

University of the Philippines Diliman
DATA PROTECTION TEAM

05 March 2018

MEMORANDUM

Reference No. DPT 18-03

FOR : [Redacted]
[Redacted]

SUBJECT : Request of the Office of the Solicitor General (OSG) for the Statement Of Assets, Liabilities and Net Worth (SALN) and certification of years of employment of [Redacted]

Dear [Redacted]:

We render our opinion on the letter of the OSG your good office forwarded to us. The letter requests for the all the SALNs and a certification as to which years [Redacted] taught and worked in the University.

Issues

We address the following:

- I. Can the University, through the [Redacted], provide to OSG copies of [Redacted] SALN?
- II. Can the University, through the [Redacted], provide to OSG a certification as to which years [Redacted] worked in UP?

Opinion

- I. Yes, the University may provide copies to the OSG. The Solicitor General may call on instrumentality of the Government for assistance as necessary in fulfilling its functions and responsibilities.
- II. Yes, the University may provide the certification to the OSG. The Data Privacy Act of 2012 expressly exempts this type of government information from the Personal Information Controller's obligation to keep private.

Discussion

SALNs may be provided to the OSG

The Administrative Code of 1987 Book IV states:

“SECTION 35. *Powers and Functions.* — The Office of the Solicitor General...

It shall have the following specific powers and functions:

x x x

(9) Call on any department, bureau, office, agency or instrumentality of the Government for such service, assistance and cooperation as may be necessary in fulfilling its functions and responsibilities”¹

The OSG has the power to call upon the University – which is an instrumentality of the Government – for the service to provide copies of [Redacted] SALNs.

SALNs are public documents which are available to the public for inspection or copying. The Code of Conduct and Ethical Standards for Public Officials and Employees, which is the primary law that requires filing of SALNs, states:

“Section 8. Statements and Disclosure. - Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the **right to know, their assets, liabilities, net worth** and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

x x x

C) Accessibility of documents. –

(1) Any and all statements filed under this Act, shall be **made available for inspection** at reasonable hours.

(2) Such statements shall be **made available for copying** or reproduction after ten (10) working days from the time they are filed as required by law.

¹ Administrative Code of 1987, Book IV, Title III, Chapter 12, Section 35(9).

(3) Any person requesting a copy of a statement shall be required to pay a reasonable fee to cover the cost of reproduction and mailing of such statement, as well as the cost of certification.”

[Emphases Supplied]

Moreover, the Solicitor General represents the Government in any litigation, proceeding, investigation or matter requiring the services of a lawyer,² the OSG’s request enjoys the presumption of regularity in the performance of its official duties. Such presumption of regularity in the performance of official duties applies favorably to the Republic.³

Certification of years worked may be provided to the OSG

The Data Privacy Act of 2012 exempts from its scope the obligation to keep private information about any individual who is or was a government officer or employee; it states:

“Section 4. *Scope.* – x x x This Act does not apply to the following:

(a) **Information about any individual who is or was an officer or employee of a government institution that 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;”⁴

[Emphasis Supplied]

The list of information on government employees not covered by the Data Privacy Act is not exclusive. Information as to which years [Redacted] taught and worked in the University “relates to the position or functions” of [Redacted]. Such information is analogous to those enumerated in the Act.

² *Idem*, Section 35.

³ *Republic v. Hachero*, G.R. No. 200973, 30 May 2016.

⁴ Republic Act No. 10173, Section 4.

Conclusion

The University, through the [Redacted], may provide the OSG its requested documents.

It is hoped that this Memorandum addresses the concerns of your good office. Feel free to reach to our Team for questions or clarifications.

Yours,

Elson B. Manahan
Data Protection Officer
University of the Philippines Diliman

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