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1.0 INTRODUCTION

On 23 July 2016, President Rodrigo Roa Duterte issued Executive Order (E.O.) No. 2, series of 2016, on ***“Operationalizing in the Executive Branch the People’s Constitutional Rights to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefore.”*** It sets the provisions under which every Filipino may have access to information.

Section 8 of the said E.O. directed all government offices to prepare its own People’s Freedom of Information (FOI) Manual relative to the procedures in requesting for information and the procedures to be followed in processing the said request.

In compliance thereto, the John Hay Management Corporation’s (JHMC) Freedom of Information (FOI) Manual is being published.

2.0 PURPOSE

This Manual aims to standardize the procedures in requesting for information and the procedures undertaken by the John Hay Management Corporation (JHMC) in processing the said request in accordance with E.O. No. 02, s. 2016.

3.0 SCOPE

This Manual shall apply to all John Hay Management Corporation (JHMC) clients, customers, stakeholders and the general public.

4.0 DEFINITION OF TERMS


Freedom of Information It is a mechanism to promote transparency in the government’s administrative process wherein the general public may request for information held by the government provided the said information is covered under E.O. No. 2, series of 2016 and other laws, rules and regulations.

Information Refers to any records, documents, papers, reports, letters, contract, 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 or archived in whatever format, whether offline or online, which are made,

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received, or kept in or under the control and custody of JHMC pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of its official business.

Official record Refers 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.

Public record It shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

FOI Request Form Refers to the form accomplished by the Requesting Party in requesting information from JHMC.

Receiving Officer Refers to the contact person of JHMC to whom the Requesting Party shall submit its FOI Request Form or to whom the general public may request for assistance relative to FOI Process or any pending FOI Request.

FOI Decision Maker (FDM) Refers to the head of the Operating Unit who has access and control over the information being requested.

Days Shall mean calendar days.

5.0 PROCEDURE

5.1 FOI REQUEST


5.1.1 All request for information shall be in writing through the FOI Web Portal (<https://www.foi.gov.ph/>) or Standard Request Form. The Requesting Party shall duly accomplish the eFOI Request Form or the FOI Standard Request Form and submit the same to the Receiving Officer.

A request for information may be made through electronic mail, provided that the Requesting Party shall attach in the email a scanned copy of a duly accomplished FOI Request Form along with a scanned copy his / her proof of identity (government issued identification card).

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If the Requesting Party is unable to make a written request due to illiteracy or physical disability, he/she may be allowed to make a verbal request, however, the same shall be reduced in writing by his/her representative or by the Receiving Officer.

5.2 RECEIPT OF FOI REQUEST

5.2.1 The Receiving Officer shall review the completeness of the FOI Request Form:

- a. The request shall state the name, contact information, and valid proof of identification (government issued identification card) of the Requesting Party.
- b. The request shall describe the information requested and the reason for, or purpose of, the request for information.

5.2.2 If the FOI Request Form is complete, the Receiving Officer shall stamp “RECEIVED”, indicating the date and time of receipt and his/her name and position, with his/her signature, otherwise, the Receiving Officer shall transmit the same to the Requesting Party for completion.

The JHMC Receiving Officer shall establish a tracking system for FOI Requests.


5.2.3 *If the requested information is not in the custody of JHMC following referral and discussions with the FDM, the following steps shall be undertaken:*

- a. *The Receiving Officer shall immediately refer/transfer the request for information to another bureau/agency not exceeding three (3) working days from the receipt of the request.*
- b. *The Receiving Officer must inform the requesting party of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred. The information is not held within the 15 working day limit as stated under EO No. 02, s. 2016. The*

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15 working day requirement for the receiving office commences the day after it receives the request.

- c. *The FOI Memorandum Circular No. 21-05 provides guidelines on the referral of requested information, official record/s and public record/s to appropriate government agency otherwise known as the “No Wrong Door Policy for FOI”*

5.2.4 John Hay Management Corporation (JHMC), through its President and CEO shall ensure that all requests for information shall be acted upon within fifteen (15) days from the receipt of the complete FOI Request Form. However, JHMC reserves the right to extend the fifteen-day period when the information requested requires extensive search of official records under its control and custody, examination of voluminous records, the occurrence of fortuitous events and other analogous cases.

5.3 ASSESSMENT OF THE FOI REQUEST BY THE LEGAL DEPARTMENT AND SUBMISSION OF ITS RECOMMENDATION

5.3.1 Upon receipt of the complete FOI Request Form, the Receiving Officer shall, within the day of receipt, submit the same to the Legal Department for assessment of the FOI Request.

5.3.2 The Legal Department shall, within three (3) days following the receipt of the FOI Request Form, submit its assessment with its recommendation to the President and CEO (PCEO).

5.4 APPROVAL OR DENIAL OF THE FOI REQUEST.


5.4.1 The PCEO shall, within three (3) days following the receipt of the assessment made by the Legal Department, APPROVE or DENY the FOI Request.

5.4.2 If the FOI Request is APPROVED, the PCEO shall direct the *FDM* to locate, retrieve and reproduce the information requested and submits the

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same to the Receiving Officer within five (5) days following the receipt of the approval of the FOI Request.

The *FDM* may request for additional time to submit the information requested from the PCEO.

Upon approval of the request for additional time to submit the information requested, the *FDM* shall inform the Receiving Officer who shall likewise notify the Requesting Party.

All request for additional time to submit the information requested by the *FDM* shall be allowed once only.

5.4.3 However, if the FOI Request is DENIED, the PCEO shall issue a Notice of Denial stating the grounds thereof. The Receiving Officer shall transmit the same to the Requesting Party.

The FOI Request shall be denied when the information falls under or is covered by the following:

- a. Inventory of exceptions approved by the Office of the President of the Republic of the Philippines;
- b. Exceptions provided in the Constitution, existing laws and jurisprudence;
- c. Personal and sensitive information pursuant to the Data Privacy Act (R.A. No. 10173);
- d. Information which were already subject of an identical or substantially similar request by the same Requesting Party and which were previously granted or denied;
- e. Information requested is already publicly available on-line;
- f. The information requested does not exist or cannot be found; and
- g. Information requested refer to a third party or other official repository or custodian of the information requested.


5.5 RELEASE OF THE INFORMATION REQUESTED OR THE NOTICE OF DENIAL

5.5.1 Within the day of the receipt of the information from the *FDM*, the Receiving Officer shall release the same to the Requesting Party upon payment of the required fees.

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JHMC reserves the right to deny the release of the information requested if the Requesting Party fails or refuses to pay the required fees.

5.5.2 Within the day of the receipt of the Notice of Denial from the PCEO, the Receiving Officer shall release the same to the Requesting Party.

5.6 REMEDIES IN CASE OF DENIAL OF THE FOI REQUEST

5.6.1 MOTION FOR RECONSIDERATION (MR)

Should the Requesting Party disagree with the denial of his/her FOI Request, he/she may move for its reconsideration within ten (10) days from receipt of the Notice of Denial.

5.6.2 APPEAL TO THE OFFICE OF THE DEPARTMENT OF JUSTICE (DOJ) SECRETARY

In case JHMC affirms its original action and denies the Requesting Party's MR, the denial of such motion may be appealed to the Office of the Department of Justice (DOJ) Secretary within fifteen (15) days from receipt of the denial of the MR.

5.7 PAYMENT OF REQUIRED FEES


JHMC shall not charge any fee for accepting request for information. However, JHMC shall charge the following fees to reimburse the necessary and actual costs of reproduction and/or photocopying the requested information:

Nature of the Information	Fees
Records, documents, papers, reports, letters, contracts, minutes/transcript of meetings, books, data, research materials.	Php3.00 per page plus an additional Php5.00 per page if the Requesting Party requested for certified copy of the original.
Photographs, sound and video recordings, computer stored data, electronic data, maps, electronic data, other similar data or materials.	Actual cost of the reproduction of the information.

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6.0 REPORTORIAL REQUIREMENT AND PUBLICATION

JHMC through the Receiving Officer shall submit to the FOI-Project Management Office (foi.pco@gmail.com) an Annual Report on the number of information request received, the nature of information requested and the disposition of such request. The said report shall also be posted in the JHMC website and shall regularly be updated.


7.0 JHMC FOI FOCAL PERSONS

JHMC FOI Focal Persons	Office/ Department/ Division/ Unit	Location	Contact Details
Receiving Officers			
a. <i>Information and Communications Technology Manager</i>	<i>Information and Communications Technology Division</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
b. <i>Information and Communications Technology Officer</i>	<i>Information and Communications Technology Division</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
c. <i>Records Management Specialist</i>	<i>Information and Communications Technology Division</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
FOI Decision Makers			
a. <i>Administrative Services Manager</i>	<i>Administrative Services Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
b. <i>Human Resource Manager</i>	<i>Administrative Services Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
c. <i>Finance Manager</i>	<i>Finance Services Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
d. <i>Environment and Assets Management Manager</i>	<i>Environment and Assets Management Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360

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JHMC FOI Focal Persons	Office/ Department/ Division/ Unit	Location	Contact Details
e. <i>Business Development Manager</i>	<i>Business Development Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
f. Legal Manager	Legal Department	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
g. Corporate Planning Manager	<i>Office of the PCEO</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
h. <i>Safety and Security SSD Manager</i>	<i>Safety and Security Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
i. <i>Special Economic Zone Administration Manager</i>	<i>Special Economic Zone Administration Department</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
j. <i>Vice President and Chief Operating Officer (VPCOO)</i>	<i>Office of the VPCOO</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360
k. <i>President and Chief Executive Officer (PCEO)</i>	<i>Office of the PCEO</i>	<i>JHMC Bldg., JHSEZ, Camp John Hay</i>	(074) 422-4360

8.0 ATTACHMENTS

- a. Annex A - Flowchart
- b. Annex B - FOI Request Form

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