



Republic of the Philippines
NUEVA ECIJA UNIVERSITY OF SCIENCE AND TECHNOLOGY
Gen. Tinio Street, Cabanatuan City

NEUST FREEDOM OF INFORMATION MANUAL

Approved by the Board of Regents
As per Board Resolution No. 39, s. 2017

Pursuant to Executive Order No. 02, 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 Therefor**

NEUST Vision

The NEUST is a locally responsive and internationally relevant and recognized University of Science and Technology.

NEUST Mission

To develop new knowledge and technologies and transform human resources into productive citizenry to bring about development impact to local and international communities.

NEUST CORE VALUES

N -ationalism

E - xcellence

U -nity

S - pirituality

T - ransparency

NEUST TAGLINE

Transforming communities through Science and Technology

FOREWORD

The Inter-Agency Task Force (IATF) on the Harmonization of National Government Performance Monitoring, Information and Reporting Systems issued Memorandum Circular No. 2017-1, dated March 9, 2017 entitled Guidelines on the Grant of Performance-Based Bonus for Fiscal Year 2017 under *Executive Order No. 80, s. 2012 and Executive Order No. 2, s. 2016*.

It should be noted that Sec. 5 (a.8) of the said Memorandum Circular No. 2017-1 requires that for purposes of FY 2017 PBB, “SUCs should develop their FOI Manual pursuant to the requirements and provisions of EO No. 2, s. 2016.” Furthermore, the FOI Manual should be uploaded in the Transparency Seal on or before October 1, 2017, for validation by the Presidential Communications Operation Office (PCOO).

Hence, in response to the above-cited requirement, the Nueva Ecija University of Science and Technology (NEUST), being one of the state universities in the Philippines, has come up with this FREEDOM OF INFORMATION MANUAL as crafted by the committee created by the Office of the University President by virtue of Memorandum No. 23, s. 2017, dated March 20, 2017.

The purpose of this FOI Manual (Manual) is to provide the process to guide and assist the NUEVA ECIJA UNIVERSITY OF SCIENCE AND TECHNOLOGY, in dealing with requests of information pursuant to Executive Order (E.O.) No. 2 on Freedom of Information (FOI).

On the other hand, this Manual sets the rules and procedures to be followed by the NEUST whenever a request for access to information is received.

Let it also be mentioned that the above pronouncement by authorities in the Government is exactly consistent with one of the core values of the University, that is, “TRANSPARENCY”. Thus, this Freedom of Information Manual is one concrete way of putting into action and practice such institutional value of transparency.

FELICIANA P. JACOBA, Ed.D.
SUC President III

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Section 1

Contact Information

1. **Focal Person/Office.** The official contact for purposes of this Freedom of Information shall be the Director, Publication and Public Information Office (PPIO), NUEVA ECIJA UNIVERSITY OF SCIENCE AND TECHNOLOGY (NEUST), Gen. Tinio Street, Cabanatuan City, at Telephone No. (044) 463-0226.
2. **Receiving and Releasing Officer.** The NEUST Records Officer shall serve as both the receiving and releasing officer of all requests for information from the University pursuant to the Freedom of Information Manual.

Section 2

Procedures

In accordance with Section 9 of Executive Order No. 2, s. 2016, the following procedures shall be observed:

1. Any person who requests access to information shall submit a written request to the University Records Office. The request shall state the name and contact information of the requesting party, provide valid proof of his 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.
2. The receiving officer shall provide reasonable assistance to enable the requesting party/ies, particularly those with special needs, to comply with the request requirements.
3. The request shall be stamped by the receiving office, indicating the date and time of receipt, and the name, rank, title or position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party.
4. The accomplished FOI Form 1 shall be forwarded by the receiving officer to the PPIO. The latter shall in turn indorse the same using FOI Form 2 to the Office of the President for approval, and then returned to the PPIO thereafter. The PPIO shall then furnish a copy of the approved request the concerned office in the University where the requested information shall come from. The requested information shall be forwarded by the concerned office to the PPIO which in turn shall be forwarded to the releasing officer for release to the requesting party. The releasing officer shall see to it that before the document is received by the requesting party, the latter has paid the required fees, with the OR Number being indicated in FOI Form 1.

5. The NEUST PPIO shall respond to a request fully compliant with the requirements as soon as practicable but not exceeding fifteen (15) days from the receipt thereof. The response refers to the decision of the office to grant or deny access to the information requested.
6. The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases. The Office shall notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.
7. Once a decision is made to grant the request, the person making such request shall be notified of such decision and directed to pay the required fees pursuant to Sec. 5 hereof.
8. In case the request for information is denied, wholly or partially, the PPIO shall, as soon as practicable and within 15 working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground/s for denial and the circumstances on which the denial is based.

Section 3 Standard Forms

1. **FOI Form 1 – Request for Information.** In accordance with paragraph 1 of Section 2 (Procedures) hereof, and for purposes of this Manual, the University shall adopt FOI Form 1 as shown below:

Republic of the Philippines NUEVA ECIJA UNIVERSITY OF SCIENCE AND TECHNOLOGY Cabanatuan City	
FOI Form 1	Date _____
REQUEST FOR INFORMATION	
Name of Requesting Party _____	
Address _____	
Contact Number _____	
Proof of Identification/authorization presented _____	
Information Being Requested _____	

Reason for / Purpose of the Request for Information _____	

Action Taken: _____ Granted
 _____ Denied (Reason for denial of request) _____

Fee: P _____ O.R. No. _____ Date _____

 Receiving/Releasing Officer

2. FOI Form 2 – Indorsement.

As provided for in paragraph 4, Section 2 of this manual, the following form shall be used and accomplished.

Republic of the Philippines
NUEVA ECIJA UNIVERSITY OF SCIENCE AND TECHNOLOGY
 Cabanatuan City

FOI Form 2

1stIndorsement
 _____, 20__

Respectfully forwarded to the Office of the University President the herewith attached Request for Information for approval.

The requested information may be provided by the following office/unit/department in the University:

a. _____
 b. _____
 c. _____

 Director, PPIO

Section 4
Appeal

1. Denial of any request for access to information may be appealed to the person or office next higher in authority. Provided, however, that the written appeal must be filed by the same person making the request within 15 calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

2.The appeal shall be decided by the person or office next higher in authority within 30 working days from the filing of said written appeal. Failure of such person or office to decide within the aforesaid period shall be deemed a denial of the appeal.

Section 5 Schedule of Fees

1. In extending service to the requesting party, the University shall charge an amount of Fifty Pesos (P50.00) as fee per subject of information to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations.

Committee on the Drafting of the Freedom of Information Manual

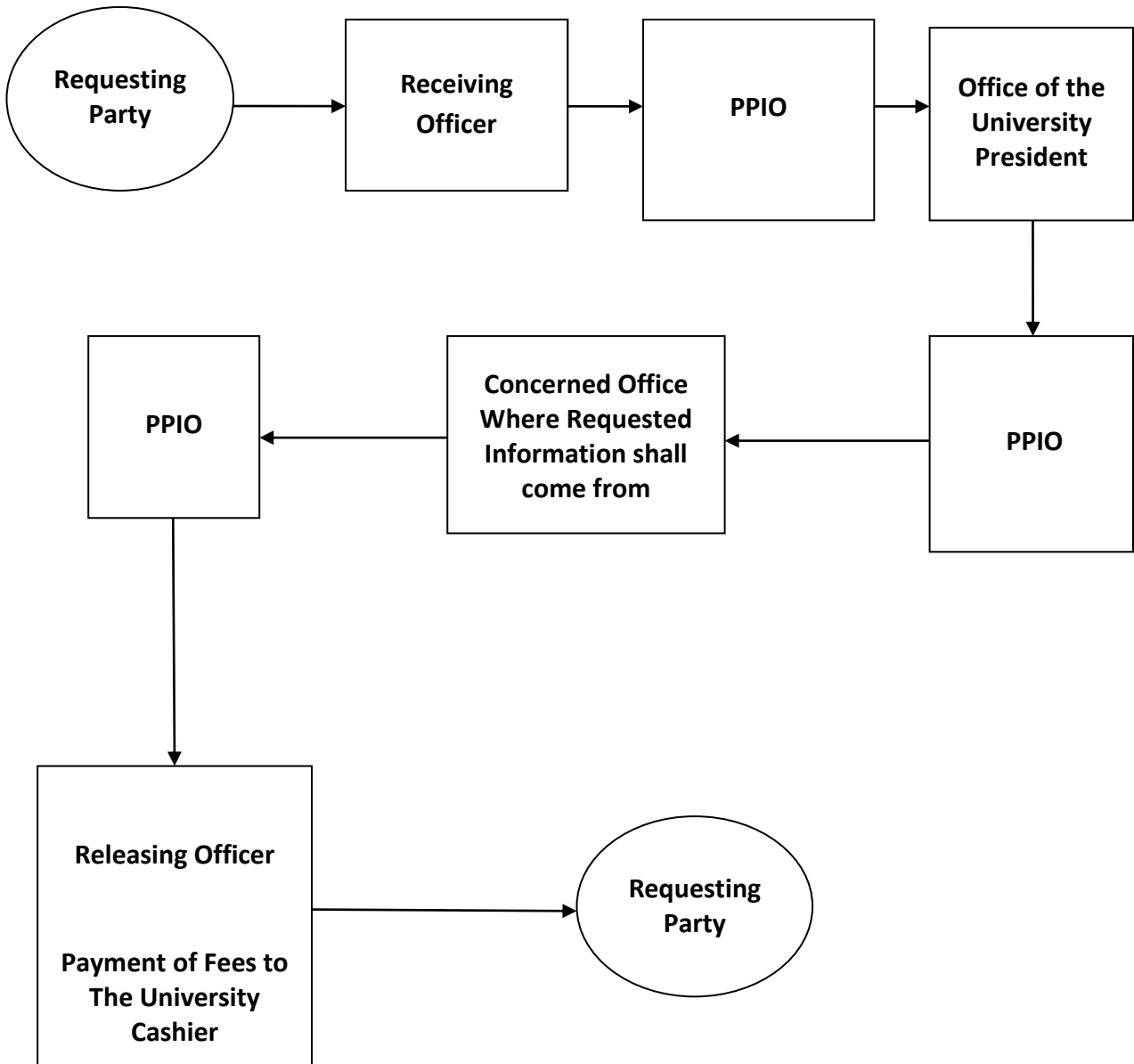
As per Memorandum No. 23, s. 2017, issued by the Office of the University President, the Committee created to study and frame the NEUST Freedom of Information Manual is composed of the following:

Chair : **Dr. Ronaldo F. Pascual**
Co-Chair : **VP Honorato P. Panahon**
Members: **Dr. Eric G. Claudio**
Dr.Arneil G. Gabriel
Mr.Celso P. Resueno

ANNEX "A"

FLOW CHART

Processing of Request for Information



ANNEX "B"

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Article 28, Article II of the Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalized these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

(a) "**Information**" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts 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 under the control and custody of any government office pursuant to law, executive order, rules and regulations or in connection with the performance or transaction of official business by any government office. (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty. (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or-controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. 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 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare any inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter, immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for security their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. 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 exceptions circularized by the Office of the President provided in the preceding 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 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 record, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations; (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements 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.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules and regulation.

SECTION 8. People's Freedom of Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests; (b) The person or office responsible for receiving requests for information; (c) The procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order. (d) The standard forms for the submission of requests and for the proper acknowledgement of requests; (e) The process for the disposition of requests; (f) The procedure for the administrative appeal of any denial for access to information; and (g) The schedule of applicable fees.

SECTION 9. 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 the government office concerned. The request shall state the name and contact information of the requesting party, provided valid proof of his identification or authorization, reasonably describe the information. Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to the law, existing rule and regulations or it is one of the exceptions contained in the inventory or updated 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, 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 the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the correspondence signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office 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 government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office 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 time.

(f) Once a decision is made of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the application fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party has already been previously granted or denied by the same government office.

SECTION 12 Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall 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 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the Director of Legal and Legislative Service, following the procedure mentioned in Section 9 of this Order: Provided, that written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.

(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices 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 15. Administrative Liability. Failure to comply with the provisions of this Order may be ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16 Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of the Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen

(Sgd.) RODRIGO ROA DUTERTE
President of the Philippines

By the President:

(Sgd.) SALVADOR C. MEDIALDEA
Executive Secretary

ANNEX "C"

DEFINITION OF TERMS

INFORMATION. Shall mean any records, documents, papers, reports, letters, contracts, minutes, and transcripts 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 any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

INFORMATION FOR DISCLOSURE. Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

FREEDOM OF INFORMATION (FOI). The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

FOI CONTACT. The name, address and phone number at each government office where you can make a FOI request

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

FOI RECEIVING OFFICE. The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

FREQUENTLY REQUESTED INFORMATION. Info released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the CHED Central or any of its Regional Offices cannot release any records in response to a FOI request, because the requested information is exempt from disclosure in its entirety or, no records responsive to the request could be located.

FULL GRANT. When a government office is able to disclose all records in full in response to a FOI request.

MULTI-TRACK PROCESSING. A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.

PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

PROACTIVE DISCLOSURE. Information made publicly available by government agencies without waiting for specific FOU request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of request or appeals where the agency has completed its work and sent a final response to the requester.

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.

REFERRAL. When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

SIMPLE REQUEST. A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

OFFICIAL RECORD/S. Shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

OPEN DATA. Refers to the publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

PUBLIC RECORDS. Shall include information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by a government office.

PUBLIC SERVICE CONTRACTOR. Shall be defined as a private entity that has dealing, contract, or a transaction or whatever form or kind with the government or a government agency or office that utilizes public funds.

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 or certainly identify a individual.

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, 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 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 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.

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