



SEC FOI Manual

SECURITIES AND EXCHANGE COMMISSION

PEOPLE'S RIGHT TO INFORMATION

MANUAL

PICC Secretariat Building, Philippine International Convention Center (PICC Complex), Pasay City

As of August 10, 2017



TABLE OF CONTENTS

Foreword

Part I: Introduction

- Purpose
- Coverage
- Definition of Terms

Part II: Access Procedure

- Standard Operating Procedure
 - Filing of the Request for Information
 - Processing of the Request for Information
 - Disposition of the Request for Information
 - Applicable Fees
 - Exception

Part III: Remedies in Cases of Denial of Request for Access to Information

- Appeal
- Judicial Remedy

Part IV: Records Management System

Part V: Administrative Penalty

Annexes :

Request for Information Form

List of Exceptions under Existing Laws and Jurisprudence

FOI Request Flow Chart

FOI Receiving Offices and FOI Receiving Officers



FOREWORD

By virtue of Executive Order No. 2, series of 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 Therefore”, the Securities and Exchange Commission (Commission), has adopted its own People’s Freedom To Information Manual (FOI Manual).

The SEC FOI Manual is a testament to the Commission’s recognition of the right to free and open exchange of information, a proactive manifestation of its commitment to transparency and accountability in public office, having been the advocate of a fair, orderly and transparent capital market.

Apropos, the Commission shall endeavor to post more information on its website (www.sec.gov.ph) to save the public from making a written request for information.



PART I: INTRODUCTION

Section 1. Title. This manual shall be known as the “SEC FOI Manual.”

Section 2. Purpose. The SEC FOI Manual endeavors to provide the guidelines on the kind of records, documents and information under the custody of the Commission and the process by which they may be accessed by the Filipino citizens.

Section 3. Coverage. This Manual shall cover all the departments and offices of the Commission.

Section 4. Definition of Terms.

“**Central Receiving Unit or CRU**” shall mean the central receiving unit of the main and extension offices of the Commission, as the case may be. The CRU shall be the FOI Receiving Office.

“**Commission**” shall mean the Securities and Exchange Commission.

“**Department**” shall mean the Markets and Securities Regulation Department, Corporate Governance and Finance Department, Company Registration and Monitoring Department, Enforcement and Investor Protection Department, Economic Research and Training Department, Information and Communications Technology Department, Human Resource and Administrative Department, and Financial Management Department.

“**FOI Decision Maker**” or **FDM** shall be the Director of Department or Head of Office. The FDM shall evaluate the request for information with the assistance of the FOI Receiving Officer.



SEC FOI Manual

“FOI Receiving Officer” or **FRO** shall mean the officer or employee of the Commission charged with receiving on behalf of the department/office all requests for information.

“Information” shall mean any records, documents, papers, reports, letters, contracts, minutes 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 the Commission pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business of the Commission.

“Office” shall mean the Office of the Commission Secretary, Office of the General Counsel, Office of the General Accountant, and Extension Offices of the Commission.

“Official record/records” shall refer to information produced or received by the Commission in an official capacity or pursuant to a public function or duty.

“Public record/records” shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by the Commission.

“Requestor” shall mean any Filipino citizen who files a request for information in writing under Executive Order No. 2 with the Commission.

“SALN” stands for Statement of Assets, Liabilities, and Net Worth. It is a declaration of assets and liabilities, including business and financial interest of an official/employee, of his or her spouse, and of his or her unmarried children under 18 years old still living in the parents’ household¹.

PART II : ACCESS PROCEDURE

Section 5. Standard Operating Procedure:

¹ *Civil Service Law and Rules, 30th printing, Official Gazette (2011)*



A. Filing of the Request for Information:

1. A Requestor, shall file either personally or through a representative, the written request for information, in three (3) copies, with the Central Receiving Unit (CRU) at the Main Office or Extension Office.

A Requestor may use the pro-forma request for information, which is available at the CRU or at the Commission's website: www.sec.gov.ph for download.

2. The request shall bear the requestor's full name and contact information (i.e., full address of residence or office, land line telephone number and/or mobile phone number), and shall reasonably describe the information requested, and the reason for, or purpose of the request.
3. A Requestor shall also present a valid proof of identity as Filipino citizen (eg. Philippine passport, or any government issued identity card showing the requestor's citizenship).

A request for information filed by mail or via courier service shall comply with the foregoing requirements.

B. Processing of the Request for Information:

1. The CRU's receiving clerk shall stamp "received" on the written request for information, indicating the date and time of receipt and the name, rank, title and position of the receiving clerk with the corresponding signature, and a copy thereof shall be furnished to the requestor. The CRU shall maintain a separate record for requests for information to monitor their status.
2. The CRU shall farm out the requests to the appropriate Department/ Office within the day.
3. The receiving clerk shall forward immediately the request to the FRO for evaluation and disposition.
4. **Duties of FRO.** The FRO has the following duties:



SEC FOI Manual

- (a) Record his/her department's receipt of the request and forward the same to the appropriate office/ officer who has custody of the records/ information;
 - (b) Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on any of the following grounds: That the form is incomplete; or That the information is already disclosed in the SEC Official Website, foi.gov.ph, or at data.gov.ph;
 - (c) Provide assistance and counsel to the FOI Decision Maker;
 - (d) Provide assistance and support to the public and staff with regard to FOI;
 - (e) Monitor all FOI requests and appeals;
 - (f) Accomplish the standard FOI registry every quarter or whenever necessary and submit the same to PCOO through the OCS, and;
 - (g) Compile statistical information as required.
5. **Transmittal of Request by the FRO to the FDM.** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to the FDM immediately. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

FOI Decision Maker (FDM)

6. **Duties of FDM In Processing The Request.** Upon receipt of the request endorsement of AD concerned for information from the FRO, the FDM shall assess the request. If the FDM needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party.



7. **Authority of FDM.** The FDM has the authority to dispose of the request, by granting or denying it.

The FDM shall be guided by the following principles:

- a. It is the policy of the State to implement full public disclosure of all its transactions involving public interest, subject only to reasonable conditions prescribed by law².
- b. The right of the people to information on matters of public concern is a constitutional right³.
- c. Public officials and employees are duty-bound to make public documents accessible and readily available for inspection by the public within reasonable working hours⁴.
- d. There is a legal presumption in favor of access to information, public records and official records. Thus, no request for information shall be denied unless it clearly falls under the exceptions listed in the inventory of the Commission or as provided for by the Office of the President⁵.
- e. The FDM shall exercise due diligence to ensure that no exception shall be used or availed of to deny any request for information if the denial is intended to cover up a crime, wrongdoing, graft or corruption⁶.
- f. While providing access to information, public records, and official records, the FDM shall ensure that full protection to the right to privacy of individual is afforded. Any personal information under the Commission's custody or control shall be disclosed only if it is material or relevant to the subject matter of the request and its disclosure is permissible under

² Section 28, Article II, 1987 Constitution.

³ Section 7, Article III, 1987 Constitution. *The right of the people to information on matters of public concern shall be recognized. Access to official 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, shall be afforded the citizen, subject to such limitations as may be provided by law.*

⁴ Section 5 (e), Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees.

⁵ Executive Order No. 2, Section 6.

⁶ *Id.*



SEC FOI Manual

Executive Order No. 2 or under existing law, rules or regulations. Further, reasonable security arrangements against leaks or premature disclosure of personal information which may unduly expose the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts must be made⁷.

C. Disposition of the Request for Information:

1. All request referred to the FDM than the FRO shall be acted upon within fifteen (15) working days from receipt of the request.
2. The period to respond may be extended based on the following grounds:
 - a. whenever the information requested requires extensive search of the office'/department's records;
 - b. whenever it involves examination of voluminous records;
 - c. occurrence of fortuitous events; and
 - d. other analogous cases.

However, the extension shall not go beyond twenty (20) workings days unless exceptional circumstances warrant a longer period. The requestor shall be notified of any extension. The notice of extension shall clearly state the reason/s and the number of days of such extension.

3. Once a decision is made to grant the request, the requestor shall be notified of such decision and shall be directed to pay the appropriate fees.
4. Once a decision is made to grant the request, the requestor shall be notified of such decision and shall be directed to pay the appropriate fees.
5. Upon payment of the fee and presentation of the Official Receipt, the FRO shall release the copy of the information requested to the requestor.
6. **Denial of Request.** The request for information may be denied based on the following: The Commission does not have the information requested; The information requested is protected by the Data Privacy Act of 2012; The information requested falls under the list of exceptions to FOI; The request is an unreasonable subsequent identical or substantially similar

⁷ *Id.*, Section 7 (1) and (2).



request from the same requesting party whose request has already been previously granted or denied by the agency.

7. Any decision on the request for information shall be made known to the Requestor through an official communication. In case of denial of the request, the notice of denial 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 information.

Section 6. Applicable Fees. The requestor shall pay the necessary cost, including the actual costs of reproduction and copying of the information required.

Section 7. Exception. Access to information may be denied when the information falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence.

The Commission records, documents and information which may not be accessed are identified in the Inventory of Records, Documents and Information appended to this FOI Manual.

The list of exceptions under existing laws and jurisprudence applicable to the Commission is also appended to this FOI Manual.

PART III: REMEDIES IN CASES OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION

Section 8. Appeal. The requestor may appeal the denial of the request for information by filing of a written appeal to the Commission *En Banc* within fifteen (15) calendar days from his receipt of the notice of denial or from the lapse of the relevant period to respond to the request.

The appeal shall be decided by the Commission *En Banc* within thirty (30) working days from the filing with the Commission of said written appeal. Failure of the Commission *En Banc* to decide within the aforesaid period shall be deemed a denial of the appeal.



SEC FOI Manual

Section 9. Judicial Remedy. Upon exhaustion of administrative remedies, the requestor may file an appeal to the Court of Appeals under Rule 43 of the Rules of Court.

PART IV: RECORDS MANAGEMENT SYSTEM

Section 10. Records Management System. The Commission shall maintain a records management system that shall:

- a. Identify the information which needs to be captured.
- b. Implement information planning for the organization.
- c. Enforce policies and practices regarding creation, maintenance, disposal of records.
- d. Create a records storage plan.
- e. Classify, identify, and store records.
- f. Provide internal and external access to the records mindful of the principles of data privacy and business and data confidentiality.

PART V: ADMINISTRATIVE LIABILITY

Section 11. Non Compliance With FOI Liability. Failure to comply with the provisions of this FOI Manual may be a ground for administrative liability and disciplinary sanctions against any erring public officer or employee as provided for under existing laws or civil service regulations.

The administrative sanctions for non-compliance with the provisions of this FOI Manual are as follows:

1. First Offense – Warning
2. Second Offense – Reprimand and Community Service
3. Third Offense - Suspension of one day to thirty (30) days and Community Service



FOI Request Form

Title of the Document/ Information: _____

Period Covered (Year, Month, Day, as applicable): _____

Purpose: _____

Name of Requesting Party: _____

Name of Representative of requesting party: _____
(if filing request through a representative)

Contact Number(s) of Requesting Party or
Representative: _____

Signature: _____

Date of Filing: _____

For SEC Personnel

Name of Receiving Personnel: _____
(Name &, Designation)

Date & Time Received: _____

Action of Receiving Personnel: _____
(Referred/ Assigned/ Forwarded request to appropriate Department/Office/Employee)

Signature of Receiving Officer: _____



LIST OF EXCEPTIONS UNDER EXISTING LAWS AND JURISPRUDENCE APPLICABLE TO THE COMMISSION

1. Under Batas Pambansa Blg. 68 (Corporation Code of the Philippines):

“*Section 142. (Confidential Nature of Examination Results).* All interrogatories propounded by the Securities and Exchange Commission and the answers thereto, as well as the results of any examination made by the Commission or by any other official authorized by law to make an examination of the operations, books and records of any corporation, shall be kept strictly confidential, except insofar as the law may require the same to be made public or where such interrogatories, answers or results are necessary to be presented as evidence before any court.”

2. Under Republic Act No. 8799 (Securities Regulation Code):

a. “*Section 6.2 Non Disclosure of Confidential Information.* - The Commissioners, officers and employees of the Commission who willfully violate this Code or who are guilty of negligence, abuse or acts of malfeasance or fail to exercise extraordinary diligence in the performance of their duties shall be held liable for any loss or injury suffered by the Commission or other institutions as a result of such violation, negligence, abuse, malfeasance, or failure to exercise extraordinary diligence.

Similar responsibility shall apply to the Commissioners, officers and employees of the Commission for (1) the disclosure of any information, discussion or resolution of the Commission of a confidential nature, or about the confidential operations of the Commission, unless the disclosure is in connection with the performance of official functions with the Commission or with prior authorization of the Commissioners; or (2) the use of such information for personal gain or to the detriment of the government, the Commission or third parties: *Provided, however,* That any data or information required to be submitted to the President and/or Congress or its appropriate committee, or to be published under the provisions of this Code shall not be considered confidential.”

b. “*Section 13. Rejection and Revocation of Registration of Securities.* – 13.4. If the Commission deems it necessary, it may issue an order suspending the offer and sale of the securities pending any investigation. The order shall state the grounds for taking such action, but such order of suspension although binding upon the persons notified thereof, shall be deemed confidential, and shall not be published. Upon the issuance of the suspension order, no further offer or sale of such security shall be made until the same is lifted or set aside by the Commission. Otherwise, such sale shall be void.”



c. “Section 15. *Suspension of Registration.* – 15.4. Until the issuance of a final order, the suspension of the right to sell, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice. If, however, the Commission finds that the sale of the security will neither be fraudulent nor result in fraud, it shall forthwith issue an order revoking the order of suspension, and such security shall be restored to its status as a registered security as of the date of such order of suspension.”

d. “Section 29. *Revocation, Refusal or Suspension of Registration of Brokers, Dealers, Salesmen and Associated Persons.* – 29.2. (a) In case of charges against a salesman or associated person, notice thereof shall also be given the broker, dealer or issuer employing such salesman or associated person.

(b) Pending the hearing, the Commission shall have the power to order the suspensions of such broker’s, dealers, associated person’s or salesman’s registration: Provided, That such order shall state the cause for such suspension. Until the entry of a final order, the suspension of such registration, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice.”

e. “Section 64. *Cease and Desist Order.* – 64.1. The Commission, after proper investigation or verification, *motu proprio* or upon verified complaint by any aggrieved party, may issue a cease and desist order without the necessity of a prior hearing if in its judgment the act or practice, unless restrained, will operate as a fraud on investors or is otherwise likely to cause grave or irreparable injury or prejudice to the investing public.

64.2. *Confidentiality of Investigation* - Until the Commission issue a cease and desist order, the fact that an investigation has been initiated or that a complaint has been filed, including the contents of the complaint, shall be confidential. Upon issuance of a cease and desist order, the Commission shall make public such order and a copy thereof shall be immediately furnished to each person subject to the order.”

f. “Section 66. *Revelation of Information Filed with the Commission.* - 66.1. All information filed with the commission in compliance with the requirements of this Code shall be made available to any member of the general public, upon request, in the premises and during regular office hours of the Commission, except as set forth in this Section.



SEC FOI Manual

66.2. Nothing in this Code shall be construed to require, or to authorize the Commission to require, the revealing of trade secrets or processes in any application, report, or document filed with the Commission.

66.3. Any person filing any such application, report or document may make written objection to the public disclosure of information contained therein, stating the grounds for such objection, and the Commission may hear objections as it deems necessary. The Commission may, in such cases, make available to the public the information contained in any such application, report, or document only when a disclosure of such information is required in the public interest or for the protection of investors; and copies of information so made available may be furnished to any person having a legitimate interest therein at such reasonable charge and under such reasonable limitations as the Commission may prescribe.”

66.4. It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer or employee of the Commission or to use for personal benefit, any information contained in any application, report, or document filed with the Commission which is not made available to the public pursuant to Subsection 66.3.

66.5. Notwithstanding anything in Subsection 66.4 to the contrary, on request from a foreign enforcement authority of any country whose laws grant reciprocal assistance as herein provided, the Commission may provide assistance in accordance with this subsection, including the disclosure of any information filed with or transmitted to the Commission, if the requesting authority states that it is conducting an investigation which it deems necessary to determine whether any person has violated, is violating, or is about to violate any laws relating to securities or commodities matters that the requesting authority administers or enforces. Such assistance may be provided without regard to whether the facts stated in the request would also constitute a violation of law of the Philippines.”

3. Under Republic Act No. 1405 (Secrecy of Bank Deposits & Investment In Government Bonds):

“*Section 2.* All deposits of whatever nature with banks or banking institutions in the Philippines including investments in bonds issued by the Government of the Philippines, its political subdivisions and its instrumentalities, are hereby considered as of an absolutely confidential nature and may not be examined, inquired or looked into by any person, government official, bureau or office, except upon written permission of the depositor, or in cases of impeachment, or upon order of a competent court in cases of bribery or dereliction of duty of public officials, or in cases where the money deposited or invested is the subject matter of the litigation.”



4. Under Republic Act No. 245 as amended by Presidential Decree No. 1878 (All Investments in Treasury Bonds are absolutely confidential)

“Section 1. Republic Act No. 245, as amended, is hereby further amended by adding two new sections after Section 2 thereof, to read as follows:

Section 2-A. All investments in evidences of indebtedness issued under this Act and denominated in foreign currencies shall be freely transferable and remittable abroad and are hereby declared as and considered of an absolutely confidential nature and, except upon the written permission of the investor or holder, in no instance shall such investments be examined, inquired or looked into by any person, government official, bureau or office, whether judicial, administrative or legislative, or any other entity whether public or private: *Provided, Further,* That said investments shall be exempt from attachment, garnishment, or any other order or process of any Court, legislative body, government agency or any administrative body whatsoever.”

5. Under Republic Act No. 10173 (Data Privacy Act of 2012):

“Section 3 (I) Sensitive personal information refers 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 been committed by such person, the disposal of such proceedings, or the sentence 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.”

“Section 13. *Sensitive Personal Information and Privileged Information.* – The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases: xxx”

“Section 32. *Unauthorized Disclosure.* – (a) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from one (1) year to three (3) years and a fine of not less than



Five hundred thousand pesos (Php500,000.00) but not more than One million pesos (Php1,000,000.00).

(b) Any personal information controller or personal information processor or any of its officials, employees or agents, who discloses to a third party sensitive personal information not covered by the immediately preceding section without the consent of the data subject, shall be subject to imprisonment ranging from three (3) years to five (5) years and a fine of not less than Five hundred thousand pesos (Php500,000.00) but not more than Two million pesos (Php 2,000,000.00).”

Reverse Search. SEC may not conduct reverse search involving individuals and their relation to companies which maybe connected to them and the corresponding registration numbers, pursuant to National Privacy Commission Advisory Opinion No. 2017-29 dated June 23, 2017. NPC stated that “The exemption from Data Privacy Act requirements afforded to personal data being processed by journalists may not be invoked by the latter when insisting that the reverse search module facility be made accessible to the public anew.xxx In any case, as correctly pointed out by SEC, journalists may still secure information they require through corporate documents that continue to be available to the public via the SEC i-View and SEC Express System.”

6. Under Republic Act No. 9510 (Credit Information System Act):

“Section 6. *Confidentiality of Credit Information.* - The Corporation, the submitting entities, the accessing entities, the outsource entities, the special accessing entities and the duly authorized non-accessing entities shall hold the credit information under strict confidentiality and shall use the same only for the declared purpose of establishing the creditworthiness of the borrower. Outsource entities which may process and consolidate basic credit data are absolutely prohibited from releasing such data received from the Corporation other than to the Corporation.

The accreditation of an accessing entity, a special entity and/or an outsource entity which violates the confidentiality of, or which misuses, the credit information accessed from the Corporation, may be suspended or revoked. Any entity which violates this section may be barred access to the credit information system and penalized pursuant to Section 11 of this Act.

The Corporation shall be authorized to release and disclose consolidated basic credit data only to the Accessing Entities, the Special Accessing Entities, the Outsource Entities and Borrowers. Basic Consolidated basic credit data released to Accessing Entities shall be limited to those pertaining to existing Borrowers or Borrowers with pending credit applications. Credit information shall not be released to entities other than those enumerated under this Section except upon order of the court.”



3. Under Republic Act No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees):

“Section 7. Prohibited Acts and Transactions. - In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful: xxx (c) Disclosure and/or misuse of confidential information. - Public officials and employees shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public, either: (1) To further their private interests, or give undue advantage to anyone; or (2) To prejudice the public interest.”

8. Under Section 3, Rule 4, of the Rules Implementing the Republic Act No. 6713

“Section 3. Every department, office or agency shall provide official information, records or documents to any requesting public, **except** if:

(a) such information, record or document must be kept **secret** in the interest of national defense or security or the conduct of foreign affairs;

(b) such disclosure would put the life and safety of an individual in imminent danger;

(c) the information, record or document sought falls within the concepts of established **privilege** or recognized exceptions as may be provided by law or settled policy or jurisprudence;

(d) such information, record or document comprises **drafts** of decisions, orders, rulings, policy decisions, memoranda, etc.;

(e) it would disclose information of a personal nature where disclosure would constitute a clearly unwarranted **invasion of personal privacy**;

(f) it would disclose **investigatory records** compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, or (iv) unjustifiably disclose investigative techniques and procedures; or

(g) it would disclose information the **premature disclosure** of which would (i) in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant



SEC FOI Manual

financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or (ii) in the case of any department, office or agency be likely or significantly to frustrate implementation of a proposed official action, except that subparagraph (f) (ii) shall not apply in any instance where the department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.”

9. Deliberative Process Privilege

The information like the internal deliberations of the Supreme Court and other collegiate courts, or executive sessions of either house of Congress, are recognized as **confidential**. This kind of information cannot be pried open by a co-equal branch of government. A frank exchange of exploratory ideas and assessments, free from the glare of publicity and pressure by internal parties, is essential to protect the independence of decision making of those tasked to exercise Presidential, Legislative and Judicial power. [*Chavez –vs- Public Estates Authority, 433 Phil 506 (2002)*].

All the great branches of government are entitled to this treatment for their own decision and policy making conversations and correspondence. It is unthinkable that the disclosure of internal debates and deliberations of the Supreme Court or the executive sessions of either Houses of Congress can be compelled at will by outside parties. [*Neri –vs- Senate Committee on Accountability of Public Officers and Investigations, GR- 180643, March 25, 2008*]

To qualify for protection under the deliberative process privilege, the agency must show that the document is both (1) **predecisional** and (2) **deliberative**.

A document is “**predecisional**” under the deliberative process privilege if it precedes, in temporal sequence, the decision to which it relates. In other words, communications are considered predecisional if they were made in the attempt to reach a final conclusion.

A material is “**deliberative**,” on the other hand, if it reflects the give-and-take of the consultative process. The key question in determining whether the material is deliberative in nature is whether disclosure of the information would discourage candid discussion within the agency. If the disclosure of the information would expose the government’s decision making process in a way that discourages candid



SEC FOI Manual

discussion among the decision-makers (thereby undermining the courts' ability to perform their functions), the information is deemed privileged. [*In Re: Production of Court Records and Documents and the Attendance of Court officials and employees as witnesses under the subpoenas of February 10, 2012 and the various letters for the Impeachment Prosecution Panel dated January 19 and 25, 2012, Supreme Court Resolution dated February 14, 2012, pp. 16-17*]

10. Sub Judice Rule

In essence, the *sub judice* rule restricts comments and disclosures pertaining to pending judicial proceedings. The restriction applies not only to participants in the pending case, *i.e.*, to members of the bar and bench, and to litigants and witnesses, but also to the public in general, which necessarily includes the media.

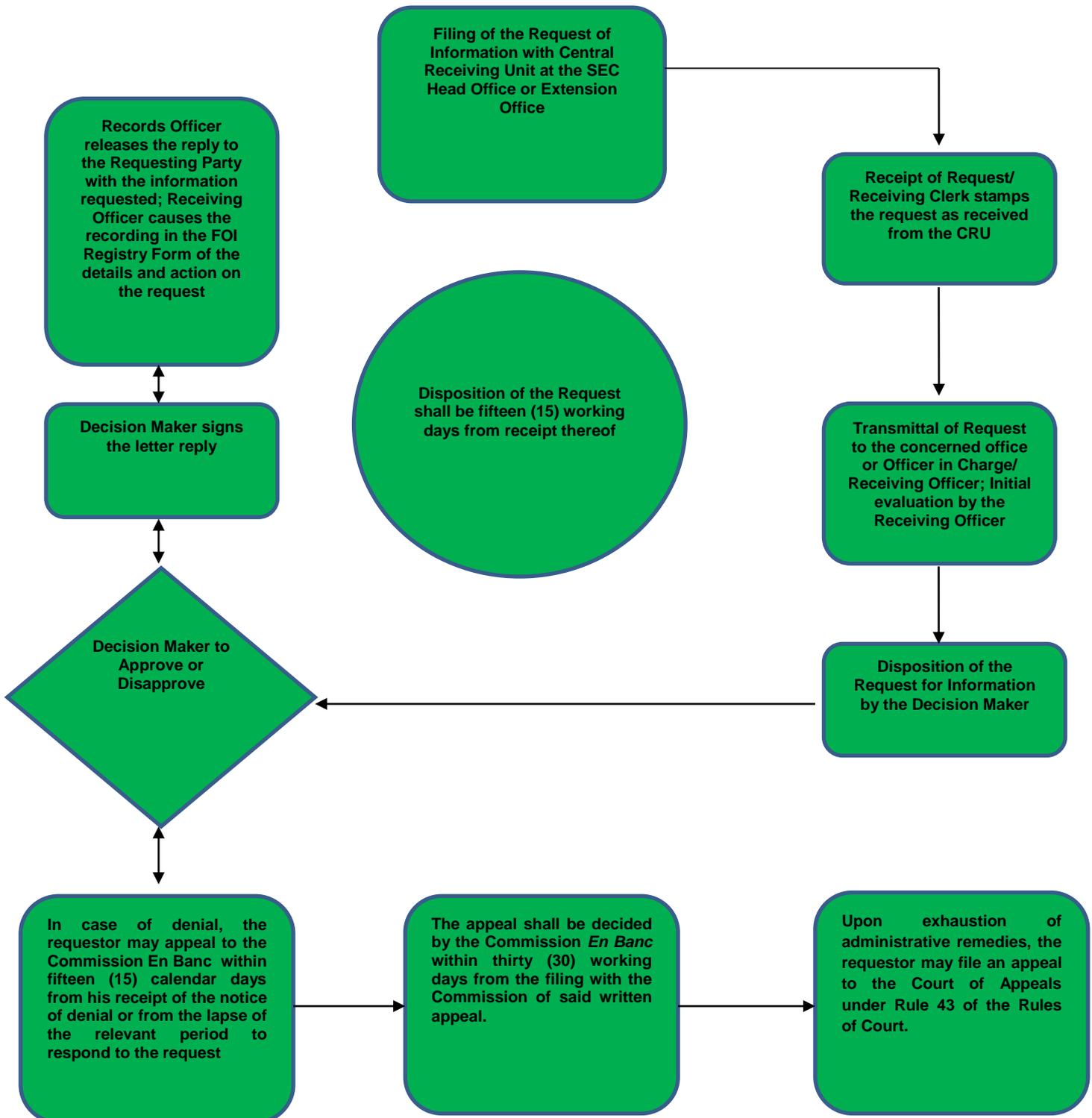
The court, in a pending litigation, must be shielded from embarrassment or influence in its all-important duty of deciding the case. Any publication pending a suit, reflecting upon the court, the parties, the officers of the court, the counsel, etc., with reference to the suit, or tending to influence the decision of the controversy, is contempt of court and is punishable. [*Lejano –vs- People, GR-176389, December 14, 2010*]

11. Privileged Communications

The improper disclosure of confidential information learned in official capacity is made criminally punishable under Article 229 of the Revised Penal Code.

Moreover, Section 3(k) of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, and Section 7 of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees, made criminally punishable the improper disclosure of confidential information.

**SECURITIES AND EXCHANGE COMMISSION
FOI Request Flow Chart**





SECURITIES AND EXCHANGE COMMISSION

Head Office : Secretariat Building, PICC Complex, Roxas Boulevard, Pasay City, 1307

Website : www.sec.gov.ph

Public Information and Assistance Hotlines

Company Registration and Monitoring Department	818-5554
Human Resource and Administrative Department	818-1119 ; 818-7215
Enforcement and Investor Protection Department	818-5704
Market and Securities Regulation Department	818-2016
Corporate Governance and Finance Department	818-9227

FOI Receiving Officers

Name of Department/ Office	Location of FOI Receiving Office	FOI Receiving Officers	Contact Details
Electronic Records Management Division, Information and Communications Technology Department, West Wing, 1F Secretariat Building, PICC, Roxas Boulevard, Pasay City	Central Receiving Unit, Ground Floor, Secretariat Building, PICC	Ms. Isma C. Gonzales Mr. Herbert E. Mendoza	icgonzales@sec.gov.ph hemendonza@sec.gov.ph
Office of the General Counsel 3F Secretariat Building, PICC, Roxas Boulevard, Pasay City	Central Receiving Unit, Ground Floor, Secretariat Building, PICC	Atty. Nestie C. Clet	nccllet@sec.gov.ph
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Authorities:

- [SEC Resolution No. 506 (2017)]
- [SEC Office Order No. 442 (2017)]
- [SEC Resolution No. 766 (2016)]
- [SEC Office Order No. 513 (2016)]