



## FREEDOM OF INFORMATION MANUAL

### SECTION 1 – OVERVIEW

1. **TITLE/COVERAGE** – This document shall be referred to as the Land Registration Authority - Freedom of Information Manual (LRA-FOI Manual), and shall cover all requests for information directed to the Land Registration Authority.
2. **PURPOSE** - The purpose of this LRA-FOI Manual is to provide the process to guide and assist LRA in dealing with requests for information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI) (**Annex "A"**). This Manual shall set out the rules and procedures to be followed by the LRA when a request for access to information is received. It shall cover all requests for information directed to the LRA.
3. **STRUCTURE** - The LRA-FOI Manual shall set out the rules and procedures to be followed by LRA when a request for access to information is received. The LRA Administrator is responsible for all actions carried out under this Manual and he may delegate this responsibility to all Division Chiefs in the Central Office, LRA-CARP Program Manager as well as to the Central Appeals and Review Committee.
  - 3.1. **FOI Receiving Officer {FRO}** - The Chief of the Public Relations and Information Section (PRIS) or any officer designated by the LRA Administrator shall be designated as the FOI Receiving Officer. The functions of the FRO shall include the following:
    - 3.1.1. Receive on behalf of the LRA all requests for information and forward the same to the appropriate office that has custody of the records;
    - 3.1.2. Monitor all FOI requests and appeals;
    - 3.1.3. Provide assistance to the requesting party of FOI;
    - 3.1.4. Compile statistical information required;
    - 3.1.5. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker (FDM) for further evaluation, or deny the request based on the following grounds:
      - 3.1.1.1 Form is incomplete; or
      - 3.1.1.2 Information is already disclosed in the LRA's Official Website ([www.lra.gov.ph](http://www.lra.gov.ph)); or
      - 3.1.1.3. Information is substantially similar or identical to a previous request.

- 3.2. **FOI Decision Maker (FDM)** - All Division Chiefs in the LRA-Central Office and the LRA-CARP Program Manager shall be designated as FDM, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
- 3.2.1. The LRA does not have the information requested;
  - 3.2.2. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
  - 3.2.3. The information requested falls under the list of exceptions to FOI; or
  - 3.2.4. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the LRA.
- 3.3. **Central Appeals and Review Committee (CARC)** - There shall be a Central Appeals and Review Committee composed of the following, thus:
- 3.3.1. Deputy Administrator to be designated by the Administrator as Chairperson, and
  - 3.3.2. Members:
    - 3.3.2.1. Director for Legal Service;
    - 3.3.2.2. Director for Administrative Service;
    - 3.3.2.3. Director for Land Registration Operations Service; and
    - 3.3.2.4. Director for Financial Service
    - 3.3.2.5. Project Manager for LRA - Comprehensive Agrarian Reform Program

They shall be tasked to review the denial of request for information. In case of a tie in the number of votes of the members, the CARC Chair shall be the tie-breaker.

## **SECTION 2 - DEFINITION OF TERMS**

**CONSULTATION.** When a government office locates a record that contains information of interest to another agency, it will ask for the views of that other agency on the dissolvability of the records before any final determination is made. This process is called a "consultation."

**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.

**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. **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 that they can be compared by agency and over time.

**EXCEPTIONS.** Information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence.

**FREEDOM OF INFORMATION (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making.

**FOI CONTACT.** The name, address and phone number at each government office where one can make an FOI request.

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

**FOI RECEIVING OFFICE.** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

**FREQUENTLY REQUESTED INFORMATION.** Information released in response to an FOI request that the agency determines to have become or are likely to become the subject of subsequent requests for the same records.

**FULL DENIAL.** When the Agency or any of its office, bureau, or agency cannot release any records in response to an FOI request because, for example, the requested information is exempt from disclosure 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 an FOI request.

**INFORMATION.** Shall mean any record, document, paper, report, letter, contract, minutes and transcript of official meetings, map, book, photograph, data, research materials, film, sound and video recording, magnetic or other tape, electronic data, computer stored data, any other like or similar data or material recorded, stored, 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.

**INFORMATION FOR DISCLOSURE.** 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 the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for a written request from the public.

**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 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 a government office is able to disclose portions of the records in response to an FOI request, but must deny other portions of the request.

**PENDING REQUEST OR PENDING APPEAL.** An FOI request or administrative appeal for which government office has not yet taken final action. It captures anything that is open at a given time including requests that are well within the statutory response time.

**PERFECTED REQUEST.** An FOI request, which reasonably describes the record sought, and is made in accordance with the government office's regulation

**PERSONAL INFORMATION.** Shall refer 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.

**PROACTIVE DISCLOSURE.** Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

**PROCESSED REQUEST OR PROCESSED APPEAL.** The number of request or appeals where the agency has completed its work and sent a final response to the requester.

**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.

**RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that the agency has received within a fiscal year.

**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."

**SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

1. About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political 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 committed by such person, the disposal of such proceedings, or the sentences of any court in such proceedings;
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 of Congress to be kept classified.

**SIMPLE REQUEST.** An FOI request that an agency anticipates will involve a small volume of material or which will be processed quickly.

### **SECTION 3 - PROMOTION OF OPENNESS IN GOVERNMENT**

1. **DUTY TO PUBLISH INFORMATION.** The LRA 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 of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:
  - 1.1. A description of its mandate, structure, powers, functions, duties and decision making processes;
  - 1.2. A description of the frontline service it delivers and the procedure and length of time by which they may be availed of;
  - 1.3. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
  - 1.4. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
  - 1.5. Important rules and regulations, orders and decisions;
  - 1.6. Current and important database and statistics that it generates;
  - 1.7. Bidding processes and requirements; and
  - 1.8. Mechanics or procedures by which the public may participate in or otherwise influence the formulations of policy or the exercise of its powers.
2. **ACCESSIBILITY OF LANGUAGE AND FORM.** The LRA shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **KEEPING OF RECORDS.** The LRA shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, enactments, 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 LRA shall afford full protection to a person's right to privacy, as follows:

1. The LRA shall ensure that personal information, particularly, sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
2. The LRA shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure; and
3. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the LRA, shall not disclose that information except as authorized by existing laws.

### **SECTION 5 - STANDARD PROCEDURE**

*(See Annex "B" for FOI Process Flow)*

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:

- 1.1.1.** The request must be in writing;
- 1.1.2.** The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- 1.1.3.** The request shall reasonably describe the information (See **Annex "C"**)

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 copy, furnished to the requesting party. In case of email request, the email shall be printed out and follow the procedures mentioned above, and be acknowledged.

By electronic mail, the FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

**1.4.** The LRA 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, Article 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- 1.4.1. 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
- 1.4.2. 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 clarifications are received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to redirect the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that other contact.

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. If no clarification is received from the

requesting party after sixty (60) calendar days, the request shall be closed.

**2. INITIAL EVALUATION.** After receipt of the request for information, the FRO shall evaluate the contents of the request.

**2.1. Denial of Request by FRO.** All request shall be denied by the FRO based on the following grounds:

**2.1.1. Request information is not in the custody of the LRA or any of its offices:** If the requested information is not in the custody of the LRA or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

**2.1.1.1.** If the records requested refer to another agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner within the 15 working day limit, and the transferring office must inform the requesting party that the information is not in its custody. The 15 working day requirement for the receiving office commences on the day after it receives the request.

**2.1.1.2.** 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 detail of that office, if known.

**2.1.2 Requested information is already posted and available on-line:** If the information being requested is already posted and publicly available in the LRA website, [www.lra.gov.ph](http://www.lra.gov.ph), the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

**2.1.3 Requested information is substantially similar or identical to the previous request:** Should the requested information be substantially similar or identical to the previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason for such denial.

**2.1.4. Requested information clearly falls under the exceptions listed in the LRA inventory:** Should the requested information be one of the exceptions as listed in the LRA inventory, the request shall be denied by the FRO. If the latter is in doubt, he/she will indorse the request to an FDM for proper disposition of the request.

**2.1.5. Requested information is available in frontline services with payment of fees:** Should the request for information be available in frontline services, the FRO shall inform the requesting party of the said fact and to advise them to proceed to concerned frontline service where they can lodge their requests with payment of corresponding fees.

**2.1.6. Requested information of analogous cases:** All other requests analogous or similar in nature under sub-paragraph 2.1 of this Section, the request shall be

denied. However, the FRO shall inform the applicant of the reason for such denial.

**2.2. Initial approval of the Request by FRO.** If a request for information is received which requires to be complied with by different offices, the FRO shall forward such request to each of the said offices and ensure that it is well coordinated and monitored as to its compliance

**3. TRANSMITTAL OF REQUEST BY THE FROM TO THE FDM.** After receipt of the 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 the record book with the corresponding signature of acknowledgement of receipt of the request.

**4. EVALUATION BY FDM.** 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, retrieve, and grant the information requested within ten (10) days from receipt of such request.

If the FDM needs further details to identify or locate the information, he shall seek clarification from the requesting party. The clarification shall stop the running of the fifteen (15) working day period and will commence the day after it receives the required clarification from the 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. REQUEST FOR AN EXTENSION OF TIME.** In case where the required information requires extensive search of the government office's records facilities, examination of voluminous documents, or there are other analogous reasons that would entail a longer period of compliance, the FDM shall request the party for an extension of time which in no case shall exceed twenty (20) working days on top of the mandated fifteen (15) days to act on the request.

**6. NOTICE TO THE REQUESTING PARTY OF THE APPROVAL/DENIAL OF THE REQUEST.** Once the FDM approves or denies the request, he shall immediately prepare the response to the requesting party either in writing or by email.

**7. APPROVAL OF REQUEST.** In case of approval, the FRO and/or FDM shall ensure that all records that have been retrieved and considered are checked for possible exemptions, prior to actual release. The FDM 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.

**8. DENIAL OF REQUEST.** In case of denial of the request wholly or partially, the FRO and/or FDM shall, within the prescribed period, notify the requesting party of 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 provided shall be deemed a denial of the request for information. The Office of the Administrator shall be furnished a copy of all denied FOI requests.



## 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 LRA's 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 or from the lapse of the period to respond to the request.
  - 1.1. Denial of a request may be appealed by filing a written appeal to the Agency 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.
  - 1.2. The appeal shall be decided by the Central Appeals and Review Committee (CARC) 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.
  - 1.3. The denial of the appeal by the LRA or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
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 LRA 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 Agency shall not charge any fee in accepting requests for access to information, except those falling under Section 5, sub-paragraph 2.1.5 and Section 8.2 hereof.
2. **Reasonable Cost of Reproduction and Copying of the Information to the Requesting Party.** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fees shall be based on the schedule of fees provided under LRA Circular No. 11-2002 dated September 10, 2002, which is posted in the LRA Official Website ([www.lra.gov.ph](http://www.lra.gov.ph)).
3. **Exemption from Fees.** The LRA may, upon valid reasons given by the requesting party, exempt the latter from the payment under subparagraph 2 hereof. The valid reasons may include, but not limited to, the following, thus:
  - 3.1. Other government agency requests for government use;
  - 3.2. Those who are indigent with an appropriate certification from a Barangay Chairman; or
  - 3.3. Other requests are analogous or similar in nature.

## SECTION 9 – ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this manual shall be a ground for the following administrative penalties:

- 1.1. 1<sup>st</sup> Offense – Reprimand
- 1.2. 2<sup>nd</sup> Offense - Suspension of one (1) day to thirty (30) days;  
and
- 1.3. 3<sup>rd</sup> Offense - Dismissal from the service

1. **Procedure.** The revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this manual.
2. **Provisions for More Stringent Law, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.



**GERARDO PANGA SIRIOS**  
Administrator