

# NATIONAL CONCILIATION AND MEDIATION BOARD



# FREEDOM OF INFORMATION

Executive Order No. 02 s. 2016 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.

**30 June 2018**

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## **Section 1: Overview**

### **1.1 BACKGROUND/RATIONALE**

Article II, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Additionally, Article III, Section 7 of the Constitution, guarantees the right of the people to information on matters of public concern. In order to implement the constitutional provisions, President Rodrigo Roa Duterte on 23 July 2016, issued Executive Order (EO) No. 2 (s. 2016) (Annex "A") which directs every government office to prepare its own Freedom of Information (FOI) Manual.

### **1.2 OBJECTIVES OF THE MANUAL**

In recognition of the fundamental human right of privacy and the role of free and open exchange of information and in enhancing transparency and accountability in official government acts, the NCMB fully supports the President's program of creating a more transparent government. Thus, this FOI Manual which aims to achieve the following objectives:

1. Facilitate access to information through the most efficient and expeditious manner;
2. Promote transparency in the exercise of the Board's mandate and functions;
3. Uphold the fundamental right of the public to free flow of information; and
4. Provide guidance for NCMB and its Branches' personnel in dealing with any request for information, official records, and documents.

## **Section 2**

### **The NATIONAL CONCILIATION AND MEDIATION BOARD**

#### **2.1 CREATION**

The NCMB, created under Executive Order No. 126, reorganizing the DOLE, shall formulate policies, develop plans and programs and set standards and procedures relative to the promotion of conciliation and mediation of labor disputes through preventive mediation, conciliation and voluntary arbitration; facilitation of labor-management cooperation through joint mechanisms for information sharing, effective communication, consultation and group-problem solving.

## **2.2 VISION**

The NCMB shall be the center of excellence in enhancing harmonious relationship in every workplace.

## **2.3 MISSION**

To sustain harmonious labor and management relations through continuous education, mainstreaming of alternative dispute resolution (ADR) mechanisms, and implementation of innovative approaches towards worker's empowerment.

## **2.4 FUNCTIONS**

The NCMB, as a staff and line office, has the following functions:

1. Formulate policies, programs, standards, procedures, manuals of operations and guidelines pertaining to effective mediation and conciliation of all labor disputes;
2. Perform preventive mediation and conciliation functions;
3. Coordinate and maintain linkages with other sectors of institutions, and other government authorities concerned with matters relative to the prevention and settlement of labor disputes;
4. Formulates policies, plans, programs, standards, procedures, manuals of operations and guidelines pertaining to the promotion of cooperative and non-adversarial schemes, grievance handling, voluntary arbitration and other voluntary modes of dispute settlement;
5. Administer the voluntary arbitration program; maintain/update a list of voluntary arbitrators, compile arbitration awards and decisions;
6. Provide counseling and preventive mediation assistance particularly in the administration of collective agreements;
7. Monitor and exercise technical supervision over the Board's programs being implemented in the regional offices; and
8. Perform such other functions as may be provided by law or assigned by the Secretary.

## 2.5 NCMB Organizational Chart

Please see Annex “ F”.

## 2.6 NCMB Directory

Please see Annex “ G”.

### **Section 3: Coverage**

This Manual shall cover every request of information / record directed at the National Conciliation & Mediation Board (NCMB) and its sixteen (16) Regional Conciliation & Mediation Branches (RCMBs).

#### **3.1 Definition of Terms:**

- 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. *(Section 1.a, Executive Order No. 2 dated 23 July 2016)*
- b. **OFFICIAL 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. *(Section 1.b, Executive Order No. 2 dated 23 July 2016)*
- c. **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. *(Section 1.c, Executive Order No. 2 dated 23 July 2016)*
- d. **PRIVILEGED INFORMATION** refers to any and all forms of data which under the Rules of Court and other pertinent laws constitute privileged communication *(Section 3.k, RA 10173)*
- e. **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. *(Section 3.g RA 10173)*

f. **SENSITIVE PERSONAL INFORMATION** refers to personal information:

1. About an individual's race, ethnic origin, marital status, age, color, and religions, philosophical affiliations;
2. 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;
3. Issues 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
4. Specifically established by an executive order or an act of Congress to be kept classified. (*Section 3 (l), RA 10173*)

g. **CONFIDENTIAL MATTER** refers to information and material (matter) the unauthorized disclosure of which, while not endangering the national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to a foreign nation. (*Section IV, Memorandum Circular No. 78, dated 14 August 1964*)

h. **RESTRICTED MATTER** refers to Information and material (matter) which requires special protection other than that determined to be Confidential. (*Section V, Memorandum Circular No. 78, dated 14 August 1964*)

i. **RECORDS** shall refer to information, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded or stored.

j. **FOI RECEIVING OFFICER (FRO)** refers to the NCMB Central Office or the Regional Conciliation & Mediation Branch employee responsible for overseeing the agency/branch's records management program and providing guidance on adequate and proper record keeping. For the purpose of this manual, the FRO shall be in charge of all requests. The FRO shall receive, act on, facilitate and/or monitor all requests filed with the NCMB/RMCB, collate and ensure correctness and completeness of requested information/record upon retrieval, and release/withhold information in accordance with necessary provisions as to approval/disapproval of requests.

The FRO shall also compile or update office' inventory of information available for public access or release and maintain a record of responses/action taken to FOI requests using the Standard FOI Request Form (Annex "C").

- k. **REQUESTING PARTY** is any individual, entity, or party seeking access to certain information through the guidelines of this Manual

### **3.2 Documents that Can Be Accessed**

Pursuant to Section 3 of Executive Order No. 02 dated 23 July 2016, 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 are accessible to every Filipino.

### **3.3 Exceptions**

Access to information, official records and public records shall not be allowed in the following cases:

1. Classified/confidential and related matter or information and documents provided under Memorandum Circular No. 78 dated 14 August 1964, such as Top Secret, Secret, Confidential and Restricted Matters;
2. Privileged Communication; (*Rule 130, Section 24.e, Rules of Court*)
3. Private Communication and correspondence; (*Section 3, Article III, 1987 Philippine Constitution; Article 26, Civil Code*)
4. Those covered by the inventory of exceptions issued by the Department of Justice and the Office of the Solicitor General, as circularized by the Office of the President. (*Executive Order No. 2, dated 23 July 2016*)

## **Section 4: Access to NCMB/RCMBs Records**

The following are the documents of the respective divisions of NCMB and RCMBs that can and cannot be accessed:

### **4.1 Can Be Accessed**

- 4.1.1 Agency Office Performance & Commitment Review (OPCR)
- 4.1.2 Alternative Dispute Resolution (ADR) Updates, Statistics on Conciliation Mediation (TA, SEnA, NL/S and AS) and Voluntary Arbitration Cases
- 4.1.3 Annual Agency Report
- 4.1.4 Certificate of Appearance
- 4.1.5 Certificate of No Pending Case
- 4.1.6 Collective Negotiation Agreement
- 4.1.7 Contract of Lease/Services
- 4.1.8 Communication Plan

- 4.1.9 Documentation of BAC, PMT/PVT meetings
- 4.1.10 Gender and Development Plans and Budget (GPB)/GAD Accomplishment Report (GAD-AR)
- 4.1.11 Inventory Report
- 4.1.12 Individual Custodian Slips
- 4.1.13 Job/Purchase Request
- 4.1.14 List of all NCMB/RCMB Personnel
- 4.1.15 Memorandum/Office Order
- 4.1.16 Narrative Performance Report
- 4.1.17 NCMB Issuances
- 4.1.18 NCMB Manual of Procedures
- 4.1.19 Notice(s) of Conference
- 4.1.20 Physical and Financial Report
- 4.1.21 Physical Report on Operation
- 4.1.22 Procurement Plan (Project Procurement Management Plan/Annual Procurement Plan)
- 4.1.23 Property Acknowledgement Receipt
- 4.1.24 Regional Performance Report
- 4.1.25 Strategic Performance Reporting System (SPRS)
- 4.1.26 Summary of IPCR Ratings of NCMB Personnel
- 4.1.27 Training Modules
- 4.1.28 Training Monitoring Reports
- 4.1.29 Training Proposals
- 4.1.30 Training Reports
- 4.1.31 Travel Authority/Travel Orders
- 4.1.32 Voluntary Arbitration Decision

## **4.2 Can Be Accessed After Due Evaluation of the Request**

- 4.2.1 Agreement and Compromise Settlement
- 4.2.2 Minutes of Conciliation-Mediation Conference
- 4.2.3 Notice of Strike or Preventive Mediation
- 4.2.4 Report of the Conciliator-Mediator (Initial or Progress)
- 4.2.5 Results of the Strike Balloting/Vote
- 4.2.6 Statement of Assets, Liabilities & Networth (SALN)

## **4.3 Cannot Be Accessed –**

- 4.3.1 All financial documents, including copies of payroll and checks issued
- 4.3.2 All Personnel records and documents, including 201 files of NCMB and RCMB officers and staff



4.3.3 All accounting, financial and budget documents under all units

4.3.4 Conciliator's Notes

#### **4.4 Determination of the Exceptions:**

The determination of the applicability of any exception to the request shall be the responsibility of the Head of NCMB or the Branch Director. In making such determination, the NCMB Head/Branch Director 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 and documents if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

### **Section 5. PROCEDURE**

#### **5.1. FILING AND RECEIPT OF REQUEST FOR INFORMATION**

5.1.1. In compliance with Section 9 (a) of EO No. 2, the FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance with 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 for information.

5.1.2. The FRO shall provide a Request Form to the requestor or an authorized representative. The requestor/representative shall duly accomplish the Request Form.

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 fill-up the Request Form on behalf of the requestor.

5.1.3. Requests can be made through e-mail provided that the requesting party shall attach in the e-mail a scanned copy of the Request Form, and a copy of a duly recognized ID with photo.

5.1.4. The FRO stamps "Received" on the letter and Request Form, and indicate the date and time of receipt, his/her name, designation, and

signature. He/She shall input the details of the request on the Route Slip (RS) and attach the RS on the Request Form.

**5.2 EVALUATION OF REQUEST.** Upon receipt, the FRO shall evaluate the information being requested, identify the responsible unit/division, and determine access restrictions to the information.

**5.2.1. Requested information is already posted in the website.** If the information requested is already available in the NCMB/RCMB website, the FRO shall within the day of request, inform the requesting party and provides the website link where the information is posted.

**5.2.2. Requested information is substantially similar or identical to previous requests.** Pursuant to Section 11 of EO No. 2, the FRO shall deny an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the NCMB/RCMB. However, the FRO shall within the day, inform the applicant the denial and the reason/s thereof.

**5.2.3. Requested information is in custody of Records Section.** The FRO shall determine availability of information requested and act upon the request, whether approval or denial, within one (1) day.

**5.2.4. Requested information is in the custody of other Unit/Division.** The FRO shall endorse/forward the request and coordinate, through the most expeditious manner, with the concerned unit/division for their handling. The requesting party shall be advised that the requested information is not currently with the Records Section.

### **5.3. ROLE OF THE FOI RECEIVING OFFICER (FRO)**

**5.3.1.** The FRO shall compile and update office inventory of information available for public access and release. He/She shall also maintain a record of responses/action taken to FOI requests using the standard FOI requests, prepare and submit quarterly report of FOI implementation and accomplishment.

**5.3.2.** Upon receipt of the request for information, the FRO shall assess and clarify the request if necessary. The FRO shall make all necessary steps to locate and retrieve the information requested.

**5.3.3.** The FRO shall coordinate with the concerned unit/division to facilitate the handling of requests and retrieval of requested information in the custody of the unit/division.

5.3.4. The concerned unit/division shall advise the FRO of its decision on the request. Release of information or issuance of denial letter shall be made through the FRO. As such, the FRO shall monitor handling of all requests for information.

5.3.5. The concerned unit/division shall collate and ensure that the information is complete prior to release. The FRO shall prepare a covering memorandum signed by the Executive Director (counter-signed by the concerned Service Director/Deputy Executive Director ) and the information released by the FRO to the requesting party. Covering memorandum at the RCMBs shall be signed by the Director II (countersigned by the Administrative Officer IV).

**5.4 PERIOD FOR APPROVAL AND RELEASE.** Pursuant to Section 9 (d) of EO No. 2, request for information shall be acted upon within fifteen (15) working days from the date of receipt of the request, or the day on which the request is physically or electronically delivered to the government office.

**5.5 REQUEST FOR AN EXTENSION OF TIME.** Should the information requested require extensive search of the government office record facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FRO shall advise the requesting party immediately of the extension of the fifteen (15) working day period. Pursuant to Section 9 (e) of the EO No. 2, in no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

**5.6 APPROVAL AND RELEASE OF REQUEST.** The FRO shall ensure that all records have been retrieved and checked for possible exceptions, prior to actual release. The FRO shall inform the requestor that the request was favorably granted..

5.6.1. For information in custody of other unit/division, upon determination that the request can be favorably granted, the FRO shall inform the requestor of the retrieval and release of such information in the custody of other unit/division, and indicate the date of release on the Claim Slip. The Division Staff concerned shall apprise the FRO when the information is retrieved and ready for claiming.

5.6.2. Claiming of requested information shall not exceed thirty (30) working days from the due date of release. Information/record not claimed within thirty (30) working days of the release date shall be disposed of accordingly

**5.7 DENIAL OF REQUESTS.** In case of denial of the request, the FRO shall, within the two (2) working days from receipt by the concerned unit/division, notify the requesting party of the denial in writing. The notice, signed by the concerned Deputy Executive Director (Internal Services or Technical Services) and countersigned by the concerned Director II (Internal Services or Technical

Services). The notice of denial shall clearly set forth the reason(s) for denial and the circumstances in which the denial is based.

Denial of request by the regional branch shall be communicated to the requesting party within two (2) working days from receipt of the request. The FRO shall prepare the notice, signed by the branch Director and countersigned by the concerned unit head (ConMed, LMC/GM/VA or Admin).

**5.8 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:

5.8.1 A written appeal must be filed to the NCMB Central Appeals and Review Committee composed of the concerned Division Chief, TS & IS Directors and the two Deputy Executive Directors through the FRO by the same requesting party within fifteen (15) working days from receipt of the denial or lapse of the period to respond to the request:

5.8.2 The FRO shall transmit immediately the appeal to the NCMB Central Appeals and Review Committee within three (3) days from receipt of the appeal;

5.8.3 The Central Appeals and Review Committee shall have fifteen (15) working days from receipt of the appeal, to submit its recommendation to the Executive Director;

5.8.4 Within three (3) working days from receipt of the recommendation, the NCMB Executive Director shall, upon the recommendation of the Central Appeals and Review Committee, issue a decision. The appellant shall be informed of the decision within five (5) working days from date of decision, through the FRO of the NCMB Central Office, copy furnished the concerned branch in case where the requested appeal emanates from the regional branch of the Board.

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

## **Section 6. Cost of Reproduction**

**6.1 No Request Fee.** The NCMB shall not charge any fee for accepting requests for access to information.

**6.2 Reasonable Cost of Reproduction and Copying of the Information.** While Requests for Access to Information is free of charge, the FRO shall immediately notify the requesting party in case there shall be a reproduction and copying expenses in order to provide the information. Such cost shall be the actual

amount the requesting party incurs in photocopying and/or reproducing the document.

## **Section 7. Administrative Liability**

**7.1 Non-Compliance with FOI.** Failure to comply with the provisions of this Manual shall be ground for the following administrative penalties:

- a. 1<sup>st</sup> offense - Reprimand
- b. 2<sup>nd</sup> offense - Suspension of one (1) to thirty (30) days; and
- c. 3<sup>rd</sup> offense - Dismissal from the service

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

**7.3 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 any body or agency, which provide for more stringent penalties.

## **Section 8. Effectivity**

8.1 The FOI Manual takes effect on 30 June 2018 until revoked or amended. The Manual dated 23 May 2017 is deemed revoked.

Approved by:

  
**SHIRLEY M. PASCUAL, CESO III**  
Executive Director IV

23 June 2018

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# **Annexes**

## Annex “A” - Legal Basis

- a. 1987 Philippines Constitution
  - *Article II, Section 28. 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.*
  - *Article III, Section 7. Guarantees the right of the people to information on matters of public concern.*
- b. Republic Act No. 10173 and its Implementing Rules. Strengthens the fundamental human right of privacy and of communication while insuring the free flow of information to promote innovation and growth.
- c. Executive Order No. 2, Section 8. Directed every government office to prepare within 120 calendar days from effectivity thereof its own People’s FOI Manual for the effective implementation of the Order.

**Annex “B” - EXECUTIVE ORDER NO. 2**

MALACAÑAN PALACE  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES  
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 Section 4 hereof.

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

- (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 7 (f) 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 23<sup>rd</sup> 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**

**Annex “C” – FOI Request Form**

Republic of the Philippines  
Department of Labor & Employment  
**NATIONAL CONCILIATION & MEDIATION BOARD**  
Quezon City

(FOI Request Form)

TITULO NG DOKUMENTO / (Title of the Document):

\_\_\_\_\_

MGA TAON/PANAHONG SAKLAW / (Year):

\_\_\_\_\_

LAYUNIN / (Purpose):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PANGALAN / (Name): \_\_\_\_\_

CONTACT Nos. \_\_\_\_\_ Email Address \_\_\_\_\_

LAGDA / (Signature) \_\_\_\_\_ PETA / (Date): \_\_\_\_\_

TIRAHAN / (Address): \_\_\_\_\_

KATIBAYAN NG PAGKAKAKILANLAN/(Proof of Identity):

/ / Passport No. \_\_\_\_\_ / / Driver's License No. \_\_\_\_\_  
/ / Others: \_\_\_\_\_

PARAAN NG PAGTANGGAP NG IMPORMASYON (How would you like to receive the information?)

/ / Email / / Physical Copy  
/ / Fax / / Soft Copy  
/ / Postal Address / / PDF  
/ / Pick up / / Others

-----  
Gawaing itinalaga kay: \_\_\_\_\_  
(Submitted to) (Lumagda sa Ibabaw ng Pangalan)

Peta/Oras ng Pagkatalaga: \_\_\_\_\_  
(Date / Time of Submission)

Taong nagpapatunay ng Gawaing Natapos: \_\_\_\_\_  
(Certified by)

Uri ng isinagawang aksiyon: \_\_\_\_\_  
(Type of action conducted)

Iniskedyul ni (Received by):

\_\_\_\_\_  
FOI Records Officer

Remarks: \_\_\_\_\_

**Annex “D” - Request for Information Claim Slip**

Republic of the Philippines  
Department of Labor & Employment  
**NATIONAL CONCILIATION & MEDIATION BOARD**  
Regional Conciliation & Mediation Branch No. \_\_\_\_\_

**Request for Information  
CLAIM SLIP**

Date : \_\_\_\_\_  
[dd-mm-yyyy]

Requestor : \_\_\_\_\_  
\_\_\_\_\_

Estimated Photocopying Cost: \_\_\_\_\_

Advised to appear back on: \_\_\_\_\_  
[dd-mm-yyyy]

\_\_\_\_\_  
Signature of FRO

\_\_\_\_\_  
Name of FRO

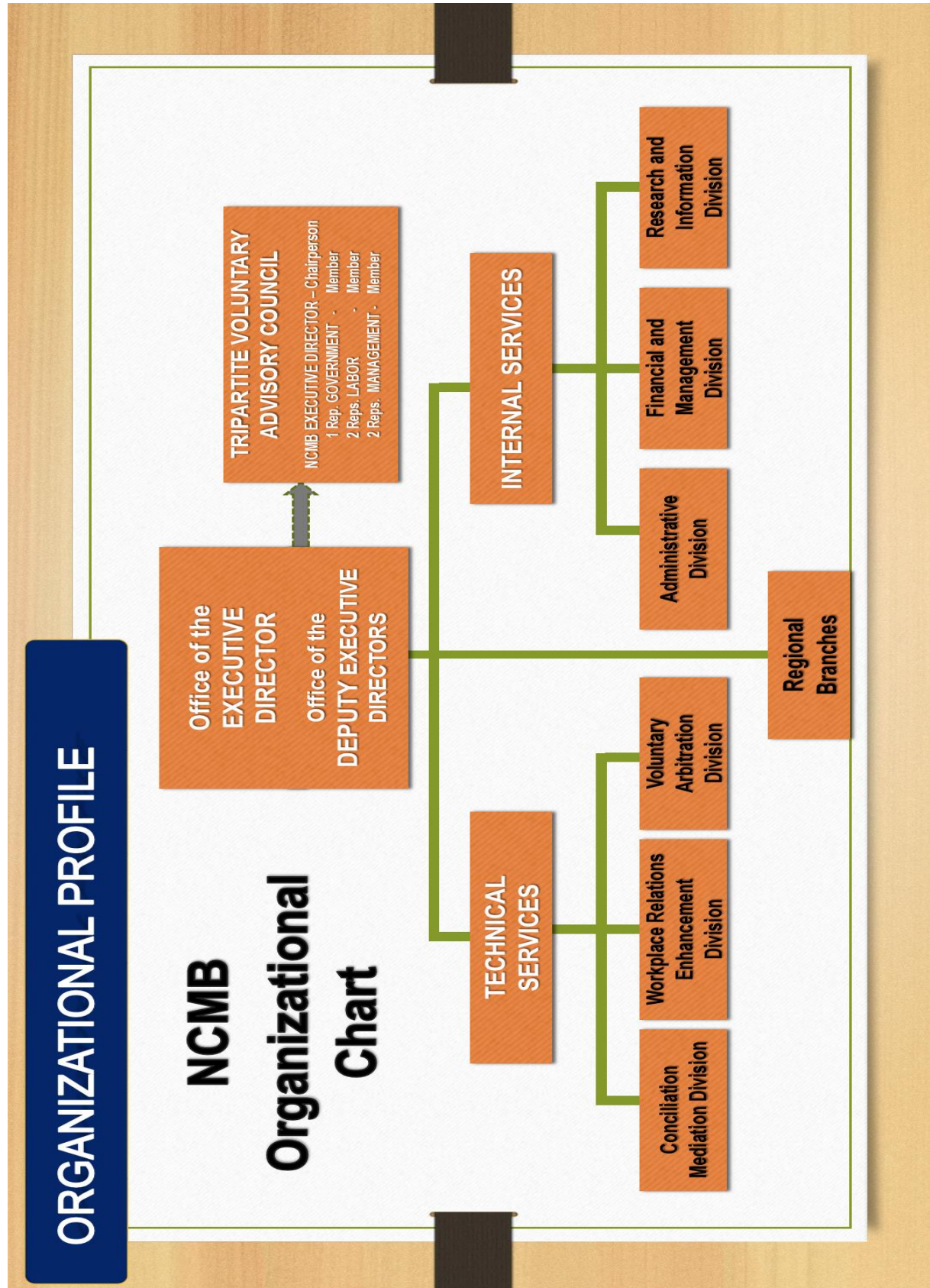
=====

**Annex “E” - FOI Route Slip**

<b>Document ID:</b>		Republic of the Philippines Department of Labor & Employment NATIONAL CONCILIATION & MEDIATION BOARD <b>FOI ROUTE SLIP</b>	
<b>Subject / Description of Document/Data/Information Requested:</b>			
<b>Origin:</b>			
Date/Time Received	From	To	Action Taken

(Important: Do not detach route slip from document)





# **Directory of** **NCMB Officials**

**CENTRAL OFFICE**

4th – 6th Floors, Arcadia Building  
860 Quezon Avenue, Quezon City

---

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**NENITA L. IMPERIAL**

410-8932

Auditor, Commission on Audit

---

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526-42-30 telefax  
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51  
Voluntary Arbitration Unit 310-9545  
Workplace Relations and Enhancement  
Unit 310-2441  
Administrative Unit 310-24-42  
Commission on Audit  
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Cavite Extension Office  
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Imus, Cavite  
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2/F, F. Takano Center for Health  
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NCMB Local Conciliation and Mediation  
Service Center  
2nd Floor Compostela Municipal Hall  
Compostela Valley Province,  
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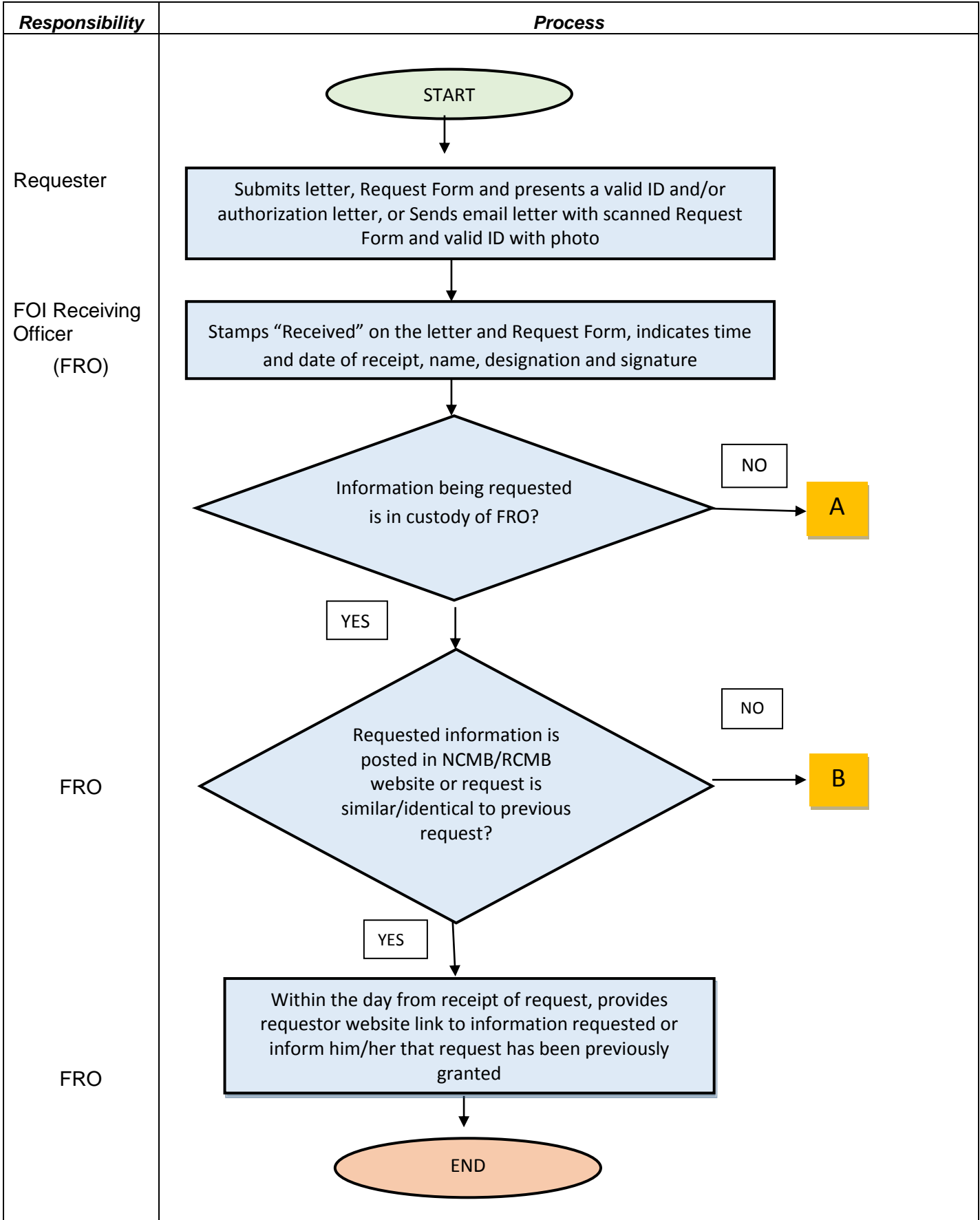
**GERIE D. LAMPITCO**  
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2/F, Bañas Bldg., Magsaysay Ave. corner  
Rosas St., General Santos City  
(083) 552-5758  
*ncmbrb12@yahoo.com.ph*

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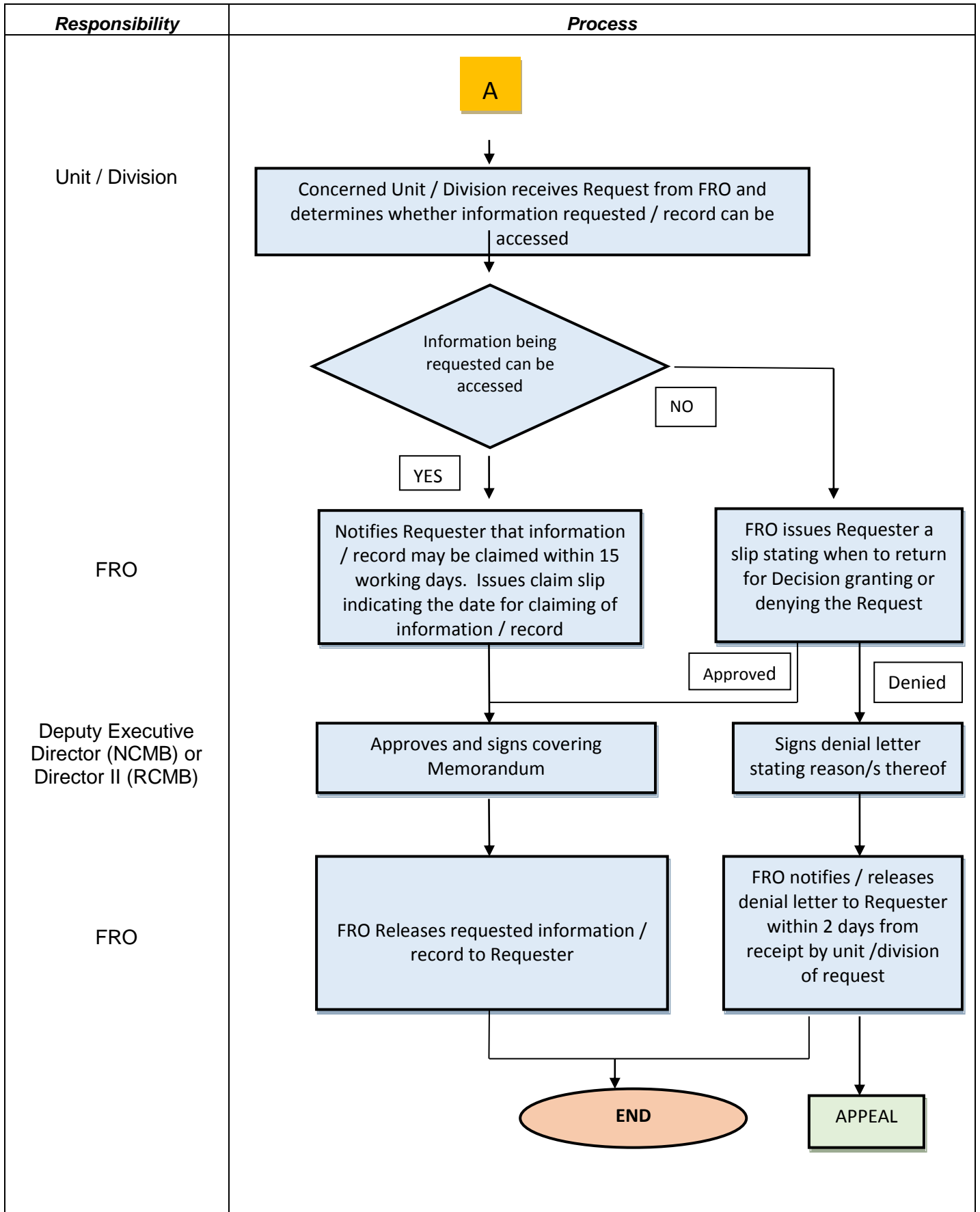
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Rosales Street, Butuan City  
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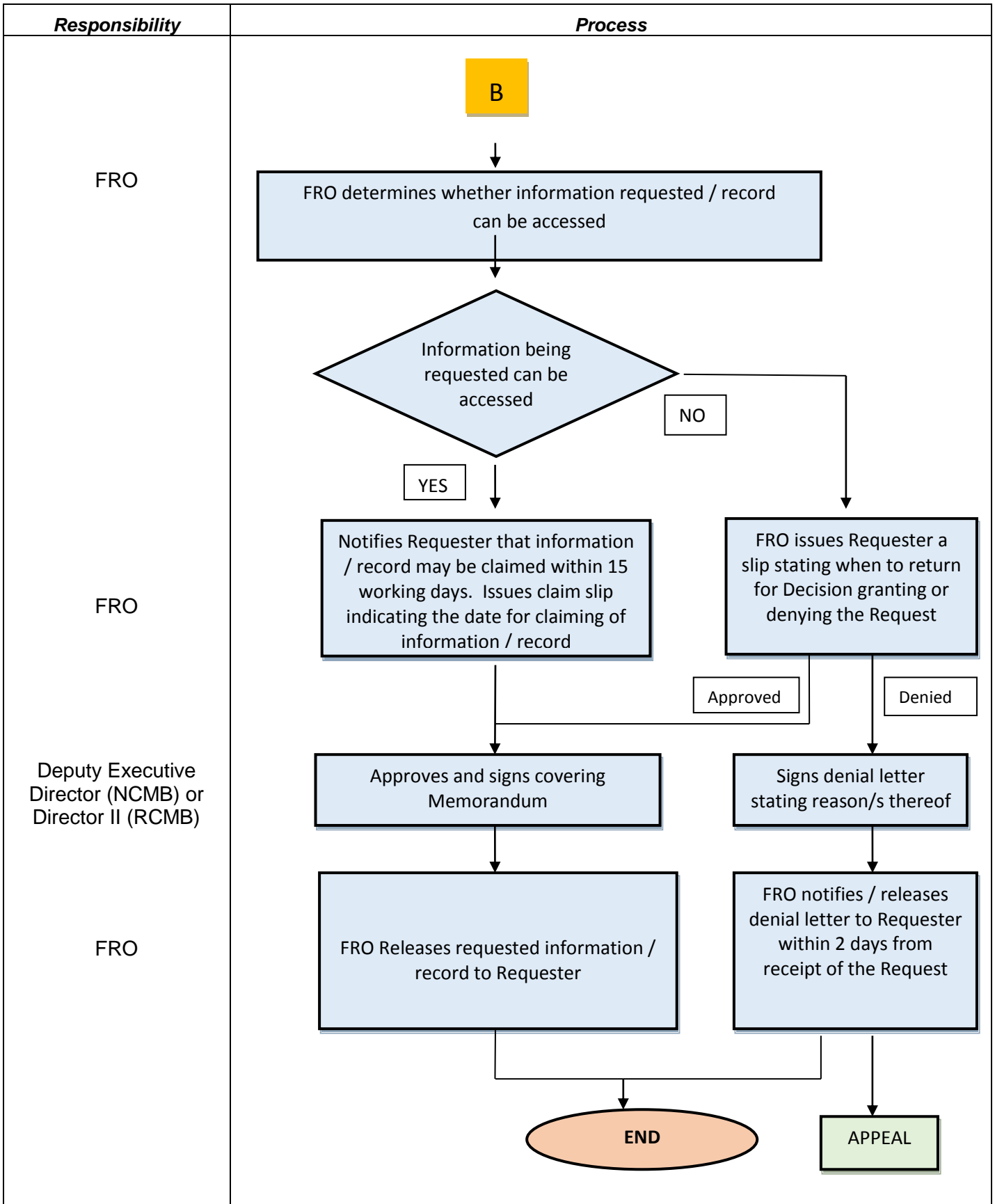
**FOI PROCESS FLOW CHART**  
Request to Access of Information



**FOI PROCESS FLOW CHART**  
**Request to Access of Information**

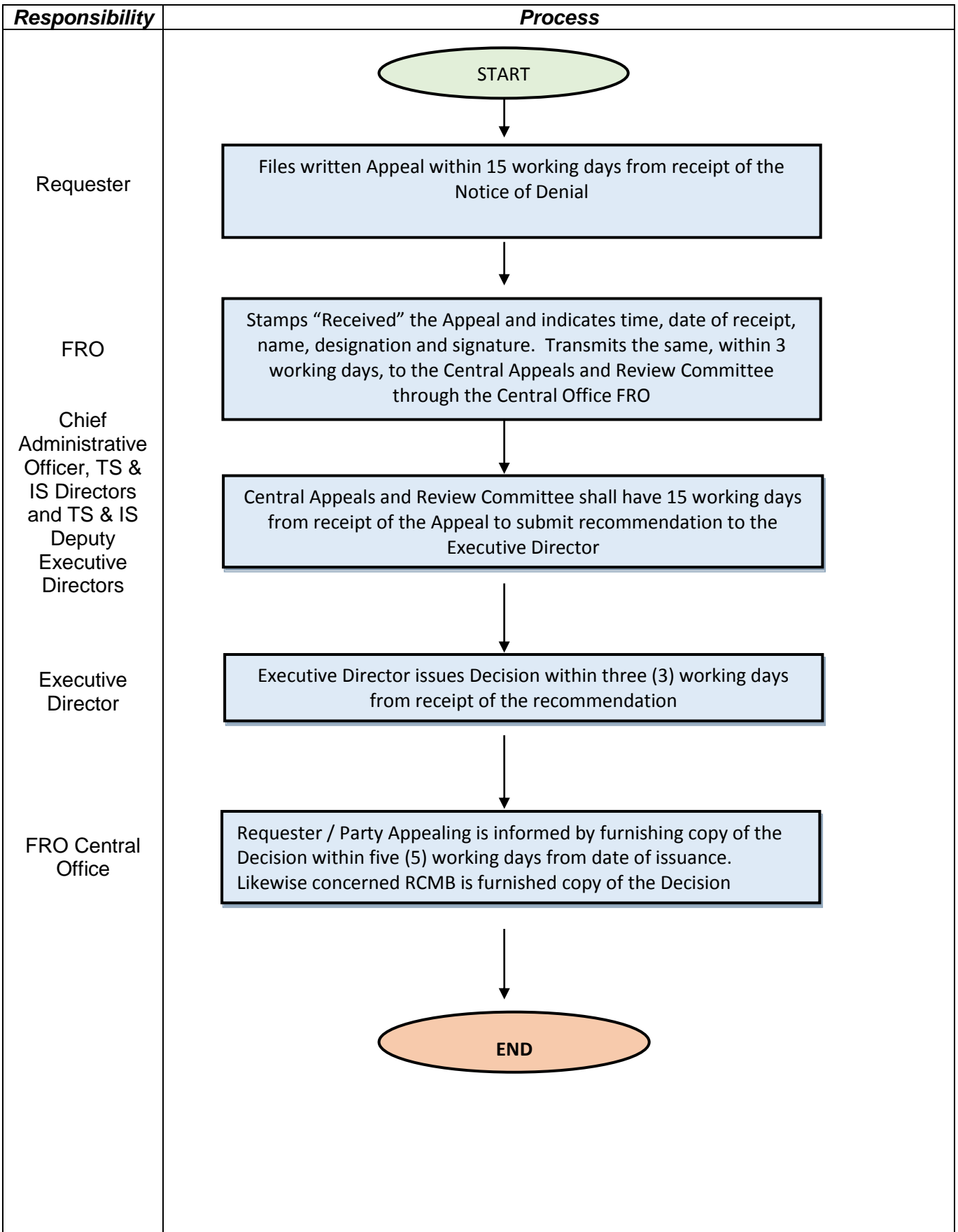


**FOI PROCESS FLOW CHART**  
Request to Access of Information





**APPEAL TO DENIAL OF REQUEST**



**ANNEX “J”**

Denial Letter Template

Republic of the Philippines  
Department of Labor & Employment  
**NATIONAL CONCILIATION & MEDIATION BOARD**

[Date: dd-mm-yyyy]

[Name}

[Address]

**SUBJECT:** Denial of Request for Information: **[Indicate requested information/ record here]**

Dear [Salutation: Mr. / Ms. / Dr. etc.] [Last Name]

We regret to inform you that your request for information: **[Indicate the requested information / record here]** on **[date of request]** cannot be favorably granted due to **[State grounds for denial i.e. confidentiality restrictions, under exceptions. Provide necessary laws, rules and regulations].**

Thank you.

Very truly yours,

**Deputy Executive Director IV** [Central Office]

or

**Director II** [RCMB]

**ANNEX “K“ – Appeal on the Denial of Request for Information**

Republic of the Philippines  
Department of Labor & Employment  
**NATIONAL CONCILIATION & MEDIATION BOARD**  
Regional Conciliation & Mediation Branch No. \_\_\_\_\_

**APPEAL ON THE DENIAL OF REQUEST FOR INFORMATION**

Date : \_\_\_\_\_  
[dd-mm-yyyy]

**THE NCMB CENTRAL APPEALS  
AND REVIEW COMMITTEE**

National Conciliation & Mediation Board  
4<sup>th</sup>-6<sup>th</sup> Floor, Arcadia Building  
860 Quezon Avenue, Quezon City

Sir/Madam:

The undersigned respectfully submits herein Appeal on the Denial of the Request

for \_\_\_\_\_

*(state the requested document/information)*

filed before Central Office/RCMB Branch No. \_\_\_\_\_. We based our Appeal on the following ground(s):

\_\_\_\_\_  
\_\_\_\_\_

Attached is the copy of the letter-denial.

Very truly yours,

\_\_\_\_\_  
*Signature of Requestor*

\_\_\_\_\_  
*Name of Requestor*

**ANNEX “L”**

Cover Letter – Requested Information is Not Available

Republic of the Philippines  
Department of Labor & Employment  
**NATIONAL CONCILIATION & MEDIATION BOARD**

[Date: dd-mm-yyyy]

[Name]

[Address]

**SUBJECT:** Requested Information is Not Available: **[Indicate requested information/record here]**

Dear [Salutation: Mr. / Ms. / Dr. etc.] [Last Name]

This is to acknowledge receipt of your request for information: **[Indicate the requested information / record here]** dated **[date of request]**.

Upon evaluation of your request, we regret to inform you that the information / record being requested is not currently filed with the **[NCMB or RCMB]** (as the case maybe), the reason/s being **[state reason/s why the requested information / record is not available / in custody of the CO or RCMB]**

Thank you.

Very truly yours,

**Deputy Executive Director IV** [Central Office]

or

**Director II** [RCMB]

**ANNEX “M”**

Cover Letter – Requested Information Granted

Republic of the Philippines  
Department of Labor & Employment  
**NATIONAL CONCILIATION & MEDIATION BOARD**

[Date: dd-mm-yyyy]

[Name]

[Address]

**SUBJECT:** Requested Information is Available: [**Indicate requested information/record here**]

Dear [Salutation: Mr. / Ms. / Dr. etc.] [Last Name]

We are pleased to inform you that your request for information: [**Indicate the requested information / record here**] dated [**date of request**] has been approved.

Enclosed is / are copy / ies of the requested information / record released for whatever legal purpose it may serve.

Thank you.

Very truly yours,

**Deputy Executive Director IV** [Central Office]

or

**Director II** [RCMB]

**Annex “N”**

**FOI Receiving Officers (FRO) of  
NCMB Central Office and Regional Branches**

<b>Region</b>	<b>Name &amp; Position of FRO</b>	<b>Contact Details</b>
Central Office	<b>Marife E. Fausto</b> <i>OIC Chief, Research &amp; Information Division</i>	(02) 332-223 <a href="mailto:ncmbco@yahoo.com">ncmbco@yahoo.com</a>
1	<b>Conrad R.Obra</b> <i>Administrative Officer III</i>	(072) 888 4610; 700 4998 <a href="mailto:ncmb_rb1@yahoo.com.ph">ncmb_rb1@yahoo.com.ph</a>
2	<b>Faye Jasper A. Requinin</b> <i>Administrative Officer III</i>	(078) 844 1356 <a href="mailto:rcmb02@yahoo.com">rcmb02@yahoo.com</a>
3	<b>Evelyn Q. Remolacio</b> <i>Administrative Assistant III</i>	(045) 961 4264; (047) 561 2705 <a href="mailto:ncmb-sanfernando@yahoo.com">ncmb-sanfernando@yahoo.com</a>
4A	<b>Mary Grace P. Monsales</b> <i>Administrative Officer IV</i>	(049) 531 4271; 531 2045 <a href="mailto:ncmbiva@yahoo.com">ncmbiva@yahoo.com</a> <a href="mailto:ncmbiva@gmail.com">ncmbiva@gmail.com</a>
4B	<b>Felix G. Belza</b> <i>Administrative Officer IV</i>	(02) 400 2529 <a href="mailto:ncmb4b@gmail.com">ncmb4b@gmail.com</a>
5	<b>Efleda A. Hourani</b> <i>Senior LEO</i>	(052) 480 8467 <a href="mailto:ncmbrb5@yahoo.com">ncmbrb5@yahoo.com</a>
6	<b>Carl Jeffrey V. Sayson</b> <i>Administrative Officer III</i>	(033) 338 1425; 509 0177; 332 2199 <a href="mailto:ncmbrb6@yahoo.com">ncmbrb6@yahoo.com</a>
7	<b>RIZA R. RAMOS</b> <i>Administrative Officer III</i>	(032) 415 7046; 412 0170; 266 8193 <a href="mailto:cebu.ncmb@yahoo.com">cebu.ncmb@yahoo.com</a>
8	<b>Jenette B. Menzon</b> <i>Administrative Officer III</i>	(053) 321 4458; 520 3160 <a href="mailto:ncmbrb8@yahoo.com">ncmbrb8@yahoo.com</a>
9	<b>Joyce Ann C. Reluya</b> <i>LEO III</i>	(032) 991 2644; 991 2186 <a href="mailto:ncmbrb9@yahoo.com">ncmbrb9@yahoo.com</a>
10	<b>Gwyneth T. Abella</b> <i>Administrative Officer III</i>	(08822) 723 922; 856 6123 <a href="mailto:northmin_rcmb@yahoo.com">northmin_rcmb@yahoo.com</a>
11	<b>Donald Orben D. Lictawa</b> <i>Administrative Officer III</i>	(082) 226 3465; 305 4085 <a href="mailto:ncmbrb11@yahoo.com.ph">ncmbrb11@yahoo.com.ph</a>
12	<b>Maria Cecilia V. Ceballos</b> <i>Senior LEO</i>	(083) 228 3438; 304 9733 <a href="mailto:ncmbrb12@yahoo.com.ph">ncmbrb12@yahoo.com.ph</a>
13	<b>Marianee D. Villegas</b> <i>Administrative Aide VI</i>	(085) 342 5871; 225 2434 <a href="mailto:ncmbrb13caraga@yahoo.com">ncmbrb13caraga@yahoo.com</a>
NCR	<b>Michelle Bernadette R., Agagne</b> <i>Administrative Officer III</i>	(02) 527 7216 <a href="mailto:ncmbncr_od@yahoo.com.ph">ncmbncr_od@yahoo.com.ph</a> <a href="mailto:dolencmbncr@yahoo.com">dolencmbncr@yahoo.com</a>
CAR	<b>Limuel M. Garcia</b> <i>Administrative Assistant III</i>	(074) 442 7292; 444 4988 <a href="mailto:ncmbcar@yahoo.com">ncmbcar@yahoo.com</a> <a href="mailto:ncmbcar@gmail.com">ncmbcar@gmail.com</a>