



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Bonifacio Drive, Port Area, Manila

097. 7.0 PMH
07.08.2019

July 5, 2019

DEPARTMENT MEMORANDUM)

CIRCULAR NO. **51**)
Series of 2019)
07.08.19

FOR / TO : **Undersecretaries**
Assistant Secretaries
Service Directors
Bureau Directors
Regional Directors
Heads of UPMOs
District Engineers
This Department

For information and guidance, attached is a copy of Memorandum from the Executive Secretary, Salvador C. Medialdea dated June 11, 2019 re: "**REMINDER ON THE RULES OF CONFIDENTIALITY AND PRIVILEGED NATURE OF CERTAIN GOVERNMENT MATTERS, PAPERS AND DOCUMENTS**".

For better understanding, attached also are Executive Order 608 s. 2007 and Memorandum Circular No. 78 s. 1964, as amended by Memorandum Circular No. 196 s. 1968.

A copy of said memoranda may also be downloaded from the **DPWH website: <http://dpwhweb>**. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.


ARDELIZA R. MEDENILLA, MNSA, CESO I
Undersecretary for Support Services

Incl: Memorandum from the Executive Secretary dated June 11, 2019
Executive Order 608 s. 2007
Memorandum Circular No. 78 s. 1964
Memorandum Circular No. 196 s. 1968

cc: Office of the Secretary

10.1.4 MKBA/RPE/RMB

**Office of the President
of the Philippines
Malacañang**

MEMORANDUM FROM THE EXECUTIVE SECRETARY

TO : All Heads of Departments, Bureaus and Agencies of the Government including Government-Owned or -Controlled Corporations (GOCCs) and Government Financial Institutions (GFIs)

SUBJECT : **REMINDER ON THE RULES OF CONFIDENTIALITY AND PRIVILEGED NATURE OF CERTAIN GOVERNMENT MATTERS, PAPERS, AND DOCUMENTS**

DATE : **JUN 11 2019**

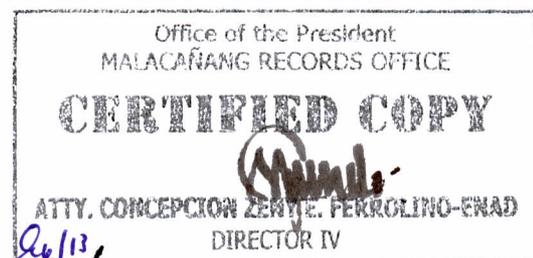
Pursuant to the policy of protecting and ensuring the integrity of classified information and preventing their unauthorized access or disclosure, all concerned are hereby directed to strictly observe the proper handling of classified matters, in accordance with the following:

- a. Executive Order No. 608 (s. 2007);
- b. Memorandum Circular (MC) No. 78 (s. 1964), as amended by MC No. 196 (s. 1968); and
- c. All other existing laws, rules, and regulations on the confidentiality of government matters, papers, and documents.

Violations of or non-compliance with the above-stated issuances shall be considered as grave offenses punishable in accordance with civil service rules and regulations and may entail the filing of the appropriate administrative, civil and/or criminal case/s.

For strict compliance.


SALVADOR C. MEDIALDEA



110-027643

EXECUTIVE ORDER NO. 608

**ESTABLISHING A NATIONAL SECURITY CLEARANCE SYSTEM
FOR GOVERNMENT PERSONNEL WITH ACCESS TO
CLASSIFIED MATTERS AND FOR OTHER PURPOSES**

WHEREAS, the government is always at constant risk of being infiltrated by a group or individual for a purpose which is inimical to national interest;

WHEREAS, these groups/individuals rely on infiltrating and/or developing contacts within the bureaucracy to be their source of intelligence and other relevant information, particularly on classified or sensitive information and materials in order to accomplish their unlawful objectives;

WHEREAS, it is the duty and responsibility of all government departments, agencies and offices to implement security measures that will protect and ensure the integrity and sanctity of classified or sensitive materials or information they have access to or in their possession;

WHEREAS, Memorandum Circular No. 78 dated August 14, 1978 and Memorandum Circular No. 196 dated July 19, 1968 were promulgated to ensure against unauthorized access or disclosure of information and classified matters which could cause grave damage to the government or national interest;

WHEREAS, there is a need to develop and institutionalize a uniform Security Clearance System that is national in scope to cover all government personnel who by reason of their function or their office have access or can have access to classified information or documents;



PGMA Hologram # 39571



NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and direct the following:

Section 1. *Institution of an Interim Security Clearance*

a. All heads of government offices or agencies handling or having access to classified matters shall strictly implement and institutionalize the security clearance procedure approved by the Office of the National Security Adviser regarding the conduct of a comprehensive background investigation on their personnel who by reason of their duty or employment, have access to classified matters as defined under Memorandum Circular No. 78 as amended by Memorandum Circular No. 196 dated July 19, 1968. It is only after passing the said security clearance procedure can the department, agency or office issue an Interim Security Clearance in favor of said employee. Only the head of the department, agency or office concerned or their designated representative can issue the Interim Security Clearance.

b. The heads of departments and/or agencies of the government or their designated agents or instrumentalities, shall before issuance of the Interim Security Clearance, issue a certification that after strictly complying with the security clearance procedure, the officer or employee is cleared to have access to classified matters indicating therein the level of such access or category of classified information to which such personnel is authorized to have access.

c. Each department, agency or office of the government granting the Interim Security Clearance shall establish and maintain a Security Investigation Index for all personnel granted such Interim Security Clearance. The records of investigation(s) and the kind of clearance(s) issued shall be made a permanent part of the personnel's 201 file. The Index shall contain the date of the investigation, the type of investigation conducted, the location of the investigative file, the date the clearance was granted, the signature of the authority granting such clearance and the category or level of classified matters to which such personnel is authorized to have access.

d. The heads of departments and/or agencies shall designate a Security Officer who shall assume responsibility for implementing and



maintaining the security clearance system in their respective jurisdiction.

e. Personnel granted an Interim Security Clearance or Security Clearance shall not disclose, share, publish or use the information contained in the classified documents or materials in any way that violates the clearance issued to them or without proper authority.

Section 2. ***Institution of Security Clearance***

a. The head of the department, agency or office of the government or their designated representatives shall forward the names of their personnel granted an Interim Security Clearance which have access to materials classified as Secret and above to the Office of the National Security Adviser/Office of the National Security Director (ONSA/ONSD), through the National Intelligence Coordinating Agency (NICA). The NICA, on its own or upon request, shall subject to further background investigation any personnel granted an Interim Security Clearance. The NICA may request the assistance of any government department, agency or office in the performance of this function.

b. The NICA, upon processing of the information obtained, shall forward its recommendations for the issuance of a Security Clearance granting access on a "need to know" basis to materials classified as Secret and above or non-issuance thereof to the ONSA/ONSD for approval. All decisions by the ONSA/ONSD in this regard, including the validity period for any Security Clearance issued, shall be forwarded to the department, agency or office concerned for its information and implementation.

c. The Security Clearance issued by the ONSA/ONSD shall remain valid until its expiration unless revoked earlier.

Section 3. **Appeal**

A party desiring to appeal the decision of the ONSA/ONSD may file their appeal to the Office of the President in accordance with law.

Section 4. ***Limitation Clause***

The provisions of this Order shall apply to government personnel with access to or are handling classified documents and all those contemplated to be granted such authority.



Section 5. **Implementing Guidelines**

a. The NICA, in coordination with the Intelligence Community and relevant departments and agencies, shall formulate the Implementing Rules and Regulations subject to the approval of the National Intelligence Board (NIB) for the effective implementation of this Order.

b. For this purpose, NICA shall undertake measures to acquire the capability to accomplish its task as mandated in this program.

Section 6. **Administrative Liability**

Any unauthorized disclosure, sharing, publication or use of the information contained in the classified documents or materials shall be considered a grave offense and shall be punishable in accordance with civil service rules and regulations. The filing of an administrative case against an erring personnel or officer does not preclude the filing of any other appropriate criminal or civil case for the same violation/s.

Section 7. **Repeal or Amendment**

All issuances inconsistent with the provisions of this Executive Order shall be deemed repealed, amended or modified accordingly.

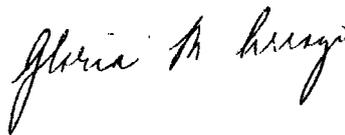
Section 8. **Effectivity**

This Executive Order shall take effect fifteen (15) days after publication in two (2) newspaper of general circulation.

DONE in the City of Manila, this 30th day of March in the year of Our Lord, Two Thousand and Seven.

By the President:


EDUARDO R. ARMITA
Executive Secretary





CERTIFIED COPY:

MARIANITO M. DIMAANDA
DIRECTOR III
MALACANANG RECORDS OFFICE

Memorandum Circular No. 78, s. 1964

Signed on August 14, 1964 (<https://www.officialgazette.gov.ph/1964/08/14/memorandum-circular-no-78-s-1964-2/>)

**OFFICE OF THE PRESIDENT
OF THE PHILIPPINES**

MEMORANDUM CIRCULAR NO. 78

PROMULGATING RULES GOVERNING SECURITY OF CLASSIFIED MATTER IN GOVERNMENT OFFICES.

The following regulations entitled "SECURITY OF CLASSIFIED MATTER IN GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES" for safeguarding official matters affecting the national security, to be enforced and observed in all departments, bureaus, offices and agencies of the government in all national, provincial, municipal and city levels, are hereby promulgated:

**SECURITY OF CLASSIFIED MATTER IN
GOVERNMENT DEPARTMENTS & INSTRUMENTALITIES**

Section I

GENERAL

1. Classification categories. –

a. Official matter which requires protection in the interest of national security shall be limited to four categories of classification which, in descending order of importance, shall carry one of the following designations:

- (1) TOP SECRET
- (2) SECRET
- (3) CONFIDENTIAL
- (4) RESTRICTED

b. The classifications mentioned in sub-paragraph a above shall not be attached to a matter which does not involve the national security or which does not relate to any one of those specifically enumerated in paragraphs 4, 11, 17, and 23, below.

2. Definition of terms. –

a. The term, "Department" is used to cover any Philippine Government Department, Service, or Instrumentality.

b. The term "matter" includes everything, regardless of its physical character, on, or in which information is recorded or embodied. Documents, equipment, projects, books, reports, articles, notes, letters, drawings, sketches, plans, photographs, recordings, machinery, models, apparatus, devices, and all other products or substances fall within the general term "matter". Information which is transmitted orally is considered as "matter" for purposes of security.

c. The term "officer" includes any Government or Armed Forces official or officer permanently or temporarily employed in a Department as defined in a.

d. The term "document" covers any form of recorded information, including printed, written, drawn or painted matter, sound recordings, photographs, films, etc. "Documents" are included in "matter."

e. The term "equipment" includes machinery, apparatus, devices, supplies, ammunition, etc.

f. "Security Clearance" is the certification by a responsible authority that the person described is cleared for access to classified matter at the appropriate level.

g. The term is "need to know" is the principle whereby access to classified matter may only be given to those persons to whom it necessary for the fulfillment of their duties. Persons are nothing to have access to classified matter solely by virtue of their stat [document unclear]

h. The term "custodian" is an individual who has possession of or is otherwise charged with the responsibility for safeguarding and accounting of classified material.

i. "Certificate of Destruction" is the certification by a witnessing officer that the classified matter described therein has been disposed of, in his presence, by approved destruction methods (ANNEX A).

j. The term "physical security" is the safeguarding by physical means, such as guards, fire protection measures and other similar means, of information, personnel, property, utilities, facilities and installations against compromise, trespass, sabotage, pilferage, theft, espionage or any other dishonest or criminal act.

3. Security Officers. – A properly trained and cleared Security Officer shall be appointed in every Department of the Government which handles classified matter. He shall undergo training to be conducted by the National Intelligence Coordinating Agency or Armed Forces of the Philippines intelligence agencies. He shall be responsible to the Head of the Department for the implementation and enforcement of these regulations and the necessary action on breaches of security. Before appointment as a Security Officer, an officer must first be cleared by the Head of the Department for access to the highest classified matter the Department is authorized to handle. In providing this clearance, the Head of the Department may coordinate with the National Intelligence Coordinating Agency or the Department of National Defense.

Section II

TOP SECRET MATTER

4. Definition. – Information and material (matter) the unauthorized disclosure of which would cause exceptionally grave damage to the nation, politically, economically, or from a securing aspect. This category is reserved for the nation's closest secrets and is to be used with great reserve.

Examples:

- a. Very important political documents dealing with such matters as negotiations for major alliances.
- b. Major governmental projects such as drastic proposals to adjust the nation's economy (before official publication).
- c. Matter relating to new and far reaching experimental, technical and scientific developments in methods of warfare or defense, e.g., vital matter relating to atomic warfare, defense against biological warfare, or matter affecting future operational strategy. A TOP SECRET grading is justified if:
 - (1) It is likely to influence military strategy materially;
 - (2) It gives us a prolonged military advantage over other nations;
 - (3) It is liable to compromise some other project similarly graded.
- d. Critical information relating to vital strategic areas and the supply of vital strategic materials.
- e. Information which would indicate the capabilities or major successes of our intelligence services or which would imperil secret sources.
- f. Critical information about cryptography in so far as it relates to devices and equipment under development.
- g. Certain compilations of data or items which individually may be classified SECRET or lower, but which collectively should be put in a higher grade.

5. Classification Authority. –

- a. Original classification authority for assignment of TOP SECRET classification rests exclusively with the Head of the Department. This power may, however, be delegated to authorized officers in instances when the necessity for such arises.
- b. Derivative classification authority for TOP SECRET classification may be granted those officers who are required to give comments or responses to a communication that necessitates TOP SECRET response.

6. Reproduction. –

- a. TOP SECRET matter may be copied, extracted, or reproduced only when the classifying authority has authorized such action. Permission to reproduce shall not extend beyond a specified number of copies which are to be accorded the same treatment as the original. At the time of issuance of any TOP SECRET document, the classifying authority shall insure that each copy of the document contains a notation substantially as follows:

(1) "Reproduction of this document in whole or in part is prohibited except with the permission of the issuing office or higher authority;" or

(2) "Reproduction of paragraph (s) _____ of this document is prohibited except with the permission of the issuing office or higher authority; other paragraphs may be reproduced."

b. The reproduction of TOP SECRET matter shall be carried out under the supervision of an authorized officer. All materials and waste incidental to the reproduction shall be accounted for and disposed of as prescribed in sub-paragraph 10a below:

7. Inventory. – The Head of the Department shall require physical inventory of all TOP SECRET matter in the custody of his Department at least once a year. Appropriate action on custodial deficiencies shall be made.

8. Transmission. –

a. TOP SECRET matter in the clear shall be transmitted by any of the following means:

(1) By direct contact of officers concerned.

(2) By the officially designated courier.

(3) By accompanied Department of Foreign Affairs diplomatic pouch.

b. TOP SECRET matter shall not be transmitted by mail, express or electrical means, unless in cryptographic form.

9. Storage. – TOP SECRET matter shall be stored –

a. In a safe, steel file cabinet or other steel container equipped with a built-in, three-position, dial-type combination lock which is of such weight, size and construction as to minimize possibility of physical theft or damage by fire or tampering.

b. In a secure room or vault which is approved for such use by the Head concerned and which assures protection comparable to sub-paragraph a above.

10. Destruction. – TOP SECRET matter, which becomes eligible for destruction in accordance with approved schedules, shall be destroyed as prescribed below:

a. Destruction shall be accomplished by burning or pulping by the custodian in the presence of a witnessing officer designated by the responsible Head. Witnessing personnel must have a TOP SECRET clearance.

b. A certificate of destruction shall be prepared and forwarded to the originating office.

Section III

SECRET MATTER

11. Definition. – Information and material (matter) the unauthorized disclosure of which would endanger national security, cause serious injury to the interest or prestige of the nation or of any governmental activity or would be of great advantage to a foreign nation.

Examples:

a. High level directives dealing with important negotiations (as distinct from major negotiations which would be in the TOP SECRET category) with other countries.

b. Proposals for new schemes of governmental or other controls, foreknowledge of which would seriously prejudice their operation.

c. Matter relating to certain new methods of warfare or defense, including scientific and technical developments, not classified as TOP SECRET, e.g., new designs of Service aircraft, guided projectiles, tanks, radar and anti-submarine devices. A SECRET grading is justified if:

(1) It materially influences a major aspect of military tactics;

(2) It involves a novel principle applicable to existing important projects;

(3) It is sufficiently revolutionary to result in a major advance in existing techniques or in the performance of existing secret weapons;

(4) It is liable to compromise some other projects already so graded.

d. Plans or details of schemes for the defense of areas other than vital strategic areas, including plans or particulars of operations connected with them.

e. Vital military information, including photographs, maps, etc., relating to important defenses, establishments, and installations.

f. Intelligence which is not in the TOP SECRET category but which would reveal a secret source, or the value of which depends upon concealing the fact that we possess it.

g. Cryptographic devices and equipment unless specifically assigned to a lower classification.

h. Certain compilations of data or items which individually may be classified CONFIDENTIAL or lower, but which collectively should be put in a higher grade.

12. Classification Authority. – Same as for TOP SECRET matter.

13. Reproduction. – Same as for TOP SECRET matter.

14. Transmission. – SECRET matter shall be transmitted as indicated below:

a. Between points within the Philippines:

(1) Direct contact of officers concerned.

(2) Electrical means in cryptographic form.

(3) Courier specifically authorized by the transmitting agency.

(4) Philippine registered mail.

b. Between points from within and outside the Philippines and vice-versa, and between points outside the Philippines:

(1) As authorized in sub-paragraphs 14a(1) through (3) above.

(2) Accompanied Department of Foreign Affairs diplomatic pouch.

15. Storage. – SECRET matter shall be stored in a manner authorized for TOP SECRET documents, or in metal file cabinets equipped with a steel lockbar and combination padlock of which the manufacturer's identification numbers have been obliterated. The file cabinets must be of such size, weight, construction or installation so as to minimize the chance of unauthorized physical removal or the possibility of persons gaining unauthorized access by transferring or manipulation or damage by fire.

16. Destruction. – Same as for TOP SECRET matter except that the witnessing officer need have SECRET clearance only and that no certificate of destruction need be prepared. Only records of destruction shall be maintained.

Section IV

CONFIDENTIAL MATTER

17. Definition. – Information and material (matter) the unauthorized disclosure of which, while not endangering the national security, would be prejudicial to the interest or prestige of the nation or any government activity, or would cause administrative embarrassment or unwarranted injury to an individual or would be of advantage to a foreign nation.

Examples:

a. Plans of Government projects such as land development, hydro-electric schemes, road development, or development of areas.

b. Routine Service reports, e.g., on operations and exercises, which contain information of value but not of vital interest to a foreign power.

c. Routine Intelligence reports.

d. Technical matter not of major importance but which has a distinct military value or requires protection otherwise, e.g., new weapons calculated to influence minor tactics or service tests of war equipment of a standard pattern. A CONFIDENTIAL grading is justified if:

- (1) It is more than a routine modification for logical improvement of existing materials and is sufficiently advanced to result in substantial improvement in the performance of existing CONFIDENTIAL weapons;
- (2) It is sufficiently important potentially to make it desirable to postpone knowledge of its value reaching a foreign nation;
- (3) It is liable to compromise some other project already so graded.

e. Certain personnel records and staff matters.

f. Certain compilations of data or items which individually may be classified RESTRICTED, or which may be unclassified, but the aggregation of which enhances their security value.

g. Matters, investigations and documents of a personal and disciplinary nature, the knowledge of which is desirable to safeguard for administrative reasons.

h. Identification of personnel being investigated for misconduct, anomaly or fraud prior to the filing of appropriate charges or completion of the findings of boards created for such purpose.

18. Classification Authority. – Any officer is authorized to assign CONFIDENTIAL classification to any matter in the performance of his duties.

19. Reproduction. – The copying, extracting from or reproduction of CONFIDENTIAL matter is authorized except when the originator or higher authority has specifically denied this authority.

20. Transmission. – Same as for SECRET matter.

21. Storage. – Same as for SECRET matter.

22. Destruction. – Same as for SECRET matter except that the presence of a witnessing officer and records of destruction are not required.

Section V

RESTRICTED MATTER

23. Definition. – Information and material (matter) which requires special protection other than that determined to be TOP SECRET, SECRET or CONFIDENTIAL.

Examples:

- a. Departmental books of instruction and training and technical documents intended for official use only or not intended for release to the public.
- b. Routine information relating to the supply and procurement of military stores.
- c. Minor modifications and routine tests of equipment.

d. Certain compilations of data or items which individually may be unclassified but which in the aggregate warrant a classification.

24. Authority to Classify, Reproduction, Dissemination, and Destruction. – Authority to classify shall be the same as for CONFIDENTIAL matter. Reproduction is authorized. Transmission shall be through the normal dissemination system. Destruction shall be the same as for that of CONFIDENTIAL matter.

Section VI

CLASSIFYING AND MARKING

25. General. – The originators of classified matter shall be responsible for its proper classification. Overclassification should be avoided because it prejudices the integrity of the classification system, depreciates the importance of correctly classified matter and creates unnecessary delay expense and administrative burden.

26. Rules for classification. –

a. Documents shall be classified according to their content.

b. The overall classification of a file of a group of physically connected documents shall be at least as high as that of the highest classified document therein. Pages, paragraphs, sections or components thereof may bear different classifications. Documents separated from the file or group shall be handled in accordance with their individual classifications.

c. Transmittal documents or indorsements which do not contain classified information or which contain information classified lower than that of the preceding element or inclosure shall include a notation for automatic downgrading.

d. Correspondence, indices, receipts, reports of possession, transfer or destruction, catalogs or accession lists shall not be classified if any reference to classified matter does not disclose classified information.

e. Classified matter obtained from other Departments shall retain the same original classification.

f. Classified matter furnished to the Philippine Government by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to that required by the government or international organization which furnished the classified matter. In addition, any special handling instruction shall be complied with.

27. Classification marking. – Classified matter shall be marked as follows:

a. Unbound documents. – The assigned classification for unbound documents, such as letters, memoranda, reports, telegrams and similar documents, the pages of which are not permanently and securely fastened together, shall be marked or stamped (not typed) conspicuously at the top and bottom of all pages which contain classified information. In marking, stamping, or printing the classification categories, the letters shall be larger than the normal lettering of the rest of the document. Front and back covers, and title pages, when used; first pages; and any routing instructions or other papers of any size which conceal or partially conceal

the cover, the title or first page shall bear the marking of the overall classification of the document. Other pages, except pages of messages to be transmitted electrically, shall be marked according to the classification of their own content. A cover shall be marked on its outer surface.

b. Permanently bound documents. – A permanently bound document is defined as one from which the pages cannot be removed without damage or mutilation. The classification of permanently bound documents, such as books or pamphlets shall be conspicuously marked, stamped or printed in letters larger than the normal lettering of the rest of the cover or page, at the top and bottom, on the first and back pages, and on the outside of the back cover.

c. Paragraphs, chapters, or sections. – The classification of a paragraph, chapter or section, shall be indicated by including the initial of the appropriate classification in parenthesis at the end of such paragraph, chapter or section. Unclassified parts of classified documents will be marked "U".

d. Reproduction. – All copies or reproduction of classified matter shall be marked in the same manner as the original.

e. Photographs, films, and recordings. –

(1) Photographs. – Negatives shall be marked with the appropriate classification markings and kept in containers bearing conspicuous classification markings. Roll negatives shall be marked at the beginning and end of each strip. Single negatives shall be marked with the appropriate classification. The top and bottom of each photographic print and the center of the reverse side shall be marked with the appropriate classification.

(2) Motion picture films. – Classified motion picture films shall be marked at the beginning and end of each roll and in the title of each film, and shall be kept in containers bearing conspicuous classification markings.

(3) Sound recordings. – Classified sound recordings shall be marked on readily observable portions with the appropriate markings, preferably at the beginning and at the end; when stored, the container shall display similar markings. When possible the classification shall be announced at the beginning and end of recordings.

f. Charts, maps, and drawings. – Classified charts, maps and drawings shall carry the classification marking under the legend, title block, or scale in such a manner that it can be reproduced on all copies made therefrom. Such classification shall also be prominently marked at the top and bottom in each instance and, if the document is rolled or folded, on the back in a clearly visible place.

g. Products or substances. – The assigned classification shall be conspicuously marked on classified products or substances and on their containers, if possible. If the article or container cannot be marked or if it is necessary to conceal the classified nature of the material, written notification of the classification shall be furnished the recipients of such products or substances.

h. Unclassified material. – Unclassified material should not be marked UNCLASSIFIED, unless it is essential to convey to a recipient of such material that it has been examined specifically with the view of imposing a classification and that it has been determined to be unclassified.

i. Material disseminated outside the Department. – When classified information is furnished to authorized persons outside the Department, the following notation, in addition to the assigned classification markings, shall be placed on the document, on the material, on its container, or, when as indicated, in sub-paragraph g above, marking is impracticable, on the written notification of its assigned classifications:

“This material contains information affecting the national security of the Philippines, the transmission or revelation of which in any manner to unauthorized persons is punishable under the Revised Penal Code and the Espionage Act (CA Nr. 616).”

28. Additional Markings. –

a. All pages of unbound TOP SECRET and SECRET documents shall be marked with the following: (COPY _____ OF _____ COPIES)
(PAGE _____ OF _____ PAGES)

b. All bound TOP SECRET and SECRET matter shall be marked on the front cover as follows: (COPY _____ OF _____ COPIES)

Section VII

CONTROL OF CLASSIFIED MATTER

29. Custody and accounting of classified matter. – Heads of Departments handling classified matter shall issue orders designating their respective custodians of classified matter. Custodians shall –

a. Store all classified matter.

b. Maintain a registry of classified matter showing all classified matter received and to whom transmitted.

c. Maintain a current roster of persons authorized access to classified matter for each classification in the office.

d. Insure physical security for classified matter.

e. Conduct an inventory of all TOP SECRET matter as specified in paragraph 7.

f. Upon his relief, account for all TOP SECRET and SECRET matter by inventory and transmit the same to his successor.

30. Unauthorized keeping of private records. – All government personnel are prohibited from keeping private records, diaries, or papers containing statements of facts or opinions, either official or personal, concerning matters which are related to or which affect national interest or security. Also prohibited are the collection of souvenirs or obtaining for personal use whatsoever any matter classified in the interest of national security.

31. Dissemination. – Dissemination of classified matter shall be restricted to properly cleared persons whose official duties require knowledge or possession thereof. Responsibility for the determination of “need-to-know” rests upon both each individual, who has possession, knowledge or command control of the information involved, and the recipient.

32. Discussion involving classified matter. –

a. Indiscreet discussions or conversation involving classified matter shall not be engaged in within the presence of or with unauthorized persons.

b. When a lecture, address or informal talk to a group includes classified matter, the speaker shall announce the classification at the beginning and end of the period.

c. All personnel leaving the Government Service shall be warned against unlawful disclosures of classified matter.

33. Disclosure to other Departments of classified information originating from another Department. – Classified matter originating from another Department shall not be disseminated to other Departments without the consent of the originating Department.

34. Release of classified matter outside a Department. –

a. General Policy. – No person in the Government shall convey orally, visually or by written communication any classified matter outside his own Department unless such disclosure has been processed and cleared by the Department Head or his authorized representative.

b. Release of classified matter to Congress. –

(1) Government personnel, when giving oral testimony before Congressional Committees involving classified matter, shall advise the committee of the classification thereof. Government personnel called upon to testify shall obtain necessary and prior instruction from his Department Head concerning disclosure.

(2) When Congressional members visit Government offices, Department Heads are authorized to release classified matter which is deemed an adequate response to an inquiry provided that it is required in the performance of official functions.

c. Disclosure to foreign governments or nationals. – Classified matter may be released to foreign governments or nationals of countries having defense obligations with the Philippines, in accordance with sub-paragraph 34a above. The release shall be made only after assurance by the requesting foreign agency or national that:

(1) Its use shall be solely for the purpose for which the classified matter is requested.

(2) It shall be treated or handled in accordance with the classification categories of the originating office.

(3) Handling shall be made by security-cleared personnel.

(4) Reproduction and dissemination shall not be made without the consent of the Department Head.

d. Disclosure of classified matter for publication. – Classified matter shall be released for public consumption only upon the consent of the Department Head or his authorized representative. However, in instances where there is a demand or need for releasing classified information, extreme care and caution must be exercised to analyze in detail the contents of the classified matter before release. Normally, all information are released through Public Information Officers. Public Information Officers should be assisted in the analysis of classified information by the Security Officer.

e. Disclosure through conferences and meetings. –

(1) Disclosure of classified matter in conferences and other gatherings which include personnel outside the Department shall be in accordance with sub-paragraph 34a above. In conducting conferences involving classified information, the following data should be requested from each participant:

(a) Name and designation or position of participant.

(b) Address of participant.

(c) Signature of participant.

(2) Physical security of the conference room should be assured. Sponsoring agencies shall observe, among other things, the following:

(a) Arrangements for admission of those persons authorized to attend. All individuals must produce positive identification.

(b) Arrangements for protection of classified matter handled during the meeting.

(c) Control of signal equipment, notes and memoranda.

(d) Provision of adequate guards.

35. Removal of classified matter from offices for official use. –

a. Classified matter shall not be removed from offices for the purpose of working on such matter at night or for other purposes involving personal convenience. When necessity requires such removal, Department Heads through the Security Officer shall insure that adequate controls are established as follows:

(1) An appropriate authority specifically designated by the Department Head shall authorize each removal only after insuring that adequate security for the material can be provided.

(2) Storage safeguards shall strictly observed.

b. Department Heads shall maintain a temporary record in whatever appropriate form of all classified matter removed from their facilities or installations to insure that they are accounted for.

36. Compromise or loss of classified matter. –

a. Any person who becomes aware of the disclosure, or the possibility of disclosure, of classified matter to any unauthorized person, or the loss of a classified document, shall immediately notify by the fastest means available the:

(1) Security Officer of the Department having primary interest (normally the originator), and the

(2) Department Head of the individual having custody.

b. The Department Head of the individual having custody shall cause an investigation to be made. This investigation will fix individual responsibility for the compromise or possible compromise of TOP SECRET and SECRET matter and, when it can not be established, will fix responsibility on the appropriate officer who allowed the existence of inadequate or insecure conditions, which led to the compromise or possible compromise. In every case the Head of the Department concerned shall take positive action to correct deficiencies and prevent recurrences, including appropriate disciplinary action and/or criminal prosecution against responsible individuals.

Section VIII

REGRADING AND DECLASSIFICATION

37. Responsibility for regrading. –

a. Each Department Head shall keep under continuing review all classified information in his custody, or of primary interest to him, and will initiate downgrading or declassifying action as soon as conditions warrant.

b. In obvious cases of overclassification or underclassification, higher authority may adjust the classification without referral to the originator, except to notify the originator of the change of classification. The originator will then take the action specified in paragraph 40.

38. Downgrading or declassification. –

a. Originators or letters of transmittal or other covering documents, classified solely or partially because of classified inclosures, shall place on such documents a notation substantially as follows:

"REGRADED UNCLASSIFIED (or appropriate classification) WHEN SEPARATED FROM CLASSIFIED INCLOSURES."

b. For classification purposes, indorsements and numbered comments or routing slips will be handled as separate documents.

c. Holders of classified matter may downgrade or declassify them when circumstances do not warrant retention in the original classification, provided the consent of the appropriate classification authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents also

require the consent of the appropriate classification authority. Material which has been classified by a friendly foreign nation or international organization or another Department of the Philippine Government will be downgraded or declassified only with the consent of the originator.

39. Regrading. – If the recipient of classified matter believes that it has been classified too highly, he may request the originator for its downgrading or declassification. If the recipient of unclassified material believes that it should be classified or if the recipient of classified material believes that its classification is not sufficiently protective, the recipient may request the originator to classify the material or upgrade it.

40. Notification of change of classification. –

a. The official taking action to declassify, downgrade or upgrade classified material shall notify all addresses to whom the material was originally transmitted. Officials providing additional distribution (other than initial) of classified material should notify all recipients to whom the additional distribution was furnished of the regrading action required.

b. When downgrading a document in part, the originating Department shall notify recipients as to the new classification of separate chapters, sections, paragraphs or other appropriate subdivisions.

41. Marking of regraded documents. –

a. Authority annotation. – Whenever classified matter is declassified, downgraded or upgraded, each copy of the material shall be marked or stamped on the front cover or on the first page, if the document has no cover, with a notice in the following manner:

(1) REGRADED _____ (enter new classification), BY AUTHORITY OF _____ (enter title or position of official authorized to make the change), BY _____ (enter name, grade and organization of the official making the change), ON _____ (enter the date on which the change was made).

b. Classification markings. – Regraded documents and material shall be re-stamped or re-marked (not type) as prescribed in paragraph 27 above and the old classification markings lined through. If the document is declassified, the classification markings on the outside of the front and back covers, title page and first and back pages of the text should be lined through. Prints of motion picture films shall show regrading or declassification action on leaders attached between the plain leader and first title frame.

c. Documents on file. – When classified documents on file can not immediately be regraded for obvious reasons, such as the inability to screen a large volume of files to locate the document, the Department Head concerned may establish a system in which individual documents are regraded when charged out of the file for use or screened for regrading purposes, whichever occurs first. In cases requiring upgrading, material shall be given storage safeguards required by the new classification.

Section IX

TRANSMISSION OF CLASSIFIED MATTER

42. Classified document receipts. –

a. Transmission of TOP SECRET and SECRET documents shall be covered by a receipt system (ANNEX B). Transmission of CONFIDENTIAL documents may be covered by a receipt system when required by the sender.

b. The receipt form will identify the addressor, addressees and the document, but should not contain classified information. It shall be signed by the recipient and returned to the sender. The name of the recipient shall be printed, stamped or typed on the form.

43. Cover Sheets. – Classified documents shall be covered with cover sheets as follows:

For TOP SECRET (ANNEX C) – 8" x 13" white paper lined with ½" green border.

For SECRET (ANNEX D) – 8" x 13" white paper lined with ½" red border.

For CONFIDENTIAL (ANNEX E) – 8" x 13" white paper lined with ½" blue border.

Security classification and instructions are printed on the front page of the cover sheet. The back page is designed to show a record of transmission of the document it will cover.

a. All classified documents (CONFIDENTIAL and up), from the moment they are initiated, shall be covered by appropriate cover sheets, which shall stay with such documents until both are authorized for destruction.

b. When a TOP SECRET or SECRET document is reproduced, the reproduced copies shall be provided with new cover sheets and the "Record of Transmission" on the back page shall record only those personnel who handled each copy from the moment of its reproduction.

c. Cover sheets prescribed by this Executive Order shall be used only for classified documents transmitted among the various Departments of the National Government.

44. Preparation of classified matter for transmission outside a Department. –

a. Classified documents for transmission by Philippine registered mail or diplomatic pouch shall be prepared as follows:

(1) The Documents shall be inclosed in two opaque envelopes or covers.

(2) A receipt shall be inclosed with the document as appropriate.

(3) The inner envelope or cover shall be addressed and sealed with sealing wax. The return address should likewise be written in the inner envelope.

(4) The classification on the front and back of the inner envelope shall be marked in such a way that the markings will be easily seen when the outer cover is removed. Special markings required shall be placed on the front of the inner envelope.

(5) The inner envelope shall be inclosed in the opaque outer envelope or cover. The classification marking of the inner envelope must not be detectable through the outer envelope.

(6) The outer envelope with the inner envelope will then be forwarded. Classification or other special markings shall not appear on the outer envelope.

b. Classified documents for transmission through specifically authorized couriers shall be prepared as follows:

(1) The documents shall be inclosed in an opaque sealed envelope.

(2) The document shall be covered by a receipt as appropriate.

(3) The envelope shall be addressed and provided with a return address. No classification or other markings shall appear on the envelope.

45. Transmission within a Department. – Preparation of classified matter for transmission within a Department shall be governed by regulations issued by the Head of the Department.

Section X

SECURITY OF CONTAINERS

46. Unlocked containers. –

a. Any person finding a container of classified matter unlocked and unattended shall:

(1) Report such fact immediately to the Head of the Department concerned, or to the Security Officer.

(2) Notify the person responsible for the container and its contents.

(3) Lock the container.

b. When notified that a container of classified matter has been found unlocked and unattended, the individual responsible for the container shall check the contents for visible indications of tampering.

c. Persons who find classified matter out of safes and unattended shall immediately report such fact to the Head of the Department or to the Security Officer.

47. Record of locking and unlocking containers. – Officers responsible for TOP SECRET and SECRET matters shall maintain a record of the time and date the container is locked and unlocked.

48. Changing, recording and disseminating container combinations. –

a. Combinations shall be changed at least once every six (6) months and at such other times as deemed appropriate, and at the earliest practicable time following:

- (1) The loss or possible compromise of the safe combination.
- (2) The discharge, suspension or reassignment of any person having knowledge of the combination.
- (3) The receipt of a container.

b. Identification numbers must be obliterated from combination padlocks prior to their use. Three-position dial-type combination padlocks, the combinations of which can be changed in the manner as those of locks built into safes, need not have the manufacturer's identification number obliterated.

49. Control of keys. – Keys shall be safeguarded as follows:

- a. All keys shall be recorded in a control register and checked periodically.
- b. All keys for containers of classified matter when not in use shall be placed in a locked box in the office under the care of a responsible officer.
- c. Duplicate keys should be placed in a sealed container and kept in a combination safe.
- d. The loss of a key must be reported to the Head of the Department or to the Security Officer.
- e. Department Heads shall institute additional measures to safeguard keys appropriate to their respective offices.

Section XI

MISCELLANEOUS

50. Special procedures for safeguarding certain documents from foreign nationals. –

a. Classified information which should be withheld from foreign nationals shall be stamped or marked with a special handling notice as follows:

SPECIAL HANDLING REQUIRED. RELEASE TO FOREIGN NATIONALS NOT AUTHORIZED EXCEPT _____ (enter "None" or names of representatives of foreign nations specifically authorized to have access to the document) BY AUTHORITY OF _____ (enter title or position of official authorized to determine which foreign nationals may have access to the document) DATE _____ (enter date).

51. Classified matter in the possession of individuals on travel orders. –

a. An individual on travel orders who is authorized to have in his possession classified matter shall safeguard such matter by one of the following methods:

(1) By contacting and availing of the storage facilities of the nearest respective field or branch office, or Armed Forces installation; or

(2) By keeping the matter under personal physical control at all times.

b. Personnel on travel status shall not carry classified matter across international borders where the classified matter may be liable to scrutiny by customs inspectors or other unauthorized individuals. Such matter should be sent in advance by diplomatic pouch or diplomatic courier only.

52. Emergency destruction. –

a. Plans. – Department Heads shall provide for emergency destruction or safe removal of all classified matter under their jurisdiction should civil disturbances, disaster or enemy action require such action.

b. Aboard airplane or ship. – If a craft carrying classified matter is forced down, stranded or shipwrecked on unfriendly territory or on neutral territory where capture appears imminent or, under any other circumstances where it appears unlikely that the classified matter can properly be protected, such matter shall be destroyed in any manner that will render recognition impossible, preferably by burning.

53. Security of typewriter ribbons. – Cotton, rayon, paper and silk typewriter ribbons are insecure until typed through at least twice. Insecure ribbons shall be appropriately safeguarded if used to type classified information. Nylon ribbons are secure at all times.

54. Classified waste. – Waste, such as preliminary drafts, notes, dictaphone- or other-type recordings, typewriter ribbons, carbon paper, stencils, stenographic notes, carbon plates, exposed film (developed or undeveloped) and similar items containing classified information shall be disposed of in a manner prescribed for similarly classified matter. Certificate of destruction is not required.

55. Supplementary security regulations. – Department Heads shall publish regulations to supplement this Executive Order to include measures appropriate to their respective Departments as indicated herein and to cover the following general subjects or circumstances.

a. Movement control of organic personnel and visitors within their respective jurisdictions.

b. Security arrangements in dealing with government contractors engaged in projects concerning classified matter.

c. Security measures to safeguard classified information transmitted through electronic communication facilities.

Department Head shall seek the assistance of the Director, National Intelligence Coordinating Agency or of the Secretary of National Defense in preparing the above supplemental regulations.

56. Security Clearance. – The Head of the Department shall be responsible for the issuance of security clearances in his Department. In this regard he may coordinate directly with the National Intelligence Coordinating Agency or the Department of National Defense.

Section XII

ADMINISTRATIVE LIABILITY

57. Any violation of the provisions of these regulations shall be dealt with administratively by proper authorities. Said administrative proceeding shall be without prejudice to any criminal prosecution if the violation constitutes an offense under the provisions of the Revised Penal Code or any other penal law. The unauthorized publication of any classified information shall be deemed a violation of these regulations by the parties responsible therefor.

All executive orders, proclamations or circulars inconsistent herewith are hereby revoked.

By authority of the President:

(Sgd.) **CALIXTO O. SALDIVAR**
Acting Executive Secretary

Manila, August 14, 1964

RESOURCES

- [PDF] Memorandum Circular No. 78, August 14, 1964
(<http://www.officialgazette.gov.ph/downloads/1964/08aug/19640814-MC-0078-DM.pdf>)

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