



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

**In the Matter of the People's
Freedom of Information (FOI)
Manual**

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OVERVIEW

The COMELEC has always maintained the principle of transparency, accountability and full disclosure of its affairs pursuant to Sec. 7, Article III of the Constitution¹. Thus, the adoption of this Freedom of Information Manual with reference to Executive Order No. 2, *Series of 2016 entitled "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor"* is purely a policy decision on the part of the Commission, voluntarily imposing upon itself the tenets of FOI in pursuance of its mandate as vanguard of democracy and guardian of the people's voice;

¹ Section 7. 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.

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CHAPTER I

GENERAL PROVISIONS

Section 1. Scope – This Manual shall cover all requests for information directed to and/or received by the Commission on Elections (COMELEC).

Section 2. Purpose – For purposes of transparency, efficiency and efficacy of public service in the implementation of Executive Order No. 2, series of 2016, this Freedom of Information (FOI) Manual is issued to inform and guide all the stakeholders of the Commission on Elections, both internal and external, the proper procedure in accessing the needed information.

Section 3. Legal Bases – This manual is based on the following laws, rules and regulations:

- a. The 1987 Philippine Constitution
 - (i.) **Section 28, Article II** which states, *“Subject to reasonable conditions prescribed by law. the State adopts and implements a policy of full public disclosure of all its transactions involving public interest”*.
 - (ii) **Section 7, Article III** which reads, *“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”*.
- b. **Executive Order No. 02, series of 2016 dated July 23, 2016** entitled *“Operationalizing in the Executive Branch the People’s Constitutional Right to Information and the State Policies of Full Public Disclosure and Providing Guidelines Thereof”*².
- c. **Memorandum from the Executive Secretary, Office of the President of the Philippines, dated November 24, 2016** with the subject *“Inventory of Exceptions to Executive Order No. 2, series of 2016”*³.
- d. **Republic Act No. 10173 dated July 25, 2011** known as the *“Data Privacy Act of 2012”*⁴

² Appendix "A"

³ Appendix "B"

⁴ Appendix "C"

- e. **Republic Act No. 9485** known as the “*Anti-Red Tape Act of 2007*”⁵.

CHAPTER II

DEFINITION OF TERMS

Section 4. Definition of Terms. – The terms used in this Manual are defined as follows:

a) Administrative FOI Appeal shall refer to an independent review by the COMELEC Appeals and Review Committee (CARC) of the denial of an FOI request, pursuant to a written appeal filed by the requesting party.

b) Annual FOI Report shall refer to a report to be filed each year with the Presidential Communications Operations Office (PCOO) by the COMELEC detailing the implementation of its FOI system. It shall contain detailed statistics on the number of FOI requests and appeals received, processed, and pending before the COMELEC.

c) COMELEC shall pertain to the Commission on Elections.

d) COMELEC Appeals and Review Committee (CARC) - The Committee (CARC) composed of the Chairman/Commissioner and two (2) members with the minimum rank of Director IV, to be designated by the Chairman, whose function is to review the denial of an FOI request, pursuant to a written appeal filed by the requesting party.

e) COMELEC FOI Decision Maker (CFDM) - The COMELEC official who shall be responsible for granting or denying an FOI request after a thorough evaluation thereof.

f) COMELEC FOI Receiving Officer (CFRO) - The COMELEC official who will receive or address FOI requests

g) data.gov.ph shall refer to the Open Data website that serves as the government’s comprehensive portal for all public government data that is searchable, understandable, and accessible.

h) FOI request shall refer to a written request for records or information on any topic or subject filed personally with the COMELEC. Only Filipino citizens may file an FOI request.

i) Freedom of Information (FOI) or right to information shall refer to the right of Filipinos to information on matters of public concern. This right is indispensable to the exercise of their right, together with that of their organizations,

⁵ Appendix "D"

to effective and reasonable participation at all levels of social, political and economic decision-making.

j) Information shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data which, if pertaining to statistical data shall be, as far as practicable, sex-disaggregated, 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 COMELEC pursuant to law, executive order, and rules and regulations or in connections with the performance or transaction of its official business.

k) Open data refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

l) Personal Data shall refer to all types of personal information. For the purpose of this Manual, the term shall include both personal information and sensitive personal information.

m) 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.

n) Sensitive personal information shall refer to personal information:

1. About an individual 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 proceedings for any offense committed or alleged to have 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 of 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.

CHAPTER III

ACCESS TO INFORMATION

Section 5. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts,

transactions or decisions, as well as to government research data used as basis for policy development.

Section 6. Exceptions to Right of Access to Information. The following are exceptions to the right of access to information, as recognized by the Constitution, existing laws or jurisprudence including, but not limited to, those listed in the updated Inventory of Exceptions⁶ issued by the Office of the President for the guidance of all government offices and instrumentalities covered by the Executive Order and the general public:

- a) Information covered by Executive Privilege;
- b) Privileged information relating to national security, defense or international relations;
- c) Information concerning law enforcement and protection of public and personal safety;
- d) Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
 - a. Information of personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, personal information or records, including sensitive personal information, birth records, school records, or medical or health records;

Sensitive personal information as defined under the Data Privacy of 2012 and in this Manual.

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.

⁶ Appendix "B"

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including: (1) the fact that the individual is or was an officer or employee of the government institution; (2) the title, business address and office telephone number of the individual; (3) the classification, salary range and responsibilities of the position held by the individual; and (4) the name of the individual on a document prepared by the individual in the course of employment with the government.⁷

e) Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their function, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;

f) Prejudicial premature disclosure;

g) Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;

h) Matters considered confidential under banking and finance laws, and their amendatory laws; and

j) Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

Section 7. Guidance on Request for a copy of a Voter Registration Record (VRR). The following shall be noted in all requests for a copy of a VRR generated from the Biometric Registration Database:

a) Section 9 of Republic Act No. 10367, otherwise known as “An Act Providing for Mandatory Biometrics Voter Registration” pertinently provides as follows:

"Section 9. Database Security. – The database generated by biometric registration shall be secured by the Commission and shall not be used, under any circumstance, for any purpose other than for electoral exercises

⁷ Appendix "B"

b) Minute Resolution No. 15-0685 dated 21 September 2015 resolved that the database generated by biometric registration shall not be used for any purpose other electoral exercises pursuant to Minute Resolution No. 13-1132 dated October 17, 2013 and Republic Act No. 10367.

c) It is resolved moreover that in response to subpoenas that may be received by COMELEC for the submission or presentation of Voter's Registration Records (VRRs) of certain registered voters for non-electoral purposes, the Election Officers may issue a Certification following the sample format prepared by the Law Department.

d) Minute Resolution No. 13-1132 dated 17 October 2013 has resolved, among others that:

1. requests for voter's registration data may be granted only if:

a) The voter himself, or his duly authorized representative, requests for the same; or

b) An order is issued by a court or tribunal exclusively for use in electoral cases pending before it.

Further, this Commission's Privacy Management Program (PMP) provides for the guidelines on the processing and handling of personal information, to wit:

2.2 POLICIES

A. Collection and Use of Personal Data including the Requirements for Consent

The Commission collects and holds personal information for the purpose of carrying out its mandate, functions and activities. In some cases, the Commission may use or disclose personal information for a purpose other than that for which it was collected, but it will not give data subject's personal information **unless**:

(1) the data subject gives his/her consent, or

(2) it is legally required or authorized under laws, rules and regulations, or court or tribunal order.

Access to personal information by persons other than the data subject himself/herself is only permitted when there is a specific authorization with proof of identity of both the data subject and the authorized representative.

Section 8. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated Inventory of Exceptions circularized by the Office of the President provided in the succeeding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

CHAPTER IV

COMPLIANCE TO DATA PRIVACY ACT

Section 9. Protection of Privacy. While providing access to information, public records and official records, the COMELEC shall afford full protection to the right to privacy of the individual, pursuant to the Data Privacy Act and other applicable laws and policies. Specifically, it shall:

- a. Ensure that personal data in its custody or under its control are disclosed only as permitted by existing laws if it is material or relevant to the subject-matter of the request and its disclosure is permissible under existing law, rules or regulations;
- b. Protect personal data in its custody or under its control by adopting appropriate security measures against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts; and
- a. Ensure that its COMELEC FOI Receiving Officer (CFRO), FOI Decision Maker (CFDM), or any other personnel, official or director with access whether authorized or unauthorized, to personal data in the custody or under the control of the COMELEC, shall not disclose such data except as authorized by existing laws, rules or regulation.

Section 10. Upholding Data Privacy Principles. In releasing information subject of an FOI request, the COMELEC shall adhere to the principles of transparency, legitimate purpose and proportionality.

Section 11. Assistance to Other Government Agencies. The COMELEC may receive requests for opinion from different government agencies on disclosure of information that affects data privacy, mindful of its mandate of safeguarding the right to privacy while supporting the free flow of information.

CHAPTER V

PROMOTION OF OPENNESS IN THE GOVERNMENT

Section 12. Keeping of Records. Subject to existing laws, rules, and regulations, COMELEC shall create and/or maintain accurate and reasonably complete records of

important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

Section 13. Availability of SALN. Subject to the provisions contained in Sections 5 and 13 of this Manual, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of EO 2, Series of 2016.

Section 14. Duty to Publish Information. The COMELEC shall regularly publish, print and disseminate, at no cost to the public and in an accessible form, in conjunction with Republic Act. No. 9485, or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information including, but not limited to:

- a. A description of the 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 and profiles of its key officials, including their powers, functions and responsibilities;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budget, 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.

Section 15. Responsibility of COMELEC. The Commission on Elections is responsible for all actions carried out under this Manual, but may delegate this responsibility and/or specific functions necessarily included herein to other officers or employees of the COMELEC.

Section 16. COMELEC FOI Receiving Officer (CFRO). The following are hereby designated as the CFRO who may delegate the authority to directly receive or address FOI requests to their immediate subordinate/s. :

- a. Main Office - Director IV of the Education and Information Department (EID)
- b. Provincial Office - Provincial Election Supervisor
- c. City/Municipal Office - The City/Municipal Election Officer

The functions of the CFRO shall include:

- a. Receiving on behalf of the Commission, all FOI requests: *Provided*, that this shall include conducting an initial evaluation of the request, advising the requesting party whether the request will be forwarded to the COMELEC FOI Decision Maker (CFDM) for further evaluation, or denying the request based on the following reasons:
 - 1) the form of the FOI is incomplete; or
 - 2) the information requested is already disclosed in the COMELEC's official website or at data.gov.ph.
- b. Monitoring all FOI requests and appeals;
- c. Providing assistance to the CFDM;
- d. Providing assistance and support to the public, and other officers and employees of the COMELEC with regard to FOI requests;
- e. Notify the person making the request of the decision of CFDM and if the request is granted, direct him/her to pay the applicable fee/s, in cash, either in the Cashier's Office at the Main Office or in the nearest field office, in such amount based on the Order of Payment issued by the proper office concerned; and
- f. Compiling statistical information regarding FOI requests, as may be required.

Section 17. COMELEC FOI Decision Maker (CFDM). The Executive Director (ED) and the Regional Election Director (RED), within the latter's Area of Responsibility, shall be the FOI Decision Maker (CFDM) of the COMELEC at the Main Office and Regional Offices, respectively, who shall be responsible for granting or denying an FOI request after a thorough evaluation thereof.

A denial of an FOI request may be based on any of the following grounds:

- a. The COMELEC does not have the information requested;
- b. The information requested contains personal data protected under the Data Privacy Act of 2012;
- c. The information requested falls under the inventory of exceptions provided in the Memorandum from the Executive Secretary issued on 24 November 2016 and subsequent issuances; or
- d. 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 COMELEC.

In the event of the official leave of absence of the Executive Director or the Regional Election Director, the COMELEC may temporarily designate as CFDM the Deputy Executive Director for Administration (DEDA) or the Assistant Regional Election Director (ARED), respectively.

Section 18. Directory of COMELEC Offices. The location and contact information of the offices and departments in the main office and regional, provincial,

city and municipal offices in the field, where the public can obtain information or submit requests are hereto appended as **Appendix "E"**.

CHAPTER VI FILING OF FOI REQUEST

Section 19. Standard Form - A standard form for the submission of requests and for the proper acknowledgment of requests, as provided in this Manual as **Appendix "F"** shall be used in all Requests for Information with COMELEC;

Section 20. Procedure. The following procedure shall govern the filing and processing of request for access to information:

(a) Any person who requests access to information shall submit a written request to COMELEC. The request shall state the name and contact information of the requesting party, provide valid proof of his/her identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by COMELEC, indicating the date and time of receipt and the name, rank, title and position of the receiving COMELEC officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. COMELEC shall establish a system to trace the status of all requests for information received by it.

(d) COMELEC shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the COMELEC's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The COMELEC shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

(f) Once a decision is made to grant the request, the CFRO shall notify the person making the request of such decision and direct the Requesting Party to pay any applicable fees, in cash, either at the Cashier's Office at the Main Office or the nearest field office, in such amount based on the Order of Payment issued by the proper office concerned..

Section 21. Receipt of FOI Request. The CFRO shall receive an FOI request from the requesting party and check the compliance thereof with all the following requirements as stated in the preceding provision. Thus,

- a. It must be in writing;
- b. It shall state the name and contact information of the requesting party, and shall include a valid proof of identification and/or authorization; and
- c. It shall reasonably describe the information requested, and the reason or the purpose thereof.

In case the requesting party is unable to make a written request due to illiteracy or a disability, he or she may make an oral request, which the CFRO shall reduce into writing.

The request shall be signed and stamped "received" by the CFRO, indicating the date and time of receipt thereof: *Provided*, that where the CFRO has delegated the authority to directly receive or address FOI requests to a subordinate, the name and rank, title, and/or position of the latter, shall also be indicated in the request and signed by him/her: *Provided further*, that the requesting party shall be furnished with a copy of his or her request, as received by the COMELEC. *Provided finally*, that the CFRO shall input the details of the request on the Request Tracking System and assign thereto a reference number.

The Records Officer of the COMELEC shall be furnished with a copy of the FOI request for documentation and preparation of an Annual FOI Report for submission to the Presidential Communications Operations Office (PCOO).

Section 22. No Request Fee. The COMELEC shall not charge any fee for accepting requests for access to information; however, the reproduction of the documents/records/information shall be shouldered by the requesting party.

Section 23. Request Tracking System. The COMELEC shall establish a sex-disaggregated monitoring or tracking system for all FOI requests.

CHAPTER VII

DISPOSITION OF FOI REQUEST

Section 24. Period for Compliance. The COMELEC must respond to an FOI request within fifteen (15) working days following the date of receipt thereof. In computing for the period, Art. 13 of the New Civil Code shall be observed. For this purpose, the date of receipt of the FOI will either be:

- a. The date when the request is physically or electronically delivered to or received by the proper office of the COMELEC; or

- b. Where the COMELEC has asked the requesting party for further details necessary to properly address the request, the date when the necessary clarification is received by the COMELEC.

Section 25. Initial Evaluation. The CFRO shall make an initial evaluation within two (2) working days upon receipt of an FOI request.

Where the request is determined to be non-compliant with the form prescribed by this Manual, specifically Section 19 hereof, and/or relates to information already disclosed in the COMELEC's official website or at *data.gov.ph*, the CFRO shall return the same to the requesting party with the website link where the information requested shall be accessed.

Section 26. Transmittal of the FOI Request to the CFDM. After the CFRO makes a determination that the FOI request is compliant with the provisions of the Manual, he or she shall forward the same to the CFDM.

Section 27. Evaluation of the FOI Request by the CFDM. The CFDM shall make a thorough evaluation of the FOI request upon receipt of the same.

- a. If the CFDM approves the FOI request, he or she shall forward the same to the appropriate departments/offices that will provide the information or record subject of the request. The departments/offices shall act on the request within three (3) working days upon receipt thereof and relay the information or record requested to the FDM for dissemination or release. The CFDM shall ensure all information or records for disclosure are checked for possible exceptions, prior to their actual release.
- b. If the CFDM needs further details to identify or locate the information requested, he or she shall, through the CFRO, seek clarification from the requesting party. The clarification shall stop the running of the fifteen (15) working day- period within which to respond to the request.
- c. If the FOI request can only be addressed with the involvement of different departments/offices of the COMELEC, the CFDM shall furnish said departments/offices with a copy of the request and ensure proper coordination between them towards addressing the request. Unless a longer period is necessary to address the request as determined by the concerned departments/offices, the latter shall act on the request within three (3) working days from the receipt thereof from the CFDM.
- d. If due to fortuitous events, addressing the request will require an extended period, or if the information requested will require an extensive search of the COMELEC's records or facilities, or an examination of voluminous records, the CFDM, shall request for an extension of the period within which to respond to the request. This shall be relayed to the requesting party, through the CFRO, who shall set forth reasons for the delay. In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

- e. If the CFDM determines that a record subject of the request contains information of interest to another government agency or office, the CFDM shall consult with such agency or office regarding the disclosure of the record before making any final determination thereon.
- f. If the requested information is not in the custody of COMELEC, the CFDM shall instruct the CFRO to undertake the following steps:
 - 1. If the information requested is deemed to be in the custody or under the control of another government agency or office, the request must be transferred to such agency or office at the soonest possible time. The CFRO must inform the requesting party of the action taken and reason thereon within the fifteen (15) working day period.
 - 2. If the information or records subject of the request is deemed to be in the custody or under the control of another government agency of office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that agency or office, if known.
- g. If the requested information is substantially similar or identical to a previous request by the same requesting party, the CFDM shall deny the same. Such denial shall be relayed to the requesting party through the CFRO.
- h. Where the FDM denies the FOI request wholly or partially, based on any of the other grounds provided in this Manual, he or she shall relay this fact to the CFRO, including the ground or grounds for such denial.

Section 28. Notice to the Requesting Party of Action Taken on the Request. Once the CFDM approves or denies an FOI request, he or she shall immediately notify the CFRO of such fact, including, where applicable, the grounds for the action taken.

The CFRO shall provide the requesting party with a written notification of the action taken by the COMELEC within the prescribed period.

Where applicable, the notice shall clearly set forth the ground or grounds for denial and circumstances on which the denial is based.

If the request is granted, the notice shall also direct the requesting party to pay the applicable fees, if any, in cash either to the Cashier's Office at the Main Office or the nearest field office/

Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of such request.

CHAPTER VIII

FEEES FOR APPROVED FOI REQUEST

Section 29. Reasonable Cost of Reproduction and Copying of the Information. In the event that the request to information is approved, the CFRO shall immediately notify the requesting party of the applicable printing, reproduction and/or copying fee.

Section 30. Schedule of Applicable Fees. The following schedule of applicable fees is based on the Resolutions promulgated by the Commission En Banc on the dates indicated therein, viz:

A) Resolution No. 93-0076 dated January 12, 1993 "In the matter of the Memorandum dated 06 January 1993 of Executive Director Resurreccion Z. Borra re memorandum of Director Mamasapunod Aguam, Dir. IV, Planning Department, on the Fees to be Charged for Copying Encoded Data"

Description/Particulars	Fees to Access Records Photocopying Fees and Other Related Charges
PRINTING – Coupon Bond	Short size - Double space P2.00/page Short size - Single space P3.00/page Long size - Double space P2.50/page Long size - Single space P3.50/page
Continuous Form (Single Ply)	80 columns - Double space P4.00/page 80 columns - Single space P5.00/page 132 columns- Double space P4.50/page 132 columns- Single space P5.50/page
Continuous Form (Double Ply)	80 columns - Double space P6.00/page 80 columns - Single space P6.50/page 132 columns- Double space P7.00/page 132 columns- Single space P7.50/page
COPYING in Diskettes	P 0.50/page
COPYING without Diskettes	+ P18/diskette <i>Note: 1) No Dbase file may be disk copied. 2) Disk copying is subject to the discretion of the Department Head.</i>
PROGRAMMING/ REFORMATTING in accordance with a request	P3.00/page

B) Resolution No. 02 -0130 dated September 18, 2002 "In the Matter of the Memoranda of Director Fely J. Angeles, Director Ma. Josefina E. Dela Cruz and Director Ferdinand T. Rafanan Concerning Resolution No. 01-1098, dated September 6, 2001 Relative to the Legal Fees and Charges and Clarification on the Filing Fee for Election Protest Filed with the Municipal Circuit Trial Courts, Metropolitan Trial Courts or the Regional Trial Courts Including Barangay and Municipal Elective Positions"

Description/Particulars	Filing Fees and Other Charges
A. SPECIAL ACTIONS	
1. Petition to deny due course/Cancel Certificates of candidacy ⁸	Php 3,000.00
2. Proceedings against Nuisance Candidates	3,000.00
3. Disqualification of Candidates	3,000.00
4. Petition to Postpone/Suspend Election	3,000.00
5. Petition for Failure of Election	3,000.00
6. Petition to Annul Election	3,000.00
B. SPECIAL PROCEEDINGS	
1. Petition to annul list of voters	3,000.00
2. Petition to register political parties ⁹	5,000.00
3. Petition to register sectoral party, organization or coalition ¹⁰	3,000.00
4. Petition to cancel/revoke registration of items 3 and 4 ¹¹	3,000.00
5. Petition to accredit as major political party	5,000.00
6. Manifestation to participate under the party-list system	3,000.00
7. Petition to accredited Citizens' Arm	3,000.00
8. Petition to revoke accreditation as Citizens' Arm	3,000.00
9. Certification of Registration of Political party	5,000.00
C. SPECIAL CASES (PRE-PROCLAMATION CONTROVERSIES)¹²	
1. Petition against illegal composition or proceedings of the Board of Canvassers	3,000.00
2. Petitions covering items (b), (c) and (d) Section 4 Rule 27 of the Comelec Rules of Procedure	3,000.00
3. Petition for correction of manifest errors	3,000.00
4. Petition to annul proclamation	3,000.00
D. ELECTION MATTERS	
1. Petition /Oppositions pertaining to Recall Elections, Initiative, Plebiscite, Referendum, and	5,000.00

⁸ Amended by Resolution No. 9523 dated September 25, 2012: "In the Matter of the Amendment to Rules of Procedure for Purposes of the 13 May 2013 National, Local and ARMM Elections and Subsequent Elections."

⁹ Amended by Resolution No. 9366 dated February 21, 2012 "Rules And Regulations Governing the: 1) Filing of Petitions for Registration;

¹⁰ Ibid

¹¹ Ibid

¹² Not allowed in RA 8436, "An Act Authorizing The Commission Of Elections To Use An Automated Election System In The May 11, 1998 National Or Local Elections And In Subsequent National And Local Electoral Exercises". as amended

2. All other contentious matter not falling under items A, B, and C hereof.	3,000.00
E. ELECTION AND QUO WARRANTO CASES	
1. Election Protests ¹³	5,000.00
2. Quo Warranto Cases	5,000.00
3. Counter-Protest ¹⁴	5,000.00
F. SPECIAL RELIEF CASES	
1. Special Relief Cases (SPR)	3,000.00 (for every petitioner)
*With prayer for INJUNCTIVE RELIEFs	200.00 (additional)
G. APPEAL CASES	
Appeal Fee ¹⁵	
1. For election cases appealed from Regional Trial Court	3,000.00/Appeal fees (per appellant) shall be paid directly to the Cash Division Commission on 3,000.00} Elections in (per appellant) cash or in postal money order
2. For election cases appealed from courts of limited jurisdiction	
3. For election offense cases appealed from the Office of the Provincial and the Chief State Prosecutor	500.00
H. INTERVENTION	
Petition/Protest in intervention	3,000.00
I. LEGAL RESEARCH FEES	
Special Actions ¹⁶ , Election Matter, Election Contests with Quo Warranto, Intervention, Election Cases appealed from the Regional Trial Court, Courts of limited jurisdiction, Office of the Provincial Prosecutor, and Special Proceeding ¹⁷ , and Special Cases (Pre-Proclamation Controversies) and Special Reliefs	50.00
Legal Research Fee for every case to be paid by the petitioner, protestant, intervenor-petitioner/protestant and appellant	

¹³ Amended by Resolution No 8804 dated March 22, 2010 "COMELEC Rules of Procedure on Disputes in an Automated Election System in Connection with the May10, 2010 Elections"

¹⁴ Ibid

¹⁵ Amended by EAC (AE) NO. A-30-2010 entitled ALDRICH ALAAN, ET AL., versus MERALUNA S. ABROGAR, ET AL. promulgated on August 21, 2011

¹⁶ Amended by Resolution No. 9523, supra."

¹⁷ Amended by Resolution No. 9366, supra.

II. INCIDENTAL FEES AND CHARGES PERTINENT TO CASES IN ITEM No. 1	
<p>1. TECHNICAL EXAMINATION FEES (ELECTION RETURNS/VRS)</p> <p>1. Compensation of</p> <p>a) Handwriting Examiner</p> <p>b) Document Examiner</p> <p>c) Clerk/Typist</p> <p>d) Ballot box Custodian</p> <p>e) VRR/Election Returns Custodian</p> <p>2. Cash Deposit</p>	<p>To be computed</p> <p>a) Per actual expenses to be incurred relative to the gathering, transporting and securing the ballot boxes containing the Election Returns and/or VRRs from the point of origin to Comelec, Manila and</p> <p>b) Overtime services rendered for item 1</p>
2. EXAMINATION OF ELECTION RETURNS	
<p>1. Compensation of</p> <p>a) Clerk of the Commission</p> <p>b) Stenographer/Clerk</p> <p>c) Ballot Box Custodian</p> <p>d) Official of the Commission directed to bring the election returns</p> <p>2. Cash Deposit</p>	<p>To be computed</p> <p>a) per actual expenses to be incurred relative to the gathering, transporting and securing the ballot boxes containing the election returns from point of origin to Comelec, Manila and</p> <p>b) Overtime services rendered for item 2</p>
3. PROCESS SERVER	<p>50.00 (for first 4 kilometers)</p> <p>10.00 (for succeeding km.)</p>
4. WITNESS	(Actual travelling expenses by the cheapest means of transportation)
5. SUMMONS FEE	100.00 (per respondent charged to petitioner)
6. REVISION FEES	
<p>1) Compensation of REVISION COMMITTEES¹⁸</p> <p>a) Chairman</p> <p>b) Revisor</p> <p>Protestant/Protestee</p> <p>c) Recorder</p>	<p>(per precinct)</p> <p>180.00</p> <p>120.00</p>

¹⁸ Amended by Resolution No. 8804, supra.

d) Clerk/Typist	80.00
e) Ballot Box Custodian	70.00
	70.00
2) Storage for contested ballot boxes	3.00 (per ballot box)
3) Photocopying fees	
Compensation of	
a) Supervisor	20.00
b) Recorder	15.00
c) Ballot Box Custodian	10.00
d) Asst. Ballot Box Custodian	10.00
4) Cash Deposit ¹⁹ (The amount shall be applied to the controversy especially in the delivery of ballot boxes from point of origin to Comelec, Manila and vice-versa)	To be computed per actual expenses to be incurred relative to the gathering, transporting of the ballot boxes from the point of origin to Comelec, Manila
7. BAILIFF FEE ²⁰	50.00 (for first 4 kms.) 10.00 (for succeeding km) Processes served out of town by personal service when requested shall be at the expense of the requesting party
8. OTHER RELEVANT INCIDENTAL EXPENSES RELATIVE TO AN ELECTION PROTEST/SPECIAL RELIEF AND ELECTION APPEAL CASES/SPECIAL ACTIONS (SPA)/SPECIAL CASES (SPC)/SPECIAL PROCEEDINGS (SPP) ²¹	To be computed per actual expenses to be incurred
IV. LEGAL FEES	
1. For filing of a Motion for Reconsideration of an Interlocutory Order ²²	300.00
2. For Filing of a Motion for Reconsideration on a decision, order or resolution ²³	500.00
3. For certified transcript of stenographic notes (TSN) per page of 250 words. Payment for certified TSN shall be at the rate of ten (10.00) per each page of not less than two hundred fifty (250) words payable	10.00

¹⁹ *Ibid*

²⁰ *Amended by Resolution No. 09-0416 dated July 7, 2009 "In the Matter of the Request of ECAD Bailiffs for Fund to Cover Expenses in Connecton with the Performance of their Duties"*

²¹ *Amended by Resolution No 8804, supra.*

²² *Amended by Resolution No. 9366, supra.*

²³ *Ibid*

at the Cash Division, ASD, provided, however, that one-half of the total charges shall be paid to the Commission and the other half to the Stenographer concerned through the usual process of disbursement by check.	
4. For certified copies of any record, decision, ruling or entry of the Comelec	100.00 (for the first 10 pages) 2.00 (for succeeding pages)
5. For every certificate not on process (inactive file, undocketed and terminated cases)	60.00 (for the first 10 pages) 2.00 (for succeeding pages)
6. For every search of any record of election cases	20.00 (per page)
7. For every search of any record pertaining to election cases and reading the same	50.00
8. For machine copy of any list documents or records using machines of requesting parties	1.00 (per page)
9. For machine copying of any list of documents or records using machines and materials of the Commission	2.00 (per page)
10. For every issuance of certified true copy of VRR or CVL Form 1-B or certification as registered voter	75.00
11. Filing fee for application for Gun Ban Exemption	500.00
12. For every "READ ONLY" diskette for CVL data	15.00 (per precinct)
13. Authentication of ballots being xeroxed by requesting party on order of a Division/En Banc	2.00 (per ballot)
V. NON-LEGAL FEES	
1. Laundry service fee for occupants of Baguio Cottages	
a) Comelec organic personnel (throughout the duration of stay in the cottage)	50.00
b) Non-Comelec	100.00 (per occupant/day) 50.00 (succeeding per day)

OFFICE OF THE CLERK OF THE COMMISSION (OCOC)

Description / Particulars	Filing Fees and Other Charges	Resolution
A. Petition to Deny Due Course to or Cancel Certificates of Candidacy	Filing Fee – ----- P10,000.00 Legal Research Fee – P100.00	Resolution No. 9523 dated September 25, 2012: “ In the Matter of the Amendment to Rules of Procedure for Purposes of the 13 May 2013 National, Local and ARMM Elections and Subsequent Elections.”
	TOTAL - P10,100.00	
B. Filing of Petitions for Registration	Filing Fee ----- -P10,000.00 Legal Research Fee – P100.00	Resolution No. 9366 dated February 21, 2012 “Rules And Regulations Governing the: 1) Filing of Petitions for Registration; 2) Filing of Manifestation of Intent to Participate; 3) Submission of Names of Nominees; and 4) Filing of Disqualification Cases Against Nominees of Party-List Groups or Organizations Participating under the Party-List System of Representation in Connection with the May 13, 2013 National and Local and Subsequent Elections Thereafter.”
	TOTAL -P10,100.00	
C. Opposition to a Petition for Registration	Filing Fee – -----P10,000.00 Legal Research Fee – P100.00	
	TOTAL -P10,100.00	
D. Petition to Deny Due Course or to Cancel Certificate of Nomination of Party-List Nominees	Filing Fee ----- - P10,000.00 Legal Research Fee – P100.00* <i>*Additional filing and legal fees if there are more than one (1) respondent at Filing Fee – P10,000.00 and Legal Research Fee – P100.00 for each respondent-nominee</i>	
E. Filing for Motion for Reconsideration	Filing fee ----- P1,000.00* <i>*Additional filing fees shall be charged if there are more than one (1) respondent at P1,000.00 for each respondent-nominee.</i>	

ELECTORAL CONTEST ADJUDICATION DEPARTMENT (ECAD)

C) Resolution No. 09-0416 dated July 7, 2009 "In the Matter of the Request of ECAD Bailiffs for Fund to Cover Expenses in Connection with the Performance of their Duties"

Description/Particulars	Fee / Charge
Bailiff's Fee	P500.00

D) Resolution No 8804 dated March 22, 2010 "COMELEC Rules of Procedure on Disputes in an Automated Election System in Connection with the May 10, 2010 Elections"

Description/Particulars	Legal Fees and Other Charges
<p>1. Protest, Counter Protest Fees</p>	<p style="text-align: right;">Php 10,000.00</p> <p>If claims for damages and attorney's fees are set forth in a protest or counter-protest, additional filing fees shall be paid in accordance with the schedule provided for in Rule 141 of the Rules of Court, as amended.</p>
<p>2. Protest requiring recount of ballots or re-tabulation of Election Returns, or which may require the bringing to the Commission of copies of other election documents, printed or electronic, as well as the machines or devices to which electronic election documents are stored or may be processed²⁴</p>	<p>Cash Deposit</p> <p>1) 1,500.00 – for each precinct involved in the protest or counter-protest; provided that, in no case shall the deposit be less than 25,000.00 to be paid upon the filing of the election protest/counter-protest</p> <p>2) If the amount to be deposited does not exceed P100,000.00, the same shall be paid in full within 10 days after the filing of protest</p> <p>3) If the deposit exceeds P100,000.00, a cash in the amount of P100,000.00 shall be made within 10 days after the filing of the protest</p> <p>The balance shall be paid in such installments as may be required by the Commission with at least 5 days advance notice to the party required to make the deposit.</p> <p>The Cash Deposit shall be applied by the Commission to the payment of compensation of Recount Committee under Section 3, Rule 15 of these Rules and all expenses incidental to the recount but not limited to the supplies and miscellaneous expenses of the Recount Committee. When the Commission determines that the circumstances so demand, as when the deposit has been depleted, it may require additional cash deposit. Any unused cash</p>

²⁴ Amended by COMELEC Resolution No. 10-0780 dated August 17, 2010: "In the Matter of the Payment of Cash Deposit for Recounting of Ballots in Election Protest Cases"

	<p>deposit shall be returned to the party making the same after complete termination of the protest or counter- protest.</p> <p>The same amount of Cash Deposit shall be required from the protestee (counter- protestant) should continuation of recount be ordered. Once required, the protestee (counter- protestant) shall pay the cash deposit within a non-extendible period of 3 days from receipt of the corresponding order.</p>
3. Compensation of the members of the Recount Committee²⁵	<p>P1,500.00 per clustered precinct and distributed as follows:</p> <ul style="list-style-type: none"> a) Chairman -----520.00 b) Recorder ----- 240.00 Ballot Box Custodian ----- 240.00 c) Typist ----- 240.00 Supplies/Materials ----- 184.00 Storage of election paraphernalia -----6.00 d) Honoraria of the warehouse handler -----50.00
4. Costs; when allowed	<p>Costs shall be allowed to the prevailing party as a matter of course. The Commission shall have the power for special reasons, to apportion the costs, as may be equitable. The Commission may under judgment for costs if a protest, or a counter protest is found to be frivolous, double or treble costs may be imposed on the protestant of the counter- protestant</p>
5. Damages and Attorney's fees	<p>In all election contests, the Commission may adjudicate damages and attorney's fees, as it may deem just and as established by the evidence, if the aggrieved party has included such claims in the pleadings.</p>

E) Resolution No. 10-0780 dated August 17, 2010: "In the Matter of the Payment of Cash Deposit for Recounting of Ballots in Election Protest Cases"

Description/ Particulars	Legal Fees and Other Charges
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²⁵ Ibid.

CASH DEPOSIT FOR RECOUNTING OF BALLOTS IN ELECTION PROTEST CASES (EPC)	P3,000.00 (per clustered precinct)
	P1,500.00 (single precinct)
COMPENSATION OF RECOUNT COMMITEE	P3,000.00 (per clustered precinct)
	P1,500.00 (single precinct)

SUMMARY OF FEES

Description/Particulars	Legal Fees and Other Charges	COMELEC Resolution
A. ELECTION PROTEST (EPC)	P10,000.00	No. 8804 promulgated March 22, 2010
Bailiff's Fee	P500.00	No. 09-0416 promulgated July 7, 2009
Summon's Fee	P100.00	No. 02-0130 promulgated September 18, 2002
Legal Research Fee	P50.00	No. 02-0130 promulgated September 18, 2002
TOTAL	P10,650.00	
B. COUNTER PROTEST	P10,000.00	No. 8804 promulgated March 22, 2010
Bailiff's Fee	P500.00	No. 09-0416 promulgated July 7, 2009
Summmon's Fee	P100.00	No.02-0130 promulgated September 18, 2002
Legal Research Fee	P50.00	No.02-0130 promulgated September 18, 2002
TOTAL	P10,650.00	
C. ELECTION APPEAL CASES (EAC)	P3,200.00	EAC (AE) NO. A-30-2010 entitled ALDRICH ALAAN, ET AL., versus MERALUNA S. ABROGAR, ET AL., PROMULGATED August 21, 2011
Bailiff's Fee	P500.00	No.09-0416 promulgated July 7, 2009
Legal Research Fee	P50.00	No.02-0130 promulgated September 18, 2002
TOTAL	P3,750.00	

D. QUO WARRANTO	P10,000.00	No. 8804 promulgated March 22, 2010
Bailiff's Fee	P500.00	No. 09-0416 promulgated July 7, 2009
Summon's Fee	P100.00	No. 02-0130 promulgated September 18, 2002
Legal Research Fee	P50.00	No. 02-0130 promulgated September 18, 2002
TOTAL	P10,650.00	
E. SPECIAL RELIEF CASES (SPR)	P3,000.00	No. 09-0130 promulgated September 18, 2002
With Prayer for T.R.O., Preliminary Injunction and Status Quo Ante Order	P200.00	No. 09-0130 promulgated September 18, 2002
Bailiff's Fee	P500.00	No. 09-0416 promulgated July 7, 2009
Legal Research Fee	P50.00	No. 02-0130 promulgated September 18, 2002
TOTAL	P3,750.00	
F. Motion for Reconsideration (Resolutions/Orders)	P500.00	No. 02-0130 promulgated September 18, 2002
G. Motion For Reconsideration (Interlocutory Order)	P300.00	No. 02-0130 promulgated September 18, 2002
H. CASH DEPOSIT (PROTEST, COUNTER PROTEST, INTERVENTION, DEPENDING ON THE NUMBER OF CONTESTED PRECINCTS)	P1,500.00 – (For Single Precinct) P3,000.00 - (For Clustered Precincts)	No. 10-0780

F) Memorandum No. 200666 from Office of COMELEC Secretary dated December 02, 2020

Issuance of Certified True Copy of Voters' Overseas Registration Record (OVR) and other OV-related certificates, subject to the same legal fee exemption granted by the Commission to senior citizens, persons with disabilities, indigenous peoples and detainees pursuant to Minute Resolution No. 14-0837 dated 25 November 2014.....P100.00

Section 31. Discounted Fees²⁶. Students are hereby granted discounts in the acquisition of copies of election documents, at the option of the Election Records and Statistics Department (ERSD) as long as it is to the best interest of the Commission and to the government. Thus:

OPTION 1

Type of Document	Student Discounted Rate	
	Hardcopies	Softcopies (subject to availability)
<i>National Elections (Elective Positions: President, Vice-President, Senators, Party-List Representatives)</i>		
Provincial Certificate of Canvas	P 1.00 per PCOC	P 0.50 per PCOC
City/Municipal Certificate of Canvass	P 1.00 per CMCO	P 0.50 per CMCO
Statement of Votes by Precinct	P 1.00 Per CP	P 0.50 per SOVP
<i>Local Elections (Elective Positions: Member, House of Representatives, Governor, Vice-Governor, Provincial Board Members, Mayor, Vice-Mayor, Councilors)</i>		
Certificate of Canvass and Proclamation	P 1.00 per COCP	P 0.50 per COCP
City/Municipal Certificate of Canvass	P 1.00 per CMCO	P 0.50 per CMCO
Statement of Votes by City and Municipality	P 1.00 per SOVM	P 0.50 per SOVM
Statement of Votes by Precinct	P 0.50 per 10 CPs	P 0.25 per 10 CPs
List of Candidates with Votes Obtained	P 1.00 per List	P 0.50 per List
Voter's Turnout	P 1.00 per page	P 0.50 per page
<i>Barangay and SK Elections (Elective Positions: Barangay Chairman and Kagawad, SK Chairman and SK Kagawad)</i>		
Certified List of Candidates with Votes Obtained Ranked from Highest to Lowest	P 0.50 per barangay	P 0.50 per barangay

²⁶ Minute Resolution No. 19-1019 dated October 23, 2019 "In the Matter of the Proposed Guidelines in the Grant of Student Discount in the Acquisition of Copies of Election Documents",

(Barangay Chairman and Kagawad)		
Certified List of Candidates with Votes Obtained Ranked from Highest to Lowest (SK Chairman and SK Kagawad)	P 0.50 per barangay	P 0.50 per barangay
Voter's Turnout	P 1.00 per page	P 0.50 per page

OPTION 2

An outright 50% discount of the total cost of reproduction for the requested documents based from the original cost of P 2.00 per page (hard copy) and P 0.50 per page (soft copy)

Section 32. Exemption from Fees. Where the requesting party is an indigent with competent proof thereof from the proper authority, the COMELEC may exempt the requesting party from the payment of fees.

Moreover, Senior Citizens, Persons with Disabilities (PWDs), Indigenous Peoples and Detainees are also exempted from the "payment of legal fees in the amount of Seventy-Five Pesos (P75.00) for the issuance of certified true copy of the voters registration record (VRR) or of CVL Form !-B or certification as registered voter as provided in Minute Resolution No. 09-0884 dated December 1, 2009"²⁷.

CHAPTER IX

DENIAL OF REQUEST

Section 33. Notice of Denial. If the COMELEC decides to deny the request, in whole or in part, it shall, as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

Section 34. Transmittal of Information to the Requesting Party. Upon receipt of the requested information from the CFDM, the CFRO shall collate and

²⁷ Minute Resolution No. 14-0837 dated November 25, 2014 "In the Matter of the Request of the Regional Federation of Senior Citizens Association of the Philippines (RFSCAP) R4-B MIMAROPA for Issuance of Voters Registration Record and Waiver of Payment Thereof"

ensure that the information is complete. He or she shall attach a cover or transmittal letter signed by the CFDM and ensure the transmittal thereof to the requesting party.

CHAPTER X

REMEDIES FOR DENIED FOI REQUEST

Section 35. COMELEC Appeals and Review Committee (CARC). There shall be a COMELEC Appeals and Review Committee (CARC) composed of the Chairman/Commissioner and two (2) members with the minimum rank of Director IV, to be designated by the Chairman, whose function is to review the denial of an FOI request, pursuant to a written appeal filed by the requesting party.

Section 36. Administrative FOI Appeal. A person whose FOI request has been denied may file a written appeal with the Appeal and Review Committee (ARC) of the COMELEC. *Provided*, that the 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 an FOI request.

The ARC shall decide on the appeal within thirty (30) working days from the filing thereof. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

Section 37. Judicial Appeal. Upon exhaustion of all administrative remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

CHAPTER XI

ADMINISTRATIVE LIABILITY

Section 38. Administrative Penalties for Non-compliance.²⁸ Failure to comply with the provisions of this Manual shall be ground for the following administrative penalties for Violation of Reasonable Office Rules and Regulations:

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

Section 39. Applicability of Administrative Procedure. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

²⁸ Violation of Reasonable Office Rules and Regulations, Annex 3b- ADMINISTRATIVE OFFENSES AND SANCTIONS (Based on the CSC Administrative Rules on Administrative Cases in the Civil Service), IGOV.PH Integrated Government Philippines Program

CHAPTER XII
FINAL PROVISIONS

Section 40. Amendment. The COMELEC shall be afforded flexibility to make necessary adjustment to refine its rules and procedures as provided for in this FOI Manual by virtue of its plenary powers granted to it by the Constitution. It therefore reserves its right to amend any provision herein, as it deems necessary, pursuant to its policy, rules and regulations.

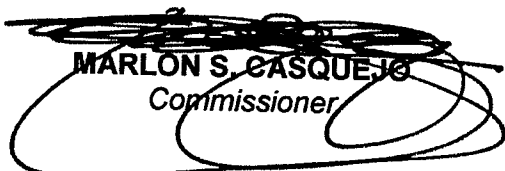
Section 41. Separability Clause. If any section or part of this Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

Section 42. Effectivity. This Manual shall take effect immediately upon publication in a newspaper of general circulation.


SHERIFF M. ABAS
Chairman


MA. ROWENA AMELIA V. GUANZON
Commissioner


SOCORRO B. INTING
Commissioner


MARLON S. CASQUEJO
Commissioner


ANTONIO T. KHO, JR.
Commissioner

CERTIFICATION

APPROVED by the Commission En Banc on December 16, 2020 pursuant to COMELEC RESOLUTION NO. 10671 entitled: "Supplemental Resolution to COMELEC Resolution No. 9936 Promulgated March 25, 2015 entitled, "Rule on the Enactment and Promulgation of Executive or Administrative Resolutions providing for other format of meetings to include online meetings applicable in times of the COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations".


ATTY. CONSUELO B. DIOLA
Acting Commission Secretary

APPENDICES:

<i>Appendix</i>	<i>Title / Description</i>
A	Executive Order No. 02, series of 2016 dated July 23, 2016 entitled "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Polices of Full Public Disclosure and Providing Guidelines Thereof"
B	Memorandum from the Executive Secretary, Office of the President of the Philippines, dated November 24, 2016 with the subject "Inventory of Exceptions to Executive Order No. 2, series of 2016"
C	Republic Act No. 10173 dated July 25, 2011 known as the "Data Privacy Act of 2012"
D	Republic Act No. 9485 known as the "Anti-Red Tape Act of 2007"
E	Directory of COMELEC Offices.
F	Standard Request Form
G	Resolution No. 93-0076 dated January 12, 1993 "In the matter of the Memorandum dated 06 January 1993 of Executive Director Resurreccion Z. Borra re memorandum of Director Mamasapunod Aguam, Dir. IV, Planning Department, on the Fees to be Charged for Copying Encoded Data"
H	Resolution No. 02 -0130 dated September 18, 2002 "In the Matter of the Memoranda of Director Fely J. Angeles, Director Ma. Josefina E. Dela Cruz and Director Ferdinand T. Rafanan Concerning Resolution No. 01-1098, dated September 6, 2001 Relative to the Legal Fees and Charges and Clarification on the Filing Fee for Election Protest Filed with the Municipal Circuit Trial Courts, Metropolitan Trial Courts or the Regional Trial Courts Including Barangay and Municipal Elective Positions"
I	Resolution No. 9523 dated September 25, 2012: "In the Matter of the Amendment to Rules of Procedure for Purposes of the 13 May 2013 National, Local and ARMM Elections and Subsequent Elections"
J	Resolution No. 9366 dated February 21, 2012 "Rules And Regulations Governing the: 1) Filing of Petitions for Registration; 2) Filing of Manifestation of Intent to Participate; 3) Submission of Names of Nominees; and 4) Filing of Disqualification Cases Against Nominees of Party-List Groups or Organizations Participating under the Party-List System of Representation in Connection with the May 13, 2013 National and Local and Subsequent Elections Thereafter."
K	Resolution No. 09-0416 dated July 7, 2009 "In the Matter of the Request of ECAD Bailiffs for Fund to Cover Expenses in Connecton with the Performance of their Duties"



L	Resolution No 8804 dated March 22, 2010 "COMELEC Rules of Procedure on Disputes in an Automated Election System in Connection with the May 10, 2010 Elections"
M	Resolution No. 10-0780 dated August 17, 2010: "In the Matter of the Payment of Cash Deposit for Recounting of Ballots in Election Protest Cases"
N	Memorandum No. 200666 dated December 02, 2020 with advance copy of Resolution entitled "In the Matter of the Request to Confirm the One Hundred Pesos (P100.00) Fee Charged for the Issuance of Overseas Voters Registration Records (OVRs) and other Certifications by the Office for Overseas Voting (OFOV)"
O	Minute Resolution No. 19-1019 dated October 23, 2019: "In the Matter of the Proposed Guidelines in the Grant of Student Discount in the Acquisition of Copies of Election Documents",
P	Minute Resolution No. 14-0837 dated November 25, 2014: "In the Matter of the Request of the Regional Federation of Senior Citizens Association of the Philippines (RFSCAP) R4-B MIMAROPA for Issuance of Voters Registration Record and Waiver of Payment Thereof"



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- Philippine National Police (PNP)
- National Privacy Commission (NPC)
- Professional Regulation Commission (PRC)
- Department of Budget and Management (DBM)

This FOI Manual was drafted by the Planning Department, with inputs from ERSD, ECAD, COC, Law Department and OFOV on applicable fees, submitted, for consultation, to all Senior Officers of COMELEC, both main and field, and was approved by the Commission En Banc on December 16, 2020.



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