

Republic of the Philippines
Department of Transportation
MARITIME INDUSTRY AUTHORITY



MANUAL ON FREEDOM OF INFORMATION
(Pursuant to Executive Order No. 02, s. 2016)

Approved by :  **MARCIAL Q.C. AMARO III, PhD**
Administrator

Date Approved : 27/11/16

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SECTION 1: OVERVIEW

1. Purpose

The purpose of this FOI Manual (Manual) is to provide the process **for the Maritime Industry Authority (MARINA)** in dealing with requests of information received under Executive Order (E.O) No. 2 on Freedom of Information (FOI).

2. Structure of the Manual:

This Manual shall contain rules and procedures to be followed when a request for access to information is received. The **MARINA Administrator** is responsible for all actions carried out under this Manual.

The **MARINA Administrator through the Director II, Legal Service (LS) for the Central Office and Legal Officer for Regional Offices** shall act as the Decision Maker (DM) and shall have overall responsibility for the initial decision on FOI request particularly:

- a. to decide whether to release all the records,
- b. to partially release the records; or
- c. to deny access of records.

3. Coverage of the Manual:

The Manual shall cover all requests for information directed to all Service Units/Regional Offices of the MARINA.

4. FOI Receiving Officers:

The **MARINA FOI Receiving Officers** shall be designated by the Administrator as follows:

1. MARINA Central Office

The Chief, General Services Division
Management, Financial and Administrative Service
Maritime Industry Authority
984 Taft Avenue cor Kalaw Street, Ermita Manila
Telephone No.
Email Address:

Attention : Records Section

2. MARINA REGIONAL OFFICE NO. 1 & 2

MS. SONIA B. MALALUAN

Regional Director
Maritime Industry Authority
3F Tan Bldg., Quezon Avenue
Sevilla Center, San Fernando City, La Union
Contact Nos : (072)607-8108 / (072)607-8109
Email Add : mro1@marina.gov.ph

Attention : The Administrative Officer

3. MARINA REGIONAL OFFICE NO. 4

ATTY. MANUEL C. PORTUS

Regional Director
Maritime Industry Authority
Telof Compound, Telecom Road,
Capitol Site, KumintangIbaba,
Batangas City
Contact Num : 723-1365 / 723-2327
Email Add : mro4@marina.gov.ph

Attention : The Administrative Officer

4. MARINA REGIONAL OFFICE NO. 5

ENGR. JAIME BEA

Regional Director
Maritime Industry Authority
2F RDC Primeland Inc. Bldg.
Block 3 Lot 6 Landco Business Park,
Capantawan, Legaspi City
Contact Num : (052)480-6984
Email Add : mro5@marina.gov.ph

Attention : The Administrative Officer

5. MARINA REGIONAL OFFICE NO. 6

MS. MARY ANN ARMI Z. ARCILLA

Regional Director
Maritime Industry Authority
4F Arguelles Bldg. 402 E. Lopez St.,
Jaro, Iloilo City
Contact Num : (033)329-4180/(033)329-6490
Email Add : mro6@marina.gov.ph

Attention : The Administrative Officer

6. MARINA REGIONAL OFFICE NO. 7

ENGR. NANNETTE Z. VILLAMOR-DINOPOL, CESO V

Regional Director
Maritime Industry Authority
2F, Qimonda I.T. Center, Don Sergio Osmena Avenue, North
Reclamation Area, Cebu City
Contact Num : (032)401-0223/401-0226
Email Add : mro7@marina.gov.ph

Attention : The Administrative Officer

7. MARINA REGIONAL OFFICE NO. 8

ENGR. RIZAL J. VICTORIA

Regional Director
Maritime Industry Authority
2/F Uytingkoc Bldg. Senator Enage St.,
Tacloban City
Contact Num : (053)325-5133/(053)523-3010
Email Add : mro8@marina.gov.ph

Attention : The Administrative Officer

8. MARINA REGIONAL OFFICE NOS. 9

ATTY. IRVING L. SAIPUDIN

Regional Director
Maritime Industry Authority
2nd Flr. CAP Bldg.,
N.S. Valderoza Street, Zamboanga City
Contact Num : (062) 991-8876/ 991-2614
Email Add : mro9@marina.gov.ph

Attention : The Administrative Officer

9. MARINA REGIONAL OFFICE NOS. 10

ENGR. MARC ANTHONY P. PASCUA

Regional Director
Maritime Industry Authority
2/F SE JO Lim Bldg
Gemilina St, Carmen, Cagayan de Oro
Contact Num : (088)856-9105 / (088)856-8410
Email Add : mro10@marina.gov.ph

Attention : The Administrative Officer

10. MARINA REGIONAL OFFICE NOS. 11

MS. FELISA N. ORONGAN

Regional Director

Maritime Industry Authority

2F Davao Ching Printers Inc., Bldg. cor. Lakandula&Dacudao Ave.
Agdao, Davao City

Contact Num : (082)224-6228 / (082)224-6231 / (082)282-0544 for
MDS/STCW office

Email Add : mro11@marina.gov.ph

Attention : The Administrative Officer

11. MARINA REGIONAL OFFICE NO. 12

ENGR. JOSE VENANCIO A. VERO

Regional Director

Maritime Industry Authority

No. 8 Kadulasan St., Dadiangas East,
General Santos City

Contact Num : (083)301-1714

Email Add : mro12@marina.gov.ph

Attention : The Administrative Officer

12. MARINA REGIONAL OFFICE NO. 13

ENGR. EMMANUEL B. CARPIO

Regional Director

Maritime Industry Authority

Port Area, Surigao City

Contact Num : (086)231-7622

Email Add : mro13@marina.gov.ph

Attention : The Administrative Officer

The functions of the FOI Receiving Officer shall include the following:

- a. Receive on behalf of the **MARINA** all request for information and forward the same to the appropriate office who has custody of the records;
- b. Monitor all FOI requests and appeals;
- c. Provide assistance to the FOI Decision Maker;
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required; and,
- f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the access based on:
 - g. That the form is incomplete; or
 - h. That the information is already disclosed in the **MARINA's official website** at www.marina.gov.ph; www.foi.gov.ph; or at www.data.gov.ph

5. FOI Decision Maker.

The **Administrator through the Director II, Legal Service for Central Office Units and the Regional Directors through their Legal Sections** shall be designated as the FOI Decision Maker who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. the **MARINA** does not have the information requested;
- b. the information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. the information requested falls under the list of exceptions to FOI; or,
- d. the request is unreasonable, subsequently identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the **MARINA**.

6. Central Appeals and Review Committee.

The **Administrator shall create Central Appeals and Review Committee to be composed of a Deputy Administrator and two (2) Directors or their equivalent** who shall serve as Central Appeals and Review Committee and shall be responsible for reviewing and analyzing the grant or denial of request for information. The Committee shall also provide an expert advice to the Administrator on the denial of such request.

7. Approval and Denial of Request to Information.

The Decision Maker shall approve or deny all requests for information. In case where the Decision Maker is on Official Leave, **the Administrator may delegate such authority to any Deputy Administrator or any Officer not below the rank of Director II.**

SECTION 2 - DEFINITIONS

For purposes of this Manual, the following terms shall mean:

1. **Consultation.** When a government office requires a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”
2. **data.gov.ph** shall refer to the Open Data website that serve as the government’s comprehensive portal for all public government data which are searchable, understandable, and accessible.
3. **eFoi.gov.ph** shall refer to 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 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 they can be compared by agency and over time.
4. **Information** shall mean any records, documents, paper, reports, letter, contracts, minutes and transcript 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, any rules and regulations or in

connection with performance or transaction of official business by any government office.

5. **Information for disclosure** shall refer to information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.govt.ph, without need for written requests from the public.
6. **Official Record/s** 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.
7. **Open Data** refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
8. **Public Records** shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.
9. **Public Service Contractor** shall be defined as a private entity that has dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.
10. **Personal Information** shall refer to any information, whether recorded in a material form or not, from which the identify of an individual is apparent or can be reasonably and directly ascertained by entity holding the information, or when put together with other information would directly and certainly identify an individual.
11. **Sensitive Personal Information** shall refer to personal information, pursuant to the Data Privacy Act of 2012:
 - a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
 - c. 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,

d. Specifically established by an executive order or an act of Congress to be kept classified.

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

SECTION 3 – PROMOTION OF OPENNESS IN GOVERNMENT

1. Duty to Publish Information.

The MARINA shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, 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 process;
- 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 process 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;

2. Accessibility of Language and Form.

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

3. Keeping of Records.

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

SECTION 4: PROTECTION OF PRIVACY

While providing for access to information, the MARINA shall afford full protection to a person's right to privacy, as follows:

- a. The MARINA shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The MARINA shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FOI Receiving Officers, FOI Decision Maker or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the MARINA shall not disclose that information except as authorized by existing laws.

SECTION 5: STANDARD PROCEDURE

1. Receipt of Request for Information.

1.1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- a. The request must be in writing;
- b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and,

- c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request of information. (See Annex “___”)

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of a duly recognized government ID with photo.

- 1.2. In case the requesting party is unable to make a 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.
- 1.3. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email request, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4. The **MARINA** or any its office must respond to requests promptly, within the fifteenth (15) working day following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

2. Initial Evaluation.

2.1. Request Relating to More than One Office under the MARINA

If a request for information is received which requires to be complied with, of different attached agencies, bureaus and offices, the FRO shall forward such request to the said attached agencies, bureaus and office that they will only provide the specific information that relates to their agencies, bureaus and offices.

2.2. Requested Information is not in the custody of MARINA or any of its Offices

If the requested information is not in the custody of the **MARINA** or any of its attached agencies, bureaus and offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- a. If the records requested refer to another department, the request will be immediately transferred to such appropriate department through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- b. If the records refer to an office not within the coverage of E.O No.2, the requesting party shall be advised accordingly and provided with the contact details of the office, if known.

2.3. Requested Information is already posted and available on-line:

Should the information being requested is already posted and publicly available in the **MARINA website**, data.govt.ph or foi.govt.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

2.4. Requested Information is substantially similar or identical to the previous request:

Should the requested is already posted and publicly available in the **MARINA website**, data.govt.ph or foi.govt.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

3. Transmittal of Request by the FRO to the FDM

After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

4. Role of FDM in processing the request

Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the MARINA, in case the submission is beyond the 10-day period.

If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall stop the running of the 15 working day period and will commence the day after it receives the required clarification from requesting party.

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. Role of FRO to transmit the information to the requesting party

Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the MARINA Administrator and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

6. Request for an extension of Time

If the information requested requires extensive search of the government's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. Notice to the Requesting Party of the Approval/Denial of the Request

Once the DM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the Administrator for final approval.

8. Approval of Request

In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

9. Denial of Request

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of 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 provided shall be deemed a denial of the request within the period herein provided shall be deemed a denial of the request to information. All denials on FOI request shall pass through the Office of the Administrator.

SECTION 6: REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail himself of the remedy set forth below:

1. Administrative FOI Appeal to the MARINA Central Appeals and Review Committee; Provided, that the written appeal must be filed by same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of the Appeal by the **FOI Decision Maker** may be appealed by filling a written appeal to the Central appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request;

- b. The appeal shall be decided by the **Administrator** upon the recommendation of the Central Appeals and Review Committee 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.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7: REQUEST TRACKING SYSTEM

The MARINA shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

SECTION 8: FEES

1. No Request Fee

The MARINA shall not charge any fee for accepting requests for access to information.

2. Reasonable Cost of Reproduction and Copying of the Information

The FRO shall immediately notify the requesting party in case there shall be reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the MARINA in providing the information to the requesting party. The schedule of fees shall be posted by the MARINA.

3. Exemption from Fees

The MARINA may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 9: ADMINISTRATIVE LIABILITY

1. Non-Compliance with FOI

Any designated official who fail to perform his/her duties and responsibilities under this Manual shall be a ground for the following administrative penalties:

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

2. Procedure

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. Provisions for More Stringent Laws, Rules and Regulations

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

SECTION 10: ADOPTION

This Manual is adopted by the Maritime Industry Authority (MARINA) this 23rd day of November 2016 and shall take effect upon its official submission to the Office of the President or its publication in the MARINA portal at <http://www.marina.gov.ph> whichever comes earlier.