

DENR Administrative Order
No. 97-24
July 30, 1997

**SUBJECT : DENR Policy on the Release or
Disclosure of Information**

Consistent with the provisions of the Philippine Constitution which promotes transparency in all official transactions of the government involving public interest, Rules Implementing Republic Act 6713 (Code of Conduct and Ethical Standards for Public Officers and Employees), Memorandum Circular No. 78, Series of 1964 (Security of Classified Matter in Government Departments and Instrumentalities), Memorandum Circular No. 89, Series of 1993 (National Government Policy on Accessibility and Transparency), the following policies are hereby adopted on the release or disclosure of DENR information:

Sec. 1. Objectives. — This policy and guidelines aim to:

- 1.1 provide public access to all official data or information as results of official acts, transactions, or decisions of the Department involving public interest, and research data used in policy development and related activities;
- 1.2 promote the timely delivery and/or retrieval of reliable, processed, or validated data and/or information.
- 1.3 encourage the constructive and legitimate use of information in promoting public interest and national development goals; and
- 1.4 safeguard the unauthorized acquisition of classified, confidential or sensitive data and/or information that may be used against national security or interest by unauthorized individuals or entities.

Sec. 2. Scope. — These policies shall be implemented without prejudice to existing government policies on communication security. These include the following:

- 2.1 All DENR-generated documents, records, communications, and other related materials, whether prepared by any of its officers or employees as part of their regular functions or duties, or by any non-government entity commissioned by the DENR to undertake the preparation of certain documents;
- 2.2 Data or information or documents submitted by DENR clientele concerning their application or proposal for Environment and Natural Resources (ENR) management and other DENR activities; and
- 2.3 Information, opinions, statements of DENR officials, functionaries, employees and consultants given during interviews and/or press conferences.

Section 3. Procedural Guidelines.

3.1 DENR Written Documents

- 3.1.1 All DENR written documents shall be classified or categorized in as follows and in accordance with Annexes 1 and 2:
 - a. For general/public circulation (PC)
 - b. For limited circulation (LC)
 - c. Restricted Documents (RD)
 - d. Confidential Documents (CD)
 - e. Top Secret/Secret Documents (TS/S)

- 3.1.2 Generally, all documents classified as PC (for General/Public Circulation) should be made available to the public even without any formal or written request. A copy of the documents classified as PC shall be turned over by the originating office to either the Public Information Division, Records Management and Documentation Division, or the Library, for dissemination. Inquiries through the telephone may be entertained only if the information requested is classified as PC.
- 3.1.3 Documents classified as LC (for Limited Circulation) are made available to concerned parties, subject to the submission of a formal or written request stating therein the purpose, and/or payment of reproduction fee, if necessary. This classification generally refers to completed technical or detailed reports prepared by DENR personnel. Approval of the request shall be under the discretion of the Director concerned or his/her designated officer/s.
- 3.1.4 Documents classified as RD (Restricted Documents) are for internal use only, i.e. within DENR, and can only be accessed by other interested parties through a formal or written request stating therein the purpose. This classification generally refers to documents that are preliminary in nature and are awaiting approval or decision by the DENR official concerned. Approval of the request shall be under the discretion of the Director concerned, after the requesting party has signed a certification that the information will be used solely for the purpose specified.

- 3.1.5 Documents classified as Confidential or CD are solely available to concerned DENR officials/personnel and therefore, cannot be accessed, handled, reproduced by unauthorized persons. Data or Information submitted by the DENR clientele concerning their applications/ proposals for ENR management and other DENR activities shall be classified as CD. Disclosure of such information rests on the discretion of the Secretary or his/her designated officer, or upon order of higher official or the courts.
- 3.1.6 Documents classified as Top Secret/Secret or TS/S are those, which when revealed indiscriminately, could endanger national security or seriously injure the interest or prestige of the nation. Access to such documents is reserved to the Department Head and other concerned higher officials and cannot be disclosed without clearance from the President or his/her authorized representative.
- 3.1.7 *The originating office or the source of information/documents shall be responsible for assigning the initial classification to the document according to the categories mentioned in Section 3.1.3 hereof . A reclassification may take place depending on the action or policy taken thereon by the recipient of the document, in which cases the receiving office will reclassify the document using Annexes 1 and 2 hereof.*
- 3.1.8 All DENR documents shall be labeled with the initials of their appropriate classification before they leave the source or the originating office. In case a reclassification is necessary after the documents has been acted upon by the receiving office or the succeeding offices where the

documents has been referred to, the label shall be replaced accordingly.

3.2 Information Dissemination through Interviews.

- 3.2.1 Authorized spokesperson of the Department on critical issues of national/international import is the Secretary, unless he/she designates another spokesperson.
- 3.2.2 Bureau/Office Directors, Regional Executive Directors (REDs) and Regional Directors (RDs) of MGB may issue statements only on matters within their respective functional areas of operation or jurisdiction. The same principle shall apply to Assistant Directors (ADs) and Regional Technical Directors (RTDs), but only upon prior authorization from their respective Directors.
- 3.2.3 Where statements of the Bureau Directors/REDs/ RDs may effect the jurisdiction of another sector or region, or impact on the Department as a whole, prior clearance should be obtained from the Senior Official concerned. The same principle shall apply to ADs and RTDs who have been authorized by their respective Directors to issue statements on their respective concerns.
- 3.2.4 In areas where the Department policy or position still has to be defined or resolved, issuance of statements is best left to the Secretary or his/her designated spokesperson. Where the Secretary has made a public statement on such an area, other Department/Bureau/Regional officials may give statements along that line.

- 3.2.5 Where a subject matter adversely affects the internal affairs of another executive agency, the Congress, the Judiciary, Constitutional bodies or a foreign country, issuance of statements should be left to the Secretary or his/her designated representative.
- 3.2.6 Where information is critical e.g., graft and corruption, personal matters, agency image, etc., statements should have prior clearance and consultation from the Secretary or his/her designated representative and the official/person concerned.
- 3.2.7 Official DENR positions affecting respective regional, provincial and community offices shall be furnished to said offices. The Public Information Division and Records Management and Documentation Division shall ensure of timely release of such information.

Sec. 4. Sanctions and Penalties.

Violation of the aforementioned policies shall be considered a ground for appropriate legal action. Any official or employee of the DENR violating any of these policies is therefore, subject to punishment prescribed under Rules X and XI of the Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees RA 6713, and also Section 23 of the Omnibus Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees RA 6713, and also Section 23 of the Omnibus Rules Implementing Book V of Executive Order (EO) No. 292, other Civil Service Laws, and under the Revised Penal Code.

Section 23, letter (x) of the Omnibus Rules considers the disclosure or misuse of confidential or classified information as a grave offense with the corresponding penalty of suspension for six (6) months to one (1) year for the first offense, and dismissal for the second offense.

Sec. 5. Transitory Provisions.

The HEA shall oversee the implementation of these policies. The Public Information Division and Records Management and Documentation Division of the DENR Central Office, and the Public Affairs Office of Regional Offices and Bureaus shall cooperate with the HEA to properly implement these policy and guidelines. They shall also recommend for improvement of these policy and guidelines.

Sec. 6. Separability Clause.

Any provision of this Order which may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

Sec. 7. Repealing Clause.

All other Orders, Memoranda and other issuances or parts thereof which are inconsistent with this Order, are hereby repealed, amended, or modified accordingly.

Sec. 8. Effectivity Clause.

This Order shall take effect fifteen (15) days after publication in newspapers of general circulation.

(Sgd.) VICTOR O. RAMOS
Secretary