

NWPC People's Freedom of Information (FOI) Manual

FOREWORD

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) issued by President Rodrigo Roa Duterte on 23 July 2016, sets standards for access to information, official records, public records and documents and papers pertaining to official acts, transactions or decisions not considered as classified. It also provides administrative and judicial remedies for those who believe they have been improperly denied access to records.

Freedom of Information is the embodiment of the public's right to know about the activities of its government. The NWPC fully supports the President's program of creating a more transparent government, believing that access to information helps the public make public officials and authorities accountable for their actions. It can also improve public trust and confidence if government is seen being open to all its transactions.

This NWPC Manual on Freedom of Information is intended to serve as a mechanism on how our public and clients can easily gain access to information, public records and documents under our custody or control. The Manual also provides guidance for NWPC and RTWPBs' personnel in dealing with any request for information, official records and documents.



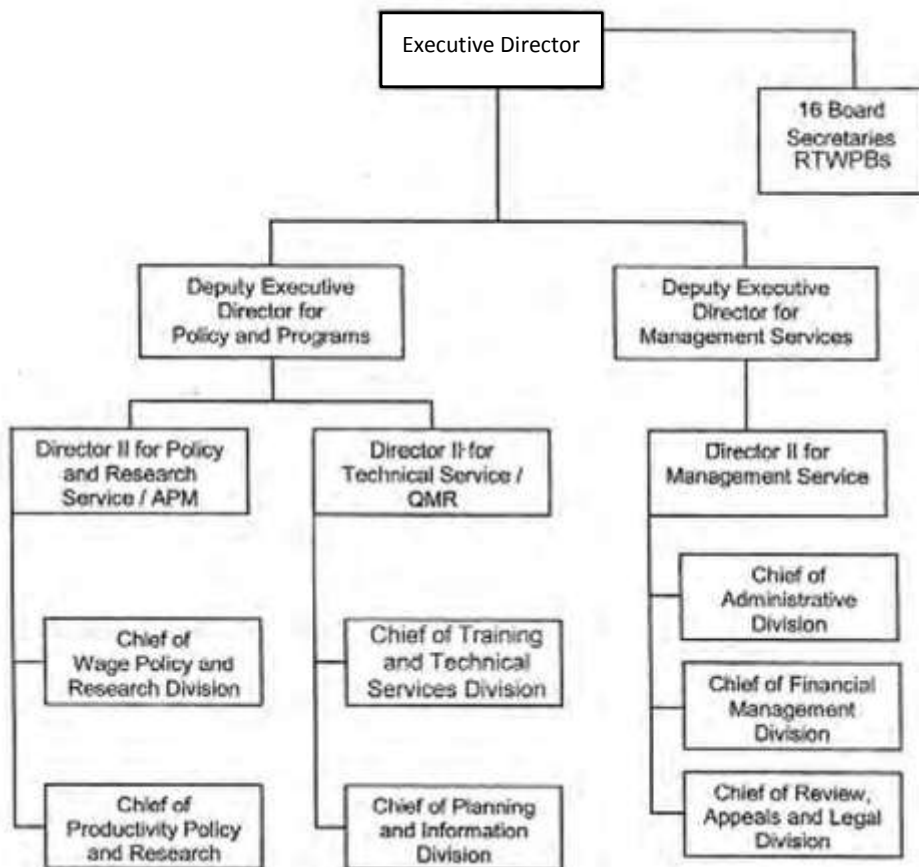
MARIA CRISELDA R. SY
Executive Director IV

TABLE OF CONTENTS

Contents	Page
1. Organizational Chart	1
2. The National Wages and Productivity Commission and the Regional Tripartite Wages and Productivity Boards	3
3. NWPC/RTWPB Directory	5
4. Executive Order No. 2	10
5. Legal Basis	20
6. Objectives	20
7. Coverage	21
8. Definition of Terms	21
9. Documents that Can Be Accessed	24
10. Exceptions	24
11. NWPC and RTWPB Documents than Can and Can Not Be Accessed	25
12. Determination of the Exception	29
13. Procedures	29
14. Administrative Liability	35
<i>Annex A – FOI Request Form</i>	36

ORGANIZATIONAL CHART

NWPC SECRETARIAT



COMMISSION PROPER

SILVESTRE H. BELLO III

Chairperson

Secretary, Department of Labor and Employment

ERNESTO M. PERNIA

Vice Chairperson

Director-General, NEDA

CEDRIC R. BAGTAS

Member

Workers' Sector

DAVID L. DIWA

Member

Workers' Sector

LUCILA C. TARRIELA

Member

Employers' Sector

EDUARDO T. RONDAIN

Member

Employers' Sector

ALEX V. AVILA

Member

NWPC OIC-Executive Director IV

RAMON M. LOPEZ

Observer

Secretary (DTI)

THE NATIONAL WAGES AND PRODUCTIVITY COMMISSION (NWPC) AND THE REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARDS (RTWPBS)

Creation

The National Wages and Productivity Commission (NWPC) and its Regional Tripartite Wages and Productivity Boards (RTWPBs) were created under Republic Act No. 6727 (The Wage Rationalization Act). NWPC is an attached agency of the Department of Labor and Employment for policy and program coordination.

Vision

Justly remunerated and productive Filipino workforce in globally competitive enterprises.

Mission

Set minimum wage that protects workers' welfare. Promote enterprise and workers' productivity.

Mandates

Functions under Republic Act No. 6727:

NWPC

1. To act as the national consultative and advisory body to the President of the Philippines and Congress on matters relating to wages, incomes and productivity;

2. To formulate policies and guidelines on wages, incomes and productivity improvement at the enterprise, industry and national levels;
3. To prescribe rules and guidelines for the determination of appropriate minimum wage and productivity measures at the regional, provincial or industry levels;
4. To review regional wage levels set by the Regional Tripartite Wages and Productivity Boards to determine if these are in accordance with prescribed guidelines and national development plans;
5. To undertake studies, researches and surveys necessary for the attainment of its functions and objectives, and to collect and compile data and periodically disseminate information on wages and productivity and other related information, including, but not limited to, employment, cost-of-living, labor costs, investments and returns;
6. To review plans and programs of the Regional Tripartite Wages and Productivity Boards to determine whether these are consistent with national development plans;
7. To exercise technical and administrative supervision over the Regional Tripartite Wages and Productivity Boards;
8. To call, from time to time, a national tripartite conference of representatives of government, workers and employers for the consideration of measures to promote wage rationalization and productivity; and
9. To exercise such powers and functions as may be necessary to implement RA 6727.

The RTWPBs

1. To develop plans, programs and projects relative to wages, incomes and productivity improvement for their respective regions;

2. To determine and fix minimum wage rates applicable in their region, provinces or industries therein and to issue the corresponding wage orders, subject to guidelines issued by the Commission;
3. To undertake studies, researches and surveys necessary for the attainment of their functions, objectives and programs, and to collect and compile data on wages, incomes, productivity and other related information and periodically disseminate the same;
4. To coordinate with the other Regional Boards as may be necessary to attain the policy and intention of this Code;
5. To receive, process and act on applications for exemption from prescribed wage rates as may be provided by law or any Wage Order; and
6. To exercise such other powers and functions as may be necessary to carry out their mandate under the Labor Code.

NWPC/RTWPBs Directory

NATIONAL WAGES AND PRODUCTIVITY COMMISSION

1011 DY International Building corner General Malvar and San Marcelino Streets, Malate, Manila

Tel. Nos.:

Records Section - (02) 527-51-71;

Planning and Information Division - (02) 527-80-14

NWPC Website: <http://www.nwpc.dole.gov.ph>

Email Addresses: avavila8@gmail.com
pmp21462@gmail.com
jing.tana@yahoo.com
ad.nwpc@yahoo.com
pid@nwpc.dole.gov.ph
legal_nwpc@yahoo.com

REGIONAL TRIPARTITE WAGES AND PRODUCTIVITY BOARDS

Region	Address	Telephone/Telefax Nos
NCR	2 nd Flr. DY International Building, 1011 Gen. Malvar corner San Marcelino Streets, Malate, Manila Email: wage_ncr@yahoo.com.ph Board Secretary – Aida T. Andres	Tel. No.: (632) 527-5155 Telefax No.: (632) 400-6765
CAR	3 rd Flr. DOLE Building, #1 Cabinet Hills Baguio City 2600 Email: rtwpbcar@yahoo.com Board Secretary – Augusto L. Aquillo	Telefax No.: (074) 300-3452 (074) 424-3416
1	Rm. 202-203, Juanita Commercial Building, Quezon Avenue San Fernando City, La Union 2500 Email: rtwpb1_rb1@yahoo.com OIC-Board Secretary – Nathaniel L. Pineda	Tel. No.: (072) 242-4396 Telefax No. (072) 607-8914
2	3 rd Flr. Andrews Building, Luna cor. Blumentritt Streets, Tuguegarao City Cagayan 3500 Email: rtwpb2@yahoo.com Board Secretary – Loreta R. Aquino	Tel. No.: (078) 844-1553 Telefax No.: (078) 844-0956

3	<p>2nd Flr. Suburbia Commercial Center I, McArthur Highway, Maimpis City of San Fernando Pampanga 2000</p> <p>Email: rtwpb3@yahoo.com.ph/ rtwpb3@gmail.com</p> <p>Board Secretary – Romeo E. Opis</p>	<p>Telefax No.: (045) 963-1162</p>
4	<p>3rd Flr. Milan Prestige Building, National Highway, Barangay Halang, Calamba City, Laguna</p> <p>Email: rtwpb4a@yahoo.com/ rtwpb4a@gmail.com</p> <p>OIC-Board Secretary – Atty. Rio Ariel A. Soriano</p>	<p>Telefax No.: (049) 545-5511 (049) 834-4030</p>
4B	<p>2nd Flr. Luna Building 3, Gov. Infantado St. Calapan City, Or. Mindoro</p> <p>Email: rtwpbivb_dole@yahoo.com</p> <p>Board Secretary –Elizabeth M. Teves</p>	<p>Telefax No.: (043) 288-1425</p>
5	<p>Gr. Flr. ANST Building, Washington Drive Legaspi City 4500</p> <p>Email: rtwpb5@yahoo.com</p> <p>OIC-Board Secretary – Francia N. Ocmer</p>	<p>Tel. No.: (052) 481-5676</p> <p>Telefax No. : (052) 820-6692</p>
6	<p>Rm. 30, Doña Maria Building</p>	<p>Telefax No:</p>

	La Castilla cor. EL 98 Streets Jaro, Iloilo City 5000 Email: rtwpb6@yahoo.com Board Secretary – Nesa S. Nolido	(033) 320-5864 (033) 329-0880
7	6 th Flr. DOLE-VII Building, Gorordo Avenue, Kamputhaw, Cebu City Email: rtwpb7@yahoo.com Board Secretary – Grace G. Carreon	Telefax No.: (032) 266-8068 (032) 412-9072
8	DOLE Compound, Trece Martires Street Tacloban City, Leyte 6500 Email: rtwpb_8@yahoo.com Board Secretary - Reynaldo Soliveres	Tel. No.: (053) 321-1959
9	Compartment 2-F, H.C. Marketing Bldg., Gov. Camins Avenue Zamboanga City 7000 Email: dole_rtwpb9@yahoo.com Board Secretary – Joel M. Ijirani	Telefax No.: (062) 991-2672
10	Room 301, FICCO-Tiano Building, Tiano Bros.-Abellanosa Sts., Cagayan de Oro City 9000 Email: rtwpb10@gmail.com Board Secretary – Estrella U. Pahalla	Telefax No.: (08822)74-55-47 (088) 880-3920
11	2 nd Flr., R & T Yap Building, Bangoy cor. Monteverde Streets, Davao City Davao del Sur 8000 Email: rtwpbxi@gmail.com	Telefax No.: (082) 224-2027

	rtwpbxi@yahoo.com Board Secretary - Ruby A. Badilles	
12	No. 102 Acepal Building, Mabini Extension Koronadal City, South Cotabato 9506 Email: rtwpbxii@yahoo.com Board Secretary– Jessie M. Dela Cruz	Telefax No.: (083) 520-0129
13	Lim Nimfa Tiu Building J. P. Rosalez Ave., Butuan City Agusan del Norte, Mindanao Email: rtwpb13@yahoo.com Board Secretary – Earl D. Dela Victoria	Telefax No.: (085) 342-9987
ARMM	ARMM Complex/ORG Compound, Cotabato City, Maguindanao 9600 Email: rtwpbarmm@ymail.com Board Secretary – Lilian Ruth C. Cabanban	Tel. No.: (064) 546-0410 Telefax No.: (064) 421-9728

Executive Order No. 2

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 law do hereby order:

SECTION 1. Definition. For the purpose of this Executive Order, the following 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 are 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 acknowledgement 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 hereof. 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, 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 reasonable complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

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

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

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

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

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

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

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

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

Published on July 27, 2016 at Manila Bulletin.

MANUAL ON FREEDOM OF INFORMATION (FOI)

Legal Basis

a. 1987 Philippine Constitution

Article II, Section 28. 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.

Article III, Section 7. Guarantees the right of the people to information on matters of public concern.

b. Republic Act No. 10173 and its Implementing Rules. Strengthens the fundamental human right of privacy and of communication while insuring the free flow of information to promote innovation and growth.

c. Executive Order No. 02, Section 8. Directed every government office to prepare within 120 calendar days from effectivity thereof its own People's FOI Manual for the effective implementation of the Order.

Objectives

This NWPC Manual on Freedom of Information is issued to:

a. Facilitate access to information, official records, and public records requested by NWPC/RTWPBs clients provided that the same are not considered confidential/classified; and

- b. Guide the NWPC/RTWPBs' personnel in dealing with any request for information.

Coverage

This Manual covers the National Wages and Productivity Commission (NWPC) and the seventeen (17) Regional Tripartite Wages and Productivity Boards (RTWPBs).

Definition of Terms

- 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. *(Section 1.a, Executive Order No. 02 dated 23 July 2016)*
- b. Official record/records shall include 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. *(Section 1.b, Executive Order No. 02 dated 23 July 2016)*

- 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 1.c, Executive Order No. O2 dated 23 July 2016)*

- d. 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 RA 10173)*

- e. Privileged information refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication. *(Section 3.k), RA 10173)*

- f. Sensitive personal information refers to personal information:
 - 1. About an individual's race, ethnic origin, marital status, age, color, and religions, 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. (*Section 3(l), RA 10173*)
- g.* Top Secret Matter – Information and material (matter) the unauthorized disclosure of which would cause exceptionally grave damage to the nation, politically, economically, or from security aspect. (*Section II, Memorandum Circular No. 78 dated 14 August 1964*)
- h.* Secret Matter – Information and material (matter) the authorized disclosure of which would endanger national security, cause serious injury to the interest or prestige of the nation or any governmental activity or would be of great advantage to a foreign nation. (*Section III, Memorandum Circular No. 78 dated 14 August 1964*)
- i.* Confidential Matter – Information and material (matter) the unauthorized disclosure of which, while not endangering the national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to a foreign nation. (*Section IV, Memorandum Circular No. 78 dated 14 August 1964*)

- j. Restricted Matter – Information and material (matter) which requires special protection other than that determined to be Top Secret, Secret or Confidential. (*Section V, Memorandum Circular No. 78 dated 14 August 1964*)

Documents that Can Be Accessed

Pursuant to Section 3 of Executive Order No. 02 dated 23 July 2016, 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 are accessible to every Filipinos.

Exceptions

Access to information, official records and public records shall not be allowed in following cases:

1. Classified/confidential and related matter or information and documents provided under Memorandum Circular No. 78 dated 14 August 1964, such as, Top Secret, Secret, Confidential and Restricted Matters;
2. Privileged communication; (*Rule 130, Section 24.e, Rules of Court*)
3. Private communication and correspondence; (*Section 3, Article III, 1987 Philippine Constitution; Article 26, Civil Code*)
4. Inventory of exceptions issued by the Department of Justice and the Office of the Solicitor General, as circularized by the Office of the President (*Executive Order No. 2 dated 23 July 2016*):
 - a. Information covered by Executive privilege;

- b. Privileged information relating to national security, defense or international relations;
- c. Information concerning law enforcement and protection of public and personal safety;
- d. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- e. 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;
- f. Prejudicial premature disclosure;
- g. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
- h. Matters considered confidential under banking and finance laws, and their amendatory laws; and
- i. Other exceptions to the right to information under laws, jurisprudence, rules, and regulations.

NWPC/RTWPBs Documents That Can and Can Not Be Accessed

The following are the documents of the respective divisions of NWPC and RTWPBs that can be accessed:

1. Administrative Division

1.a Cash Unit

Can not be accessed

All financial documents, including copies of payroll and checks issued. (*NWPC Memorandum 35-2009*)

1.b Personnel Records

Can not be accessed

All personnel records and document, including 201 files of NWPC and RTWPB officers and staff. (*NWPC Memorandum 35-2009*)

1.c Records Unit

Can not be accessed

All communication and reports. (*NWPC Memorandum 35-2009*)

Can be accessed

Memo/Office Order/Travel Orders, etc.
Documentation of BAC, PMT/PVT meetings
Individual Custodian Slips
Job/Purchase Request
Property Acknowledgement Receipt
PPMP/APP
Contracts
SALN

CNA

2. Review Appeals and Legal Division

Can not be accessed

All reports, and communications (*NWPC Memorandum 35-2009*)

Case Summaries

Comments for Presentation to the Commission Proper

Decision Sheets

Draft/unsigned Decisions/Resolutions

Draft/unsigned legal opinions

Can be accessed

NWPC Issuances

NWPC Decisions/Resolutions

Minutes of the Commission meetings

Records of appealed cases

3. Financial Management Division

Can not be accessed

All accounting, financial and budget documents under all units (*NWPC Memorandum 35-2009*)

4. Training Technical Service Division

Can be accessed

Training Proposals

Training Modules

Training Reports

Training Monitoring Reports

5. Wage Policy and Research Division

Can be accessed

Research data used as basis for policy development

6. Productivity Policy and Research Division

Can be accessed

Research data used as basis for policy development

7. Public Information Division

Can be accessed

Physical and Financial Plan
Agency OPCR
Physical Reports of Operations
GAD Report
Regional Performance report
SPRS
Narrative Performance Report
Accomplished CSM Forms/Reports
Communication Plan
Inventory reports

8. RTWPBs

Can not be accessed

All financial documents, including copies of payroll and checks issued. (*NWPC Memorandum 35-2009*)

All personnel records and document, including 201 files of NWPC and RTWPB officers and staff. (*NWPC Memorandum 35-2009*)

All accounting, financial and budget documents under all units (*NWPC Memorandum 35-2009*)

All communication and reports (*NWPC Memorandum 35-2009*)

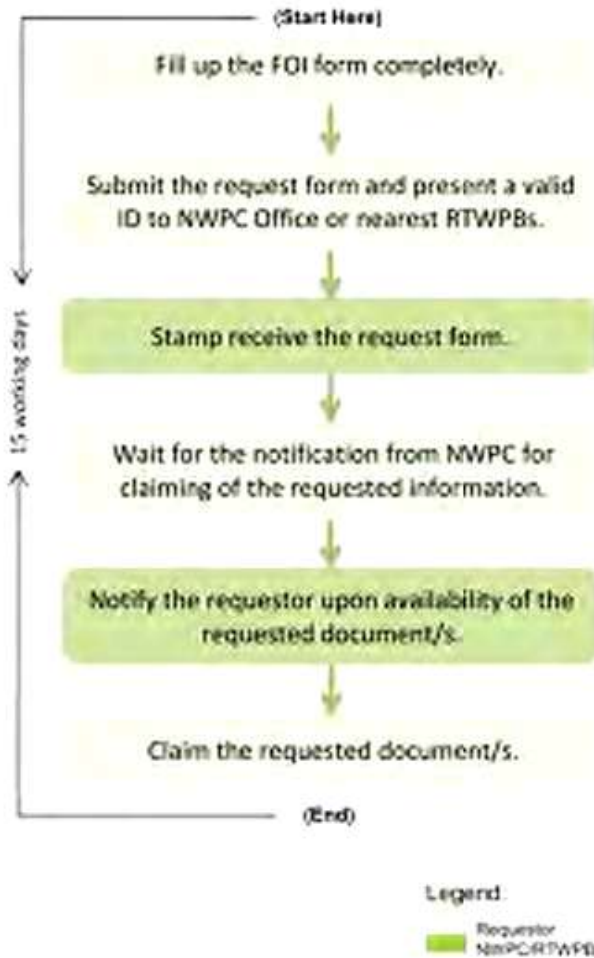
Determination of the Exception

The determination of the applicability of any exceptions to the request shall be the responsibility of the Head of NWPC or the Board Secretaries. In making such determination the Head of NWPC/Board Secretaries 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 and documents if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption. (*Section 6, Executive Order No. 02 dated 23 July 2016*)

Procedure

Pursuant to Section 9 and other relevant provisions of Executive Order No. 02, the following procedure shall govern the filing, processing and issuance of information, official records, and documents under the custody or control of NWPC and RTWPBs:

FOI REQUEST FLOWCHART



a. Request and Contents

Any person requesting access to information, official records and documents shall submit a written request to the NWPC or RTWPBs which has custody or control of the subject matter being requested. The request may be made in person or through mail.

The request shall state the name and contact information of the requesting party, provide valid proof of his/her identification or authorization, reasonably describe the information requested, and the reason for or purpose of the request.

Please see attached NWPC FOI Request Form (*Annex A*).

b. Where to file

The request may be filed with the Records Section of the National Wages and Productivity Commission or any of the Regional Tripartite Wages and Productivity Boards that have custody or control of the information, official records and documents being requested.

c. Stamp and Acknowledgment Receipt

Upon receipt of the request, the designated records officer of NWPC/ RTWPBs shall stamp the receipt of the request, indicating the date and time of receipt, his/her name and position with the corresponding signature and a copy thereof furnished to the requesting party.

In case of a request through mail, the NWPC/RTWPBs shall acknowledge the request within five (5) calendar days from receipt thereof.

d. Fees

No fees for accepting request for access to information, official records and documents shall be collected or charged. The NWPC/RTWPBs may, however, require reasonable fees for reimbursement of cost of reproduction and copying of the information official records and documents requested.

e. Action Period

The NWPC/RTWPBs shall decide to grant or deny a request fully compliant with the requirements under letter (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof.

The period to respond provided above 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 NWPC/RTWPBs shall notify the person requesting 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. Denial of Request

No request for access to information, official records, and documents 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 issued by the Department of Justice (DOJ) and the Office of the Solicitor General (OSG).

g. Notice of Approval or Denial of Request

Once a decision is made by the NWPC/RTWPBs to grant the request, the person making the request shall be notified of such decision.

In case of denial of the request, the NWPC/RTWPBs 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.

h. Remedies in Case of Denial of Request

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

- a) The denial of any request for access to information may be appealed to the person or office next higher in authority, 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.

i. Issuance/Release of Information, Official Records, Public Records

No information, official records, public records and documents shall be issued or released without the approval or authority of the NWPC Head or RTWPB Chairperson/Board Secretary.

j. Inventory of Information, Official Records, and Public Records

It shall be the responsibility of the concerned Divisions of NWPC and the Board Secretaries of RTWPBs to make the proper and orderly filing of their respective records and documents.

k. 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) Personal information in the custody or under its control may be disclosed or released only if material or relevant to the subject matter of the request and its disclosure is permissible;
- b) Personal information which unduly exposes the individual whose personal information is requested to vilification, harassment, or any other wrongful acts should not leak or prematurely disclosed; and
- c) Any employee who has access, authorized or unauthorized, to personal information in the custody of the office must not disclose said information except when authorized pursuant to existing laws, rules and regulations.

I. Monitoring

The designated Records Officer shall be responsible in monitoring the status of all requests received by NWPC/RTWPBs. For this purpose, he/she shall prepare and submit a report to the Head of Office every end of the quarter of all requests pending and acted upon by the NWPC/RTWPBs.

Administrative Liability

Any official/employee who fails to comply with the provisions of FOI shall be subjected to administrative and disciplinary sanctions. Schedule of Penalties pursuant to Sec. 46 (F), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service:

Offense	Penalty
1. Conduct prejudicial to the best interest of the service;	<u>1st Offense:</u> 6 months and 1 day to 1 year suspension <u>2nd Offense:</u> dismissal
2. Failure to act promptly on letter and requests within 15 days from receipt.	<u>1st Offense:</u> Reprimand
3. Failure to provide documents and complete action on documents and papers within reasonable time from preparation thereof.	<u>2nd Offense:</u> 1 to 30 days suspension <u>3rd Offense:</u> dismissal

ANNEX A

NATIONAL WAGES AND PRODUCTIVITY COMMISSION

FOI REQUEST FORM

PETSA (Date): _____

TITULO NG DOKUMENTO/(Title of the Document):	
MGA TAON/PANAHONG SAKLAW NG IMPORMASYONG HINAHANAP/(Year):	
LAYUNIN/(Purpose):	
PANGALAN (Name):	CONTACT (Mobile No., Email, etc.):
TIRAHAN (Address):	OPISINA/PAARALAN (Office/School):
LAGDA (Signature):	GOVERNMENT-ISSUED ID (Proof of Identity; please attach photocopy):

*Ang bahaging ito ay pupunan ng NWPC
(To be filled up and kept by the NWPC)*

PAGKILALA NG PAGTANGGAP NG DOKUMENTO (Acknowledgment receipt of document):

Ang dokumentong nakasaad sa itaas ay tinanggap ni:

Pangalan (Name): _____

Lagda (Signature): _____

Petsa (Date): _____

TERMS OF USE: The document and any information provided: (1) shall not be used for any purpose other than what is indicated in the FOi request as approved; (2) shall not be used for purposes contrary to law, morals, good customs, or public policy; and (3) shall not be reproduced for any commercial use. Any violation will be addressed accordingly.