

# Freedom of Information

*Agency Manual*



**Land Transportation Franchising &  
Regulatory Board**

# FOREWARD

The people's right to information is guaranteed and enshrined in the Constitution. To fulfill this mandate, President Rodrigo Roa Duterte signed Executive Order No. 2, "Operationalizing in the Executive Branch the People's Constitutional Right to Information and State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefore" last July 23 to implement a policy of transparency on matters of public concern, subject to reasonable conditions prescribed by law.

Section 8 of Executive Order No. 2 states that "every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's Freedom of Information (FOI) Manual."

Following this directive, the Land Transportation Franchising & Regulatory Board (LTFRB) has come up with a People's Freedom of Information Manual, which outlines coverage, limitations and exceptions, and procedure for accessing public documents concerning the Agency.

This Manual recognizes the Fundamental right of the citizens to a free flow of information under a democracy and this agency fully supports and upholds transparency and accountability in public service.

We encourage all LTFRB officials and employees to use this manual as guide in disclosing information to the public, and we encourage all citizens to take part in promoting an open, transparent, and honest government by exercising their right to information.

**ATTY. MARTIN B. DELGRA III**  
**Chairman**

# TABLE OF CONTENTS

- I. Overview**
  - i. Short title
  - ii. Purpose of the Manual
  - iii. Structure of the Manual
  - iv. Coverage of the Manual
  
- II. Definition Of Terms**
- III. Scope, Limitations, and Proactive Disclosure**
- IV. Standard Procedure**
  - i. Making a Request
  - ii. Receipt of Request
  - iii. Processing of Request
  - iv. Granting of Request
  
- V. Denial of Request**
  - i. Grounds for Denial
  - ii. Remedies for Denial
  - iii. Issuance of Denial
  
- VI. Fees**
- VII. Keeping of Records**
- VIII. Administrative Sanction**
- IX. Annexes**
  - a. Executive Order No. 2
  - b. List of Exceptions
  - c. FOI Request Form
  - d. Notice of Denial
  - e. FOI Response Template (Approved)
  - f. FOI Response Template (Denied)
  - g. Procedure Flow Chart

## SECTION I: OVERVIEW

### i. SHORT TITLE

Land Transportation Franchising & Regulatory Board (LTFRB) Internal Freedom of Information Manual

### ii. PURPOSE

The purpose of this Internal FOI (Manual) is to guide the Land Transportation Franchising & Regulatory Board (LTFRB) – Central Office in Dealing with requests for information from the public.

### iii. STRUCTURE

This Manual shall set out the rules and procedures of the LTFRB for requests received under Executive Order (E.O) No. 2 (ANNEX “A”). The LTFRB Chairman is responsible for all actions carried out under this Manual and may delegate this responsibility to the Chief of the Information Systems and Management Division (ISMD) of the Central Office. The Chief of ISMD shall act as FOI Champion and may delegate officer/s to act as the Decision maker/s (DM) who shall have overall responsibility for the initial decision on FOI request.

### iv. COVERAGE

The Manual shall cover all request for information directed to the LTFRB subject to responsible conditions prescribed by law.

## SECTION II: DEFINITION OF TERMS

***data.gov.ph*** - The Open data website that serves as the government’s comprehensive portal for all public government data that is searchable, understandable, and accessible.

***Dotc.gov.ph*** - The official website of the DOTr, where people can download the FOI Request Form and other information, materials, and data on transparency.

***eFOI.gov.ph*** - The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records

that are already available online, and to learn how to make a request for information that is not yet publicly available, eOFI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

***Central Appeals and Review Committee*** - There shall be central appeals and review committee composed of three (3) officials designated by the Chairman of the LTFRB, to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the Secretary on the denial of such request.

***Exceptions*** - information that should not be released and disclosed in response to a FOI request because they are protected by the constitution laws or jurisprudence.

***FOI Champion*** - The FOI Champion is in charge of promotion and overseeing the Department's compliance with Executive Order No. 2.

***FOI Request*** – a written request submitted to a government office personally or by email asking for records. An FOI request can generally be made by any Filipino to any government office.

***FOI Decision Maker*** - There shall be an FOI Decision Maker (FDM), designated by the Chairman, with a rank not lower than Division Chief or its equivalent. The FDM shall conduct evaluation of the request and has the authority to grant or deny the request.

***FOI Receiving Officer*** - The DOTr shall designate an FOI Receiving Officer (FRO) preferably coming from the Public Assistance and Complaints Desk (PACD). The FRO receives the request, evaluates the form, recommend action to the FDM, and notify the requesting party of any action to the request whenever available. The FRO also checks if information is already disclosed in the Department's Official website, foi.gov.ph or at data.gov.ph. The FRO monitors and tracks all request and compiles statistical information as necessary.

***Full Denial*** - when the Board or any of its office, bureau, or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempted from disclosures in its entirety or no records responsive to the request could be located.

***Full Grant*** - when a government office is able to disclose all records in full in response to a FOI Request.

***Information*** - records, documents, papers, reports, letters, 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 achieved 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.

***Official Record/s*** – information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

***Open Data*** - Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

***Partial Grant/ Partial Denial*** - when government office is able to disclose portions of the records in response to a FOI Request, but must deny other portions of the request.

***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 the entity holding the information, or when pit together with other information would directly and certainly identify an individual.

***Public Record/s*** - includes information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

***Referral*** – When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “Referral”

***Requesting Party*** - shall refer to the person / organization who makes an official request for access to information.

### **SECTION III: SCOPE, LIMITATIONS, AND PROACTIVE DISCLOSURE**

#### **SCOPE OF APPLICATION**

This manual shall govern all requests for information from the DOTr – Central office. All Divisions, Regional Franchising and Regulatory Offices (RFRO) and LTFRB Offices in the Cordillera Administrative Region and CARAGA which are both under the administrative supervision of the Department of Transportation will draft their own Agency and People’s Freedom of Information Manuals, and create their own FOI Teams.

The attached agencies are as follows:

- (1) Central Office
- (2) RFRO I
- (3) RFRO II
- (4) RFRO III
- (5) NCRFO
- (6) RFRO IV
- (7) RFRO V
- (8) RFRO VI
- (9) RFRO VII
- (10) RFRO VIII
- (11) RFRO IX
- (12) RFRO X
- (13) RFRO XI
- (14) RFRO XII
- (15) LTFRB – CAR
- (16) LTFRB - CARAGA

While LTFRB – CAR and LTFRB – CARAGA are under the administrative supervision of the Department of Transportation, their respective operational functions pertaining to LTFRB are subject to oversight of the LTFRB Central Office.

## LIMITATIONS

### **i. Sensitive Personal Information**

Request for information that would constitute an unwarranted invasion to a person's privacy will be denied. However, the requesting party can be provided access to such personal information if the official / personnel has consented, in writing, to the disclosure of information.

As defined in the Data Privacy Act of 2012, sensitive personal information shall refer to personal information:

- (1) 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 proceeding or the sentence of any court in such proceedings;
- (2) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (3) 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
- (4) Specifically established by an executive order or an act congress to be kept classified.

### **ii. Restricted Documents**

Information classified or marked as restricted documents in a legal proceeding (e.g. appealed cases, orders and resolutions pertaining to employees and officials of the Board).

**iii. Confidential Documents** - The information is classified or marked as confidential documents (e.g. investigation reports against officials or employees)

### **iv. List of Exceptions**

Type of information requested is listed under the list of Exceptions (ANNEX "B") as specified under Executive Order No. 2. The following are the exception to the right



of access to information, as recognize by the Constitution, existing laws, or jurisprudence.

- (1) Information covered by Executive privilege;
- (2) Privileged information relating to national security, defense or international relations;
- (3) Information concerning law enforcement the protection of public and personal safety;
- (4) Information deemed confidential for the protection and privacy of persons and certain individuals such as minors, victim of crimes, or the accused;
- (5) Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
- (6) Prejudicial premature disclosure;
- (7) Records of proceeding or information from proceeding, which pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
- (8) Matters considered confidential under banking and finance laws, and their amendatory laws; and
- (9) Information pertaining to the conduct of the enforcement of existing rules and regulations
- (10) Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

**v. Files Of Employee**

Files that reveal personal information such as address and contact details

**PROACTIVE DISCLOSURE**

Information made publicly available by government agencies without waiting for a specific FOI request. The LTFRB posts on its website and other online platforms various information such as:

- (1) Budgeting and Financial General Appropriations
  - Approved Budget under General Appropriations

- Financial Statement
- Financial Reports

(2) Administrative Records

- LTFRB Organizational Chart and Structure
- Mandate, Mission, and Vision
- Office Directly
- Citizen's charter
- Job Vacancies
- Memorandum Circular
- Office and Department Orders

(3) Public Bidding Documents

(4) Programs and Projects

- List of Projects
- Accomplishment and Technical reports
- Status of Project

**SECTION IV: STANDARD PROCEDURE**

Upon the establishment of an FOI system, The LTFRB must accomplish the request within fifteen working days (15) following the date of receipt of the request. If the Information requested requires extensive search of the government's office records facilities, examination of voluminous records, or the occurrence of fortuitous events, the FDM may extend the accomplishment of the request for another twenty (20) working days.

**NOTE: NOT TO BE INCLUDED IN PEOPLE 'S, MANUAL**

The FOI Team and concerned offices shall be guided by this Timeline:

**DAY 1:** Receipt of request

**DAY 2 – 4:** FRO to review request form, Check online availability of data, give recommendation, transmit request to FDM

**DAY 5 – 14:** FDM to act on request

**DAY 15:** FRO to notify Requesting Party if request is accomplished, denied, or needs extension

### **i. Making a Request**

A written request must be submitted by the Requesting Party by filling out a Request form (**ANNEX “C”**), which may be downloaded from [www.ltfrb.gov.ph](http://www.ltfrb.gov.ph). The form may be accomplished manually (walk-ins) or electronically ([eFOI.gov.ph](http://eFOI.gov.ph)). In case of e-mail, the Requesting Party must send a scanned accomplished copy of the LTFRB Request Form. The said request must be submitted under oath.

#### **A. The request shall contain / state the following information**

- Date of Request
- Name of the Requesting Party
- Mailing Address
- Contact Number (landline and cellphone)
- Email Address, if any
- Type of information requested
- Purpose of Request
- Signature of the Requesting Party

#### **B. The Requesting Party shall present at least one (1) Government-issued **ID** with picture and signature of bearer.**

- GSIS / SSS ID
- Voter’s ID
- Passport
- Driver’s License
- PRC ID
- Senior Citizen’s ID
- Postal ID
- PhilHealth ID

- C. If the Requesting Party is asking for public information on behalf of someone else, he / she must submit an authorization letter or Special Power of Attorney.
- D. Students shall be required to present a student ID or Registration Form for the current Academic Year with an endorsement letter from Dean, Professor, or Adviser.
- E. All request must be in writing, If the Requesting Party is illiterate, has a disability, or a senior citizen who is unable to complete a written request, The FRO shall assist him or her in accomplishing the request form.

## **ii. Receipt of Request**

- A. **Walk-in** – The request shall be stamped “RECEIVED” by the FRO, indicating the date and time of the receipt of the request, and the name and position of the public officer who received it with corresponding signature. After which, a stamped copy shall be furnished to the Requesting Party. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- B. **Electronic** – An acknowledgement electronic mail shall be sent to the Requesting Party. Day 1 of processing shall commence upon acknowledgement of request.

## **iv. Processing of Request**

The processing of a request shall not exceed fifteen (15) working days from receipt of a request. Processing shall commence upon acknowledgement of request by the FRO. If the request was emailed to an FRO or FDM on leave, an ‘out of office’ message with instruction on how to re-direct the message to another contact is required.

If the information is already available in the agency website, e-FOI portal, or Open data portal, the FRO shall immediately inform the Requesting Party that the information requested may be accessed online.

A. The processing period may be **extended** beyond 15 days if:

- There is a need for extensive search in the LTFRB 's records facilities or examination of voluminous records;
- There are fortuitous events (e.g. typhoon, suspension of office) or other similar circumstances.
- Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party.
- The information requested is related to records that are part of a court proceeding.

In such cases, The FRO shall notify the Requesting Party of a need for extension.

B. In the event that the information requested is not under the custody of the DOTr, the FDM, upon the recommendation of the FRO, shall advise the Requesting Party or his authorized representative to file the request to the concerned agency or unit.

C. If the information being requested is no longer available for reason of disposal or no such record is being maintained, a Certification on the non-availability of the document or record shall be provide to the Requesting Party.

D. In case of a full denial of request, the FDM should immediately instruct the FRO to notify the Requesting Party so that he / she shall have the option to file for an appeal.

#### **v. Granting of the Request**

A. The FDM shall be responsible for granting the request to information, in close coordination with the Legal Division

B. The FDM shall instruct the FRO to notify the Requesting Party that the request has been accomplished. A Cover / Transmittal letter (**ANNEX “E”**) signed by the Assistant Secretary shall be forwarded to the Requesting Party.

C. A Partial Grant of Request is when a government office is able to disclose only certain portions of the records in response to a FOI request.

E. Reproduction of documents is free of charge. However, if the number of pages exceeds 50, the Requesting Party shall be charged 3.00 per page for reproduction and 2.00 for authentication. An Official Receipt shall be given to the Requesting Party.

## **SECTION V: DENIAL OF REQUEST**

The FRO, upon the instruction of the FDM, shall notify the Requesting Party of the Denial through writing, e-mail, or phone call. The notice shall clearly set forth the ground or grounds for denial and the circumstances in which the denial is based.

### **NOTE: NOT TO BE INCLUDED IN PEOPLE’S MANUAL**

All denials on FOI requests shall pass through the Public Assistance and Complaints Desk (PACD).

#### **i. Grounds for Denial**

The Request may be denied on these conditions:

- The LTFRB does not have the information requested
- The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
- The information requested falls under the list of exceptions to FOI
- There is a similar request made by the same Requesting Party previously granted or denied by the LTFRB.

#### **ii. Remedies for Denial**

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

A. Administrative FOI Appeal to the LTFRB Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial.

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The appeal shall be decided by the LTFRB Chairman 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.

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

**iii. Issuance of Denial**

All notices of denial (**ANNEX "D"**) shall be issued by the FRO, upon instruction of the FDM, within fifteen (15) working days from acknowledge of request. Notice may be issued personally or by e-mail.

**SECTION VI: FEES**

**1. No Request Fee:** The LTFRB shall not charge any fee for accepting request 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 a reproduction and copying fee. Such fee shall be the actual amount spent by the DOTr in providing the information to the requesting party.

**3. Exemption from Fees:** The DOtr may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

**NOTE: NOT TO BE INCLUDED IN PEOPLE'S MANUAL**

**SECTION VII: KEEPING RECORDS**

The LTFRB shall create and / or maintain in appropriate formats, accurate and reasonably complete documentation or records, polices, transaction, decisions. Resolutions, enactments, actions, procedures, operations, activities,

communications and documents received or filed with them and the data generated or collected.

**i. Request Tracking System.** The LTFRB shall establish system to trace the status of all requests for information received by it, which may be paper-based on-line or both.

**ii. Records Keeper.** The LTFRB shall delegate a personnel in-charge of filing and keeping records

**iii. Records Format.** The following are considered records for the purpose of this Manual:

- **Hard Copy**– public records, reports, minutes of meetings, papers, periodicals, books or other items, articles or materials
- **Soft Copy**- Information in electronic form, including but not limited to documents, signatures, seals, texts, images, sounds, speeches, or data compiled, created, received, recorded, or stored by means of any recording device, process, computer or other electric device or process in the conduct of office's affairs.
- **Web-based** – Information prepared, processed, or stored online and which can be shared to any type of computer device.

**NOTE: NOT TO BE INCLUDED IN PEOPLE'S MANUAL**

## **SECTION VIII: ADMINISTRATIVE LIABILITY**

**1. Non-compliance FOI.** Failure to comply with the provisions of this Manual shall be a 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.

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

**3. Provision for More Stringent Laws, Rules and Regulations.** Nothing in this



Manual shall be constructed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.