

Trade and Investment Development Corporation of the Philippines
(also known as the Philippine Export-Import Credit Agency)

PEOPLE'S FREEDOM OF INFORMATION MANUAL

I. OVERVIEW

A. Background and Purpose

Pursuant to and in consonance with Executive Order (EO) No. 2 (s. 2016), the Freedom of Information (FOI) Manual of the Trade and Investment Development Corporation also known as the *Philippine Export-Import Credit Agency* (PhilEXIM) is hereby formulated. The objective of this Manual is to serve as a guide in classifying, the information, documents, or records under the custody of PhilEXIM, determining which of these information, may be subject of requests under FOI while assessing the capability of those offices/officers concerned with the end goal of efficient processing of FOI requests made by the public.

The purpose of the FOI Manual is to guide and assist the public in the processes and procedures involving requests for information pursuant to E.O. No. 2. It also prescribes the rules, procedures and guidelines to be followed by the officials and employees of PhilEXIM for requests for access to information.

B. COVERAGE

The FOI Manual shall cover all requests for information directed to PhilEXIM.

C. PROTECTION OF PRIVACY

1. While according access to information, PhilEXIM shall provide full protection to the right to privacy as mandated by laws, as follows:
 - (a) Shall ensure that personal information in its custody, particularly sensitive personal information and those protected by applicable laws, statutes and jurisprudence, in its custody or under its control is disclosed only as permitted by existing laws and jurisprudence;
 - (b) Shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
 - (c) Any official or employee of the Agency, who has access, whether authorized or unauthorized, to personal information by virtue of its office in PhilEXIM, shall not disclose that information except as authorized by existing laws and jurisprudence.
2. Requests and release of information pertaining to personnel records shall be made in accordance with pertinent Civil Service rules and regulations such as, but not limited to, Civil Service Commission Circular No. 56 (s. 1990)

II. DEFINITION OF TERMS¹

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

Administrative FOI Appeal – refers to the procedures for appealing an unfavorable or adverse action by the FOI Decision Maker of an FOI request. Requesting parties who are dissatisfied with the action taken by the FOI Decision Maker on their FOI request have a right to appeal to the FOI Appeals Authority, who shall then conduct a review of the said appeal.

Confidential Information – any non-public information that the Disclosing Party specifically marks and designates, either orally or in writing, as confidential or which, under the circumstances surrounding the disclosure, ought to be treated as confidential or which PhilEXIM creates or produces in the course of performing services for the Disclosing Party. It includes, but is not limited to, product schematics or drawings, descriptive material, specifications, software (source code or object code), sales and customer information, the Disclosing Party's business policies or practices, business strategies, technical and non-technical operations, processes and systems, information received from others that the Disclosing Party is obligated to treat as confidential, and other materials and information of a confidential nature. It also includes information which, by the nature of the circumstances surrounding the disclosure, ought in good faith to be treated as confidential.

Confidential Information does **not** include any materials or information which PhilEXIM shows: (i) is at the time of disclosure generally known by or available to the public or became so known or available thereafter through no fault of PhilEXIM; or (ii) is legally known to PhilEXIM at the time of disclosure by the Disclosing Party; or (iii) is furnished by the Disclosing Party to third parties without restriction; or (iv) is furnished to PhilEXIM by a third party who legally obtained said information and the right to disclose it; or (v) is developed independently by the Receiving Party either before or after the term of the Receiving Party's engagement as a consultant or independent contractor to the Disclosing Party where the Receiving Party can document such independent development.

Exceptions to FOI – refers to those class of privileged information that are outside the scope of the constitutional right to information and which may not be released or disclosed to the public, as provided under the Constitution, government regulations, laws, jurisprudence and any confidential information covered by a non-disclosure agreement.

data.gov.ph – refers to the Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.

efoi.gov.ph – refers to the website that serves as the government's comprehensive website for all information on the FOI, providing a menu of features such as a central resource on the FOI, a repository of on line records, and instructions on how to request for information that is not yet publicly available. The website also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports.

¹ Ibid

FOI Appeals Authority – refers to the office or person which decides on appeals from the action taken by the FOI Decision Maker, and has the authority to affirm, reverse or modify such action.

FOI Decision Maker or FDM – refers to the office or person who evaluates the recommendation of the FOI Evaluating Office on FOI requests and has authority to approve or deny such requests.

FOI Evaluating Office or FEO – refers to the office with the responsibility of evaluating and reviewing FOI requests and preparing appropriate recommendations to the FDM

FOI Receiving Office – refers to the designated office where the public may file or submit FOI requests, inquire about the FOI processes and the status of pending FOI request. In PhilEXIM, the Corporate Governance Office shall act as the FRO.

FOI Request – is a written request by any person submitted to a government office, personally or by electronic mail (e-mail), requesting information or public records as public records as defined herein.

Frequently Requested Information. Information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

Full Denial. When the PhilEXIM or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the requested could be located.

Multi-Track Processing - A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a firstin/out basis.

Non-Disclosure Agreement – any written agreement whereby PhilEXIM is bound or obligated not to reveal or divulge to a 3rd party, any Confidential Information in accordance with the terms and conditions set forth under the said agreement.

Freedom of Information – FOI pertains to the right of the people to information on matters of public concern, subject to the limitations established by law.

Information – refers to any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video 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.

Official Record/s - refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

Fully compliant FOI request – refers to an FOI request which fully complies with the formalities set forth by this FOI Manual.

Partial Grant/Partial Denial – When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

Pending Request or Pending Appeal – An FOI request or administrative appeal for which a government office has not yet taken final action. It covers anything that is open at a given time including requests that are well within the statutory response time.

Perfected Request – An FOI request, which reasonably describes records, sought and is made in accordance with the government's office's regulations.

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 the other information would directly and certainly identify an individual.

Proactive Disclosure – Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites vast amount of material concerning their function, mission and mandate.

Processed Request or Processed Appeal - The number of requests or appeals where the agency has completed its work and sent a final response to the requester.

Public Records – encompasses all information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

Received Request or Received Appeal – An FOI request or administrative appeal that an agency has received within a fiscal year.

Referral – When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

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

Sensitive Personal Information – as defined by Republic Act No. 10173 (*Data Privacy Act of 2012*), personal information refers to:

- (1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have been committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- (3) Issues 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.

III. FUNCTIONS OF FOI OFFICES, OFFICIALS AND EMPLOYEES

Section 2. FOI Receiving Office (FRO)

- 2.1 All FOI requests pertaining to PhilEXIM shall be filed with and/or submitted to the FRO.
- 2.2 The public may request information on all FOI related concerns in the PhilEXIM, including a copy of this FOI Manual, with the FRO.
- 2.3 The Head of the FRO shall designate an FRO Officer (FROO) from among his/her subordinates to assist in the proper discharge of the functions of the FRO.
- 2.4 The functions of the FRO shall include the following:
 - 2.4.1 Serve as the initial point of contact to the public on FOI requests in the PhilEXIM;
 - 2.4.2 Receive all FOI requests on behalf of the offices within PhilEXIM;
 - 2.4.3 Conduct initial evaluation of FOI requests and make a determination whether these are fully compliant FOI requests;
 - 2.4.4 Deny or refuse to accept FOI requests based on the results of its initial evaluation;
 - 2.4.5 Undertake preliminary determination of the appropriate FEO which has custody of the requested information and forward the request to such office;
 - 2.4.6 Forward a fully compliant FOI request to the appropriate FEO for evaluation;
 - 2.4.7 Monitor all FOI requests and appeals;
 - 2.4.8 Compile all statistical information on FOI requests and actions taken thereon; and

2.4.9 Provide such other assistance to the FDM and FEO

2.5 The names and official contact information of the FRO and the FROO shall be conspicuously displayed outside the FRO for the public's viewing. Any change of information pertaining to the FRO and FROO shall likewise be posted in the same manner and reflected in an updated FOI request

Section 3. FOI Evaluating Office. The office which has possession or custody of the requested document shall be the FEO for the particular FOI request.

3.1 In case there is a need to make further determination as to which office has custody of the information requested, the Office of the Head of the Legal and Asset Management Sector shall act as the default FEO.

3.2 The FEO shall have the following functions:

3.2.1 Review the merits of the FOI request;

3.2.2 Determine whether it has possession of the requested information;

3.2.3 Evaluate whether the requested information falls under any of the Exceptions to FOI;

3.2.4 Determine whether grounds for denial of the request exist;

3.2.5 Coordinate with the different departments/groups/sectors, or if necessary with other government agencies, prior to taking action of the request; and

3.2.6 Prepare necessary recommendation on the FOI request to the FDM, such as grant, denial, partial grant or denial, redacting certain information, referral to other offices, or such other actions as may be appropriate.

3.3 The Head of FEO shall designate an FEO Officer (FEOO) from among his/her subordinates to perform the functions of the FEO.

Section 4. FOI Decision Maker. The Head of the Department or Unit of the FEO in possession of the information being requested shall be the FOI Decision maker (FDM) shall be the FDM.

4.1 The FDM shall have the primary function of evaluating the recommendations of the FEO on any FOI request and taking action thereon;

4.2 The FDM may grant, deny, partially grant or partially deny the request, order the redaction of certain information prior to release, refer the request to other offices, or undertake such actions as may be appropriate;

4.3 As a general rule, the FDM shall grant an FOI request, unless there exist grounds to deny the same.

Section 5. The Chairman of the Board of Directors, or his/her duly designated representative, shall make the final decision on the approval or denial of the FOI request.

Section 6. FOI Central Appeals Committee. There shall be a Central Appeals and Review Committee comprised of the President and Chief Executive Officer, who shall act as the Chairperson, with the Head of Strategy and Development Sector, and the Corporate Secretary as Members.

In case of their absence, the President and Chief Executive Officer may be represented by any Executive Vice-President or Senior Vice-President while the Corporate Secretary and Head of Strategy Development Sector may be represented by any Vice President provided, they are duly authorized by the aforementioned members.

The FOI Central Appeals Committee shall convene together with their representatives and evaluate all the FOI Appeals and decide whether or not the decision of the FDM in denying of the FOI Request must be reversed. The decision of the FOI Central Appeals Committee granting or denying the FOI Appeal is final and unappealable.

IV. PROCEDURE (See **ANNEX “A”** for flow chart)

Section 7. Filing and Content of the FOI Request

7.1 Where Filed. An FOI Request shall be filed with the FRO.

7.2 Requisites of an FOI Request. An FOI request must be made in writing and shall comply with the requisites set forth in this Manual and shall be submitted to the Corporation to:

VP Estrellita N. Tesoro

entesoro@philexim.gov.ph

The eFOI Receiving Officer

Corporate Governance Office

Trade & Investment Development Corporation of the Philippines (TIDCORP)

also known as The Philippine Export Import Credit Agency (PhilEXIM)

17th Floor Citibank Tower, Citibank Plaza, Valero Street,

Salcedo Village 1227 Makati City

(02) 8854700

7.3 FOI Request Form. A person or party making an FOI request shall use the standard FOI Request Form and submit two (2) copies thereof. The original shall be kept by the FRO, while the copy shall be returned to the requesting party.

The standard FOI Request Form shall be available free of charge upon request from the FRO or through the PhilEXIM website (www.philexim.gov.ph). An FOI request shall only be considered valid when accompanied by the standard FOI Request Form.

The standard FOI Request Form is attached as “**ANNEX B**” of this Manual.

7.4 Contents. An FOI request shall contain the following:

- 7.4.1. Details of the requesting party, such as name, contact information. Affiliation, company or organization;
- 7.4.2. Reasonable description of the information requested;
- 7.4.3. Specific reason, for, or purpose of, the requested information
- 7.4.4. Whether photocopy or certified true copy of the subject information/document is requested
- 7.4.5 Preferred mode of communication and receipt of the response; and
- 7.4.6. Proof of authority, if made through a representative.

7.5 Purpose of Request. For purposes of this Manual, the reason for or purpose of the request for information shall be specific or adequately and sufficiently described. The following general averments of the purpose such as “for information,” “for research,” “for legal purposes” or other similarly worded purpose shall not be considered to have met the requirement of specificity. Failure to specify the reason for or purpose of the request for information, despite request of the FRO to provide a specific reason or purpose, shall be a ground for denial of the FOI request.

7.6 Identification and Proof of Authority. A requesting party shall attach to his/her FOI request the following:

- 7.6.1. At least two (2) valid government I.D.s containing the photograph and signature of the requesting party;
- 7.6.2. If the request is made through a representative, in addition to 7.6.1, the written authorization of the principal and at least two (2) valid government I.D.s containing the photograph and signature of such representative;
- 7.6.3. If the requesting party is a juridical entity, original or certified true copy of board resolution, corporate secretary’s certificate, or other acceptable written document showing the authority of the representative to act in behalf of such juridical entity;
- 7.6.4. If the requesting party is a natural person who is a member, employee, affiliated with or related to a juridical entity, company or organization, and the request is made not in behalf of such juridical entity, company or organization but arises from such membership, affiliation, or relation, such other sufficient proof of authority or affiliation; and

(For example, for an employee or member, a copy of the company or organization ID; or for students, a copy of the school I.D. and written endorsement of the supervising teacher/professor/instructor)

7.6.5. If the requesting party is a minor, his or her guardian or any competent supervising adult shall comply with the requirements for a representative.

The authorization shall expressly state the extent of the authority of the representative to make the request, provide clarification, receive requested information, and to bind the principal for all representations and/or undertaking made by the representative in connection with the request for information.

7.7 Mode of Request. FOI Requests may be made through registered mail or electronic mail (e-mail), provided that the requesting party shall convey all the required information and attach the supporting documents. An e-mail request shall be properly labelled in the subject of the email as an “FOI Request” and attach a scanned copy of the FOI application request and a scanned copy of the two (2) valid government-issued I.D.s containing the photograph and the signature of the requesting party .

7.8 Reasonable Assistance. The FRO shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements, without prejudice to Section 14 of this Manual. In case, the requesting party is unable to make a written request, he or she may make an oral request, and the attending FROO shall reduce it in writing. Reasonable assistance shall not cover reproduction costs of the requesting party’s copy of the FOI request and supporting documents.

Section 8. Time to Respond to FOI Requests.

8.1 PhilEXIM shall respond to requests for access to information within fifteen (15) working days from the date of receipt of a fully compliant FOI request.

For clarity, the period to respond to FOI requests shall not commence unless the request is a fully compliant FOI request.

8.2 A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines or a local public holiday in the City of Makati. In computing the period, Article 13 of the New Civil Code² shall be observed.

8.3 For purposes of computing the fifteen (15) working days, the date of receipt of the FOI request shall be reckoned as follows:

8.3.1. If made personally, the date actually filed and stamped “received” by the FRO;

8.3.2 If made by registered mail, the date of actual receipt of the request by the FRO;

² Article 13 Chapter I of the New Civil Code of the Philippines states, “...when the law speak of years, months, days or nights, it shall be understood that years are of three hundred sixty-five days each month; months of thirty days; days of twenty-four hours; and nights from sunset to sunrise. If months are designated by their name, they shall be computed by the number of days which they respectively have. In computing a period, the first day shall be excluded, and the last day included...”

- 8.3.3 If sent by e-mail, the date it was actually electronically delivered to or received by the designated e-mail if the same arrived before 5:00 p.m. of the working day. Requests received after 5:00 p.m. shall be received on the next working day.
- 8.3.4. Where the officer having charge of the designated e-mail is unavailable and the designated e-mail has generated an “out of office” message with instructions on how to re-direct the message to another e-mail contact, the date of receipt will be the day the request is received in the e-mail inbox of the latter subject to the qualification in the preceding subsection; or
- 8.3.5. Where the FRO has requested the requesting party for further details to identify and located the requested information, the date on which the necessary clarification to the satisfaction of the FRO is received.

Section 9. Initial Action upon Receipt of the FOI Request

9.1 Initial Evaluation. Upon receipt of the FOI request, the FRO shall ascertain whether the request is a fully compliant FOI request in accordance with the requirements provided in Section 7 thereof.

9.2 Grounds for Denial During Initial Evaluation. During the initial evaluation by the FRO, the request may be denied on the following grounds:

- 9.2.1. **Non-Compliant FOI Request.** The FRO shall only accept a fully compliant FOI request, and shall not accept a request that lacks any of the required contents or documents provided in Section 7 hereof.

The requesting party shall be advised of the deficiency with instructions to comply with the deficiency, as soon as practicable, if the request was personally filed, or within the period prescribed in Section 9.3 if the request was filed through registered mail or e-mail.

In case the request lacks any of the requirements provided in Section 7 above, the FRO may consider other relevant document or evidence as the circumstances may warrant or waive any requirement, upon showing of meritorious grounds, subject to the approval of the FDM.

- 9.2.2. **Requested information has already been publicly disclosed.** When the information being requested has already been publicly disclosed such as when the same is publicly available in the PhilEXIM website, data.gov.ph, foi.gov.ph, or other official website, the FRO shall inform the requesting party of the said fact and provide them with the website link where the information is posted.
- 9.2.3. **Requested information is substantially similar or identical to the previous request.** Should the requested information be substantially similar or identical to a previous request by the same requesting party which request has already been previously granted or denied by PhilEXIM, the request shall be denied unless the requesting party can provide justifiable explanation for the subsequent request.

- 9.3 **Period to Advise Requesting Party of Denial Based on Initial Evaluation.** The FRO shall, within fifteen (15) working days from receipt of the request, advise the requesting party of denial of the request, specifying the ground for the denial in Section 9.2 hereof.
- 9.4. **Request for Clarification** The FRO may likewise request for clarification from the requesting party to identify or locate the requested information. The clarification shall toll the running of the fifteen (15) day working day-period and the period shall commence anew the day after the required clarification is received by the FRO.
- 9.5. **Receiving of Request.** Upon determining that the request is fully compliant FOI request, the FRO shall stamp “received” the duly filled-up FOI Request Form and the first page of the request letter, if attached, indicating the date and time of the receipt of the FOI request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature, and a copy furnished to the requesting party.
- 9.6. **E-mail Request.** In case the FOI request was made through e-mail, the e-mail shall be printed out and the FRO shall observe the same procedure above. The FRO shall likewise acknowledge by e-mail the receipt of a fully compliant FOI request.
- 9.7. **When Request for Information Received by an Office Other than the FRO.** If an FOI request is received by an office other than the FRO, such receiving office shall:
- 9.7.1. Transmit the FOI request to the FRO within three (3) working days from receipt of such request.
- 9.7.2. Advise the requesting party of the transfer to the FRO within fifteen (15) working days from receipt of such request;
- 9.8. **Ascertaining Identity of the Requesting Party.** The FRO shall, using available resources and bearing in mind the time constraints, ascertain and verify the identity of the requesting party to avoid requests from fictitious persons. For this purpose, the FRO may request the assistance of relevant government agencies to confirm the identity of the requesting party based on documents filed.

Section 10. Determination of and Transmittal to the FEO. Upon determination that the request is a fully compliant FOI request, the FRO shall proceed to determine whether PhilEXIM has custody or possession of the requested information.

- 10.1. After ascertaining that the information requested is in the possession of PhilEXIM, the FRO shall forward the request to the appropriate FEO, within one (1) day from the receipt of such request. The FRO shall record the date, time and name of the FEO who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
- 10.2. In case the FRO is unable to determine the appropriate FEO, the FRO shall be given an additional two (2) working days to undertake further coordination to determine the FEO.

- 10.3. If at the end of the three (3) working days from receipt of the request, the FRO is still unable to determine the appropriate FEO, the FRO shall act as the FEO and proceed to evaluate the request in accordance with Section 11 of this Manual.
- 10.4. If the requested information is under the custody of more than one unit in PhilEXIM, the FRO shall forward the request to all concerned offices. The FRO shall also instruct the respective FEOs that the latter will only provide the specific information that relate to their offices.
- 10.5. If some of the requested information is not under the custody of the units in PhilEXIM, the FRO, acting as FEO and FDM, shall observe the procedure in Section 11.1 below in so far as those information not under the custody of the units in PhilEXIM.

Section 11. Evaluation by FEO and Action by FDM

- 11.1. Upon receipt of the FOI request from the FRO, the FEO shall proceed to evaluate the request, which shall consist of:
 - 11.1.1 Ascertaining whether the information requested is in its possession or custody:
and;
 - 11.1.2 Determining whether there are grounds for the denial of the requested information
- 11.2. **Request for Clarification.** If the FEO requires clarification or further details to identify or locate the information requested, he/she shall, through the FRO, seek clarification from the requesting party. The clarification shall toll the running of the fifteen (15) working day-period, which period shall commence anew for the day after the required clarification is received by the FRO.
- 11.3. **Request for an Extension of Time.** If the information requested required extensive research of the government's office records facilities, examination of voluminous records, or cannot be easily retrieved due to concurrence of fortuitous events or other analogous cases, the FEO shall, within ten (1) working days from receipt by the FEO of the request, inform the FRO of the need for extension of time to act on the request.
- 11.4. **Notice to Requesting Party of Extension.** The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.
- 11.5. **Consultation.** The FEO shall undertake the necessary consultations with the appropriate offices on whether the requested information is covered by any of the Exceptions to FOI, which consultation shall include that of the office where the information or record originated.
- 11.6. **Submission of Recommendation to FDM.** The FEO shall prepare and submit its recommendation to the FDM, who shall approve or deny the request.

11.7. **Notice of Requesting Party of the Approval/Denial of the Request.** Once the FDM approves or denies the request, he/she shall advise the FRO of such action. The FRO shall prepare the response to the requesting party either in writing, by e-mail, or, if practicable, through other mode of response preferred by the requesting party.

11.8. **Approval of Request.** In case of approval, the FEO shall advise the FRO of such approval and transmit to the FRO the requested information within ten (10) working days from the FEOs receipt of the request.

The FRO shall within the prescribed period, advise the requesting party of the grant of the request and direct such requesting party to pay the applicable fees, if any.

11.9. **Denial of Request.** In case of denial of the request, whether wholly or partially, the FEO, shall, through the FRO, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the grounds or grounds for denial and the circumstances on which the denial is based.

Failure to notify the requesting party of action taken on the request within the prescribed period shall be deemed a denial of the request for access for information.

11.10. **Grounds for Denial.** An FOI request may be denied based on the following grounds:

11.10.1. The office does not have possession or custody of the information requested:

11.10.2 The information requested falls under the Exceptions to FOI; or

11.10.3. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by PhilEXIM.

11.11. **When Requested Information is not in the Possession or Custody of the PhilEXIM.** If, after exercising due diligence, the FDM/FEO finds that the requested information is not in the custody or possession of PhilEXIM, the FDM shall either deny the request or refer the request to the department, agency, or office which has custody of the information, if known, within the prescribed period for acting on the request.

11.11.1. The FEO shall ascertain whether the information requested is in the possession of another department, agency or office.

11.11.2. If the department, agency, or office which has custody is ascertained, the FEO shall, through the FRO, refer the request to such appropriate department, agency or office and advise the requesting party of such referral, and the contact details of that office, if known.

11.11.3. If the information requested is in the custody or possession of an office not within the coverage of E.O. No. 2, the request shall be denied, and the

requesting party shall be advised accordingly and provided with the contact details of that office, if known.

11.11.4. If the FEO is unable to determine which department, agency or office has possession or custody of the requested information, it shall deny the request.

11.12. **Exceptions to FOI.** Access to information shall be denied when the information, official records or public records fall within the following exceptions:

- 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.

11.13. **Redaction.** If the information, document or record requested contains information which may be disclosed and other information which are covered by Exceptions to FOI (such as personal information or sensitive personal information protected under the Data Privacy Act of 2012), the FDM shall direct that the information excepted be redacted prior to the release of the requested information, document or record.

Section 12. Remedies in Case of Denial. A party whose request for access for information has been denied may avail of the remedy set forth herein.

12.1 **Administrative FOI Appeal to the FOI Appeals Authority.** The requesting party may file an appeal of the adverse or unfavourable action of the FDM with the FOI Appeals Authority. The appeal shall be filed within fifteen (15) calendar days from receipt of the notice of denial. If the FOI or FEO or FDM concerned fails to reply within fifteen (15) working days from the filing of the FOI request, the period to file an appeal shall start to run after the lapse of the said period.

If the FOI request was done thru e-mail, the period to appeal shall start to run the day after the e-mail denying the FOI request was sent. If the FOI request was not acted upon within fifteen (15) working days from receipt, the period to appeal shall run the day after the lapse of fifteen (15) working days from receipt of the e-mail.

12.2. The appeal shall be decided by the FOI Appeals Authority within thirty (30) working days from receipt of the appeal. Failure to decide within the thirty (30)-day period shall be deemed a denial of the appeal.

12.3. The denial of the appeal by the FOI Appeals Authority shall be considered final, and the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

Section 13. Request Tracking System. The FRO of the PhilEXIM shall develop and establish a system to ensure that all requests for information received, status of pending requests, and requests acted upon are properly documented and monitored.

Section 14. Fees

14.1. **No Filing Fee for FOI Requests.** PhilEXIM shall not charge any fee for accepting requests for access to information.

14.2 **Reasonable Cost of Reproduction and Copying of the Information.** PhilEXIM may 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.

The FRO shall notify the requesting party in case there shall be a reproduction and copying fee in connection with the requested information. The schedule of fees shall be conspicuously posted outside the FRO, or any place within PhilEXIM accessible to the public, and shall be published in the PhilEXIM official website (see **ANNEX “C”**).

Failure to pay the reasonable costs of reproduction and copying of the information within five (5) working days from notice shall be a ground to deny the FOI request.

Payments shall be made thru any of the following channels:

- a. Cash payment to an authorized PhilEXIM Employee at the PhilEXIM main office; or
- b. Bank deposit at Development Bank of the Philippines (DBP) Current Account or Land Bank of the Philippines (LBP) Current Account, bank details of either shall be given upon request. A copy of the deposit/payment slip shall be sent via facsimile or scanned and e-mailed to PhilEXIM.

Non-payment of the reproduction or copying fee shall be a ground for the denial of the FOI request, subject to appeal.

14.3. **Exemption from Fees.** PhilEXIM may exempt the requesting party from payment of fees, upon showing of justifiable grounds. The exemption shall be decided by President & CEO of the Agency.

Section 15. Administrative Liability.

15.1 **Non-Compliance with FOI.** Failure to comply with the provisions of this Manual shall be considered a violation of reasonable office rules and regulations and punishable as follows:

- a. 1st Offense – Reprimand
- b. 2nd Offense – Suspension of one (1) to thirty (30) days; and
- c. 3rd Offense – Dismissal from the service

15.2. **Procedure.** The provisions of the Revised Rules on Administrative Cases in the Civil Service issued by the Civil Service Commission (CSC) shall be applicable in the disposition of administrative cases against employees and official of PhilEXIM.

Section 16. Separability Clause.

If any section or part of this Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

Section 17. Effectivity.

This Manual shall take effect immediately upon posting on the Agency's website.

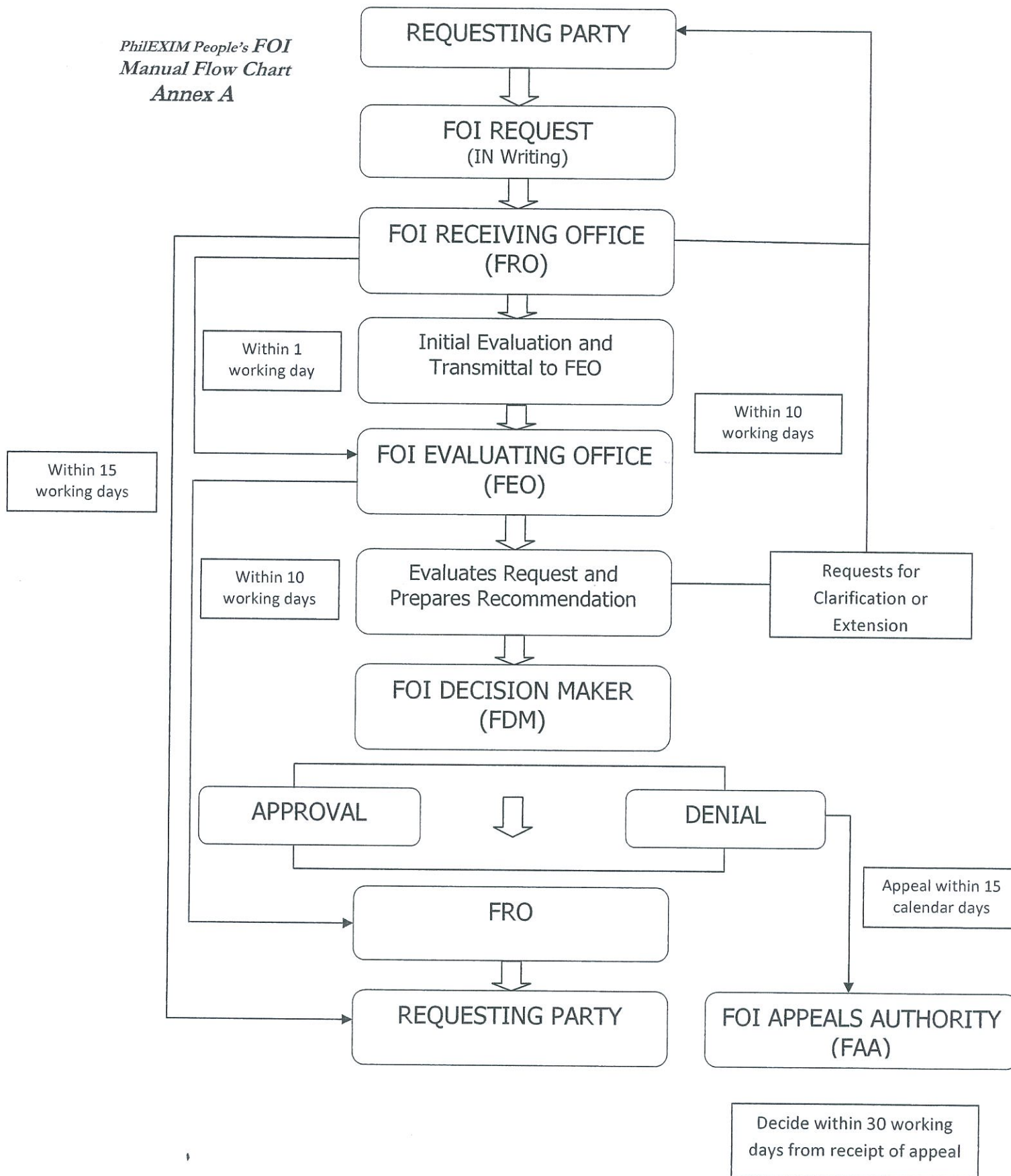
This Manual or part hereof, may be revised or updated as the need arises.

APPROVAL

This Freedom of Information Manual was signed and approved on August 30, 2017 by:


ATTY. FLORENCIO P. GABRIEL, JR.
Officer-in-Charge

*PhilEXIM People's FOI
Manual Flow Chart
Annex A*



**FOI Request
Form (Annex "B")**

 Philexim PHILIPPINE EXPORT-IMPORT CREDIT AGENCY 17F Citibank Tower, Valero St., Makati City		CONTACT US Tel/Fax No.: 885-4700 / 893-4480 Email: entesoro@philexim.gov.ph Website: www.philexim.gov.ph	
ACCESS TO INFORMATION REQUEST FORM			
To be accomplished by the Applicant			
1. Name :			
2. Residence/Business Address			
	House No./Blk. No.	Street	Barangay
	City/Municipality		
3. Proof of Identity:			
4. Contact Information	Landline:	Mobile No.:	Valid Email:
5. Detailed description of the information/document requested:			
6. Purpose of the request:			
7. Name and signature of authorized representative if any:		Proof of identity and/or evidence of authority:	
<u>CERTIFICATION UNDER OATH</u>			
<p>I hereby certify under oath that the undersigned is the person whose name and signature appears here and that the above-requested information will be used for the stated purpose/s and for no other. None of the contents of such document/information will be disclosed to a third party, except the applicant here. I have not misused any information previously obtained from this Office. In case where a study is conducted in line with a school-sanctioned project, the identity of the concerned public officer/s or employee/s shall not be unduly disclosed but shall be referred in general terms (e.g. mayors of Metro Manila) to prevent unnecessary disclosure of information about the public official/s or employee/s. Should I violate the terms of this undertaking, I understand that I will be proceeded against under the Revised Penal Code for perjury.</p>			
_____ Signature over printed name			

Schedule of Fees (*Annex "C"*)

Reproduction/Photocopy	Php 1.50 per page*
Printing	Php 4.00 per page (Black & White)* Php10.00 per page (Colored)*
*The rates provided above may be revised as necessary to reflect changes in the actual cost of reproduction or printing.	
Certification fees and other necessary costs incurred in the search, examination or retrieval, and mailing or transmittal of the requested information or documents may be imposed.	