

Freedom of Information

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| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: | Manual | DOC ID: | M-LEG-M-001 |
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| DIV/DEPT/OFFICE: | LEGAL OFFICE | | DOCUMENT TITLE: | |
| | | | FREEDOM OF INFORMATION | |

Document History

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| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 3 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

FOREWORD

The issuance of this Manual by MIAA serves as a practical guide for the public to access and exercise their privilege and right to information within the organization. This demonstrates the Authority's unwavering commitment to promoting transparency and accountability in all of its dealings with the public.

MIAA understands that empowering citizens by providing them access to information and promoting their participation in governance is crucial in enhancing the credibility and integrity of government institutions. Likewise, there is a need to break the lack of interconnection among government agencies, with the end goal of acting as a singular unit serving its primary client, the Filipino.

The Presidential Communications Operations Office (PCOO) through the Freedom of Information Memorandum Circular (FOI-MC) No. 21-05 prescribed and promulgated the "No Wrong Door Policy", to set the guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency.

In view of this, the Authority has added the provisions in this Manual to ensure that the right of the people to information on matters of public concern, their access to official records, documents, and papers pertaining to official acts, and transactions shall be afforded to every Filipino.

This is the measure of MIAA's oath to the public - Transparency, Accountability, and Good governance.


CESAR M. CHIONG
 General Manager

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| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 4 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

TABLE OF CONTENTS

| PARTICULARS | PAGES |
|--|-------|
| 1. Purpose | 5 |
| 2. Scope | 5 |
| 3. Definition of Terms | 5 |
| 4. General Guidelines | 8 |
| 4.1. People's Right to Information | 8 |
| 4.2. Exceptions to the Right to Access to Information | 8 |
| 4.3. Proactive Disclosure | 10 |
| 4.4. No Wrong Door Policy | 10 |
| 5. Responsibilities | 11 |
| 5.1. FOI Receiving Office/ Officer | 11 |
| 5.2. FOI Decision Maker | 12 |
| 5.3. Appeals and Review Committee (ARC) | 12 |
| 6. Standard Procedure | 12 |
| 6.1. Filing and Receiving Requests for Information | 12 |
| 6.2. Initial Evaluation by the FOI Receiving Office/ Officer | 13 |
| 6.3. Period to Advise Requesting Party of Denial Based on Initial Evaluation | 14 |
| 6.4. Request for Clarification | 14 |
| 6.5. Evaluation by the FOI Decision Maker | 14 |
| 6.6. Release of Information upon Approval of FOI Decision Maker | 15 |
| 7. Fees | 15 |
| 7.1. No Filing Fee for FOI Requests | 15 |
| 7.2. Exemption from Fees | 15 |
| 8. Remedies in cases of Denial of Requests | 16 |
| 8.1. Administrative FOI Appeal within the Agency | 16 |
| 8.2. Administrative FOI Appeal to the Office of the President | 16 |
| 9. Records Management and Tracking System for Requests | 16 |
| 10. Administrative Liability | 17 |
| 10.1. Non-compliance with FOI Manual | 17 |
| 10.2. Procedure in Administrative Cases | 17 |
| 10.3. Provision for more Stringent Laws, Rules and Regulations | 17 |
| 11. Process Flow Chart | 17 |
| 12. Repealing Clause | 17 |

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 5 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

1. PURPOSE

This Freedom of Information (FOI) Manual prescribes the guidelines and procedures to access information in the MANILA INTERNATIONAL AIRPORT AUTHORITY (MIAA) for the information and guidance of the concerned MIAA officials and the general public.

The Manual is promulgated pursuant to Executive Order No. 2 (2016) entitled “*Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor.*” (**Annex A**)

Thus, this FOI Manual:

- a. Informs users that FOI right may be exercised in MIAA and or in any of the NAIA Terminals (Passenger and/or Cargo);
- b. Guides users on how to avail of FOI right and where to avail said right.

2. SCOPE

This FOI Manual shall cover all requests for access to information directed, filed or submitted to the offices under the MIA Authority, which include the following:

- a. Office of the General Manager
- b. Office of the Corporate Board Secretary
- c. Office of the Senior Assistant General Manager
- d. Office of the Assistant General Manager for Finance and Administration
- e. Office of the Assistant General Manager for Operations
- f. Office of the Assistant General Manager for Engineering
- g. Office of the Assistant General Manager for Security and Emergency Services
- h. Office of the Assistant General Manager for Airport Development & Corporate Affairs
- i. Office of Business Development and Concessions Department
- j. Legal Office
- k. All other offices, Departments, Divisions, Sections under the MIAA (including the NAIA Passenger Terminals 1, 2, 3 and 4 and Cargo Terminals, pertaining to official acts, transactions, or decisions)

3. DEFINITION OF TERMS

For purposes of this Manual, the following shall mean:

- a. **Appeals and Review Committee** – Refers to the office or person which decides appeals from the action of the FOI Decision Maker, and has authority to affirm, reverse, or modify such action. Three (3) MIAA officials to be designated by the General Manager, a rank not lower than an Assistant General Manager or its equivalent.

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 6 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

- b. **data.gov.ph** - The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.
- c. **eFOI.gov.ph** - The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.
- d. **Exceptions to FOI** – refers to the 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, laws or jurisprudence.
- e. **FOI Request** – A written request by any interested party submitted to MIAA, personally or by other electronic means requesting information to produce, reproduce or release any documented information in the possession of any office/ department/ division/ section/ unit of the Authority and subject to the restrictions in the Executive Order on Freedom of Information.
- f. **FOI Receiving Officer (FRO)** – A duly designated officer, coming from the Legal Office, who receives the request, evaluates the form, recommend action, and notify the requesting party of any action to the request whenever available. The officer also checks if information is already disclosed in the MIAA's official website, FOI.gov.ph or at data.gov.ph. The officer monitors and tracks all requests and complies statistical information as necessary
- g. **FOI Decision Maker – refers** to the office or person who evaluates the recommendation of the FRO on FOI requests and has authority to approve or deny such requests.
- h. **Fully Compliant FOI Request** – refers to an FOI request which fully complies with the formalities set forth by this People's FOI Manual.
- i. **Information** – Refers to 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.

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 7 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

- j. **Interested Party** - Any natural, juridical or artificial person whose or which right has been affected or whose or which interest has been involved in a transaction, may avail of the right to access to information referred in the Executive Order.
- k. **miaa.gov.ph** – The official website of the MIAA, where people can download the FOI Request Form and other information, materials, and data on transparency.
- l. **Official Record/s** – 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
- m. **Open Data** - Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users or any interested party.
- n. **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.
- o. **Privileged Information** – Refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication.
- p. **Public Record/s** – Information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
- q. **Sensitive Personal Information** – Refers to personal information:
 - i. About an individual's race, ethnic origin, marital status, age, color, and religious, philosophical, or political affiliations;
 - ii. 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;
 - iii. 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
 - iv. Specifically established by an executive order or an act of Congress to be kept classified.

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 8 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

4. GENERAL GUIDELINES

4.1. PEOPLE'S RIGHT TO INFORMATION

Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions, or decisions for whatever legal purpose/s.

There shall be a legal presumption in favor of access to information, official records, and public records.

4.2. EXCEPTIONS TO THE RIGHT TO ACCESS TO INFORMATION

The MIAA may not deny request for access except under any of the following circumstances:

- a. The information requested falls under any of the exceptions provided for in the Constitution, existing law, or jurisprudence, including:
 - i. The items contained in the inventory of exceptions prepared by the Department of Justice and the Office of the Solicitor General, and such other agencies, bodies, Committees, and officers which are authorized to update the list of exceptions; and, circularized by the Office of the President, pursuant to Section 4 of Executive Order No. 2 (2016);
 - ii. Personal Information, Privileged Information and Sensitive Personal Information, except the following:
 - 1) Information about any individual who is or was an officer or employee of a government institution that relates to the position or functions of the individual;
 - 2) Information about an individual who is or was performing service under contract for a government institution that relates to the services performed, including the terms of the contract, and the name of the individual given in the course of the performance of those services;
 - 3) Information relating to any discretionary benefit of a financial nature such as the granting of a license or permit given by the government to an individual, including the name of the individual and the exact nature of the benefit; and
 - 4) Personal information processed for journalistic, artistic, literary or research purposes.
 - iii. Information which is specifically authorized to be kept secret under guidelines established by an executive order, and in fact properly classified pursuant

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|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 9 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

thereto: Provided, That 1) The information directly relates to national security or defense and its revelation may cause grave damage to the national security or internal and external defense of the State; or 2) The information requested pertains to the foreign affairs of the Republic of the Philippines, when its revelation shall unduly weaken the negotiating position of the government in an ongoing bilateral or multilateral negotiation or seriously jeopardize the diplomatic relations of the Philippines with one or more states;

- iv. Information which consists of records of minutes and advice given and opinions expressed during decision-making or policy formulation, invoked by the Chief Executive to be privileged by reason of the impairment of the Chief Executive's deliberative process that would result from the disclosure thereof;
- v. Information pertaining to internal and/or external defense, law enforcement, and border control, when the disclosure thereof would: (i) unduly compromise or interfere with any legitimate military or law enforcement operation; or (ii) unduly compromise or interfere with the prevention, detection or suppression of criminal activity, the effective implementation of immigration controls and border security; or (iii) deprive a person of a right to a fair trial or an impartial adjudication; or (iv) lead to the disclosure of the identity of a confidential source, including a government, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a law enforcement authority in the course of an investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; or (v) disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or (vi) endanger the life or physical safety of any individual;
- vi. Information consisting of drafts of orders, resolutions, decisions, memoranda, or reports by the MIAA, or any of its offices/units.
- vii. Information pertaining to trade secrets and commercial or financial information or intellectual property obtained from a natural or juridical person other than the requesting party, whenever the revelation thereof would seriously prejudice the interests of such natural or juridical person in trade, industrial, financial, or commercial competition;
- viii. Information classified as privileged communications in legal proceedings by law or by the Rules of Court, unless the person entitled to the privilege has waived it;

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|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 10 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

- ix. Information of a nature that its premature disclosure would likely frustrate the effective implementation of a proposed official action: Provided, That the information shall be accessible once the anticipated danger has ceased
- b. The information requested is not kept in or under the control and custody of the MIAA;
- c. Any of the requirements, conditions, or procedure prescribed under this FOI Manual is not complied with, such as failure to state a legitimate purpose for the request, without prejudice to the re-filing of the request upon proper compliance with the requirements, conditions, and procedure;
- d. The information requested is already posted and available online; or
- e. The request substantially pertains to information previously requested by the same requesting party whose request has already been previously granted or denied by the MIAA.

4.3. PROACTIVE DISCLOSURE

The MIAA shall regularly publish, by posting on its website and other online platforms, timely, true, accurate and updated key information including, but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
- b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders, or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

4.4 NO WRONG DOOR POLICY

- a. When the requested information is not in the possession of the Authority but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by MIAA to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the "First Referral" and a fresh period will apply.

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|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 11 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

- b. Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records or have control over the said information or records.
- c. If the Authority fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.
- d. If the Authority, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.
- e. GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3). This shall be considered as the "Second Referral" and another fresh period shall apply.
- f. Referrals under this Manual shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.
- g. The requesting party shall be notified 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.
- h. A request that is referred to the appropriate government agency is considered successful if the same is acknowledged and the requested information is disclosed to the requestor.
- i. If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party. In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

5. RESPONSIBILITIES

5.1. FOI Receiving Office/Officer

The Legal Office shall act as the MIAA FRO. The FRO shall have the primary responsibility for the receiving of requests for access to information. It shall also have the following duties and functions:

- a. Monitor all FOI requests and appeals;
- b. Provide assistance to the FOI Decision Maker;
- c. Provide assistance and support to the public and staff with regard to FOI concerns;
- d. Conduct initial evaluation of the request and either (1) advise the requesting party that the request will be forwarded to the FOI Decision Maker for further evaluation, or (2)

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|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 12 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

deny the request with a statement of the reason/s for the denial.

5.2. FOI Decision Maker

The Head, Legal Office shall act as the FOI Decision Maker of MIAA.

As FOI Decision Maker, the Head, Legal Office shall have the primary responsibility for the evaluation of requests for access to information and shall forward the request to the designated office of primary concern.

5.3. Appeals and Review Committee (ARC)

The Appeals and Review Committee shall be composed of three (3) officials with a rank not lower than Assistant General Manager or its equivalent, designated by the General Manager of the MIAA, to perform the functions in clause 8.1 hereunder. The ARC is authorized to review, motu proprio or upon request of any person, the grant or denial of request for information.

6. STANDARD PROCEDURE

6.1. Filing, Contents and Receiving of the FOI Requests for Information

- a. Any person who intends to request access to information shall prepare, in duplicate copies, a written request using the form prescribed under **Annex "B"** hereof. The request shall state the following:
 - i. name and contact information of the requesting party;
 - ii. valid proof of his identification or authorization;
 - iii. reasonable and specific description of the information requested;
 - iv. reason for, or purpose of, the request for information; and
 - v. requested mode of release of information (i.e. by electronic mail or by pick-up).
- b. The request form shall be filed with the FRO, which shall receive the same after examining the valid proof of identification of the requesting party and after checking the compliance with the requirements specified above.
 - i. The FRO shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the requested requirements under this Section.
 - ii. In case the requesting party is unable to make written request because of illiteracy or due to being a person with disability, he or she may make an oral request and the FRO shall reduce it in writing.

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 13 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

- iii. The request may be made through electronic mail, provided that the requesting party shall attach in the email scanned copies of the duly accomplished FOI Request Form and a duly recognized government ID with photo.

The e-mail requests may be sent to: legal@miaagovphils.onmicrosoft.com

- c. The FRO shall assign a unique trace number for every request received, and both the two (2) copies of the written request form shall be stamped received, indicating the date and time of receipt and the name, position, signature of the receiving records officer.
 - i. The FRO shall determine the deadline for release of the requested document or the response, which shall be fifteen (15) working days from receipt of the request, unless an extension of time is requested by the FOI Decision Maker in accordance with this Manual.
 - ii. One original copy of the FOI Request Form shall be returned to the requesting party and the other original copy shall be retained for processing of the request.
 - iii. The FRO shall keep in its file a copy of the valid proof of identification of the requesting party.

6.2. Initial Evaluation by the FOI Receiving Office/Officer

Immediately upon receipt of the FOI Request Form, the FRO shall conduct initial evaluation of the request, and ascertain whether the request is fully compliant with the requirements provided in this manual as to filling in contents.

The FRO shall also verify if the information requested is in the custody of the MIAA where the request is filed and note the results of the verification for the consideration of the FOI Decision Maker.

The FRO shall complete the initial evaluation of the request within one (1) working day from the filing of the request, immediately after which the FRO shall forward the FOI Request Form with recommendation/s to the FOI Decision Maker.

Grounds for Denial During Initial Evaluation:

- a. Non-compliant with FOI request.
The FRO shall only accept a fully compliant FOI, and shall not accept a request that lacks any of the required contents or documents provided in item 6 of this Manual

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 14 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

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 as prescribed item 6.3 of this Manual, if the request was filed through registered mail or e-mail.

In case the request lacks any of the requirements provided in item 6 of this Manual, the FRO may consider other relevant document or evidence as the circumstances may warrant or waive any requirement, upon showing meritorious grounds, subject to the approval of the FDM.

- b. Requested information has already been publicly disclosed.
The information requested is posted online and publicly available on the website of MIAA or at data.gov.ph or FOI.gov.ph, the FRO shall inform the requesting party and provide the website link where the information is posted.
- c. The requested information is substantially similar or identical to a previous request by the same requesting party which has already been previously granted or denied. The request shall be denied unless the requesting party can provide justifiable explanation for the subsequent request.

6.3. 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 specific grounds of denial of the request in Item 6.2 hereof.

6.4. Request for Clarification

The FRO may request for clarification from the requesting party to identify and/or locate the information requested. The clarification shall toll the running of the prescribed fifteen (15) working day period and the period shall commence anew the day after the required clarification is received by FRO.

6.5. Evaluation by the FOI Decision Maker

- a. Upon receipt of the FOI Request Form from FRO, the FOI Decision Maker shall have the primary functions of evaluating the recommendations of the FRO on any FOI request and taking action thereon.
- b. The FOI Decision Maker 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 other actions as may be appropriate.
- c. As a general rule, the FOI Decision Maker shall grant an FOI request, unless there exist grounds to deny the same.

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 15 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

d. Request for Extension of Time.

The FOI Decision Maker may request for an extension of time, setting forth the reasons for such extension:

- i. the information requested requires extensive search of the records facilities;
- ii. the information requested requires examination of voluminous records;
- iii. occurrence of fortuitous events; or
- iv. other analogous cases.
- v. If the request pertains to information of interest to another government agency, which require first to consult with the government agencies concerned on the disclosability of the information prior to making a final determination.

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.

6.6. Release of Information Upon Approval of FOI Decision Maker

In case of approval by the FOI Decision Maker, the FRO shall collate and ensure that the information is complete from the office of primary concern and released to the requesting party within fifteen (15) working days from receipt of the request for access to information. Prior to actual release, the FRO shall ensure that all items in the request were considered by the FOI Decision Maker. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted

7. FEES

- 7.1. No Filing Fee for FOI Requests.** The MIAA shall not charge any fee for accepting requests for access to information. However, the MIAA may charge a reasonable fee to reimburse necessary cost, including actual cost of reproduction and/or copying of the information requested, authentication and certification, subject to existing rules and regulation.

The FRO shall notify the requesting party in case there shall be a reproduction and copying fees which shall be conspicuously posted outside the FRO or in any place within Admin Building accessible to public and shall be published in MIAA official website.

- 7.2. Exemption from Fees.** The MIAA may exempt any requesting party from payment of fees, upon request, for valid reasons. The requesting party shall spell out the reason/s for exemption.

| | | |
|--|--|-------------------------------|
| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 16 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

8. **REMEDIES IN CASES OF DENIAL.** A party whose request for access to information has been denied may avail of the remedy set forth herein:

8.1. Administrative FOI Appeal Within the Agency

The requesting party may file an appeal of the adverse or unfavorable action of the FOI Decision Maker with MIAA FOI Appeals and Review Committee (MFARC). The appeal shall be filed within fifteen (15) calendar days from the receipt of the notice of denial or fifteen days (15) days from the lapse of the period to respond to the request.

The appeal shall be decided by the MFARC within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

8.2. Administrative FOI Appeal to the Office of the President

The denial of the appeal by the MFARC shall be considered final and the requesting party may file the appropriate judicial action in accordance with the Rules of Court. The appeal may be further appealed to the Office of the President under Administrative Order No. 22 (2011).

9. RECORDS MANAGEMENT AND TRACKING SYSTEM FOR REQUESTS

The MIAA shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, actions, procedures, operations, activities, communications, and documents generated, received, or filed with it.

- a. Request Tracking System. The MIAA, thru ADCA shall develop and establish a system to ensure that all requests for information received by it, which may be paper-based, on-line or both, including status of pending requests and requests acted upon, are properly documented, and monitored.
- b. Records Format. The following are considered records for the purpose of this Manual:
 - i. Hard copy – public records, reports, minutes of meetings, papers, periodicals, books or other items, articles, or materials
 - ii. Soft Copy – information in electronic form, including but not limited to documents, signatures, seals, texts, images, sounds, speeches, or data compiled, created, received, recorded, or stored by means of any recording device, process, computer or other electric devise or process in the conduct of an office's affairs
 - iii. Web-based – information prepared, processed, or stored online and which can be shared to any type of computer device.

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| Republic of the Philippines MANILA INTERNATIONAL AIRPORT AUTHORITY MIAA Administration Building, MIA Road, Pasay City | TYPE: Manual | DOC ID: M-LEG-M-001 |
| | EFFECTIVITY DATE: 28 MARCH 2023 | PAGE 17 of 17 |
| DIV/DEPT/OFFICE: LEGAL OFFICE | DOCUMENT TITLE: FREEDOM OF INFORMATION | |

10. ADMINISTRATIVE LIABILITY

10.1. Non-compliance with FOI Manual

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. First (1st) Offense | : | Reprimand |
| b. Second (2nd) Offense | : | Suspension of one (1) to thirty (30) days; & |
| c. Third (3rd) Offense | : | Dismissal from the service |

10.2. Procedure in Administrative Cases

The provisions of the Revised Rules on Administrative Cases in the Civil Service (RRACCS), adopted and promulgated by the Civil Service Commission through Resolution No. 1101502 on 08 November 2011 shall be applicable in the disposition of administrative cases against employees and officials of MIAA.

10.3. Provisions for More Stringent Laws, Rules and Regulations

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

11. PROCESS FLOWCHART

A flowchart illustrating the procedure provided for in this Manual is attached as **Annex "C"** of this Manual.

12. REPEALING CLAUSE

All orders, rules and regulations, memoranda, circulars and issuances or any part thereof inconsistent with the provisions of the FOI Manual are hereby repealed, amended, or modified accordingly.

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|---|---|--|--|
| REVISION NO: 1 | DISTRIBUTION: Copy 1 for <u>GMO</u> Copy 3 for Master File (SPID) Others: <u>AGMs</u> | | |
| DATE OF REVISION: 17 MARCH 2023 | Copy 2 for <u>SAGM</u> Copy 4 for Operator (LEGAL) | | |

ANNEX "A"
EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Article 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

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

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

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

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

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

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

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

(a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

(c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

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

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

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

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

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

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

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

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office, which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or *pursuant to* existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

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

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: *Provided*, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the

requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

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

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

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

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

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

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

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

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

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

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

By the President:

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

ANNEX "B"



Manila International Airport Authority
REQUEST FOR ACCESS TO DOCUMENTS/INFORMATION

| | | | |
|---|--|---|-------------|
| To be filled out by the Requesting Party* | | | |
| Requesting Party: _____ <div style="display: flex; justify-content: space-between; font-size: small;"> Surname First Name Middle Name </div> | | | Date: _____ |
| Address: _____ | | Contact No. _____ | |
| Name of Office: _____ | | Office Address: _____ | |
| B. Information/Documents/Records requested* | | C. Specific Purposes* | |
| D. Desired mode of receiving the information/document/record requested <input type="checkbox"/> To be picked-up <input type="checkbox"/> Through mail/private courier (payment required) | | E. I hereby certify that the above information is true and correct. _____ Printed Name and Signature of Requesting Party Date: _____ | |
| F. To be filled out by the Processor: | | | |
| Receiving Officer: _____ <div style="text-align: right; font-size: small;">Name and Signature</div> | | Action Taken: Issued Certification <input type="checkbox"/> Issued Certified Copy <input type="checkbox"/> No. of copies <input type="checkbox"/> Total no. of pages <input type="checkbox"/> Provided Photocopy only <input type="checkbox"/> | |
| Action Officer: _____ <div style="text-align: right; font-size: small;">Name and Signature</div> | | | |
| Status of Document: <div style="display: flex; justify-content: space-between; font-size: small;"> Already Disposed <input type="checkbox"/> Assessed Fee: _____ </div> <div style="display: flex; justify-content: space-between; font-size: small;"> Available Record <input type="checkbox"/> </div> <div style="display: flex; justify-content: space-between; font-size: small;"> No Record Maintenance by RS <input type="checkbox"/> </div> | | | |
| G. To be accomplished by the Processor: | | H. To be accomplished by the Records Section Chief | |
| The Request is recommended to be denied for the following reason/s: _____ _____ _____ | | _____ Request Approved _____ Request Disapproved _____ Printed Name and Signature | |
| I. The Requesting Party shall present at least one (1) government-issued ID with picture and signature of bearer. <div style="display: flex; flex-wrap: wrap; font-size: small;"> <div style="width: 33%;"><input type="checkbox"/> GSIS/SSS ID</div> <div style="width: 33%;"><input type="checkbox"/> Driver's License</div> <div style="width: 33%;"><input type="checkbox"/> PRC ID</div> <div style="width: 33%;"><input type="checkbox"/> Voter's ID</div> <div style="width: 33%;"><input type="checkbox"/> Philhealth</div> <div style="width: 33%;"><input type="checkbox"/> Student ID</div> <div style="width: 33%;"><input type="checkbox"/> Passport</div> <div style="width: 33%;"><input type="checkbox"/> Senior Citizen's ID</div> </div> | | | |
| J. Release of Request: Document/Record received by/released to: _____ <div style="display: flex; justify-content: space-between; font-size: small;"> <div> ID presented: _____ Amount Paid: _____ O.R. No. _____ </div> <div> Printed Name and Signature of Requesting Party Date of Released: _____ O.R. Date: _____ </div> </div> | | | |

ANNEX "C"
FOI Request Flow Chart

