

FOREWORD

His Excellency President Rodrigo R. Duterte, in his Inaugural Address on June 30, 2016, said:

I abhor secrecy and instead advocate transparency in all government contracts, projects, and business transactions from submission of proposals to negotiation to perfection and finally, to consummation.


Our 1987 Constitution (Section 7, Article III) guarantees the right of the people to information on matters of public concern, and provides that access to official 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, shall be afforded the citizen, subject to such limitations as may be provided by law.

Likewise, Section 28, Article II thereof provides that 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.

Executive Order No. 2 (2016) was issued by the President to operationalize 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 provide guidelines therefor. It also directs every government office to prepare its own People's Freedom of Information (FOI) Manual.

The Manila International Airport Authority (MIAA) affirms its strong and abiding commitment to the above marching orders of the President: make the government of the people a transparent one!

This Manual is issued to serve as guide for our stakeholders, clients, and the public on how the privilege and right to access for information can be availed and exercised in MIAA.


EDDIE V. MONREAL
General Manager

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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.

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- 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.

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- 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.

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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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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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- 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.

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;

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- 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) 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.

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- 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.
- 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:

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- 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

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.

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- c. As a general rule, the FOI Decision Maker shall grant an FOI request, unless there exist grounds to deny the same.
- 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.

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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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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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