Communications Department shall initially assess the type of information being requested, and forward it to the Evaluation Officer (SB Corp-FEO) for appropriate action.
- 4.3 The SB Corp-FEO shall evaluate the request and forward its recommendation for approval or for denial to the SB Corp FDM for approval.
- 4.4 Whenever necessary, the SB Corp-FEO may ask the Requesting Party for additional details or clarification on the information being requested. In such case, the time to respond to the request shall only commence upon receipt of the complete response of the Requesting Party on the clarification sought by the SB Corp-FEO relative to the request.

- 4.5 The Communications Department shall prepare for the release of the result of the action taken by the FEO and the FDM.
- 4.6 Depending on the evaluation of the SB Corp-FEO and the decision of the SB Corp -FDM, the requesting party should be notified whether or not his/her request is approved<sup>12</sup> or denied, within the following prescribed processing time expressed in working days as follows: three (3) days for simple<sup>13</sup> , seven (7) days for complex<sup>14</sup> and twenty (20) days for highly complex<sup>15</sup> requests. In computing for the processing time, the day the request was received is excluded in the counting.

## **Section 5. Denial of the Request for Information**

- 5.1 All requests for information which is identical or substantially similar to the request previously granted to the same Requesting Party, or which fall under the FOI Exclusion List or the Data Privacy Act of 2012 shall be denied.
- 5.2 If the FOI request is denied, wholly or partially, the Communications Department shall notify in writing<sup>16</sup> the Requesting Party on the denial within the prescribed period.
- 5.3 The notification shall set forth therein the ground or grounds for denial.

## **Section 6. Referral of FOI Requests to and from Appropriate Agencies Pursuant to FOI MC 21-5 or the No Wrong door Policy<sup>17</sup>.**

- 6.1 When the requested information, *received from the requesting party or referred by a government agency under the Executive Branch*, is not in the possession or custody of SB Corp, and it is ascertained that it is in another agency under the same Branch, the request shall be referred to such another agency within 3 working days from receipt thereof. SB Corp shall immediately and accordingly notify the Requesting Party, and the government agency which made the referral as well as the requesting party.
- 6.2 The SB Corp FRO shall formally acknowledge receipt of the referral from the government agency and notify the requesting party of such referral. If the requested information was inadvertently referred by a government agency to SB Corp, the latter shall immediately and accordingly notify the former as well as the requesting party that the requested information is not available.

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<sup>12</sup> See Annex "F" – FOI Response Template 2

<sup>13</sup> Request submitted by a requesting party which only requires ministerial action or which present only inconsequential issues for the resolution on the part of the SB Corp-FEO

<sup>14</sup> Request submitted by a requesting party which necessitates an evaluation on the part of the SB Corp-FEO

<sup>15</sup> Transaction which requires the use of technical knowledge, specialized skills and/or training in the processing and/or evaluation

<sup>16</sup> See Annex "F" – FOI Response Template 3

<sup>17</sup> Pursuant to FOI MC 2015-05 – No Wrong Door Policy

## **Section 7. Remedies In Case of Denial**

7.1 The Requesting Party may file an appeal on the denied Request for Information with the FOI Appeals Authority within fifteen (15) working days from receipt of the notice of denial<sup>18</sup> or the lapse of the period within which to respond to the request. The appeal must be addressed to:

The Management Committee  
Small Business Corporation  
18<sup>th</sup> Floor, 139 Corporate Center  
139 Valero St. corner Sedeno St.  
Salcedo Village, Makati City

*Attention:* President and CEO  
*Subject:* FOI Appeal

7.2 The appeal shall be decided by the Committee within thirty (30) working days from receipt thereof. The denial of the appeal shall be considered final.

7.3 Upon exhaustion of SB Corp appeal remedies, the Requesting Party may file the appropriate appeal in accordance with the Administrative Laws and/or the Revised Rules of Court.

## **Section 8. Fees**

8.1. The filing of Requests for Information shall be free of charge. However, a reasonable fee may be collected for the actual cost of printing, reproduction, copying, and digitization of the information required in case of voluminous documents.

## **Section 9. Record Keeping**

9.1 SB Corp FOI-Team shall keep, maintain and manage all FOI related Records and Documents in accordance with guidelines set forth in the SB Corp Records Management System and consistent with the National Archive of the Philippines' guidelines on paper and electronic records management.

## **Section 10. Administrative Liability**

10.1. Failure of the concerned SB Corp FOI officers to comply with the provisions of this FOI Manual shall be considered a violation of office rules and regulations and shall accordingly be dealt with.

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<sup>18</sup> See Annex "F" – FOI Response Template 4



10.2. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases against erring employees and officials.

### **Section 11. Effectivity**

11.1. This Manual shall take effect upon approval by the SB Corp Board of Directors. Thereafter, a copy of the Board approved FOI Manual shall be posted on the SB Corp website.

# **ANNEX “A”**

## **E.O. No. 2, s. 2016**

*Operationalizing in the Executive Branch of the People’s Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor*



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 OF FULL PUBLIC DISCLOSURE AND TRANSPARENCY  
IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES  
THEREFOR**

**WHEREAS**, pursuant to Section 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:

THE PRESIDENT OF THE PHILIPPINES

**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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined 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 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 laws 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 as provided in Section 4 hereof.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of 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 an individual's right to privacy 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 laws, 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; and
- (c) Any employee or official 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 regulations.

**SECTION 8. People's Freedom of 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 information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

**SECTION 9. Procedure.** The following procedure shall govern the filing and processing of requests 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, 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 or 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 the 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 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 events or other analogous cases. The government office shall



notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, 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 requested, 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 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 wholly or partially, it shall, as soon as practicable and 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 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 for access to information.

**SECTION 13. Remedies in Case of Denial of Request for Access to Information.** A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall 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 party may file the appropriate judicial action 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 and 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.

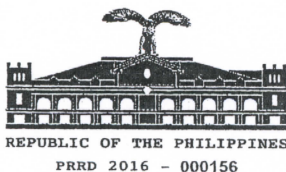
**SECTION 19. Effectivity.** This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.


By the President:

  
SALVADOR C. MEDIALDEA  
Executive Secretary





CERTIFIED COPY:

  
MARIANITO M. DIMAANDAL  
DIRECTOR IV  
MALACANANG RECORDS OFFICE



## **ANNEX “B”**

**Republic Act (RA) No. 10173,  
otherwise known as the  
“Data Privacy Act”**

S. No. 2965  
H. No. 4115

Republic of the Philippines  
Congress of the Philippines  
Metro Manila  
Fifteenth Congress  
Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of July, two thousand eleven.

—■—  
[ REPUBLIC ACT NO. **10173** ]

AN ACT PROTECTING INDIVIDUAL PERSONAL INFORMATION IN INFORMATION AND COMMUNICATIONS SYSTEMS IN THE GOVERNMENT AND THE PRIVATE SECTOR, CREATING FOR THIS PURPOSE A NATIONAL PRIVACY COMMISSION, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* — This Act shall be known as the “Data Privacy Act of 2012”.

SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect the fundamental human right of privacy of communication while ensuring free flow of information to promote innovation and growth. The State recognizes the vital role of information and communications technology in nation-building and its inherent obligation to ensure that personal information in information and communications systems in the government and in the private sector are secured and protected.

SEC. 3. *Definition of Terms.* – Whenever used in this Act, the following terms shall have the respective meanings hereafter set forth:

(a) *Commission* shall refer to the National Privacy Commission created by virtue of this Act.

(b) *Consent of the data subject* refers to any freely given, specific, informed indication of will, whereby the data subject agrees to the collection and processing of personal information about and/or relating to him or her. Consent shall be evidenced by written, electronic or recorded means. It may also be given on behalf of the data subject by an agent specifically authorized by the data subject to do so.

(c) *Data subject* refers to an individual whose personal information is processed.

(d) *Direct marketing* refers to communication by whatever means of any advertising or marketing material which is directed to particular individuals.

(e) *Filing system* refers to any set of information relating to natural or juridical persons to the extent that, although the information is not processed by equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular person is readily accessible.

(f) *Information and Communications System* refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and

includes the computer system or other similar device by or which data is recorded, transmitted or stored and any procedure related to the recording, transmission or storage of electronic data, electronic message, or electronic document.

(g) *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.

(h) *Personal information controller* refers to a person or organization who controls the collection, holding, processing or use of personal information, including a person or organization who instructs another person or organization to collect, hold, process, use, transfer or disclose personal information on his or her behalf. The term excludes:

(1) A person or organization who performs such functions as instructed by another person or organization; and

(2) An individual who collects, holds, processes or uses personal information in connection with the individual's personal, family or household affairs.

(i) *Personal information processor* refers to any natural or juridical person qualified to act as such under this Act to whom a personal information controller may outsource the processing of personal data pertaining to a data subject.

(j) *Processing* refers to any operation or any set of operations performed upon personal information including, but not limited to, the collection, recording, organization, storage, updating or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data.

(k) *Privileged information* refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.

(l) *Sensitive personal information* refers to personal information:

(1) About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;

(2) About an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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 an executive order or an act of Congress to be kept classified.

SEC. 4. *Scope.* - This Act applies to the processing of all types of personal information and to any natural and juridical person involved in personal information processing including those personal information controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines subject to the immediately succeeding paragraph: *Provided,* That the requirements of Section 5 are complied with.

This Act does not apply to the following:

(a) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual, including:

(1) The fact that the individual is or was an officer or employee of the government institution;

(2) The title, business address and office telephone number of the individual;

(3) The classification, salary range and responsibilities of the position held by the individual; and

(4) The name of the individual on a document prepared by the individual in the course of employment with the government;

(b) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;

(c) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit;

(d) Personal information processed for journalistic, artistic, literary or research purposes;

(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);

(f) Information necessary for banks and other financial institutions under the jurisdiction of the independent central monetary authority or Bangko Sentral ng Pilipinas to comply with Republic Act No. 9510, and Republic Act No. 9160, as amended, otherwise known as the Anti-Money Laundering Act and other applicable laws; and

(g) Personal information originally collected from residents of foreign jurisdictions in accordance with the laws of those foreign jurisdictions, including any applicable data privacy laws, which is being processed in the Philippines.

SEC. 5. *Protection Afforded to Journalists and Their Sources.* – Nothing in this Act shall be construed as to have amended or repealed the provisions of Republic Act No. 53, which affords the publishers, editors or duly accredited reporters of any newspaper, magazine or periodical of general circulation protection from being compelled to reveal the source of any news report or information appearing in said publication which was related in any confidence to such publisher, editor, or reporter.

SEC. 6. *Extraterritorial Application.* – This Act applies to an act done or practice engaged in and outside of the Philippines by an entity if:

(a) The act, practice or processing relates to personal information about a Philippine citizen or a resident;

(b) The entity has a link with the Philippines, and the entity is processing personal information in the Philippines or even if the processing is outside the Philippines as long as it is about Philippine citizens or residents such as, but not limited to, the following:

(1) A contract is entered in the Philippines;

(2) A juridical entity unincorporated in the Philippines but has central management and control in the country; and

(3) An entity that has a branch, agency, office or subsidiary in the Philippines and the parent or affiliate of the Philippine entity has access to personal information; and

(c) The entity has other links in the Philippines such as, but not limited to:

(1) The entity carries on business in the Philippines; and

(2) The personal information was collected or held by an entity in the Philippines.

## CHAPTER II

## THE NATIONAL PRIVACY COMMISSION

SEC. 7. *Functions of the National Privacy Commission.*

— To administer and implement the provisions of this Act, and to monitor and ensure compliance of the country with international standards set for data protection, there is hereby created an independent body to be known as the National Privacy Commission, which shall have the following functions:

(a) Ensure compliance of personal information controllers with the provisions of this Act;

(b) Receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any such report: *Provided*, That in resolving any complaint or investigation (except where amicable settlement is reached by the parties), the Commission shall act as a collegial body. For this purpose, the Commission may be given access to personal information that is subject of any complaint and to collect the information necessary to perform its functions under this Act;

(c) Issue cease and desist orders, impose a temporary or permanent ban on the processing of personal information, upon finding that the processing will be detrimental to national security and public interest;

(d) Compel or petition any entity, government agency or instrumentality to abide by its orders or take action on a matter affecting data privacy;

(e) Monitor the compliance of other government agencies or instrumentalities on their security and technical measures and recommend the necessary action in order to meet minimum standards for protection of personal information pursuant to this Act;

(f) Coordinate with other government agencies and the private sector on efforts to formulate and implement plans and



policies to strengthen the protection of personal information in the country;

(g) Publish on a regular basis a guide to all laws relating to data protection;

(h) Publish a compilation of agency system of records and notices, including index and other finding aids;

(i) Recommend to the Department of Justice (DOJ) the prosecution and imposition of penalties specified in Sections 25 to 29 of this Act;

(j) Review, approve, reject or require modification of privacy codes voluntarily adhered to by personal information controllers: *Provided*, That the privacy codes shall adhere to the underlying data privacy principles embodied in this Act: *Provided, further*, That such privacy codes may include private dispute resolution mechanisms for complaints against any participating personal information controller. For this purpose, the Commission shall consult with relevant regulatory agencies in the formulation and administration of privacy codes applying the standards set out in this Act, with respect to the persons, entities, business activities and business sectors that said regulatory bodies are authorized to principally regulate pursuant to the law: *Provided, finally*, That the Commission may review such privacy codes and require changes thereto for purposes of complying with this Act;

(k) Provide assistance on matters relating to privacy or data protection at the request of a national or local agency, a private entity or any person;

(l) Comment on the implication on data privacy of proposed national or local statutes, regulations or procedures, issue advisory opinions and interpret the provisions of this Act and other data privacy laws;

(m) Propose legislation, amendments or modifications to Philippine laws on privacy or data protection as may be necessary;

(n) Ensure proper and effective coordination with data privacy regulators in other countries and private accountability

agents, participate in international and regional initiatives for data privacy protection;

(o) Negotiate and contract with other data privacy authorities of other countries for cross-border application and implementation of respective privacy laws;

(p) Assist Philippine companies doing business abroad to respond to foreign privacy or data protection laws and regulations; and

(q) Generally perform such acts as may be necessary to facilitate cross-border enforcement of data privacy protection.

SEC. 8. *Confidentiality.* – The Commission shall ensure at all times the confidentiality of any personal information that comes to its knowledge and possession.

SEC. 9. *Organizational Structure of the Commission.* – The Commission shall be attached to the Department of Information and Communications Technology (DICT) and shall be headed by a Privacy Commissioner, who shall also act as Chairman of the Commission. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy Commissioners, one to be responsible for Data Processing Systems and one to be responsible for Policies and Planning. The Privacy Commissioner and the two (2) Deputy Privacy Commissioners shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed for another term of three (3) years. Vacancies in the Commission shall be filled in the same manner in which the original appointment was made.

The Privacy Commissioner must be at least thirty-five (35) years of age and of good moral character, unquestionable integrity and known probity, and a recognized expert in the field of information technology and data privacy. The Privacy Commissioner shall enjoy the benefits, privileges and emoluments equivalent to the rank of Secretary.

The Deputy Privacy Commissioners must be recognized experts in the field of information and communications technology and data privacy. They shall enjoy the benefits,

privileges and emoluments equivalent to the rank of Undersecretary.

The Privacy Commissioner, the Deputy Commissioners, or any person acting on their behalf or under their direction, shall not be civilly liable for acts done in good faith in the performance of their duties. However, he or she shall be liable for willful or negligent acts done by him or her which are contrary to law, morals, public policy and good customs even if he or she acted under orders or instructions of superiors: *Provided*, That in case a lawsuit is filed against such official on the subject of the performance of his or her duties, where such performance is lawful, he or she shall be reimbursed by the Commission for reasonable costs of litigation.

SEC. 10. *The Secretariat.* – The Commission is hereby authorized to establish a Secretariat. Majority of the members of the Secretariat must have served for at least five (5) years in any agency of the government that is involved in the processing of personal information including, but not limited to, the following offices: Social Security System (SSS), Government Service Insurance System (GSIS), Land Transportation Office (LTO), Bureau of Internal Revenue (BIR), Philippine Health Insurance Corporation (PhilHealth), Commission on Elections (COMELEC), Department of Foreign Affairs (DFA), Department of Justice (DOJ), and Philippine Postal Corporation (Philpost).

### CHAPTER III

#### PROCESSING OF PERSONAL INFORMATION

SEC. 11. *General Data Privacy Principles.* – The processing of personal information shall be allowed, subject to compliance with the requirements of this Act and other laws allowing disclosure of information to the public and adherence to the principles of transparency, legitimate purpose and proportionality.

Personal information must be:

(a) Collected for specified and legitimate purposes determined and declared before, or as soon as reasonably

practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only;

(b) Processed fairly and lawfully;

(c) Accurate, relevant and, where necessary for purposes for which it is to be used the processing of personal information, kept up to date; inaccurate or incomplete data must be rectified, supplemented, destroyed or their further processing restricted;

(d) Adequate and not excessive in relation to the purposes for which they are collected and processed;

(e) Retained only for as long as necessary for the fulfillment of the purposes for which the data was obtained or for the establishment, exercise or defense of legal claims, or for legitimate business purposes, or as provided by law; and

(f) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected and processed: *Provided*, That personal information collected for other purposes may be processed for historical, statistical or scientific purposes, and in cases laid down in law may be stored for longer periods: *Provided, further*, That adequate safeguards are guaranteed by said laws authorizing their processing.

The personal information controller must ensure implementation of personal information processing principles set out herein.

SEC. 12. *Criteria for Lawful Processing of Personal Information.* – The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:

(a) The data subject has given his or her consent;

(b) The processing of personal information is necessary and is related to the fulfillment of a contract with the data subject or in order to take steps at the request of the data subject prior to entering into a contract;

(c) The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;

(d) The processing is necessary to protect vitally important interests of the data subject, including life and health;

(e) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate; or

(f) The processing is necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution.

SEC. 13. *Sensitive Personal Information and Privileged Information.* – The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

(a) The data subject has given his or her consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing;

(b) The processing of the same is provided for by existing laws and regulations: *Provided*, That such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: *Provided, further*, That the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information;

(c) The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;

(d) The processing is necessary to achieve the lawful and noncommercial objectives of public organizations and their associations: *Provided*, That such processing is only confined and related to the *bona fide* members of these organizations or their associations: *Provided, further*, That the sensitive personal information are not transferred to third parties: *Provided, finally*, That consent of the data subject was obtained prior to processing;

(e) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

(f) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority.

SEC. 14. *Subcontract of Personal Information.* – A personal information controller may subcontract the processing of personal information: *Provided*, That the personal information controller shall be responsible for ensuring that proper safeguards are in place to ensure the confidentiality of the personal information processed, prevent its use for unauthorized purposes, and generally, comply with the requirements of this Act and other laws for processing of personal information. The personal information processor shall comply with all the requirements of this Act and other applicable laws.

SEC. 15. *Extension of Privileged Communication.* – Personal information controllers may invoke the principle of privileged communication over privileged information that they lawfully control or process. Subject to existing laws and regulations, any evidence gathered on privileged information is inadmissible.

## CHAPTER IV

## RIGHTS OF THE DATA SUBJECT

SEC. 16. *Rights of the Data Subject.* – The data subject is entitled to:

(a) Be informed whether personal information pertaining to him or her shall be, are being or have been processed;

(b) Be furnished the information indicated hereunder before the entry of his or her personal information into the processing system of the personal information controller, or at the next practical opportunity:

(1) Description of the personal information to be entered into the system;

(2) Purposes for which they are being or are to be processed;

(3) Scope and method of the personal information processing;

(4) The recipients or classes of recipients to whom they are or may be disclosed;

(5) Methods utilized for automated access, if the same is allowed by the data subject, and the extent to which such access is authorized;

(6) The identity and contact details of the personal information controller or its representative;

(7) The period for which the information will be stored; and

(8) The existence of their rights, i.e., to access, correction, as well as the right to lodge a complaint before the Commission.

Any information supplied or declaration made to the data subject on these matters shall not be amended without prior notification of data subject: *Provided*, That the notification

under subsection (b) shall not apply should the personal information be needed pursuant to a *subpoena* or when the collection and processing are for obvious purposes, including when it is necessary for the performance of or in relation to a contract or service or when necessary or desirable in the context of an employer-employee relationship, between the collector and the data subject, or when the information is being collected and processed as a result of legal obligation;

(c) Reasonable access to, upon demand, the following:

(1) Contents of his or her personal information that were processed;

(2) Sources from which personal information were obtained;

(3) Names and addresses of recipients of the personal information;

(4) Manner by which such data were processed;

(5) Reasons for the disclosure of the personal information to recipients;

(6) Information on automated processes where the data will or likely to be made as the sole basis for any decision significantly affecting or will affect the data subject;

(7) Date when his or her personal information concerning the data subject were last accessed and modified; and

(8) The designation, or name or identity and address of the personal information controller;

(d) Dispute the inaccuracy or error in the personal information and have the personal information controller correct it immediately and accordingly, unless the request is vexatious or otherwise unreasonable. If the personal information have been corrected, the personal information controller shall ensure the accessibility of both the new and the retracted information and the simultaneous receipt of the new and the retracted information by recipients thereof: *Provided*, That the third parties who have previously received



such processed personal information shall be informed of its inaccuracy and its rectification upon reasonable request of the data subject;

(e) Suspend, withdraw or order the blocking, removal or destruction of his or her personal information from the personal information controller's filing system upon discovery and substantial proof that the personal information are incomplete, outdated, false, unlawfully obtained, used for unauthorized purposes or are no longer necessary for the purposes for which they were collected. In this case, the personal information controller may notify third parties who have previously received such processed personal information; and

(f) Be indemnified for any damages sustained due to such inaccurate, incomplete, outdated, false, unlawfully obtained or unauthorized use of personal information.

*SEC. 17. Transmissibility of Rights of the Data Subject.*

– The lawful heirs and assigns of the data subject may invoke the rights of the data subject for, which he or she is an heir or assignee at any time after the death of the data subject or when the data subject is incapacitated or incapable of exercising the rights as enumerated in the immediately preceding section.

*SEC. 18. Right to Data Portability.* – The data subject shall have the right, where personal information is processed by electronic means and in a structured and commonly used format, to obtain from the personal information controller a copy of data undergoing processing in an electronic or structured format, which is commonly used and allows for further use by the data subject. The Commission may specify the electronic format referred to above, as well as the technical standards, modalities and procedures for their transfer.

*SEC. 19. Non-Applicability.* – The immediately preceding sections are not applicable if the processed personal information are used only for the needs of scientific and statistical research and, on the basis of such, no activities are carried out and no decisions are taken regarding the data subject: *Provided*, That the personal information shall be held under strict confidentiality and shall be used only for the declared purpose. Likewise, the immediately preceding sections are not applicable

to processing of personal information gathered for the purpose of investigations in relation to any criminal, administrative or tax liabilities of a data subject.

## CHAPTER V

### SECURITY OF PERSONAL INFORMATION

SEC. 20. *Security of Personal Information.* – (a) The personal information controller must implement reasonable and appropriate organizational, physical and technical measures intended for the protection of personal information against any accidental or unlawful destruction, alteration and disclosure, as well as against any other unlawful processing.

(b) The personal information controller shall implement reasonable and appropriate measures to protect personal information against natural dangers such as accidental loss or destruction, and human dangers such as unlawful access, fraudulent misuse, unlawful destruction, alteration and contamination.

(c) The determination of the appropriate level of security under this section must take into account the nature of the personal information to be protected, the risks represented by the processing, the size of the organization and complexity of its operations, current data privacy best practices and the cost of security implementation. Subject to guidelines as the Commission may issue from time to time, the measures implemented must include:

(1) Safeguards to protect its computer network against accidental, unlawful or unauthorized usage or interference with or hindering of their functioning or availability;

(2) A security policy with respect to the processing of personal information;

(3) A process for identifying and accessing reasonably foreseeable vulnerabilities in its computer networks, and for taking preventive, corrective and mitigating action against security incidents that can lead to a security breach; and

(4) Regular monitoring for security breaches and a process for taking preventive, corrective and mitigating action against security incidents that can lead to a security breach.

(d) The personal information controller must further ensure that third parties processing personal information on its behalf shall implement the security measures required by this provision.

(e) The employees, agents or representatives of a personal information controller who are involved in the processing of personal information shall operate and hold personal information under strict confidentiality if the personal information are not intended for public disclosure. This obligation shall continue even after leaving the public service, transfer to another position or upon termination of employment or contractual relations.

(f) The personal information controller shall promptly notify the Commission and affected data subjects when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes that such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject. The notification shall at least describe the nature of the breach, the sensitive personal information possibly involved, and the measures taken by the entity to address the breach. Notification may be delayed only to the extent necessary to determine the scope of the breach, to prevent further disclosures, or to restore reasonable integrity to the information and communications system.

(1) In evaluating if notification is unwarranted, the Commission may take into account compliance by the personal information controller with this section and existence of good faith in the acquisition of personal information.

(2) The Commission may exempt a personal information controller from notification where, in its reasonable judgment, such notification would not be in the public interest or in the interests of the affected data subjects.

(3) The Commission may authorize postponement of notification where it may hinder the progress of a criminal investigation related to a serious breach.

## CHAPTER VI

### ACCOUNTABILITY FOR TRANSFER OF PERSONAL INFORMATION

SEC. 21. *Principle of Accountability.* – Each personal information controller is responsible for personal information under its control or custody, including information that have been transferred to a third party for processing, whether domestically or internationally, subject to cross-border arrangement and cooperation.

(a) The personal information controller is accountable for complying with the requirements of this Act and shall use contractual or other reasonable means to provide a comparable level of protection while the information are being processed by a third party.

(b) The personal information controller shall designate an individual or individuals who are accountable for the organization's compliance with this Act. The identity of the individual(s) so designated shall be made known to any data subject upon request.

## CHAPTER VII

### SECURITY OF SENSITIVE PERSONAL INFORMATION IN GOVERNMENT

SEC. 22. *Responsibility of Heads of Agencies.* – All sensitive personal information maintained by the government, its agencies and instrumentalities shall be secured, as far as practicable, with the use of the most appropriate standard recognized by the information and communications technology industry, and as recommended by the Commission. The head of each government agency or instrumentality shall be responsible for complying with the security requirements mentioned herein while the Commission shall monitor the compliance and may recommend the necessary action in order to satisfy the minimum standards.

SEC. 23. *Requirements Relating to Access by Agency Personnel to Sensitive Personal Information.* – (a) On-site and Online Access – Except as may be allowed through guidelines to be issued by the Commission, no employee of the government shall have access to sensitive personal information on government property or through online facilities unless the employee has received a security clearance from the head of the source agency.

(b) Off-site Access – Unless otherwise provided in guidelines to be issued by the Commission, sensitive personal information maintained by an agency may not be transported or accessed from a location off government property unless a request for such transportation or access is submitted and approved by the head of the agency in accordance with the following guidelines:

(1) Deadline for Approval or Disapproval – In the case of any request submitted to the head of an agency, such head of the agency shall approve or disapprove the request within two (2) business days after the date of submission of the request. In case there is no action by the head of the agency, then such request is considered disapproved;

(2) Limitation to One thousand (1,000) Records – If a request is approved, the head of the agency shall limit the access to not more than one thousand (1,000) records at a time; and

(3) Encryption – Any technology used to store, transport or access sensitive personal information for purposes of off-site access approved under this subsection shall be secured by the use of the most secure encryption standard recognized by the Commission.

The requirements of this subsection shall be implemented not later than six (6) months after the date of the enactment of this Act.

SEC. 24. *Applicability to Government Contractors.* – In entering into any contract that may involve accessing or requiring sensitive personal information from one thousand (1,000) or more individuals, an agency shall require a contractor and its employees to register their personal

information processing system with the Commission in accordance with this Act and to comply with the other provisions of this Act including the immediately preceding section, in the same manner as agencies and government employees comply with such requirements.

## CHAPTER VIII

### PENALTIES

SEC. 25. *Unauthorized Processing of Personal Information and Sensitive Personal Information.* - (a) The unauthorized processing of personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

(b) The unauthorized processing of personal sensitive information shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who process personal information without the consent of the data subject, or without being authorized under this Act or any existing law.

SEC. 26. *Accessing Personal Information and Sensitive Personal Information Due to Negligence.* - (a) Accessing personal information due to negligence shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under this Act or any existing law.

(b) Accessing sensitive personal information due to negligence shall be penalized by imprisonment ranging from three (3) years to six (6) years and a fine of not less than

Five hundred thousand pesos (Php500,000.00) but not more than Four million pesos (Php4,000,000.00) shall be imposed on persons who, due to negligence, provided access to personal information without being authorized under this Act or any existing law.

*SEC. 27. Improper Disposal of Personal Information and Sensitive Personal Information.* - (a) The improper disposal of personal information shall be penalized by imprisonment ranging from six (6) months to two (2) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than Five hundred thousand pesos (Php500,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.

b) The improper disposal of sensitive personal information shall be penalized by imprisonment ranging from one (1) year to three (3) years and a fine of not less than One hundred thousand pesos (Php100,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who knowingly or negligently dispose, discard or abandon the personal information of an individual in an area accessible to the public or has otherwise placed the personal information of an individual in its container for trash collection.

*SEC. 28. Processing of Personal Information and Sensitive Personal Information for Unauthorized Purposes.* - The processing of personal information for unauthorized purposes shall be penalized by imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons processing personal information for purposes not authorized by the data subject, or otherwise authorized under this Act or under existing laws.

The processing of sensitive personal information for unauthorized purposes shall be penalized by imprisonment ranging from two (2) years to seven (7) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be

imposed on persons processing sensitive personal information for purposes not authorized by the data subject, or otherwise authorized under this Act or under existing laws.

SEC. 29. *Unauthorized Access or Intentional Breach.* – The penalty of imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00) shall be imposed on persons who knowingly and unlawfully, or violating data confidentiality and security data systems, breaks in any way into any system where personal and sensitive personal information is stored.

SEC. 30. *Concealment of Security Breaches Involving Sensitive Personal Information.* – The penalty of imprisonment of one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00) shall be imposed on persons who, after having knowledge of a security breach and of the obligation to notify the Commission pursuant to Section 20(f), intentionally or by omission conceals the fact of such security breach.

SEC. 31. *Malicious Disclosure.* – Any personal information controller or personal information processor or any of its officials, employees or agents, who, with malice or in bad faith, discloses unwarranted or false information relative to any personal information or personal sensitive information obtained by him or her, shall be subject to imprisonment ranging from one (1) year and six (6) months to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

SEC. 32. *Unauthorized Disclosure.* – (a) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from one (1) year to three (3) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).



(b) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party sensitive personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from three (3) years to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php2,000,000.00).

SEC. 33. *Combination or Series of Acts.* - Any combination or series of acts as defined in Sections 25 to 32 shall make the person subject to imprisonment ranging from three (3) years to six (6) years and a fine of not less than One million pesos (Php1,000,000.00) but not more than Five million pesos (Php5,000,000.00).

SEC. 34. *Extent of Liability.* - If the offender is a corporation, partnership or any juridical person, the penalty shall be imposed upon the responsible officers, as the case may be, who participated in, or by their gross negligence, allowed the commission of the crime. If the offender is a juridical person, the court may suspend or revoke any of its rights under this Act. If the offender is an alien, he or she shall, in addition to the penalties herein prescribed, be deported without further proceedings after serving the penalties prescribed. If the offender is a public official or employee and he or she is found guilty of acts penalized under Sections 27 and 28 of this Act, he or she shall, in addition to the penalties prescribed herein, suffer perpetual or temporary absolute disqualification from office, as the case may be.

SEC. 35. *Large-Scale.* - The maximum penalty in the scale of penalties respectively provided for the preceding offenses shall be imposed when the personal information of at least one hundred (100) persons is harmed, affected or involved as the result of the abovementioned actions.

SEC. 36. *Offense Committed by Public Officer.* - When the offender or the person responsible for the offense is a public officer as defined in the Administrative Code of the Philippines in the exercise of his or her duties, an accessory penalty consisting in the disqualification to occupy public office for a

term double the term of criminal penalty imposed shall be applied.

SEC. 37. *Restitution.* – Restitution for any aggrieved party shall be governed by the provisions of the New Civil Code.

## CHAPTER IX

### MISCELLANEOUS PROVISIONS

SEC. 38. *Interpretation.* – Any doubt in the interpretation of any provision of this Act shall be liberally interpreted in a manner mindful of the rights and interests of the individual about whom personal information is processed.

SEC. 39. *Implementing Rules and Regulations (IRR).* – Within ninety (90) days from the effectivity of this Act, the Commission shall promulgate the rules and regulations to effectively implement the provisions of this Act.

SEC. 40. *Reports and Information.* – The Commission shall annually report to the President and Congress on its activities in carrying out the provisions of this Act. The Commission shall undertake whatever efforts it may determine to be necessary or appropriate to inform and educate the public of data privacy, data protection and fair information rights and responsibilities.

SEC. 41. *Appropriations Clause.* – The Commission shall be provided with an initial appropriation of Twenty million pesos (Php20,000,000.00) to be drawn from the national government. Appropriations for the succeeding years shall be included in the General Appropriations Act. It shall likewise receive Ten million pesos (Php10,000,000.00) per year for five (5) years upon implementation of this Act drawn from the national government.

SEC. 42. *Transitory Provision.* – Existing industries, businesses and offices affected by the implementation of this Act shall be given one (1) year transitory period from the effectivity of the IRR or such other period as may be

determined by the Commission, to comply with the requirements of this Act.


In case that the DICT has not yet been created by the time the law takes full force and effect, the National Privacy Commission shall be attached to the Office of the President.

SEC. 43. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SEC. 44. *Repealing Clause.* – The provision of Section 7 of Republic Act No. 9372, otherwise known as the “Human Security Act of 2007”, is hereby amended. Except as otherwise expressly provided in this Act, all other laws, decrees, executive orders, proclamations and administrative regulations or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

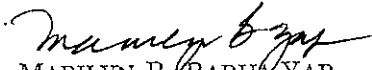
SEC. 45. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.


Approved,

  
 FELICIANO BELMONTE JR.  
 Speaker of the House  
 of Representatives

  
 JUAN PONCE ENRILE  
 President of the Senate

This Act which is a consolidation of Senate Bill No. 2965 and House Bill No. 4115 was finally passed by the Senate and the House of Representatives on June 6, 2012.

  
 MARILYN B. BARUA-YAP  
*Secretary General  
 House of Representatives*

  
 EMMA LIRIO-REYES  
*Secretary of the Senate*

Approved: **AUG 15 2012**





**BENIGNO S. AQUINO III**  
*President of the Philippines*

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Office of the President of the Philippines



PNOY006012

# **ANNEX “C”**

## **FOI List of Exceptions**

**Memorandum Circular No. 15**

**Updating the Inventory of Exceptions to the Right to Access of  
Information under Executive Order No. 02 (S. 2016)**

**Office of the President  
of the Philippines  
Malacañang**

**MEMORANDUM CIRCULAR NO. 15**

**UPDATING THE INVENTORY OF EXCEPTIONS TO THE RIGHT TO  
ACCESS OF INFORMATION UNDER EXECUTIVE ORDER NO. 02, (S. 2016)**

**WHEREAS**, pursuant to Section 4 of Executive Order (EO) No. 02, (s. 2016), the Office of the President (OP) issued a Memorandum circularizing the inventory of exceptions to the right to access information under EO No. 02 (Inventory of Exceptions) on 24 November 2016;

**WHEREAS**, Section 4 of EO No. 02 directs the Department of Justice (DOJ) and the Office of the Solicitor General (OSG) to update the Inventory of Exceptions as the need to do so arises and the OP to accordingly circularize the same;

**WHEREAS**, Section 1 of Memorandum Circular (MC) No. 49, (s. 2018), created the Inter-Agency Freedom of Information Exceptions Policy Committee (IA-FOI-EPC), with the DOJ and the OSG as co-chairs, to review the Inventory of Exceptions and periodically update the same to reflect changes in existing laws and jurisprudence;

**WHEREAS**, On 16 September 2021, MC No. 89, (s. 2021) was issued circularizing the updated Inventory of Exceptions;

**WHEREAS**, the IA-FOI-EPC, through IA-FOI-EPC Resolution Nos. 2021-002 and 2022-001, proposed further updates to the Inventory of Exceptions;

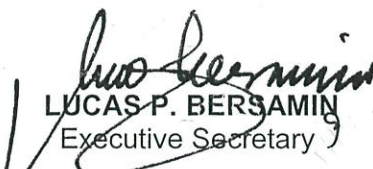
**NOW THEREFORE**, the attached updated Inventory of Exceptions is hereby circularized for the guidance of all government offices and instrumentalities covered by EO No. 02 and the general public.

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

**DONE**, in the City of Manila, this ~~17<sup>th</sup>~~ day of March in the Year of our Lord, Two Thousand and Twenty-Three.

By authority of the President:

  
LUCAS P. BERSAMIN  
Executive Secretary



## **Exceptions to Right to Access of Information**

For the guidance of all government offices and instrumentalities covered by EO No. 02 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:<sup>1</sup>

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.

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<sup>1</sup> These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.



For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>2</sup> and
  - b. Matters covered by deliberative process privilege, namely:
    - i. advisory opinions, recommendations, resolutions, minutes of meetings, and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;<sup>3</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;<sup>4</sup>
2. Privileged information relating to national security, defense or international relations:
  - a. Information, record, or document that must be kept secret in the interest of national defense or security;<sup>5</sup>

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<sup>2</sup> This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

<sup>3</sup> *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*; *Sereno v. Committee on Trade and Related Matters of the National Economic Development Authority*, G.R. No. 175210, 01 February 2016, 780 PHIL 1-18; and *Department of Foreign Affairs v. BCA International Corporation*, G.R. No. 210858, 29 June 2016. The privilege of invoking this exception ends when the executive agency adopts a definite proposition.

<sup>4</sup> Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

<sup>5</sup> *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; *Lagman v. Medialdea*, G.R. Nos. 231658, 231771, and 231774, 4 July 2017, 812 PHIL 179-853; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted." This exception also includes records, papers, and information related to matters provided under Sections 16, 18, and 45, *The Anti-Terrorism Act of 2020* [Republic Act (RA) No. 11479] and its Implementing Rules and Regulations (IRR), as may be invoked by the government agency involved.



- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>6</sup> and
  - c. Patent applications, the publication of which would prejudice national security and interests;<sup>7</sup>
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
    - i. interfere with enforcement proceedings;
    - ii. deprive a person of a right to a fair trial or an impartial adjudication;
    - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
    - iv. unjustifiably disclose investigative techniques and procedures;<sup>8</sup>
  - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;<sup>9</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>10</sup>
  - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;<sup>11</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>12</sup>

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<sup>6</sup> *Akbayan v. Aquino, supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

<sup>7</sup> The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

<sup>8</sup> Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

<sup>9</sup> *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

<sup>10</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>11</sup> Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

<sup>12</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).



4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
  - a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,<sup>13</sup> personal information or records,<sup>14</sup> including sensitive personal information, birth records,<sup>15</sup> school records,<sup>16</sup> or medical or health records;<sup>17</sup>

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:<sup>18</sup>

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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 an executive order or an act of Congress to be kept classified.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the

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<sup>13</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>14</sup> Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *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 [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers. This includes information collected pursuant to Section 18 of the *Department of Migrant Workers Act* (RA No. 11641).

<sup>15</sup> Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

<sup>16</sup> Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

<sup>17</sup> Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange); Section 9, *Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act* (RA No. 11332); Section 36, *Universal Health Care Act* (RA No. 11223); Section 28, *National Integrated Cancer Control Act* (RA No. 11215); and Section 5(l), *Mental Health Act* (RA No. 11036). Mental health records under RA No. 11036 include information on any aspect of the mental health, treatment, or care of the service user.

<sup>18</sup> Section 3(l), *Data Privacy Act of 2012*. See also Section 9, *Free Internet Access in Public Places Act* (RA No. 10929); Section 26, *Safe Spaces Act* (RA No. 11313); and Section 21, *Tax Amnesty Act* (RA No. 11213).



individual<sup>19</sup> and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.<sup>20</sup>

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government;<sup>21</sup>

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>22</sup> and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
  - (1) records of child and family cases;<sup>23</sup>
  - (2) children in conflict with the law from initial contact until final disposition of the case;<sup>24</sup>
  - (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;<sup>25</sup>
  - (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;<sup>26</sup>
  - (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address,

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<sup>19</sup> Article 26(2), *Civil Code*.

<sup>20</sup> Section 11, *Data Privacy Act of 2012*.

<sup>21</sup> Section 4, *Data Privacy Act of 2012*.

<sup>22</sup> *An Act Expanding the Coverage of Exemptions from Revealing the Source of Published News or Information Obtained in Confidence by Including Journalists from Broadcasts, and News Agencies, Amending for the Purpose Section 1 of RA No. 53, as Amended By RA No. 1477 (RA No. 11458)*. May be invoked by government newspapers.

<sup>23</sup> Section 12, *Family Courts Act of 1997 (RA Act No. 8369)*.

<sup>24</sup> Section 43, *Juvenile Justice and Welfare Act of 2006 (RA No. 9344)*.

<sup>25</sup> Section 13, *Anti-Child Pornography Act of 2009 (RA No. 9775)*.

<sup>26</sup> Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.



- employer, or other identifying information of a victim or an immediate family member;<sup>27</sup>
- (6) records of cases and documents involving actions for support including petitions for recognition and enforcement of foreign decisions or judgments on support;<sup>28</sup>
  - (7) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>29</sup>
  - (8) names of victims of child abuse, exploitation or discrimination;<sup>30</sup>
  - (9) cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;<sup>31</sup>
  - (10) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;<sup>32</sup>
  - (11) records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;<sup>33</sup>
  - (12) names of students who committed acts of bullying or retaliation;<sup>34</sup>
  - (13) children in situations of armed conflict;<sup>35</sup>
  - (14) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended;<sup>36</sup> and

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<sup>27</sup> Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

<sup>28</sup> Sections 29 and 30, A.M. No. 21-03-02-SC, *Re: Rules on Action for Support and Petition for Recognition and Enforcement of Foreign Decisions or Judgments on Support*.

<sup>29</sup> Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

<sup>30</sup> Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

<sup>31</sup> Section 26, *Safe Spaces Act* (RA No. 11313).

<sup>32</sup> Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

<sup>33</sup> Section 39, *Domestic Administrative Adoption and Alternative Child Care Act* (RA No. 11642); Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043; Section 14, *Simulated Birth Rectification Act* (RA No. 11222) and Section 28 of IRR of RA No. 11222.

<sup>34</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).

<sup>35</sup> Section 19, *Special Protection of Children in Situations of Armed Conflict Act* (RA No. 11188).

<sup>36</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).



(15) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing.<sup>37</sup>

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, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>38</sup>
  - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority;<sup>39</sup>
  - c. Records and reports submitted to the Social Security System by the employer or member;<sup>40</sup>
  - d. Information of registered persons with the Philippine Identification System;<sup>41</sup>
  - e. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities;<sup>42</sup>

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<sup>37</sup> Section 44, *Philippine HIV and AIDS Policy Act* (RA No. 11166). Information covered by Section 44 may be disclosed with the written consent of the affected person or in accordance with Sections 45 and 46 of RA No. 11166.

<sup>38</sup> Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); *Revised Philippine Ports Authority Manual of Corporate Governance*; Section 18, *Energy Virtual One-Stop Shop Act* (RA No. 11234); Section 14, *Philippine Energy Research and Policy Institute Act* (RA No. 11572); Section 270, *National Internal Revenue Code* (RA No. 8424, as amended by RA No. 10963); and Section 33, *LPG Industry Regulation Act* (RA No. 11592).

<sup>39</sup> Section 26, *Philippine Statistical Act of 2013* (RA No. 10625) and Section 4, *Commonwealth Act No. 591*. See also Section 10, *Community-Based Monitoring System Act* (RA No. 11315).

<sup>40</sup> Section 24(c), *Social Security Act of 1997* (RA No. 1161), as amended by RA No. 8282).

<sup>41</sup> Section 17, *Philippine Identification System Act* (RA No. 11055).

<sup>42</sup> Section 43, *Philippine HIV and AIDS Policy Act* (RA No. 11166).

- f. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;<sup>43</sup>
- g. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;<sup>44</sup>
- h. Documents submitted through the Government Electronic Procurement System;<sup>45</sup>
- i. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;<sup>46</sup>
- j. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;<sup>47</sup>
- k. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;<sup>48</sup>
- l. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;<sup>49</sup>
- m. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;<sup>50</sup>
- n. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;<sup>51</sup>

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<sup>43</sup> Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

<sup>44</sup> Section 81, EO No. 226 (s. 1987), as amended.

<sup>45</sup> Section 9, *Government Procurement Reform Act* (RA No. 9184).

<sup>46</sup> Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

<sup>47</sup> Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

<sup>48</sup> Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

<sup>49</sup> Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

<sup>50</sup> Section 10, *Safeguard Measures Act*.

<sup>51</sup> Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).



- o. Information on registered cultural properties owned by private individuals;<sup>52</sup>
  - p. Data submitted by a higher education institution to the Commission on Higher Education (CHED);<sup>53</sup>
  - q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;<sup>54</sup>
  - r. Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation;<sup>55</sup> and
  - s. Records of surveillance of suspects and interception and recording of communications acquired by a law enforcement agent or military personnel pursuant to the *Anti-Terrorism Act of 2020*.<sup>56</sup>
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
  - b. be likely or significantly frustrate implementation of a proposed official action, except where such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.<sup>57</sup>
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:

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<sup>52</sup> Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

<sup>53</sup> CHED Memorandum Order No. 015-13, 28 May 2013.

<sup>54</sup> Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

<sup>55</sup> Section 3, Rule IV, PACC Resolution No. 001, s. 2018 (IRR of the PACC).

<sup>56</sup> Section 16, *The Anti-Terrorism Act of 2020* (RA No. 11479).

<sup>57</sup> Section 3(g), Rule IV, Rules on CCESPOE.

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;<sup>58</sup>
- b. Matters involved in an Investor-State mediation;<sup>59</sup>
- c. Information and statements made at conciliation proceedings under the *Labor Code*;<sup>60</sup>
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);<sup>61</sup>
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;<sup>62</sup>
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;<sup>63</sup>
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;<sup>64</sup>
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;<sup>65</sup>
- i. Investigation report and the supervision history of a probationer;<sup>66</sup>
- j. Those matters classified as confidential under the *Anti-Terrorism Act of 2020* and its IRR;<sup>67</sup>

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<sup>58</sup> Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

<sup>59</sup> Article 10, International Bar Association Rules for Investor-State Mediation.

<sup>60</sup> Article 237, *Labor Code*.

<sup>61</sup> Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

<sup>62</sup> Section 178, *Revised Corporation Code of the Philippines*. May be invoked by the SEC and any other official authorized by law to make such examination.

<sup>63</sup> Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

<sup>64</sup> Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

<sup>65</sup> DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

<sup>66</sup> Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

<sup>67</sup> Sections 18 and 45, *The Anti-Terrorism Act of 2020* (RA No. 11479) and Rules 5.8 and 5.19 of the IRR of RA No. 11479.



- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;<sup>68</sup>
  - l. Investigation proceedings and records during the preliminary investigation in administrative cases in the civil service;<sup>69</sup>
  - m. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;<sup>70</sup> and
  - n. Information on a bank inquiry orders issued by the Court of Appeals, including its contents and its receipt.<sup>71</sup>
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
  - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
  - c. RA No. 8791 (*The General Banking Law of 2000*);
  - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*), as amended by RA No. 11521;
  - e. RA No. 9510 (*Credit Information System Act*); and
  - f. RA No. 245, as amended by Presidential Decree No. 1878;
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:

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<sup>68</sup> Section 14, Civil Service Commission (CSC) Resolution No. 01-0940.

<sup>69</sup> Section 21, 2017 Rules on Administrative Cases in the Civil Service, CSC Resolution No. 1701077.

<sup>70</sup> Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC; and Section 26 of the Rule on Facilitated Naturalization of Refugees and Stateless Persons, A.M. No. 21-07-22-SC.

<sup>71</sup> Section 16, A.M. No. 21-03-5-CA, *Re: Rule of Procedure in Cases of Bank Inquiry into or Examination of Deposit and Investment Accounts Relating to an Unlawful Activity or a Money Laundering Offense under Republic Act No. 9160, as Amended*.

- (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;<sup>72</sup>
  - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);<sup>73</sup> and
  - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;<sup>74</sup>
  - c. 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;<sup>75</sup>
  - d. Failure to comply with regulations on access of records imposed by the records custodian;<sup>76</sup>
  - e. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;<sup>77</sup>
  - f. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;<sup>78</sup>

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<sup>72</sup> Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

<sup>73</sup> Article 7, UNCITRAL Transparency Rules.

<sup>74</sup> *Senate v. Neri, supra; Senate v. Ermita, supra.*

<sup>75</sup> Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

<sup>76</sup> *Biraogo v. Ombudsman Martires*, G.R. No. 254516, 02 February 2021.

<sup>77</sup> *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

<sup>78</sup> Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; Section X808 of Bangko Sentral ng Pilipinas Circular No. 706, s. 2011; Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor*

- g. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;<sup>79</sup> and
- h. Attorney-client privilege existing between government lawyers and their client.<sup>80</sup>

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A. Reyes, G.R. No. 163155, 21 July 2006; and Questionnaires in the Professional Regulation Commission test banks, pursuant to *Antolin-Rosero v. Professional Regulation Commission*, G.R. No. 220378, 30 June 2021.

<sup>79</sup> *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

<sup>80</sup> Canon 21 of the *Code of Professional Responsibility*.

## **ANNEX “D”**

### **Directory of SB Corp FOI Receiving Offices/Officers**



**SMALL BUSINESS CORPORATION  
DIRECTORY OF  
FOI RECEIVING OFFICES AND OFFICERS**

Office Address	Contact Person	Email Address	Contact Number
Head Office 17 <sup>th</sup> Floor, 139 Corporate Center, Valero St. Corner Sedeno St., Salcedo Village, Makati City	<b>CUSTOMER RELATIONS MANAGEMENT UNIT (CRMU)</b>		
	Julie Anne Cargullo, CEO IV	<a href="mailto:jcargullo@sbcorp.gov.ph">jcargullo@sbcorp.gov.ph</a>	53281100 to 10 53281112 to 16 local 1731/1771
	Vivian De Chavez, Chief Accounts Management Specialist (CAMS)	<a href="mailto:vdechavez@sbcorp.gov.ph">vdechavez@sbcorp.gov.ph</a>	0921-5131-790
	Consuelo Maristanez, CAMS	<a href="mailto:cmaristanez@sbcorp.gov.ph">cmaristanez@sbcorp.gov.ph</a>	0945-6725-033
	<b>COMMUNICATIONS DEPARTMENT</b>		
Eloisa P. Isip CEO III	<a href="mailto:eisip@sbcorp.gov.ph">eisip@sbcorp.gov.ph</a>	53281100 to 10 53281112 to 16	

<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
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<b>Northern Luzon Group</b>			
2nd Floor ES Clemente Building, Shanum Street, corner Otek Street, Lake Drive Burnham Park, Baguio City	Temblor, Giecyll Joy- SAMS Pajarillo, Mark Alfred- Alternate	<a href="mailto:gtemblor@sbcorp.gov.ph">gtemblor@sbcorp.gov.ph</a>  <a href="mailto:mpajarillo@sbcorp.gov.ph">mpajarillo@sbcorp.gov.ph</a>	0975-3136-071
DTI Provincial Office NFA Office Building, Calaba, Bangued, Abra	Ola, Darsie O. - P3 Provincial Coordinator	<a href="mailto:dola@sbcorp.gov.ph">dola@sbcorp.gov.ph</a>	0945-3102-022
DTI Provincial Office Gov't Center Capitol Ground, San Isidro Sur, Luna Apayao	Pangdan, Jessa Lyka D. - P3 Provincial Coordinator	<a href="mailto:jpangdan@sbcorp.gov.ph">jpangdan@sbcorp.gov.ph</a>	0927-4115-331
DTI 2/F, BAB Bldg., Poblacion East, Lagawe, Ifugao	Biyo, Geraldine L. - Provincial Coordinator	<a href="mailto:gbiyo@sbcorp.gov.ph">gbiyo@sbcorp.gov.ph</a>	0975-4003-051
DTI-Negosyo Center- Tabuk, Legislative Building. Dagupan Centro, Tabuk City, Kalinga	Dacanay, Jeda Mae S.- Provincial Coordinator	<a href="mailto:jdacanay@sbcorp.gov.ph">jdacanay@sbcorp.gov.ph</a>	0949-3690-944
AJ Realty Bldg., DTI Provincial Office, Madayegdeg, San Fernando, La Union	Miranda, Ruel B. - P3 Provincial Coordinator	<a href="mailto:rmiranda@sbcorp.gov.ph">rmiranda@sbcorp.gov.ph</a>	0956-3925-055
DTI Provincial Office- 3F Pacific Building, Abadilla Street, Laoag City, Ilocos Norte	Mirasol, Kareen J. - P3 Provincial Coordinator	<a href="mailto:kmirasol@sbcorp.gov.ph">kmirasol@sbcorp.gov.ph</a>	0946-0719-917

<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
<b>Office Address</b>	<b>Contact Person</b>	<b>Email Address</b>	<b>Contact Number</b>
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DTI Building Sitio Sayad, National Road, Brgy Kaychanarianan, Basco, Batanes	Blanca, Syra B. - P3 Provincial Coordinator	<a href="mailto:sblanca@sbcorp.gov.ph">sblanca@sbcorp.gov.ph</a>	0946-6442-448
DTI-Regional Office 2 Negosyo Center Building, #11 Dalan na Pappabalo, Reg. Gov't Center Carig Sur, Tuguegarao City, Cagayan	Bunagan, Kim Lester T. - P3 Provincial Coordinator	<a href="mailto:kbunagan@sbcorp.gov.ph">kbunagan@sbcorp.gov.ph</a>	0945-3102-020
DTI Santiago Office ITC Compound, 4 lanes, Malvar Santiago City	James, Christian R. - P3 CI/Monitoring Staff	<a href="mailto:cjames@sbcorp.gov.ph">cjames@sbcorp.gov.ph</a>	0945-3101-966
DTI-GF Rosalina L. Lo Bldg., National Highway, Sta. Rosa Bayombong, Nueva Vizcaya	Lovely L. Pimentel - P3 Provincial Coordinator	<a href="mailto:lpimentel@sbcorp.gov.ph">lpimentel@sbcorp.gov.ph</a>	0935-2719-155
DTI Negosyo Center Bldg Purok 1 Cayetano Arellano St., Andres Bonifacio, Diffun, Quirino	Gudoy, Kristel Jane - P3 Provincial Coordinator	<a href="mailto:kgudoy@sbcorp.gov.ph">kgudoy@sbcorp.gov.ph</a>	0927-4115-325
DTI Negosyo Center- baler, Baler Public Market Compound, baler Aurora	Asilo, Mary Ann - P3 Provincial Coordinator	<a href="mailto:masilo@sbcorp.gov.ph">masilo@sbcorp.gov.ph</a>	0945-3101-981
Negosyo Center Pulilan- Ground Floor, Municipal Hall of Pulilan Bulacan	Roxas, Ruth Ann M. - P3 Provincial Coordinator	<a href="mailto:rroxas@sbcorp.gov.ph">rroxas@sbcorp.gov.ph</a>	0965-9205-039
2/F Ricardo C. Silverio Sr. Bldg Municipal Hall, Sampaloc, San Rafael, Bulacan (Negosyo Center)	Sarmiento, Jamille S. - P3 Provincial Coordinator	<a href="mailto:jsarmiento@sbcorp.gov.ph">jsarmiento@sbcorp.gov.ph</a>	0909-3131-975
City Hall Compound Dti Negosyo Center Cabanatuan City, Phase 2 Kapt. Pepe Cabanatuan City	Dalangin, Grace D. - P3 Provincial Coordinator	<a href="mailto:gdalangin@sbcorp.gov.ph">gdalangin@sbcorp.gov.ph</a>	0945-3101-986
DTI Negosyo Center, Bonifacio Street Brgy F.E Marcos, San Jose City, Nueva Ecija	Manibog, Ceshazel S. - P3 Provincial Coordinator	<a href="mailto:cmanibog@sbcorp.gov.ph">cmanibog@sbcorp.gov.ph</a>	0966-5465-228

<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
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5th Floor, Tarlac Capitol Center, San Roque, Tarlac City, Tarlac	Feliciano, Rafael Benito F.	<a href="mailto:rfeliciano@sbcorp.gov.ph">rfeliciano@sbcorp.gov.ph</a>	0950-0274-135
DTI ZAMBALES (Satellite Office) Estrada Bldg. RMTU Road, Zone VI, Iba , Zambales	Salamatin, Erson D. - Provincial P3 Coordinator	<a href="mailto:esalamatin@sbcorp.gov.ph">esalamatin@sbcorp.gov.ph</a>	09274115333
<b>Southern Luzon Group</b>			
SLG-Head Office 19 <sup>th</sup> Flr. Corporate Center, 139 Valero St., Corner Sedeno St., Salcedo Village, Makati City	Jennifer Hernandez Romar Torres Anna Lee Villegas	<a href="mailto:jhernandez@sbcorp.gov.ph">jhernandez@sbcorp.gov.ph</a> <a href="mailto:rtorres@sbcorp.gov.ph">rtorres@sbcorp.gov.ph</a> <a href="mailto:aserrano@sbcorp.gov.ph">aserrano@sbcorp.gov.ph</a>	0927-3901-810 0953-2572-813 0936-2877-483
	Andro Valdez	<a href="mailto:avaldez@sbcorp.gov.ph">avaldez@sbcorp.gov.ph</a>	0977-6458-348
	Jennie Lyn Naviamos  Ma. Theo Jeniel Cadiz	<a href="mailto:jnaviamos@sbcorp.gov.ph">jnaviamos@sbcorp.gov.ph</a>  <a href="mailto:mcadiz@sbcorp.gov.ph">mcadiz@sbcorp.gov.ph</a>	0995-7022-117  0939-9148-221
<b>BICOL REGION</b>			
DTI Camarines Norte Provincial Office Merchant Avenue, Central Plaza Complex, Brgy. Lag-on, Daet, Camarines Norte, Region V	Christian Arvin Manalo	<a href="mailto:cmanalo@sbcorp.gov.ph">cmanalo@sbcorp.gov.ph</a>	0945-3101-992
DTI Albay Provincial Office 3rd Floor DBP Building. Quezon Ave. Ext. Brgy. Dinagaan Legazpi City 4500 Philippines	John Michael Eubion	<a href="mailto:jeubion@sbcorp.gov.ph">jeubion@sbcorp.gov.ph</a>	0945-3101-979
Unit 204, 2nd Flr. One Magsaysay Corporate Center Magsaysay Avenue, Concepcion Pequena, Naga City	Karla Florendo Geneiveve Saballa Dave Andrew Clavo	<a href="mailto:kdevilla@sbcorp.gov.ph">kdevilla@sbcorp.gov.ph</a> <a href="mailto:gsaballa@sbcorp.gov.ph">gsaballa@sbcorp.gov.ph</a> <a href="mailto:dclavo@sbcorp.gov.ph">dclavo@sbcorp.gov.ph</a>	0910-8984-908 0917-6274-019 0956-5225-783
DTI Sorsogon Office 2nd Floor, Clemente Bldg. Piot, Sorsogon City	Karen Frayna Naliza Dio	<a href="mailto:kfrayna@sbcorp.gov.ph">kfrayna@sbcorp.gov.ph</a> <a href="mailto:ndio@sbcorp.gov.ph">ndio@sbcorp.gov.ph</a>	0927-5326-979 0927-3409-170
<b>CALABARZON REGION IV-A</b>			
DTI Provincial Office, 2nd Flr. Government Center Building, Brgy. San Agustin Capitol Road, Trece Martires City, Cavite	Gerald Geroca Jean Camille Duran	<a href="mailto:ggeroca@sbcorp.gov.ph">ggeroca@sbcorp.gov.ph</a> <a href="mailto:jduran@sbcorp.gov.ph">jduran@sbcorp.gov.ph</a>	0916-7202-452 0916-7202-452

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	Rona Angulo	<a href="mailto:rangulo@sbcorp.gov.ph">rangulo@sbcorp.gov.ph</a>	0945-3102-008 / 0927-8873-144
C/O DTI Batangas Desk Office NACIDA Building B, Morada Ave. Lipa City, Batangas	Marichu De Villa William Makalintal	<a href="mailto:mdevilla@sbcorp.gov.ph">mdevilla@sbcorp.gov.ph</a> <a href="mailto:wmakalintal@sbcorp.gov.ph">wmakalintal@sbcorp.gov.ph</a>	0917-7041-596 0967-2962-756
Rizal DTI Rizal Provincial Office 2nd Flr. Altica Arcade #83 Circumferential Road, Cor., Sto. Nino Street, San Jose Antipolo City, Rizal	Francis Daniel Rebollado	<a href="mailto:frebollado@sbcorp.gov.ph">frebollado@sbcorp.gov.ph</a>	0945-3101-961
	Rolando Doringo	<a href="mailto:rdoringo@sbcorp.gov.ph">rdoringo@sbcorp.gov.ph</a>	0945-3101-964
DTI 2nd Flr. Lucena Grand Terminal Diversion Road, Brgy. Ilayang Dupay, Lucena City	Kevin Laroza Erika Maroon	<a href="mailto:klaroza@sbcorp.gov.ph">klaroza@sbcorp.gov.ph</a> <a href="mailto:emaroon@sbcorp.gov.ph">emaroon@sbcorp.gov.ph</a>	0966-5824-286 0917-3129-532
	Edward Orge	<a href="mailto:eorge@sbcorp.gov.ph">eorge@sbcorp.gov.ph</a>	0945-3101-978 / 0929-6400-044
<b>MIMAROPA REGION IV-B</b>			
DTI SME Center Municipal Compound San Jose, Occidental Mindoro	Noli Lucero	<a href="mailto:nlucero@sbcorp.gov.ph">nlucero@sbcorp.gov.ph</a>	0927-4115-307
DTI Provincial Office Negosyo Center Brgy. Ibaba East Calapan City	Ronnie Delgado Kim James Jolindon	<a href="mailto:rdelgado@sbcorp.gov.ph">rdelgado@sbcorp.gov.ph</a> <a href="mailto:kjolindon@sbcorp.gov.ph">kjolindon@sbcorp.gov.ph</a>	0919-3935-079 0963-8169-336
DTI Provincial Office, JMP Realty Building, Pamintuan St., Isok 1, Boac, Marinduque	Renmar Cesista	<a href="mailto:rcesista@sbcorp.gov.ph">rcesista@sbcorp.gov.ph</a>	0916-3203-315
Tourism Building, Barangay Tabin-Dagat, Odiongan, Romblon	Lance Hexyl Acedera	<a href="mailto:lacedera@sbcorp.gov.ph">lacedera@sbcorp.gov.ph</a>	0938-9521-593
DTI Provincial Office , 4th Flr. ERC Plaza, National Highway, Brgy. San Pedro Puerto Princesa City	Ronald Gelbaliga	<a href="mailto:rgelbaliga@sbcorp.gov.ph">rgelbaliga@sbcorp.gov.ph</a>	0945-3101-988 / 0917-5999-967
	Marcelino Dile	<a href="mailto:mdile@sbcorp.gov.ph">mdile@sbcorp.gov.ph</a>	0928-4428-922 / (048) 434-1748
<b>Visayas Group</b>			
<b>Cebu Area Office</b> Unit-A 6th Floor, 2QUAD Bldg., Cardinal Rosales Avenue, Cebu Business Park, Cebu City (Visayas Area Office)	Liberato Gingoni Jr.	<a href="mailto:lgingoni@sbcorp.gov.ph">lgingoni@sbcorp.gov.ph</a>	0995-9305-635 / 0917-6696-734 / 234-4500
	Zunel M. Ricote	<a href="mailto:zricote@sbcorp.gov.ph">zricote@sbcorp.gov.ph</a>	0955-1560-708 / 0917-6696-734 / 234-4500
	Miraflor D. Lumongsod	<a href="mailto:mlumongsod@sbcorp.gov.ph">mlumongsod@sbcorp.gov.ph</a>	0917-6696-734 / 234-4500
	Celeste V. Sollano	<a href="mailto:csollano@sbcorp.gov.ph">csollano@sbcorp.gov.ph</a>	
	Imelda B. Hofer	<a href="mailto:ihofer@sbcorp.gov.ph">ihofer@sbcorp.gov.ph</a>	



<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
<b>Office Address</b>	<b>Contact Person</b>	<b>Email Address</b>	<b>Contact Number</b>
<b>Region 6 (WESTERN VISAYAS)</b>			
DTI-Aklan, JSM Building, Veterans Avenue, Kalibo Aklan	Jecyl B. Tulio	<a href="mailto:jbantigue@sbcorp.gov.ph">jbantigue@sbcorp.gov.ph</a>	0945-3102-007
Negosyo Center Brgy. Caticlan, Malay, Aklan	Geralyn V. Gatlabayan	<a href="mailto:ggatlabayan@sbcorp.gov.ph">ggatlabayan@sbcorp.gov.ph</a>	0955-8147-561
2nd Floor Business Park, Governor Villavert Street, San Jose, Antique	Gabriel Ebanen	<a href="mailto:gebanen@sbcorp.gov.ph">gebanen@sbcorp.gov.ph</a>	0945-3102-005
DTI Provincial Office Sacred Heart of Jesus Avenue, Pueblo de Panay, Brgy. Lawa-an, Roxas City, Capiz	Mark Paul Serran	<a href="mailto:mserran@sbcorp.gov.ph">mserran@sbcorp.gov.ph</a>	0945-3102-006
Negosyo Center, Poblacion Norte, Sigma, Capiz	Leomar T. Maza	<a href="mailto:lmaza@sbcorp.gov.ph">lmaza@sbcorp.gov.ph</a>	0955-4372-462
DTI Provincial Office 2 nd Floor Mavikss Bldg. ,New Site San Miguel, Jordan, Guimaras	Joyce M. Gedalanga	<a href="mailto:jminierva@sbcorp.gov.ph">jminierva@sbcorp.gov.ph</a>	0906-3038-913
DTI Region 6, corner J.M Basa-Peralta St.,Iloilo Cityalta St.,Iloilo City	Julie Jean S. Tidon	<a href="mailto:jtidon@sbcorp.gov.ph">jtidon@sbcorp.gov.ph</a>	0945-3101-962 / 0926-7138-036
DTI Region 6, corner J.M Basa-Peralta St.,Iloilo Cityalta St.,Iloilo City	Wilfe B. Jimoga-on	<a href="mailto:wjimogaon@sbcorp.gov.ph">wjimogaon@sbcorp.gov.ph</a>	0945-3101-962 / 0926-7138-036
DTI Negosyo Center-2Floor, Old Municipal Hall, Passi City, Iloilo	Schin T. Pamado	<a href="mailto:spamado@sbcorp.gov.ph">spamado@sbcorp.gov.ph</a>	0956-9934-861
DTI Provincial Office,2nd Floor East 2 Corp. Center corner Diola Circumferencial Rd.,Brgy. Villamonte, Bacolod City, Negros Occidental	Riah B. Molavin	<a href="mailto:rmolavin@sbcorp.gov.ph">rmolavin@sbcorp.gov.ph</a>	0945-3101-969
DTI Negosyo Center Kabankalan, Public Plaza, Brgy. 7, Kabankalan City, Negros Occidental	Rona May Obiedo	<a href="mailto:robiedo@sbcorp.gov.ph">robiedo@sbcorp.gov.ph</a>	0909-3333-940
<b>Region 7 (CENTRAL VISAYAS)</b>			
DTI Bohol Province Office 2nd Floor,FCB Bldg,Carlos P. Garcia Ave.,Tagbilaran City, Bohol	Rheymond Acsioma (Re-assigned for Tagbilaran)	<a href="mailto:racsioma@sbcorp.gov.ph">racsioma@sbcorp.gov.ph</a>	0916-5331-230 / 0945-7311-258

<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
<b>Office Address</b>	<b>Contact Person</b>	<b>Email Address</b>	<b>Contact Number</b>
2nd Floor Uymatiao Bldg., San Jose Street, Dumaguete City , Negros Oriental	Benedict Ortega	<a href="mailto:bortega@sbcorp.gov.ph">bortega@sbcorp.gov.ph</a>	0945-3102-030
Negosyo Center Portside Area, North Poblacion, Larena, Siquijor	Jenette T. Largo	<a href="mailto:jlargo@sbcorp.gov.ph">jlargo@sbcorp.gov.ph</a>	0945-3102-031
<b>Region 8 (EASTERN VISAYAS)</b>			
DTI - Provincial Office, 2nd Floor JAC Bldg. Caneja Street, Naval, Biliran	Jackielyn Pelayo	<a href="mailto:jpelayo@sbcorp.gov.ph">jpelayo@sbcorp.gov.ph</a>	0945-3102-029
DTI-Provincial office, Wheeler's Bldg., Baybay 5, Brgy. Songco, Borongan City, Eastern Samar	Ma. Joy Abobo	<a href="mailto:mabobo@sbcorp.gov.ph">mabobo@sbcorp.gov.ph</a>	0945-3102-025 / 0915-4236-303
DTI NSPO 2nd Floor Luisa Angley Bldg. Barangay Sampaguita, Catarman, Northern Samar	Sharniel Rongcales	<a href="mailto:srongcales@sbcorp.gov.ph">srongcales@sbcorp.gov.ph</a>	0945-3102-024 / 0966-3611-968
Negosyo Center Sogod, LGU Sogod, Southern Leyte	Arthur-lito Inot	<a href="mailto:ainot@sbcorp.gov.ph">ainot@sbcorp.gov.ph</a>	0945-3102-027
DTI 8, Regional Office (new bldg), Pawing, Palo, Leyte	Antonette B. Corcuera	<a href="mailto:abertis@sbcorp.gov.ph">abertis@sbcorp.gov.ph</a>	0947-8967-569
	Antonio Elmer M. Garado	<a href="mailto:agarado@sbcorp.gov.ph">agarado@sbcorp.gov.ph</a>	0945-3101-958 / 0905-2898-422
	Kristel Mae Mesias	<a href="mailto:kmesias@sbcorp.gov.ph">kmesias@sbcorp.gov.ph</a>	0945-3101-958
G/F DTI-Ormoc Sattelite Office, New Ormoc City Hall, Brgy. Cogon, ormoc City	Allan S. Tagra	<a href="mailto:atagra@sbcorp.gov.ph">atagra@sbcorp.gov.ph</a>	0906-4441-021
DTI Provincial Office Del Rosario Extension Poblacion 1 Catbalogan City, Samar	John Sandro Cabiltes	<a href="mailto:jcabiltes@sbcorp.gov.ph">jcabiltes@sbcorp.gov.ph</a>	0945-3102-026
<b>Mindanao Group</b>			
Unit 410 4Th Floor Landco Corporate Center, J.P. Laurel Avenue, Bajada Davao City	Lian Paradela Essen Econg Karla Sebumpan Cindy Sumagot Kaymarie Alaba	<a href="mailto:lparadela@sbcorp.gov.ph">lparadela@sbcorp.gov.ph</a> <a href="mailto:eecong@sbcorp.gov.ph">eecong@sbcorp.gov.ph</a> <a href="mailto:ksebumpan@sbcorp.gov.ph">ksebumpan@sbcorp.gov.ph</a> <a href="mailto:csumagot@sbcorp.gov.ph">csumagot@sbcorp.gov.ph</a> <a href="mailto:krodriguez@sbcorp.gov.ph">krodriguez@sbcorp.gov.ph</a>	0932-372-9959 / (082) 221-0858; 221-1488
Dept. of Trade & Industry Rudy Tiu Building Ii J.C. Aquino Ave., Butuan City	Juniel Paran	<a href="mailto:jparan@sbcorp.gov.ph">jparan@sbcorp.gov.ph</a>	0991-884-5752 / (085) 341 5221
Negosyo Center, Land Transport Terminal, P-	Jinky Acero	<a href="mailto:jacero@sbcorp.gov.ph">jacero@sbcorp.gov.ph</a>	0917-174-3737

<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
<b>Office Address</b>	<b>Contact Person</b>	<b>Email Address</b>	<b>Contact Number</b>
6, Songkoy, Kitcharao, Agusan del Norte			
DTI Negosyo Center San Francisco Municipal Hall Ground National Highway, Brgy. 3 (Pob.) San Francisco, Agusan del Sur 8501	Rene Villagantol	<a href="mailto:rvillagantol@sbcorp.gov.ph">rvillagantol@sbcorp.gov.ph</a>	0921-283-9001 / 0927-119-8559
DTI Bukidnon Kg Building, Bonifacio Drive Malaybalay City, Bukidnon	Christian Calimpusan	<a href="mailto:ccalimpusan@sbcorp.gov.ph">ccalimpusan@sbcorp.gov.ph</a>	0977-883-0453 / (088) 813 2101
Negosyo Center/Peso office, Municipal Bldg., Anahawon, Maramag, Bukidnon	Bleshy Naallatan	<a href="mailto:bnaallatan@sbcorp.gov.ph">bnaallatan@sbcorp.gov.ph</a>	0975-221-9473 / (088) 828-3739
Negosyo Center, Mambajao Municipal Hall, Mambajao, Camiguin	Emelita Piquero	<a href="mailto:epiquero@sbcorp.gov.ph">epiquero@sbcorp.gov.ph</a>	0909-635-4421
DTI Provincial office, Purok 4, Agoncillo St., Poblacion, Nabunturan, Davao De Oro	Rhea Valdez	<a href="mailto:rvaldez@sbcorp.gov.ph">rvaldez@sbcorp.gov.ph</a>	0963-813-3681 / (082) 216 3505
Department of Trade And Industry Provincial office Government Center Brgy. Mankilam, Tagum City	Nicandro Dujali	<a href="mailto:ndujali@sbcorp.gov.ph">ndujali@sbcorp.gov.ph</a>	0981-592-5961 / (082) 216 3505
DTI Negosyo Center, Golden Ram Building , Roxas Extension, Barangay Tres De Mayo, Digos City, Davao Del Sur	Iana Krystel Semillano	<a href="mailto:isemillano@sbcorp.gov.ph">isemillano@sbcorp.gov.ph</a>	0946-732-2474 / 0945-154-5671
DTI Davao Occidental Programme Management office, 73Rd Ib Compound Sitio Durian, Brgy. Felis, Malita, Davao Occidental 8012	John Rey Artazo	<a href="mailto:jartazo@sbcorp.gov.ph">jartazo@sbcorp.gov.ph</a>	0975-876-5420 / 0917-311-2857
DTI office, 3F Valles Bldg., Rizal Street, Mati City	Jamaila Magdipig	<a href="mailto:jmagdipig@sbcorp.gov.ph">jmagdipig@sbcorp.gov.ph</a>	0906-318-1701 / 0915-181-7003 / (087) 388-3735
DTI – Lanao Del Norte Provincial office 0171 Pm Durias Bldg., Quezon Ave. Ext. Pala-O, Iligan City	Evelyn Geronimo	<a href="mailto:geronimo@sbcorp.gov.ph">geronimo@sbcorp.gov.ph</a>	0997-905-5863, 0956-483-6585 / (063) 221-5534 / 221-5532
DTI Negosyo Center Dajao Building Pob. I Oroquieta City,	Roger Salibay	<a href="mailto:rsalibay@sbcorp.gov.ph">rsalibay@sbcorp.gov.ph</a>	0907-288-1975 / (088) 530-5276 / 531-1231

<b>PUBLIC ASSISTANCE COMPLAINTS DESK (PACD) OFFICERS</b>			
<b>Office Address</b>	<b>Contact Person</b>	<b>Email Address</b>	<b>Contact Number</b>
Misamis Occidental 7207			
Dept. of Trade And Industry Corrales Corner Luna Street Cagayan De Oro City	Jade Montero	<a href="mailto:jmontero@sbcorp.gov.ph">jmontero@sbcorp.gov.ph</a>	0953-487-5656 / (08822) 722-278
DTI Provincial office, Singao Road, Apo Sandawa Homes Phase 3 Kidapawan City	Frederick Aurel	<a href="mailto:faurel@sbcorp.gov.ph">faurel@sbcorp.gov.ph</a>	0950-025-9184 / (064) 577-1531 / 577-1527
Alabel Negosyo Center, Public Market, Poblacion Alabel, Sarangani Province	James Camia	<a href="mailto:jcamia@sbcorp.gov.ph">jcamia@sbcorp.gov.ph</a>	0956-674-0693; 0949- 712-0780 / (083) 508- 2014 / 0917-820-2024 (NC)
DTI Gensan Satellite office, 2Nd Floor R.A. Alajar Realty Bldg., South Osmeña Street, General Santos City	Ailene May Pacia	<a href="mailto:apacia@sbcorp.gov.ph">apacia@sbcorp.gov.ph</a>	0926-712-3440; 0905-366-0988; (083) 554 2572
DTI-Negosyo Center, Alunan Ave., Poblacion, Koronadal City, South Cotabato	Ailene May Miranda	<a href="mailto:lmiranda@sbcorp.gov.ph">lmiranda@sbcorp.gov.ph</a>	0956-552-1651
DTI – Negosyo Center 2Nd Floor Simtoco Business Center Burgos St., Surigao City	Jayson Gallera	<a href="mailto:jgallera@sbcorp.gov.ph">jgallera@sbcorp.gov.ph</a>	0907-331-3655 0927-028-2686 / (086) 826-2373
DTI- Marketsite, Mangagoy, Bislig City, Surigao Del Sur 8311	Jan Jaive Rivas	<a href="mailto:jrivas@sbcorp.gov.ph">jrivas@sbcorp.gov.ph</a>	0975-867-4758
DTI - Negosyo Center Ground Floor David Walstrom Bldg. Adzu Lantaka Campus, N.S. Valderosa Street, Zamboanga City	Albert Ellica	<a href="mailto:aellica@sbcorp.gov.ph">aellica@sbcorp.gov.ph</a>	0935-714-2005 / (062) 991 2704 - 05 / 310- 5275
DTI Zamboanga Del Norte Government Center, Sta. Isabel, Dipolog City	Jaryl Sumagang	<a href="mailto:jsumagang@sbcorp.gov.ph">jsumagang@sbcorp.gov.ph</a>	0998-983-8559, 0912- 907-7445 / (065) 212- 2944
C/O DTI Provincial office Nacida Bldg.,Capitol Site,P.Urro St. Sto.Niño District, Pagadian City	Cherry Rose Mejias	<a href="mailto:cmejias@sbcorp.gov.ph">cmejias@sbcorp.gov.ph</a>	0998-885-4769 / (062) 214-3326
Negosyo Center, 2/F Montebello Bldg., Poblacion, Ipil, Zamboanga Sibugay	Analiza Mabaga	<a href="mailto:acape@sbcorp.gov.ph">acape@sbcorp.gov.ph</a>	0916-158-7835

# **ANNEX “E”**

## **FOI Request Form**

## FREEDOM OF INFORMATION REQUEST FORM

### PART I. INFORMATION ON REQUESTING PARTY

1. Title: (Mr/Mrs/Miss/Ms)  Others

2. Full Name:  
Surname   
First Name (Including M.I.)

3. Complete Address:  
Apt/House No./Street   
Brgy/District   
City/Municipality   
Province

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

5. Type of I.D. Given: (With photograph and signature)

Passport  Driver's License  Others: (Pls. Specify)

Postal ID  Voter's ID

6. Contact Details:  
Country Code Area Code Number  
Landline:   
Fax:   
Mobile:   
Email:

7. Preferred Mode of Communications: (For clarification and other matters)  
 Landline  Mobile  E-mail  Postal Address

8. Preferred Mode of Reply/Response:  
 Pick-up  Fax  E-mail  Postal Address

9. Name of Representative/Guardian: (If applicable)  
Surname   
First Name (Including M.I.)

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: DD/MM/YYYY)

Photocopy  Certified Photocopy  Certified True Copy

14. Purpose of Request (Please provide as much detail as you can):

15. Any other relevant information:

I Declare and certify that that the information provided in this form is complete and correct. I am aware that giving false 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 prescribed by the Office of the President. I understand that the Office of the President 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-up or other in inquiries, please contact +632-8651 3333 and look for the FOI Receiving Officer on duty.

# **ANNEX “F”**

## **FOI Response Templates**

**SMALL BUSINESS CORPORATION**  
**17th & 18th Floors and Unit 1903, 139 Corporate Center, 139 Valero St.,**  
**Salcedo Village, Makati City 1227**

FOI RESPONSE TEMPLATE  
(Acknowledgement Receipt for FOI Request Filed  
Through Mail/Email)

Date: \_\_\_\_\_

Dear \_\_\_\_\_:

Greetings!

This is to acknowledge receipt of you request for information dated \_\_\_\_\_ which we received on \_\_\_\_\_ at \_\_\_\_\_.

Your request has already been acted on by the appreciate SB Corp Officer. We shall inform you of the decision of your request within fifteen (15) days from date of receipt thereof.

Thank you.

Respectfully,

\_\_\_\_\_  
(Name of Authorized Signatory)



**SMALL BUSINESS CORPORATION**  
**17th & 18th Floors and Unit 1903, 139 Corporate Center, 139 Valero St.,**  
**Salcedo Village, Makati City 1227**

FOI RESPONSE TEMPLATE  
(Notice of Approval of FOI Request)

Date: \_\_\_\_\_

Dear \_\_\_\_\_:

Greetings!

This is to acknowledge receipt of your request dated \_\_\_\_\_ for the following information:

- 1.
- 2.
- 3.

As requested, we are pleased to provide you the attached documents.

Should you need any other information, please do not hesitate to write us.

Thank you and we hope we have been of service to you.

Respectfully,

\_\_\_\_\_  
(Name of Authorized Signatory)

**SMALL BUSINESS CORPORATION**  
**17th & 18th Floors and Unit 1903 139 Corporate Center, 139 Valero St.,**  
**Salcedo Village, Makati City 1227**

FOI RESPONSE TEMPLATE  
(Denied Request – Due to Non Availability of Information)

Date: \_\_\_\_\_

Dear \_\_\_\_\_:

Greetings!

This is to acknowledge receipt of your request dated \_\_\_\_\_ for the following information:

- 1.
- 2.
- 3.

We regret to inform you that SB Corp does not have the information you have requested. We would however like to refer you the following agency who might be able to provide you these information:

Contact: \_\_\_\_\_  
Position: \_\_\_\_\_  
Name of Agency \_\_\_\_\_  
Address: \_\_\_\_\_  
Tel No.: \_\_\_\_\_  
Email address: \_\_\_\_\_

Thank you and we hope we have been of service to you.

Respectfully,

\_\_\_\_\_  
(Name of Authorized Signatory)

**SMALL BUSINESS CORPORATION**  
**17th & 18th Floors and Unit 1903, 139 Corporate Center, 139 Valero St.,**  
**Salcedo Village, Makati City 1227**

FOI RESPONSE TEMPLATE  
(Notice of Denial of FOI Request)

Date: \_\_\_\_\_

Dear \_\_\_\_\_:

Greetings!

This is to acknowledge receipt of you request dated \_\_\_\_\_ which we received on \_\_\_\_\_ at about \_\_\_\_\_ a.m/p.m for the following information:

- 1.
- 2.
- 3.

We regret to inform you that we cannot provide you with the foregoing information as the same are covered by FOI Exception List /by Data Privacy Act.

Should you find this response unacceptable, you may file an appeal with the following:

Management Committee  
Small Business Corporation  
139 Valero St. corner Sedeno St.  
Salcedo Village, Makati City

*Subject: FOI Appeal*  
*Attention: President/CEO*

Thank you and we hope we have been of service to you.

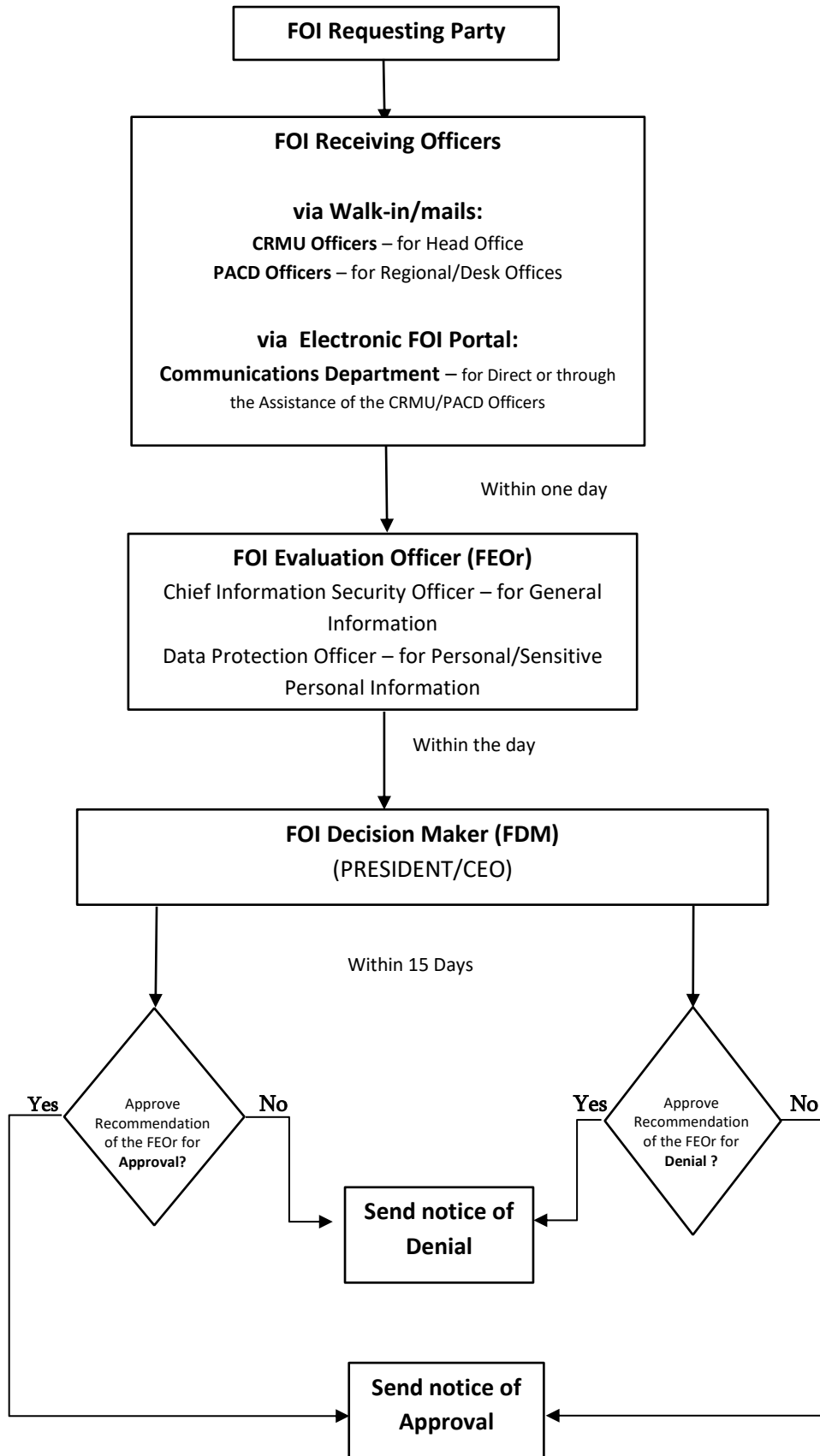
Respectfully,

\_\_\_\_\_  
(Name of Authorized Signatory)

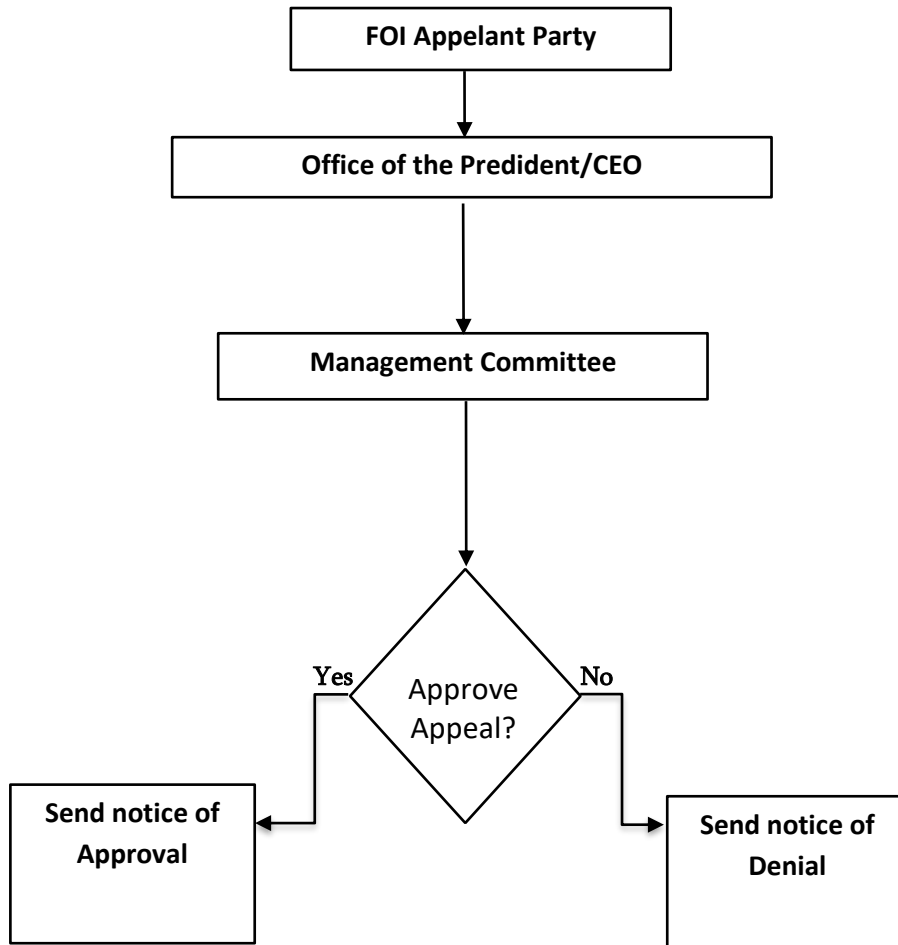
# **ANNEX “G”**

## **FLOWCHARTS**

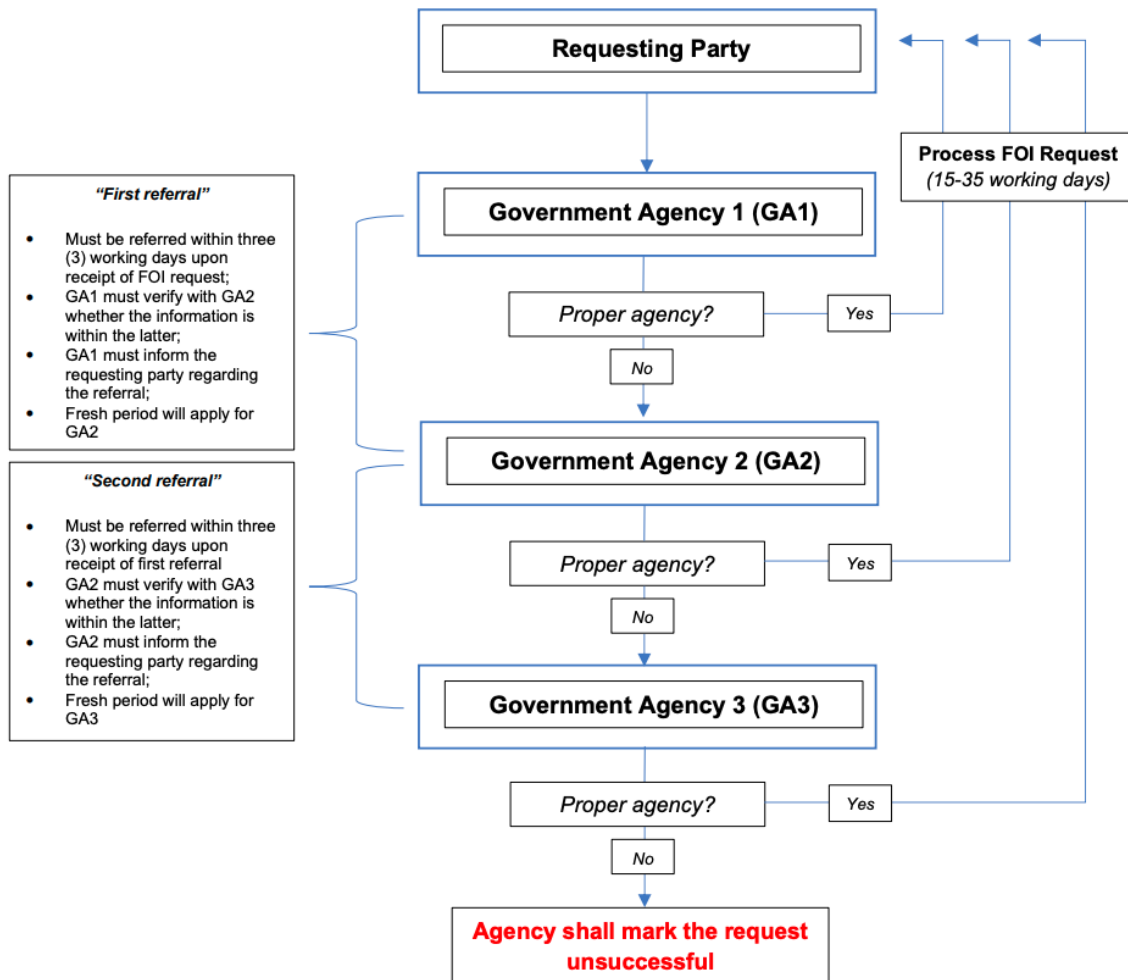
# I. FOI REQUEST FOR INFORMATION FLOWCHART



## II. FOI FILING OF APPEAL FLOWCHART



### III. NO WRONG DOOR POLICY FLOWCHART



**SECRETARY'S CERTIFICATE**

I, **FRANCIS ANGELO A. LOPEZ**, in my capacity as Corporate Board Secretary of Small Business Corporation, a Government-Owned and Controlled Corporation created by virtue of R.A. 6977, as amended by R.A. 8289 and further amended by R.A. 9501, after being duly sworn to in accordance with law, hereby certify that during the 369<sup>th</sup> Meeting of the Board of Directors of the Corporation held on the 25<sup>th</sup> of January 2024 and at which a quorum was present, the following Resolution was duly passed, approved and confirmed:

**BOARD RESOLUTION NO. 2024-01-3556**

**REVISED SMALL BUSINESS CORPORATION  
(SB CORPORATION) FREEDOM OF INFORMATION (FOI)  
MANUAL (AS OF JANUARY 2024)**

**"RESOLVED:** That the Revised SB Corporation FOI Manual crafted through the collaboration of the Office of the Chief Compliance Officer (OCCO) and the Communications Department as required under Presidential Communication Office (PCO) Memorandum Circular No. 23-02, the details of which are described in the attached Manual as *Annex "A"* and is made integral part hereof, be, as it is hereby confirmed."

**APPROVED.**

Makati City, 25 January 2024.

  
**FRANCIS ANGELO A. LOPEZ**  
*Corporate Board Secretary*

**OATH**

REPUBLIC OF THE PHILIPPINES)  
MAKATI CITY ) S.S.

**MAKATI CITY**

**JAN 26 2024**

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ at Makati City, affiant exhibited to me his IBP Lifetime Membership Card with Atty. Roll No. 61106 and Lifetime No. 14105.

Doc. No. 209;  
Page No. 45;  
Book No. 1;  
Series of 2024.

**ATTY. JOEL FERRER FLORES**

Notary Public for Makati City  
Until December 31, 2024  
Appointment No. M-115 (2023-2024)  
Roll Of Attorney No. 77376  
MCLE Compliance VIII No. 0001393-  
Jan. 3, 2023 until Apr. 12, 2028

**PTR NO. 10073945/ Jan. 2, 2024/ Makati City**  
**IBP No. 330740/ Jan. 2, 2024/ Pasig City**  
**1107 Batasan St., Guadalupe Nuevo, Makati City**