

RESTRICTED
GENERAL HEADQUARTERS
ARMED FORCES OF THE PHILIPPINES
Camp General Emilio Aguinaldo, Quezon City

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OTAG/PAO, AFP

07 December 2023

STANDARD OPERATING PROCEDURE
NUMBER 22

**IMPLEMENTATION OF THE FREEDOM OF INFORMATION PROGRAM IN
THE ARMED FORCES OF THE PHILIPPINES**

1. REFERENCES:

- a. Executive Order Number 02 dated 23 July 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";
- b. Presidential Communications Operations Office Memorandum Circular Number 01 dated 11 November 2016 with subject: Freedom of Information Program;
- c. AFP Freedom of Information Manual dated 19 September 2018; and
- d. CSAFP-approved SDF dated 10 October 2023 with subject: Updating of AFP FOI Manual

2. PURPOSE:

This Standard Operating Procedure (SOP) on the Implementation of the Freedom of Information (FOI) Program in the Armed Forces of the Philippines (AFP) shall set forth the policies and provides detailed procedures to assist the Chief of Staff, AFP (CSAFP) in the implementation of the FOI Program enshrined in the Philippine Constitution and operationalized in the Executive Order (EO) Number 02, series of 2016.

3. SCOPE:

The policies and procedures herein apply to the Joint, Personal, and Special (JPS) Staff, Major Services, Unified Commands (UCs), Joint Task Forces (JTFs), AFP-Wide Support and Separate Units (AFPWSSUs) and any organization or individuals/personalities involved in the FOI Program.

4. DEFINITION OF TERMS:

a. **Classified Matters** – information and materials categorized by the responsible classifying authority based on its importance. Classified military information includes, but is not limited to all information and materials that are within the scope of national, operational, and personnel security.

b. **Consultation** – occurs when the AFP FOI Receiving Office refers to the cognizant unit/office for their views on the "disclosability" of the requested information before any final determination is made.

/c. **Complex** . . .

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

- c. **Complex Request** – an FOI request for voluminous information that is not readily available and/or the processing of which requires the participation of two or more units/offices.
- d. **Disclosability** – speaks of the requested documents' availability for public consumption. A document is disclosable if it has no access restrictions based on law, existing rules and regulations, or Inventory of Exceptions.
- e. **Exceptions** – information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws, or jurisprudence.
- f. **Extraction** – the process of separating/isolating specific information from a set of data.
- g. **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 online or offline, 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 of transaction of official business by any government office.
- h. **Inventory of Exceptions** – a document issued by the Office of the President containing a list information that is exempted from being released to the public.
- i. **FOI Request** – a written request submitted to a government office personally, by email, or via eFOI portal asking for information on any topic concerning that agency. An FOI request can be made by any Filipino to any government office.
- j. **FOI Officer(s)** – any officer or employee who has authority or designation to process FOI requests.
- k. **FOI Concerned Unit/Office** – unit or office that has jurisdiction on the information being requested or whereby the requested document originates or is stored.
- l. **Maximum Disclosure** – pursuant to Section 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. 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 of Exceptions.
- m. **National Security** – the state or condition wherein the nation's sovereignty and territorial integrity, people's well-being, core values, and way of life, and the State and its institutions are protected and enhanced.

/n. **Official** . . .

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

n. **Official Record** – 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.

o. **National Security** – the state or condition wherein the nation's sovereignty and territorial integrity, people's well-being, core values, and way of life, and the State and its institution, are protected and enhanced.

p. **Partial Grant/Partial Denial** – when a government office is able to disclose only portions of the records in response to an FOI request.

q. **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 or directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

r. **Proactive Disclosure** – information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions, mission, organization, and financial performance.

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

t. **Redaction** – the process of ensuring that sensitive information contained in an otherwise disclosable information is rendered unreadable before disclosure.

u. **Referral** – the act of transferring a request to an agency with primary interest or has jurisdiction on the information being requested.

v. **Sensitive Personal Information** – as defined in the Data Privacy Act of 2012, personal information shall refer to:

- 1) An individual's race, ethnic origin, marital status, age, color, and religious, philosophical, or political affiliations;
- 2) An individual's health, education, genetic or sexual life, or any proceedings for any offense committed or alleged to have committed, disposal of such proceedings or sentence of any court in such proceedings;
- 3) An individual's government-issued peculiar information that includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- 4) Specifically established by an executive order or an act of Congress to be kept classified.

w. **Simple Request** – an FOI request for information that are readily available or can be processed relatively quickly, not voluminous, and do not require the participation of two or more units/offices.

/5. **POLICIES . . .**

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

5. POLICIES:

The following shall be strictly followed in the implementation of the FOI Program:

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

b. 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.

c. The AFP shall regularly publish, print, and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act (RA) Nr 9485 (Anti-Red Tape Act of 2007), and through their website a timely, true, accurate, and updated key information including, but not limited to:

- 1) Description of its mandate, structure, powers, functions, duties, and decision-making processes;
- 2) Description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- 3) The names of its key officials, their powers, functions and responsibilities, and their profiles;
- 4) Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- 5) Important rules and regulations, orders or decisions;
- 6) Current and important databases and statistics that it generates;
- 7) Bidding processes and requirements; and
- 8) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

d. The AFP shall endeavor to translate key information into the major Filipino languages and present them in popular form and means.

e. The AFP shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed, and the data generated or collected.

f. Memorandum Circular Nr 78 dated 14 August 1964, titled "Promulgating Rules Governing Security of Classified Matter in Government Offices", as amended by Memorandum Circular Nr 196 dated 19 July 1968 shall remain effective with respect to requested information covered by the said circular.

/g. While . . .

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

g. While providing for access to information, the AFP shall afford full protection to a person's right to privacy in accordance with the Data Privacy Act of 2012. Moreover, the AFP shall, under Freedom of Information Circular Nr 21-03, retain personal information and sensitive personal information gathered through the FOI Program for a period of two (2) years after the transaction has been closed. Furthermore, the AFP shall, under FOI Memorandum Circular Nr 21-04, ensure that access to the identity of the persons making FOI requests be reserved to FOI officers and for the purpose of the program only.

h. Best practices such as redaction and extraction can be used to balance the disclosure of information with the protection of personal information when a document will be disclosed.

i. In compliance with the Anti-Torture Act (RA 9745) and Anti-Enforced Disappearance Act (RA 10353), the AFP shall make available an Official Up-to-Date Registry of All Persons Detained or Confined as well as information on the status of a reported victim and certificates issued that may be freely accessed by all persons with legitimate interests.

6. PROCEDURES:

a. **FOI Officers:** The AFP shall designate the following FOI officers who will ensure compliance to the FOI Program:

1) FOI Champion and Chairperson of the AFP Central Appeals and Review Committee (CARC): Chief of Staff, AFP (CSAFP).

2) FOI Decision Makers (FDMs): a) Vice Chief of Staff, AFP (VCSAFP) for requests concerning the AFPWSSUs, AFP Special Operations Command (AFPSOCOM), and Joint Task Force-National Capital Region (JTF-NCR); b) The Deputy Chief of Staff, AFP (TDCSAFP) for requests concerning the JPS Staff; and c) Major Service and Unified Command Commanders for requests concerning their respective commands.

3) FOI Receiving Officer: Chief, Public Affairs Office (PAO), AFP.

4) FOI Action Officers of Concerned Units/Offices: Executive Officers/Deputy Commanders/Assistant Chiefs.

b. **FOI CARC Composition:**

Chairperson	– CSAFP
Vice-Chairperson	– Deputy Chief of Staff for Intelligence, J2, AFP
Members	– COU Action Officer

/– The Judge ...

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

- The Judge Advocate General (TJAG), AFP
- Deputy Chief of Staff for Civil-Military Operations (CMO), J7, AFP
- Chief, PAO, AFP

c. **Filing of the FOI Request:** All Filipinos may file a request either through personal appearance to the AFP FOI Receiving Office, email, or through the eFOI (www.foi.gov.ph) portal. All requests must be in writing, shall state the name and contact information of the requesting party as well as provide a valid proof of identification or authorization and shall reasonably describe the information requested and the reason for, or purpose of, the request for information. A request form (Enclosure B) may be used for standard paper-based or emailed requests.

Requests can be filed to:

AFP FOI Receiving Officer/Chief, Public Affairs Office
F.P. Cruz cor Crame Avenue, Camp General Emilio Aguinaldo
Quezon City, Philippines 1110
Email: paoafp@gmail.com
Hotline: 09177776031

d. **Duration of Requests:** The AFP must respond to requests promptly within 15 working days for simple requests, excluding Saturdays, Sundays, and non-working holidays. An extension of additional 20 days may be given for complicated requests.

e. **Role of FOI Receiving Officer (FRO):** The FRO shall receive the request and evaluate its validity. The request may be denied outright if:

- 1) The request is not made under the EO Nr 02, s-2016;
- 2) The request comes with incomplete requirements;
- 3) The information sought are not within the custody of or concerning the AFP;
- 4) The request is not frontline service as referred to in the Anti-Red Tape Act;
- 5) Upon coordination with the concerned unit/office, the information is covered under the Inventory of Exceptions (Enclosure C);
- 6) The request is vexatious;
- 7) The request has been preemptively disclosed or has been part of a previous successful request;
- 8) The request is a complaint;
- 9) The requesting party intends to use the requested information or document in criminal, administrative, or civil proceedings;
- 10) The request is a request for personal information, except for those allowed under National Privacy Commission Advisory Nr 2017-02 or Access to Personal Data Sheets of Government Personnel; and
- 11) There is no unreasonable subsequent identical or substantially similar request.

/The FRO . . .

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

The FRO, upon determining the validity of the request, shall provide an acknowledgement to the requesting party containing the date of receipt of the request, the date of issuance of the response, and the status of the request.

After receiving the request, the FRO shall transmit the same to the concerned unit/office for recording and proper action within one (1) day from receipt. The FRO shall record the date, time, and name of the concerned unit/office Action Officer who received the request in a record book with corresponding signature of acknowledgement of receipt of the request.

f. **Role of the Concerned Unit/Office Action Officer:** The concerned unit/office Action Officer shall then exhaust all efforts to locate, retrieve, compile, and package (Complete Staff Work) and provide a recommendation on the requested information. The concerned unit/office Action Officer shall also ensure that sensitive and personal information will be redacted/extracted before transmittal to their respective FDMs. The concerned unit/office Action Officer shall ensure that the information is complete and conforms with the requirements in the request. This process shall not exceed eight (8) days from receipt of the request. An extension of not more than 20 days may be requested for complex requests. The concerned unit/office Action Officer shall hand-carry the FOI request to the FDM for expedited and prompt action.

Recommendation to deny the request shall include a reasonable explanation citing specific provisions and sources.

g. **Role of FDMs:** The FDMs shall assess the request and communicate their decisions to the concerned unit/office upon receipt. This process shall not exceed more than three (3) days.

h. **Transmittal of the Decision to the FRO:** When approved, the concerned unit/office shall submit the requested documents or the explanation in case of denial to the FRO within one (1) day from receipt of the decision from the FDM.

i. **Transmittal of the Decision to the Requesting Party:** Upon receipt of the requested information or explanation of denial, the FRO shall communicate the same to the requesting party. The FRO shall attach a cover/transmittal letter signed by the FRO and ensure the transmittal of such within 15 working days upon receipt of the request. The transmittal shall state that the information received shall not be used other than what is indicated in the request form, any purpose that is contrary to law, public policy, public order, morals, or good customs, and shall not be reproduced for any commercial use.

j. **Request for an Extension of Time:** The FRO, concerned unit/office, or FDM may ask for an extension of time upon determination of the complexity of the request and/or the occurrence of fortuitous events or other analogous cases. The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension, in writing. In no case shall the extension exceed 20 working days on top of the mandated 15 working days to act on the request, unless exceptional circumstances warrant a longer period.

/k. **Awaiting . . .**

SOP Nr 22, GHQ, AFP dated 07 December 2023, cont'n:

k. **Awaiting Clarification:** Should the requested information require further details to conclude resolution, the FRO shall advise the requesting party and request for additional information needed to clarify the FOI request. The 15-working day period will pause until such time that the clarification has been given by the requesting party. If no clarification is received from the requesting party after 60 calendar days, the request shall be deemed as "closed", and no further action is needed on the part of the AFP.

l. **Remedies in Case of Denial:** A person whose request for access to information has been denied may file for an appeal using the prescribed form (Enclosure D) to the AFP FOI CARC through the FRO within 15 calendar days from the notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided by the CARC within 30 working days from the filing of the said appeal.

Upon exhaustion of the FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

m. **Tracking System:** The FRO, concerned unit/office, and FDMs shall establish a recording and tracking system, which is maintained to monitor the status of all FOI requests using the prescribed computer-based format or similar open and accessible formats.

n. **Fees:** The AFP shall not charge any fee for accepting request for access to information.

o. **Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information:** The concerned unit/office shall immediately notify the requesting party through the FRO in case there is a reproduction, copying, and/or delivery costs. Should there be a valid reason to do so, these costs may be waived by the concerned unit/office.

p. **Administrative Liability:** Failure to comply with the provisions of this SOP shall be ground for the following administrative penalties:

First (1 st) Offense	– Reprimand
Second (2 nd) Offense	– Suspension of one (1) day to 30 days
Third (3 rd) Offense	– Dismissal from the service

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases for Civilian Human Resources (Civ HRs), while the Articles of War (AWs) and other regulations shall be applicable to military personnel.

q. **Training:** The Office of the Deputy Chief of Staff (ODCS) for CMO, J7 (OJ7), in coordination with the FRO shall conduct executive briefings to apprise key AFP FOI officers on their responsibilities under this SOP and to ensure that the process is correctly followed. Regular trainings for all AFP personnel shall also be conducted to raise awareness on their rights under the FOI, increase understanding of the principles and application of FOI, and familiarize them with the AFP FOI procedures.

/r. **Auxiliary . . .**