



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
BUREAU OF JAIL MANAGEMENT AND PENOLOGY
NATIONAL HEADQUARTERS

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MEMORANDUM

FOR: THE CHIEF DIRECTORIAL STAFF
(Attn: Secretary to the Command Group)

SUBJECT: Comment on the Request for Copy of Decisions on Admin Cases
Re: Escape Incidents

DATE: 06 June 2016

1. References:

- a. Letter-Request from Atty. Rammel L Bonavente, dated 25 May 2015 re: above stated subject; and
- b. Request for comment from your office, dated 24 May 2015.

2. ICOW above-reference, subject matter being requested are public documents where access to it cannot be denied, even to an ordinary citizen, being a right guaranteed and enshrined under the 1987 Constitution.

3. *"The right of 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."*¹ (emphasis and underlining ours)

4. The peoples' constitutional right to information is intertwined with the government's constitutional duty of full public disclosure of all transactions involving public interest. For every right of the people, there is a corresponding duty on the part of those who govern to protect and respect that right. Section 28, Article II of the Constitution succinctly expresses this state policy:

*"Sec. 28. 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."*² (Emphasis supplied)

5. Access to public records, however, can be subjected to reasonable regulations as pronounced by the High Court in its several decisions:

"It is clear from the foregoing pronouncements of this Court that government agencies are without discretion in refusing disclosure of, or access to, information of public concern. This is not to lose sight of the reasonable regulations which may be imposed by said agencies in custody of public records on the manner in which the right to information may be exercised by the public.

¹ Article III, Section 7, 1987 Philippine Constitution


² Article II, Section 28, 1987 Philippine Constitution

In the Subido case, We recognized the authority of the Register of Deeds to regulate the manner in which persons desiring to do so, may inspect, examine or copy records relating to registered lands. However, the regulations which the Register of Deeds may promulgate are confined to:

prescribing the manner and hours of examination to the end that damage to or loss of, the records may be avoided, that undue interference with the duties of the custodian of the books and documents and other employees may be prevented, that the right of other persons entitled to make inspection may be insured.”³

6. Hence, this Office humbly recommends to provide the requesting party, Atty. Rammel L Bonavente a copy of all the necessary documents he requested, however, the use of the subject documents must be limited only as reference for his defense in the administrative case levelled against him, and the identity of the respondents in those decided cases must remain confidential in order to protect the dignity and integrity of our erring personnel, irrespective of their past transgression.

7. Respectfully submitted.


PAULINO H MORENO JR.
Jail Senior Superintendent
Chief, Legal Service Office

³ Valentin L. Legaspi Vs., Civil Service Commission, G.R. No. L-72119 May 29, 1987