

SURIGAO DEL SUR STATE UNIVERSITY
FREEDOM OF INFORMATION MANUAL

I. Introduction

Executive Order No. 2 was issued by President Rodrigo R. Duterte on July 23, 2016. This order operationalizes in the Executive Branch the people's Constitutional right to information and the State Policies to full public disclosure and transparency in public service. The EO mandates all executive offices, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations (GOCCs), and state universities and colleges to give every Filipino "access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as government research data used as basis for policy development."

The EO's Section 8 directs all government offices to prepare its own People's Freedom to Information (FOI) Manual specifying a number of implementing details taking into consideration their mandates and the nature of information in their custody and control.

In compliance with Executive Order No.2 , the Surigao del Sur State University (SDSSU) hereby promulgates this Manual:

II. The Duties of Surigao del Sur State University under the Executive Order

SECTION 1. General Duties. The SDSSU consistent with the mandate of EO 2, series of 2016, respects the constitutional right of Filipinos to freedom of information (FOI), and subjects to the limitations provided by law, make its records and information available, provides for public access to its records and information, protects its own records and information to the extent consistent with the requirements of public interest and personal privacy protection, and protect its public officers from the adverse consequences of disclosing certain kinds of official information without authorization under procedures established here.

SECTION 2. Recording and Safekeeping Duties. The SDSSU ensures that it records and safe keeps information about all its activities, operations and concerns.

SECTION 3. Maintenance Duties. It shall ensure the proper organization and maintenance of all information in its custody in a manner that facilitates public access to such information.

SECTION 4. Training for SDSSU personnel. The SDSSU shall provide adequate training and/or capacity-building program for its officials and employees to improve awareness of the right of access to information or records held by government agencies, as provided for in EO 2, series of 2016, and to keep updated of best practices in relation to information disclosure and records maintenance.

SECTION 5. Reportorial Requirement and Publication. The SDSSU shall submit to the DOJ an annual report on the number of requests received, the nature of the information requested and the disposition of such request. Such report shall also be posted in the SDSSU website and bulletin board and shall be regularly updated.

III. Definition of Terms . For purposes of this Manual, the following terms are defined:

(a) SDSSU – stands for Surigao del Sur State University composed of six campuses: Cantilan, Cagwait, Lianga, Tagbina, Tandag and San Miguel Campuses. Its main campus is Tandag Campus where the seat of governance is housed.

(b) 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.

(c) 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.

(d) Public record/records - includes information required by laws, executive orders, rules, or regulations Board Resolutions to be entered, kept and made publicly available by a government office.

(e) Evidence of identity –refers to current identification document issued by an official agency bearing the photograph and signature of the individual, such as but not limited to, passport, driver’s license, etc.

(e) Date of receipt - the day on which the SDSSU receives the applicant’s complete request for information.

(f) Fees Notice – a written notice that the SDSSU gives to an applicant stating that a specified fee for reproduction and copying should first be paid before complying with the request.

(g) Vexatious request- a request that is evidently without any legitimate purpose or aimed at disrupting the work in SDSSU units or harassing its employees, including identical or substantially similar requests.

IV. Procedure for FOI access

SECTION 6. Request for Information

(a) SDSSU recognizes the entitlement of every Filipino (i) to be informed in writing whether it holds a particular information described and specified in a proper request, and, (ii) if that is the case, to have that information communicated to him. In this regard, any Filipino applicant may request for a SDSSU information by accomplishing two copies of the request form available at the SDSSU Records Section or downloadable from the SDSSU website at www.sdssu.edu.ph.

(b) The applicant ensures that his name and contact information, reasonable description of the information requested, the specific reason/s for the request are stated and presents two valid pieces of evidence of his identity or authorization. All requests for information shall be addressed in the name of Surigao del Sur State University and must be made under oath in accordance with the 2004 Rules on Notarial Practice (A.M 02-8-13-SC).

SECTION 7. Receipt of the Request

(a) The duly accomplished request may be submitted to Surigao del Sur State University (SDSSU) by ordinary mail at Rosario, Tandag City or sent by email, the requesting party must submit a electronically scanned copy of the evidence of identity.

(b) In case of a proxy request, the duly accomplished request form must be accompanied by a letter of authority indicating that the applicant has authorized his representative to submit the request on his behalf, together with copies of two valid evidence of identities for both the applicant and his representative.

(c) In case the applicant is disabled or illiterate, he may be assisted by a relative within the fourth civil degree of consanguinity or affinity or by a representative, who should be a person personally known to him, who is of legal age and who belongs to the same household. In submitting the request, both the applicant and his representative must submit valid evidence of their identities.

SECTION 8. Bill of particulars

(a) SDSSU requires added information in order to identify and locate the information requested,

(b) Informs the applicant of such requirement, then it is not obliged to comply with the applicant's request, unless such added information is supplied.

SECTION 9. Fees

(a) SDSSU may, within 15 days, give the applicant fees notice stating the specific amount needed to defray the cost of copying and reproduction of the requested information, indicating that the applicant's request is granted. The applicant must from receipt of the fees notice pay SDSSU within a reasonable period the amount specified.

(b) SDSSU may reduce or waive any of its fees in case the applicant is an indigent, a student or a senior citizen, Provided: that the applicant satisfactorily proves his entitlement to such waiver or reduction of fees.

(c) SDSSU reserves the right to deny the request if the applicant fails or refuses to pay the required fees.

SECTION 10. Time to Act

(a) SDSSU shall promptly act on the request not later than 15 working days, following the date of its receipt of the complete request.

(b) Where SDSSU issue fees notice to the applicant, the 15-day period to comply is tolled and will begin to run anew once it receives the applicant's full payment in accordance with the preceding section. If the remaining period is only five working days or less, SDSSU shall have a fresh 10 days from receipt of full payment, unless the requested information is voluminous in which case SDSSU is authorized to act on the request on a longer but reasonable period it may provide.

(c) SDSSU reserves the right to extend the period stated here when the information requested requires extensive research of official records under its control and custody, examination of voluminous records, the occurrence of fortuitous events and other analogous cases. In all these cases, SDSSU shall notify the applicant in writing.

(d) SDSSU may defer action on an incomplete request, promptly giving the applicant a written notice about this.

SECTION 11. Vexatious requests

SDSSU is not obliged to comply with an applicant's request for information if the request is vexatious. Where SDSSU has previously complied with a request for information, which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person.

SECTION 12. Denial of request

SDSSU shall, within the time to act on a request, give the applicant a notice denying the request in whole or in part, specifying the ground or grounds for the denial and the circumstances upon which the denial is based.

SECTION 13. Exceptions

Access to information shall be denied when the information falls under or is otherwise covered by the following:

- a. Personal and sensitive information pursuant to the Data Privacy Act (RA 10173);
- b. Exceptions provided in the Constitution, existing laws and jurisprudence,
- c. Information which were already subject of an identical or substantially similar request from the same party and which were previously granted or denied
- d. Information requested is already publicly available, e.g. Internet, Official Gazette, other government website such as COA, DBM, PhilGEPS, national libraries, national archives;
- e. The record and/or information requested does not exist or cannot be found; and,
- f. Information requested refer to a third party or other official repository or custodian of the information requested, e.g. SDSSU clients or other government agencies.

V. Administrative Remedies

SECTION 14. Motion for reconsideration

Should the applicant disagrees with the SDSSU's action in denying his request, he may move for its reconsideration within ten calendar days from receipt of the denial notice but only when based on palpable or patent errors; provided, that only one such motion from the applicant shall be entertained.

SECTION 15. Appeal


A denial of an applicant's motion for reconsideration may be appealed to the Office of the University President within 15 calendar days from receipt of such denial notice. The appeal may be entertained if there is prima facie evidence of abuse of discretion on the part of the SDSSU

SECTION 16. Implementing Guidelines

SDSSU shall issue the appropriate guidelines to ensure that the policy adopted here and the procedure defined in this Manual is properly carried out.

VI. Appendices

- A. Standard Request Form
- B. Process Flowchart

 <p>Republic of the Philippines Surigao del Sur State University (SDSSU) Rosario, Tandag City, Surigao del Sur</p>	CONTACT US		
	Telefax Nos: (086) 214- 4221; (086) 214- 5068; (086) 214- 2723		
ACCESS TO INFORMATION REQUEST FORM			
To be accomplished by the Applicant			
1. Name:			
2. Residence/Business Address	<input type="text"/> <small>House No./Blk. No. Street Barangay</small>		
	<input type="text"/> <small>City/ Municipality. Province</small>		
3. Proof of Identity:			
4. Contact Information	Landline:	Mobile No.:	Email:
5. Detailed description of the information/documents requested:			
6. Purpose of the request:			
7. Name and signature of authorized representative if any:		Proof of Identity/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 documents/ 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 disclose of information about the public official/s or employee/s. should I violate the terms of this understanding, I understand that I will be proceeded against under the Revised Penal Code for perjury.</p>			
<hr/> Signature over printed name			

