



FREEDOM OF INFORMATION

PEOPLE'S MANUAL

Approved By:

Atty. Alberto B. Sipaco, Jr.
President and CEO

Freedom of Information
Philippine Mining Development Corporation
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I. OVERVIEW

A. BACKGROUND

This Freedom of Information (FOI) Manual is created further to Executive Order (EO) No. 2 (s. 2016)v Entitled “Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies of Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof” issued by the President in accordance with Article II, Section 28 of the 1987 Constitution.

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.

This FOI Manual is in recognition of the fundamental human right of privacy and the role of free and open exchange of information in a democracy in enhancing transparency and accountability in official government acts.

B. OBJECTIVE

This FOI Manual aims to promote transparency; to allow the public to have a free flow of information and to have an access to information through the most efficient and expeditious manner.

C. SCOPE

This FOI Manual shall cover the Head Office of the Philippine Mining Development Corporation (PMDC) and the PMDC Davao, Depot and North Davao Offices.

This FOI Manual shall contain the following information:

- 1) The location and contact information of PMDC. The PMDC Head Office is the repository of all the records of PMDC.
- 2) The Records Officer or Designated Officer/Employee to handle the requests related to the freedom of information;
- 3) The procedures on:
 - a. Request to Access Information / Record; and

b. Appeal to Access Information / Record.

4) Forms on:

a. Request Form; and

b. Letter Template for Denial of Request.

5) Schedule of Fees

D. POLICY STATEMENT

Consistent with the constitutional mandates upholding the right to freedom of information and the implementation of a policy of full public disclosure of all its transactions involving public interest, PMDC is committed to disclose information to the public involving public interest, subject to limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, such as the Republic Act (RA) No. 10173, otherwise known as the “Data Privacy Act.” and the List of Exceptions approved by the Office of the President, among others.

E. The PMDC

VISION

By 2028, PMDC is a sustainable mining firm generating bigger revenues for the State, embracing first-rate norms and international standards in responsible mining, espousing policies that protect the environment, and helping transform communities into healthy, progressive and ecologically-sound settlements.

MISION

We serve as the government’s mining arm to generate revenue and develop progressive communities through responsible mining.

MANDATE

Conduct and carry on the business of exploring, developing, mining, smelting, and producing, transporting, storing, distributing, exchanging, selling, disposing, importing, exporting, trading and promotion of gold, silver, copper, iron, and all kinds of mineral deposits and substances; and to put up a world class mine in Diwalwal, Municipality of Monkayo, Compostela Valley Province.

II. DEFINITION OF TERMS

eFOI PORTAL. The electronic FOI portal or website wherein, the citizens and government agencies facilitates online FOI requests.

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 DECISION MAKER (FDM). The Head of the Agency or his/her duly authorized representative shall have the authority to grant or deny any FOI request.

FOI DOCUMENT OWNER (FDO). The PMDC Office/Department which has ownership over the documents containing the information requested.

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

FOI RECEIVING OFFICER. Any personnel assigned who shall receive the requests for information from the requesting party and check compliance with documentary requirements. The FRO also ensures the transmittal of the information requested to the requesting party.

FOI REQUEST. – A written request submitted by any Filipino to the PMDC personally, by email or through the eFOI Portal asking for records on any topic within the PMDC's custody and mandate.

FREEDOM OF INFORMATION (FOI). The Executive Branch of the Philippine Government 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. Freedom of Information is an indispensable right that allows people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FULL DENIAL. When a government office cannot release any records in response to a FOI request due to valid reasons such as that the requested information is exempt from disclosure in its entirety or that 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. Any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer-stored data, or 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.

OFFICIAL RECORD/RECORDS. 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. Data structured in a way that enables full accessibility and usability by the public.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose only portion/s of a record/s in response to a FOI request.

PUBLIC RECORD/RECORDS. 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. A request for information or an administrative appeal that a government office received.

Requesting Party. A Filipino citizen who has made an FOI Request with the PMDC.

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

- (1) An individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- (2) An individual's health, education, genetic or sexual life, or any proceedings for any offense committed or alleged to have committed, disposal of such proceedings or sentence of any court in such proceedings;
- (3) An individual's government issued peculiar information 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.

III. PROMOTION OF OPENNESS IN GOVERNMENT

- 1) **Duty to Publish Information.** The PMDC shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 11032, or the Ease of Doing Business and Republic Act No. 9845 (The Anti-Red Tape Act of 2007) and through their website, timely, true, accurate, and updated key information including, but not limited to:

- a) A description of its mandate, structure, powers, functions, duties and decision-making processes;
 - b) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
 - c) The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
 - d) Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments, and expenditures;
 - e) Important rules and regulations, orders or decisions;
 - f) Current and important database and statistics that it generates;
 - g) Bidding processes and requirements; and
 - h) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.
- 2) **Plain Language.** There is a need to ensure that plain language is used which can be easily understood by the requesting party in responding to FOI requests.
- 3) **Keeping of Records.** The PMDC shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

IV. PROTECTION OF PRIVACY

While providing access to information, public records, and official records, responsible officials of PMDC shall afford full protection to an individual's right to privacy as follows:

- A. The PMDC shall ensure that sensitive personal information in its custody or under its control is disclosed or released only if it is permissible under existing laws, rules and regulations, and jurisprudence;

B. The PMDC must protect personal information in its custody or control by making reasonable security arrangements against leaks, unauthorized access and/or premature disclosure; and,

C. The FOI Receiving Officer, FOI Decision Maker, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the PMDC, shall not disclose that information except as authorized by existing laws.

V. **DIRECTORY**

Ms. Dianne Kate B. Lemerick

Records Assistant

(02)8-706-1631

info@pmdc.com.ph/records.pmdc@gmail.com

Unit 3001B&C, West Tower, Tektite Towers

Ortigas Center, Pasig City

VI. **STANDARD PROCEDURE**

1. Filing and Receipt of Request for Information. The Records Officer (RO) shall provide a Request Form to the requestor or an authorized representative. The requestor/representative shall duly accomplish the Request Form.

In compliance with Section 9 (a) of EO No. 2, the RO 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.

In case the request is not in conformity with the requirements set forth in EO No. 2, the RO shall provide reasonable assistance to enable the requesting party to comply.

Requests received by the PMDC Davao Office shall be forwarded to the RO through electronic mail within the day of receipt. The RO shall facilitate the processing of the forwarded request.

The RO stamps "Received" on the letter and Request Form, and indicate the date and time of receipt, his/her name, designation, and signature. The RO shall input the details of the request on the Document Routing System (DRS) and attach the DRS Report on the Request Form.

1.1. Requested Information is already posted in the PMDC website. If the information requested is already available in the PMDC website, the RO shall

inform the requesting party and provides the website link where the information is posted.

1.2. Requested information is substantially similar or identical to previous requests. Pursuant to Section II of EO No. 2, the RO 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 PMDC. However, the RO shall inform the applicant the reason of such denial.

2. Evaluation of Request. Upon receipt, the RO shall evaluate the information being requested. Identify the responsible unit/division, and determine access restrictions to the information.

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

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

2.3. Requested information is not in the custody of the PMDC or any of its offices. When the requested information is not in the possession of PMDC, is available in another government agency, the request shall be immediately referred by PMDC to another government agency within three (3) working days from the receipt of the request.

3. Role of the Records Officer (RO). The RO shall coordinate with the concerned department to facilitate the handling of requests for information in the custody of the department. Upon receipt of the request for information, the concerned department shall perform all necessary steps to locate and retrieve the information requested.

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

4. Role of RO to transmit the information to the requesting party. The RO shall collate and ensure that the information is complete. The RO shall forward the information and the Request Form to the Administrative Department Manager for approval prior to release.

5. Period for Approval and Release. Pursuant to Section 9 (d) of EO No. 2, the normal processing time for the Request to Access Information shall be within fifteen (15) working days. However, 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 RO shall advise the requesting party immediately of the extension of the fifteen (15) 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.

6. Approval and Release of Request. The RO shall ensure that all records have been retrieved and checked for possible exceptions, prior to actual release. The RO shall inform the requestor that the request was favorably granted and to pay applicable fees indicated in the Claim Slip. For information in custody of other departments upon determination that the request can be favorably granted, the RO shall inform the requestor of the retrieval and release of such information in the custody of other departments, and indicate the date of release on the Claim Slip. The Department Staff concerned shall apprise the RO when the information is retrieved and ready for claiming. 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.

7. Denial of Requests. The RO shall issue a denial letter signed by the Administrative Department Manager or Department Manager of the department in custody of the information being requested within two (2) working days. The letter shall clearly set forth the reasons for denial and the circumstances in which the denial is based.

VII. REMEDIES IN CASE OF DENIAL

Pursuant to Section 13 of the EO No. 2, a person or party whose request for access to information has been denied may file an appeal set forth below.

1. **Appeal to the Office of the PMDC President:** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) working days upon denial of request.

1.1. Denial of request shall be appealed to the Office of the PMDC President by filing a written appeal within fifteen (15) working days from the date of notice or letter of denial.

1.2. The letter of appeal should state why the requestor/requesting party disagrees with the reason/s for denying the request. The appellant may provide supporting information to the appeal.

1.3 In case the PMDC President affirms the denial of the request, the request shall be appealable to the Office of the DENR Secretary within fifteen (15) working days from the date of notice or letter of denial of the first appeal.

1.4. Pursuant to Section 13 (b), appeals shall be decided upon by the person or office next higher in authority within thirty (30) working days from the filing of said appeal.

VIII. **FEES**

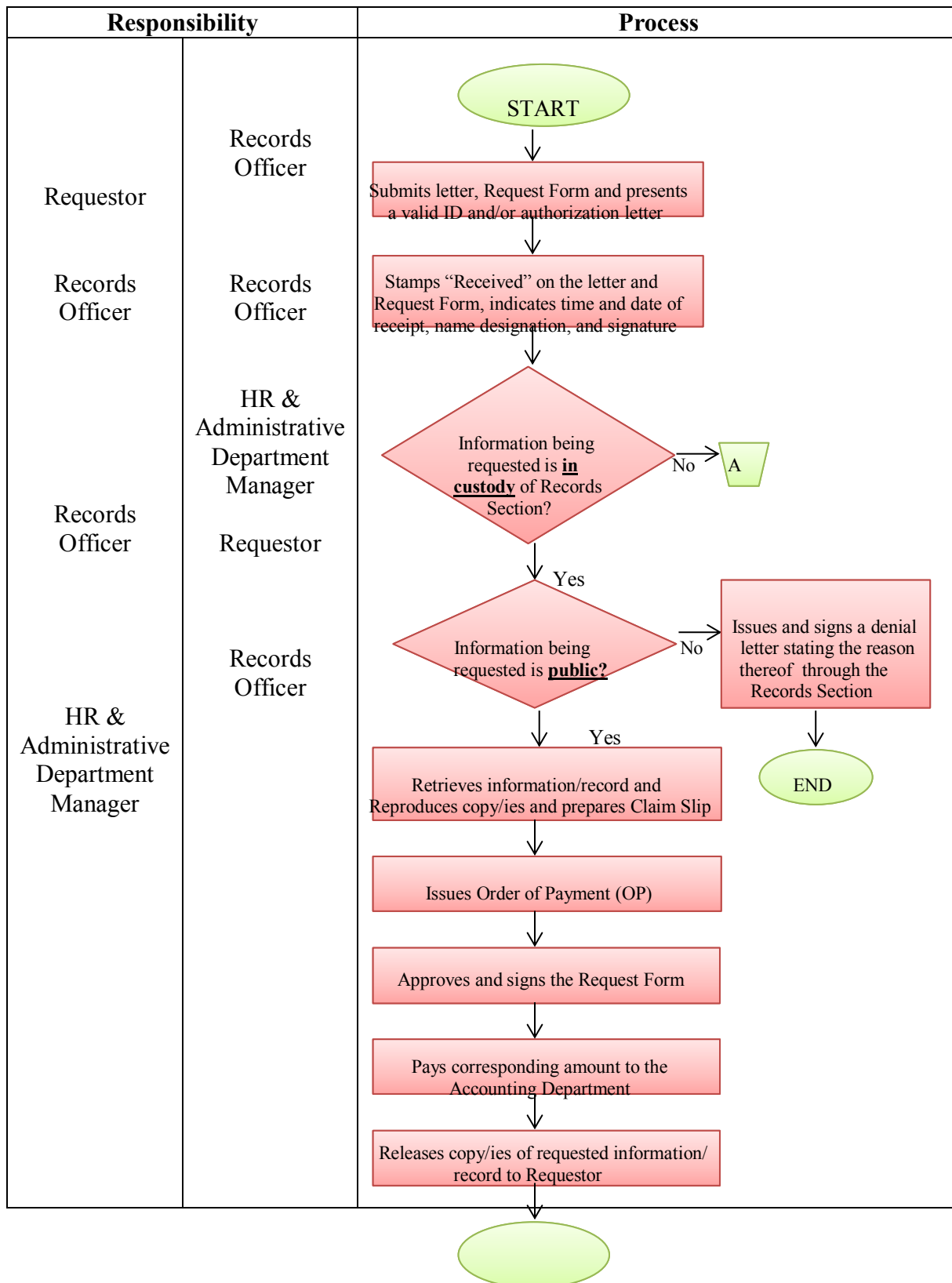
1. **Reasonable Cost of Reproduction of Information.** The RO shall immediately notify the requesting party of the cost of reproduction of the requested information.
2. **Schedule of Fees.** The cost of reproduction is Php2.00 per page.
3. **No Fees on Approved Appeals.** No fees shall be charged to the appellant in case of approval of an appeal.

IX. **ADMINISTRATIVE LIABILITY**

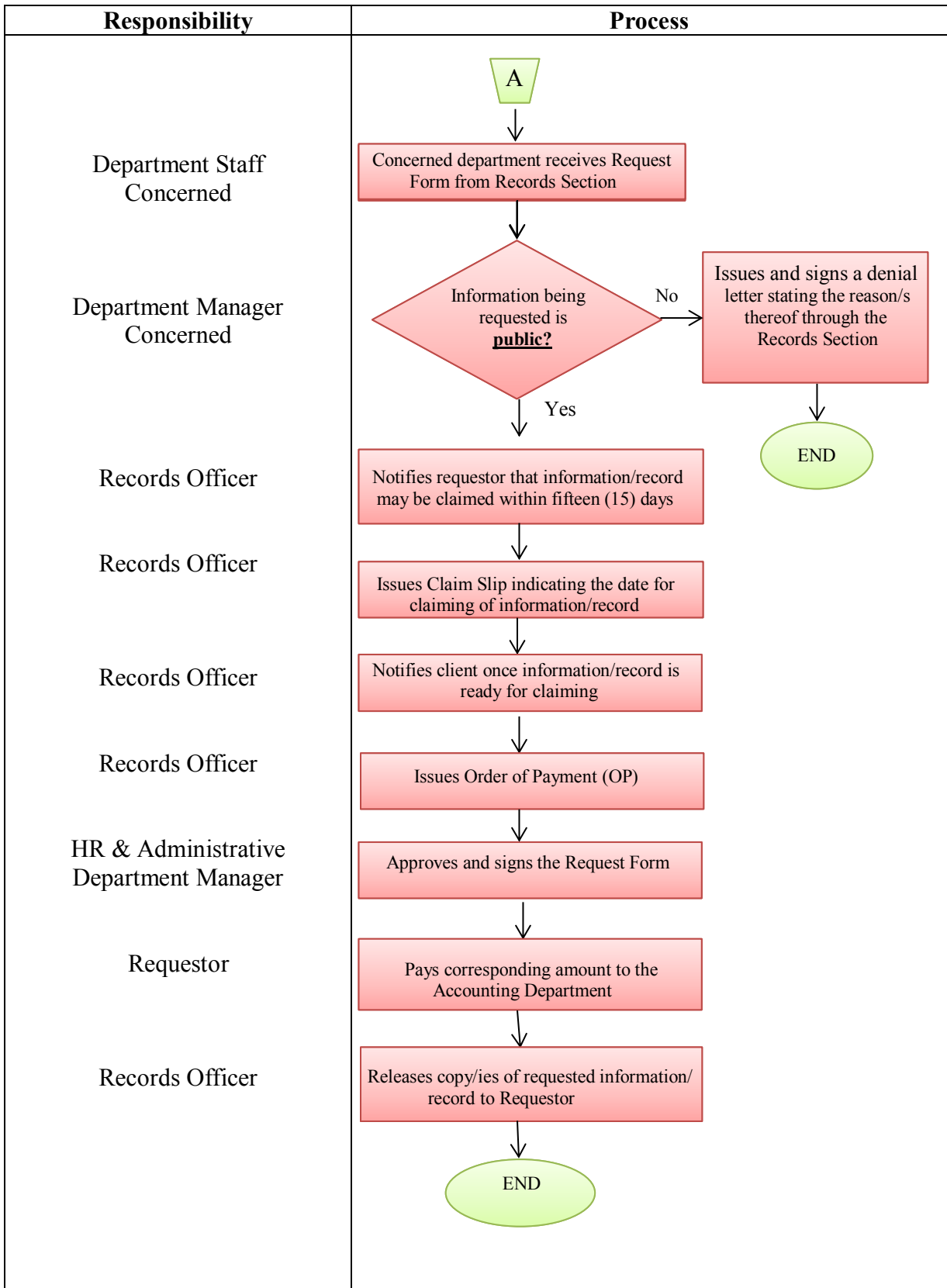
- I. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days;
 - c. 3rd Offense - Dismissal from the service.
- II. **Procedure.** The Internal Grievance Procedure of PMDC shall be applicable in the disposition of cases under this Manual.
- III. **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 anybody or agency, which provides for more stringent penalties.

XI. ANNEXES

A. PROCESS FLOW CHART



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Work Instructions		Request to Access Information / Record		
STEP	APPLICANT / REQUESTOR	PMDC	RESPONSIBLE PERSON	
1	Submits letter, request form and present a valid ID and/or authorization letter if requestor is a representative	Stamps "Received" on the letter and Request Form, indicates time and date of receipt, name, designation, signature, and encodes in the Document Routing System (DRS)	Records Officer	
		<i>Note:</i> Requests received by the district offices shall be forwarded to the Head Office through electronic mail	Department Manager concerned	
		Attaches photocopy of ID and/or authorization letter to Request Form	Records Officer	
Receipt of Request for Information		Determines if the request is substantially similar or identical to previous requests		
		Pursuant to Section 11 of EO No. 2, the request may be denied upon determination that request is substantially similar or identical to previous requests from the same requesting party.	Records Officer	

2	Determination of custody of requested Information / Record		Determines whether information is in custody of Records Section	Records Officer
			<p>For Information / Record in Custody of Records Section:</p> <p>If information being requested is in custody of Records Section, proceed to step no. 3</p>	Records Officer
			<p>For Information / Record in Custody of Department:</p> <p>Notifies requestor that information is in custody of other department and forwards request to concerned department</p> <p><i>Note:</i></p> <p>Coordinates and confirms with concerned department whether information being requested is public or confidential.</p> <p>Concerned department receives request form by affixing date and time of receipt and affixes initials, then proceed to step no. 3</p>	<p>Records Officer</p> <p>Records Officer</p> <p>Department Staff concerned</p>

3	Determination of access restriction		<p>Determines whether there is access restriction to requested information (public or confidential)</p> <p>Refer to the List of Exceptions approved by the Office of the President</p>	<p>Records Officer/Department Staff concerned</p>
			<p>If information being requested is public, proceed to step no. 4</p>	<p>Records Officer/Department Staff concerned</p>
			<p>If information being requested is confidential, notifies requestor that information is confidential. Prepares and signs the denial letter stating the reason/s thereof.</p> <p>Releases denial letter through Records Officer within two (2) days upon receipt of request/</p> <p>Ticks box for Denied and files Request Form</p> <p>[END]</p>	<p>HR & Administrative Department Manager / Department Manager concerned</p>
4	Retrieval and Reproduction of Information / Record		<p>Public Information / Record in Custody of Records Section:</p> <p>Retrieves information / record and reproduces copy/ies</p>	<p>Records Officer</p>

		<p>Presents Claim Slip and other necessary requirement/</p> <p><i>Note:</i></p> <p>Information/record</p>	<p>For Public Information / Record in Custody of Other Department:</p> <p>Notifies requestor that information/record may be claimed within fifteen (15) working days. Retrieval of information/record should not exceed 15 working days upon receipt of request.</p> <p>Prepares Claim Slip indicating the date claiming of information/record being requested and issues to the requestor.</p> <p>Advises requestor to claim information/record on the date indicated on the Claim Slip and to bring other requirements for claiming, as follows:</p> <ul style="list-style-type: none"> • If claiming through a representative: an authorization letter, valid ID of representative and photocopy of requestor's ID <p>Retrieves information/record and reproduces copy/ies and forwards documents to the Records Section.</p> <p>Once information/record is</p>	<p>Records Officer</p> <p>Records Officer</p> <p>Records Officer</p> <p>Department Staff concerned</p>
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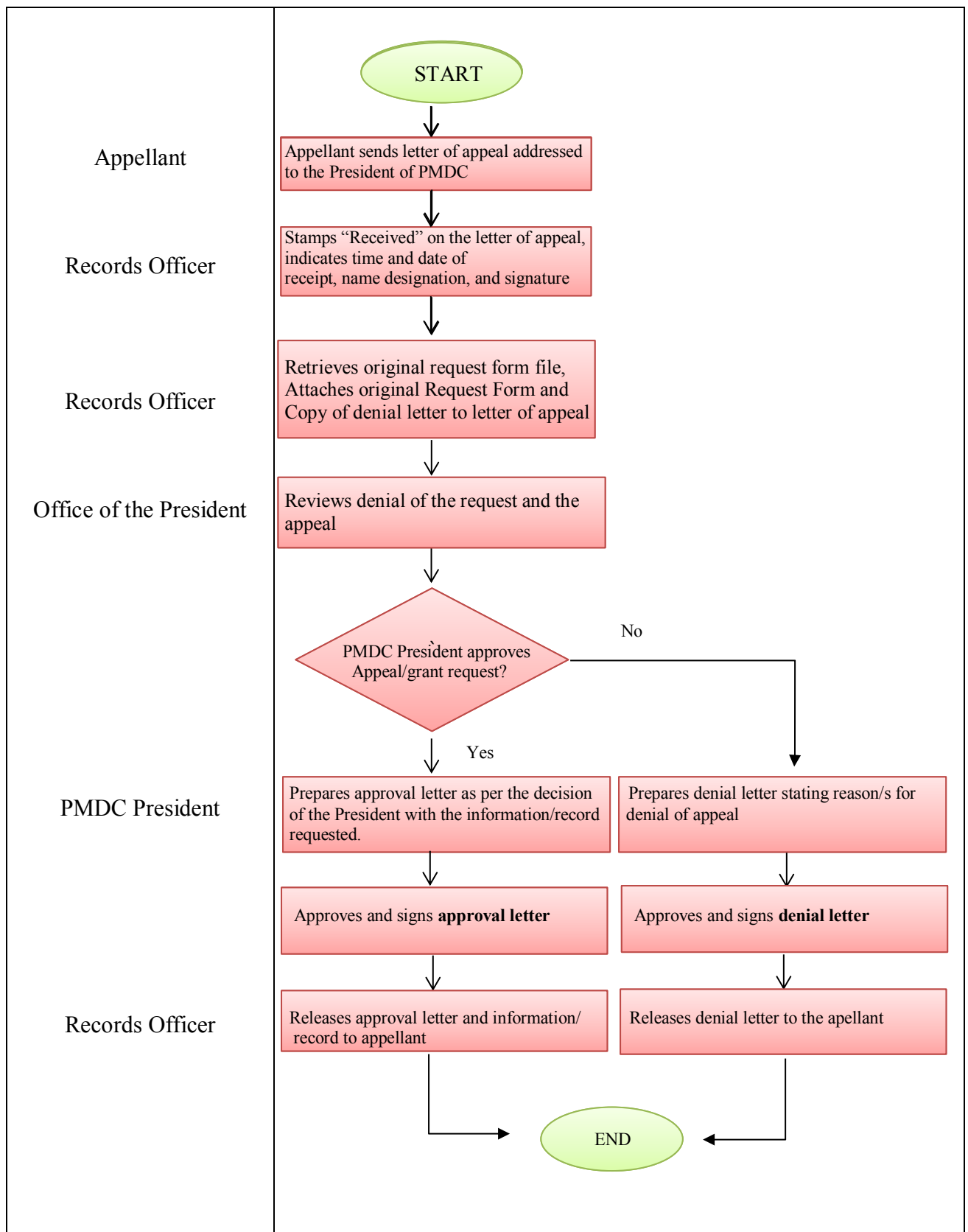
		should be claimed within thirty (30) days from due date of release	ready for claiming, notify requestor either through e-mail/call/SMS stating the amount to be paid.	Records Officer
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5	Preparation and Issuance of Order of Payment (OP) and Claim Slip		Issues Order of Payment (OP) to the requestor	Records Officer
6	Approval		Forwards copy/ies of requested information/record to Manager of Administrative Department and signs on the Request Form	Records Officer; HR & Administrative Department Manager
7	Payment	Requestor proceeds to Accounting Department presents OP with Claim Slip and pays corresponding fees	Accounting Department accepts payment, issues Official Receipt (OR), writes OR No. on the Claim Slip and issues same to the requestor	Finance and Accounting Department

8	Releasing of Information / Record	Requestor presents OR and Claim Slip to Records Section	Writes OR No. on Request Form Releases copy/ies of requested information/record to requestor	Records Officer
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PROCESS FLOWCHART: Appeal to Access Information / Record

Responsibility	Process
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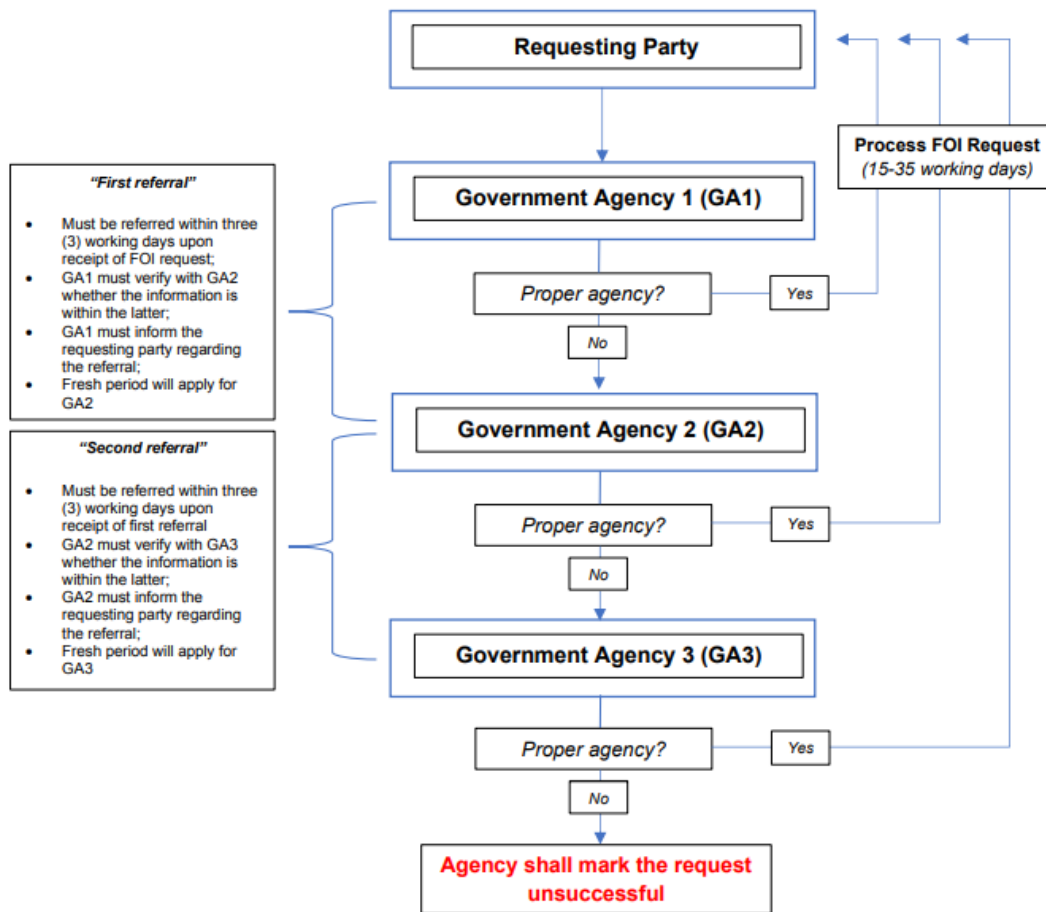
<i>Work Instructions</i>	<i>Appeal to Access Information / Record</i>
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	STEP	APPELLANT	PMDC	RESPONSIBLE PERSON
1	Filing of Appeal	<p>The appellant sends letter of appeal addressed to the PMDC President within fifteen (15) working days upon denial of request for information</p> <p><i>Note:</i></p> <p>The letter of appeal should state why the requestor/requesting party disagrees with the reason/s given for denying the request.</p> <p>The appellant may provide supporting information to the appeal.</p>	<p>Stamps “Received” on the letter of appeal, indicates time of receipt, name, designation, and signature, and encodes in the Document Routing System (DRS).</p>	Records Officer
2	Handling of Appeals		<p>Retrieves the original request from file and copy of denial letter and attaches these to the letter of appeal</p>	Records Officer
			<p>Forwards to the Office of the President for further action</p>	Records Officer

3	Evaluation of Appeal		Based on the arguments provided in the letter of appeal, the Office of the President reviews denial of the request and the appeal	Office of the President
4	Recommendation on Appeal		<p>Upon review, the PMDC President recommends a decision on the appeal</p> <p><i>Note:</i></p> <p>Pursuant to Section 13 (b), appeals shall be decided upon within thirty (30) working days from filing.</p>	PMDC President
5	Preparation of Approval/Denial letter		<p>Approval of appeal:</p> <p>If appeal was recommended for approval, prepares approval letter to be signed by the President.</p> <p>Instructs Record Section / concerned Department to retrieve and reproduce copy/ies of the requested information / record.</p>	Department Manager concerned
			<p>Denial of appeal:</p> <p>If appeal was recommended for denial, prepares denial letter to be signed by the PMDC President.</p>	Department Manager concerned

6	Approval of Recommendation on Appeal		Approves and signs recommendation letter on appeal	PMDC President
7	Releasing		Releases approval letter & copies of requested information to the appellant <i>Note:</i> The cost of reproduction shall not be charged to the appellant.	Records Officer
			Releases denial letter to appellant. <i>Note:</i> The denial shall be appealable to the President, Chairman and CEO of PMDC within fifteen (15) working days from the date of notice or letter of denial of the first appeal.	Records Officer

NO WRONG DOOR POLICY

**NOTE:**

If GA1 fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.

Source: FOI-MC No. 21-05 (Annex A)



FOI REQUEST FORM

Requesting Party's
 Name :
 Contact No. :
 Email Address:
 Office/School :
 Address :

Type of ID
 presented :
 ID Number :
 Date of Request :
 Releasing Date :

MGA DETALYE NG HINIHINGING IMPORMASYON <i>(DETAILS OF REQUESTED INFORMATION)</i>	
Anong panahon ang saklaw ng dokumento o impormasyong inyong hinahanap? <i>What is the covered period of the document/s or information requested for?</i>	Ano po ang layunin sa paghiling ninyo sa dokumento o impormasyon? <i>What is the purpose of the request for the document/s or information?</i>
REQUIREMENTS: <input type="checkbox"/> This duly accomplished FOI Request Form <input type="checkbox"/> Authorization for Representative <input type="checkbox"/> 1 Valid Government Recognized ID	Terms of USE: The document and any information provided: (1) Shall not be used for any purpose other than what is indicated in the FOI request as approved, (2) Shall not be used for purposes contrary to la, morals, good customs, or public policy; and (3) Shall not be reproduced for any commercial use. Any violation shall be addressed accordingly.
_____ SIGNATURE OVER PRINTED NAME	



FOI RECEIVING OFFICER	FOI DECISION MAKER
Remarks (Recommended Action)	<input type="checkbox"/> Request Granted <input type="checkbox"/> Request Denied Reason: _____ _____ _____
SIGNATURE/DATE	SIGNATURE/DATE

Furnish RECEIVED copy to the Requesting Party



Republic of the Philippines
**PHILIPPINE MINING
DEVELOPMENT CORPORATION**
Creating Wealth. Enriching Lives.



ANNEX D

[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 requested information/record here]** on **[date of request]** cannot be favourably granted due to **[State grounds for denial i.e confidentiality restrictions. Provide necessary laws, rules and regulations.]**

Thank you.

Yours sincerely,

Name of Department Manager
Division

