



Republic of the Philippines
LIGAO CITY WATER DISTRICT
Natera St., Dunao, Ligao City
Email: ligaocitywaterdistrict@yahoo.com
Website: www.ligaocitywater.gov.ph
Tel./Fax No.: (052) 202-19-24

AGENCY FREEDOM OF INFORMATION MANUAL

For info

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INTRODUCTION

Our agency is embracing this manual as an implementation of the provisions of Executive Order No. 2, series 2016 on Freedom of Information. This will serve as a guide to the public in exercising their constitutional right to information on matters of public concern.

This will set the standard operating procedures to be followed when the request to information is received. It also offers the limitations and remedies available in case of a denial of the request for information of public concern, provided it is not within the list of exceptions provided by the law.

Thus, the district is also providing information about its operation and accountabilities. However, it denounces against the misuse of such right and preserves the stability among the people's right to information and responsibility to safeguard intimate info and guarantee the efficient use of its means.

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ARTICLE I

SCOPE

Section 1. This Manual cover request for information, official records, public documents and paper which are made, received or kept in or under the custody of LCWD pursuant to law, executive orders, rules and regulations and in connection with the performance or transaction of official business of the agency which are not publicly available.

Section 2. Information which are protected or considered confidential pursuant to laws, rules and regulations and policies shall not be disclosed and access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence, the following are exceptions provided under EO No. 2.

- a. Information covered by Executive privilege;
- b. Privileged information relating to national security, defence or international relations;
- c. Information concerning law enforcement and protection of public and personal safety;
- d. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes or accused;
- e. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
- f. Prejudicial premature disclosure;
- g. Records of proceedings or information from proceedings which, pursuant to law or relevant rules are treated as confidential or privileged;
- h. Matters considered confidential under banking and finance laws, their amendatory laws; and
- i. Other exceptions to the right to information under laws, jurisprudence, rules and regulation.

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ARTICLE 2

PROTECTION OF RIGHT TO PRIVACY

Section 1. While providing for access to information Ligao City WD, however, shall give full protection to a person's right to privacy.

- a. The Ligao City WD shall ensure that personal information, particularly, sensitive personal information in its custody or under its control is disclosed only as permitted by existing laws;
- b. The Ligao City WD shall protect personal information in its custody or under its control by making reasonable security arrangement against unauthorized access, leaks or premature disclosure;
- c. Any employee or official who has access whether authorized or unauthorized to personal information in the custody of the agency shall not disclosed that information except as authorized by existing laws.

ARTICLE 3

STANDARD OPERATING PROCEDURE

Section 1. The following requirements must be complied with.

- a. The request must be filed in writing. A FOI Request Form must be filled-up completely.
- b. Valid proof of identification must be submitted;
- c. The information must be described including the reason or purpose of the request for information;
- d. The request must submit all the requirements to the FRO at the:

**Ligao City Water District
Natera St. Dunao, Ligao City (Albay)
Telephone No. (052) 202-1924**

- e. The request shall be stamped "RECEIVED" by the FRO indicating the date and time of the receipt of the written request and the name, rank, title and position of the employee who received the documents which shall be officially logged;
- f. The required documents must be paid, if any and the receipt presented; and
- g. The requesting party is informed of the action on his request.

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Section 2. The following steps are to be followed when requesting for information:

- Step 1. Requesting party files documentary requirements to FRO.
- Step 2. FRO stamps "RECEIVED", conducts initial evaluation and submits the request to person in custody of the information requested.
- Step 3. Person in charge evaluates and processes the request. Submit complete document to FRO within ten (10) days from receipt of such request.
- Step 4. FRO transmits complete information to GM for approval or denial of the request.
- Step 5. Inform the requesting party of the action on the request.
- Step 6. FRO releases the information.

Section 3. The Action on the Request

Upon receipt of the request for information from FRO, the person/employee concerned shall review the nature of the request and shall make all necessary steps to, locate or retrieve the information requested.

- a. The FRO shall recommend for approval or denial of the request;
- b. As soon as the GM approves or denies the request, the FRO shall notify the requesting party within fifteen (15) days from receipt of the request unless extended. Service of notice shall be done either through the post, by electronic mail and unless the requesting party wants it sent otherwise,
- c. Release of the documents shall be made only after payment of the required fees, if any.
- d. Follow-up may be directed to the FRO only; and
- e. If the information request requires extensive search or through fortuitous occurrence, the requesting party shall be informed and an extension of twenty (20) working days or more when the request warrants a longer period.

Power

ARTICLE 4

REMEDIES IN CASE OF DENIAL

Section 1. The request may be denied in whole or in part on the following grounds:

- a. The information is not made, received or kept in or under the custody or control of the Ligao City WD;
- b. The information is publicly available or already disclosed;
- c. The information requested contains sensitive personal information protected by Data Privacy Act of 2012;
- d. The request contains disclosure of confidential information is included in the list of exceptions as provided under EO No. 2;
- e. The request is an unreasonable subsequent denial or substantially a similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by Ligao City WD; and
- f. The document has been lost or destroyed and can therefore no longer be reproduced; and
- g. Notice of denial 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 provided shall be deemed a denial of the request for information. All denials shall pass through the Office of the GM or his designated officer.

Section 2. A person whose request for access to information has been denied may avail himself of the remedy set forth:

- a. Filing a written appeal to the Ligao City WD Appeal and Review Committee by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request;
- b. The Appeal shall be decided by the General Manager upon the recommendation of the Ligao City WD Appeal and Review Committee within thirty (30) working days from the filling of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal;
- c. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

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ARTICLE 5

FOI RECEIVING OFFICER AND THE CREATION OF AN APPEAL AND REVIEW COMMITTEE

Section 1. There shall be an FOI Receiving Officer (FRO) designated by the GM who shall perform the functions provided under EO No. 2.

- a. Receive all requests for information and forward the same to be the appropriate department who has custody of the records;
- b. Monitor all FOI requests and appeals;
- c. Provide assistance to the GM for decisions on requests or denials;
- d. Provide assistance and support to the public and staff regarding FOI;
- e. Compile statistical information as required;
- f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the GM further evaluation;
- g. Deny the request based on the form which may be incomplete, or the information is already discussed in the Ligao City WD website.

Section 2. The Ligao City WD Appeal and Review committee shall be composed of the members of the Board of Directors to review and analyze the grant or denial of request for information. The Committee shall also provide expert advice to the GM on the denial of such request.

ARTICLE 6

FEES

1. No fee shall be charged for the acceptance of request for access to information.
2. The FRO shall immediately notify the requesting party for reproduction, copying, and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by Ligao City WD in providing the information to the requesting party. The schedule of fees shall be posted by Ligao City WD.
3. An exemption of fee may be granted upon request of the requesting party stating the valid reason for the exemption.

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ARTICLE 7

ADMINISTRATIVE LIABILITY

Section 1. Non-compliance with FOI. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

1. 1st Offense- Reprimand
2. 2nd Offense- Suspension of one (1) to thirty (30) days; and
3. 3rd Offense- Dismissal from the service.

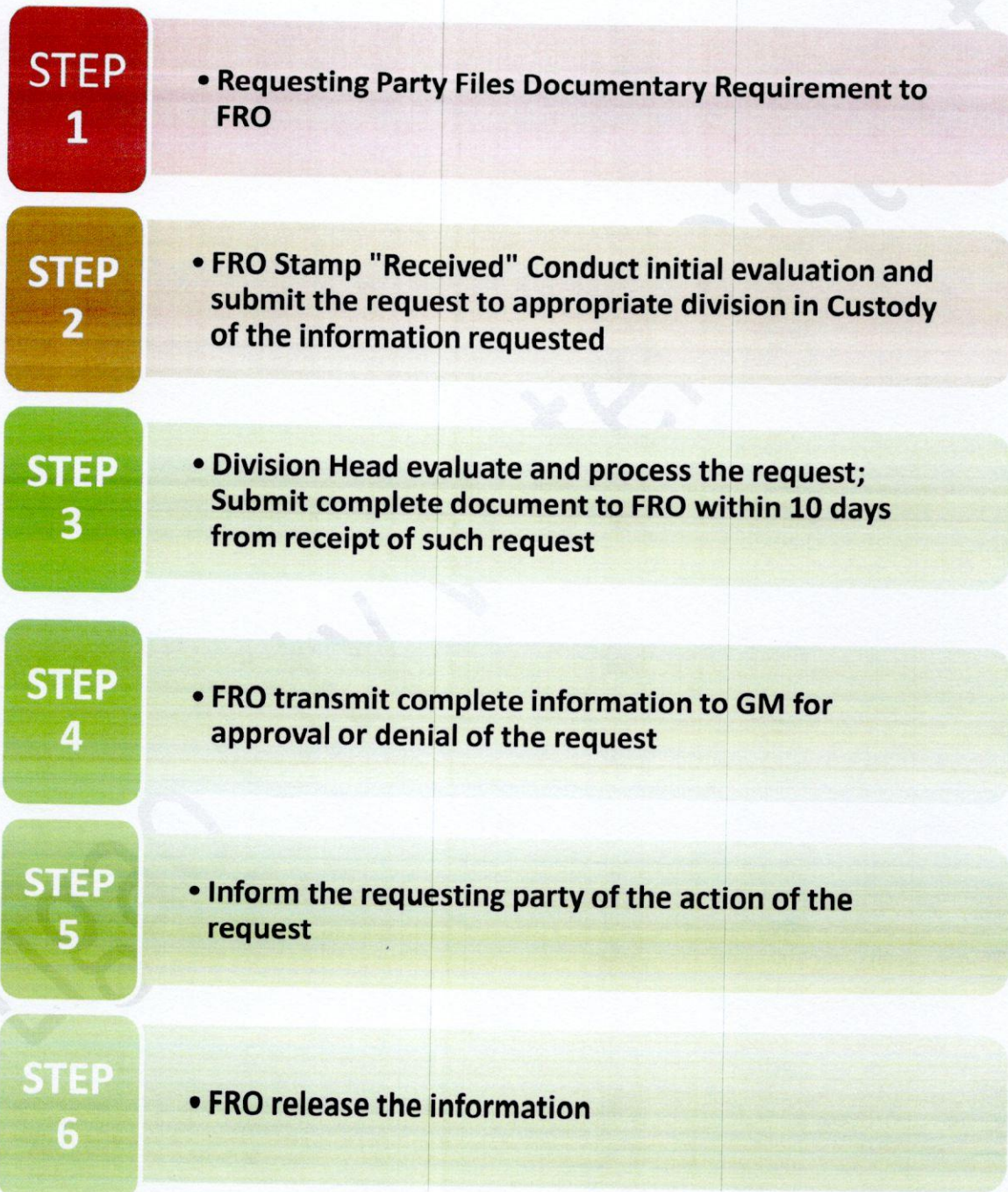
Section 2. Procedure: The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition cases under this Manual.

Section 3. Provision for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rule or regulation prescribed by anybody or agency which provides for more stringent penalties.

Law

ANNEX "A"

STEPS IN REQUESTING FOR INFORMATION



V6 answer



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ANNEX "B"

FOI REQUEST FORM

Title of the Documents: _____

Date: _____

Purpose: _____

Name: _____

Address: _____

Contact No.: _____

Proof of Identity: _____

Signature: _____

How would you like to received the information?

/___/ Pick up /___/ Mail or E-mail /___/ Others: _____

Submitted to: _____

Date/Time of Submission: _____

Certified by: _____

Types of action conducted: _____

Received by: _____

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Personnel Assistance and Complain Desk (PACD)

Remark

ANNEX "C"

NOTICE OF GRANTING THE REQUEST

DATE:

Dear Mr./Mrs. _____

Greetings!

Thank you for your request date _____ under executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

We will inform you the result of your request within (ten) 10days

Thank you.

Respectfully,

General Manager

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ANNEX "D"



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NOTICE OF EXTENSION OF TIME RESPOND

DATE

Dear Mr./Mrs. _____

Greetings!

Thank you for your request date _____ under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

Since your request requires extensive search of the records and facilitates of the Bacacay Water District or because of _____ which is beyond our control, we are asking for an extension of 15 days in order to fully process your request.

Thank you.

Respectfully,

General Manager

Handwritten signature



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ANNEX "E"

NOTICE OF DENIAL

DATE

Dear Mr./Mrs. _____

Greetings!

Thank you for your request date _____ under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

Your FOI request is DENIED because it is contrary to _____ If you would like to appeal this denial, you may submit an appeal with in fifteen (15) days from the receipt of this letter to the Board of Directors of Bacacay Water District.

Thank you.

Respectfully,

General Manager

Lawrence



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ANNEX "F"

NOTICE OF FINAL DECISION

DATE

Dear Mr./Mrs. _____

Greetings!

Thank you for your request date _____ under Executive Order No. 2 (s.2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

We are pleased to inform you that your request is granted.

Thank you.

Respectfully,

General Manager

Handwritten signature

ANNEX "G"

FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information, FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enable via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. What can I ask for under EO on FOI?

Information, official records, public records, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

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6. What agencies can we ask information?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including Government Owned or controlled Corporations (GOCs) and State Universities and Colleges (SUCs).

7. How do I make an FOI request?

- a. The requestor is to fill up a request form and submits to the agency's Receiving Officers. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- b. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- c. The request shall be forwarded to the officials involved to locate the requested information.
- d. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- e. If necessary, the head of the agency shall provide clearance to the response.
- f. The agency shall prepare the information for release, based on the desired format of the requestor. It shall be sent to the requestor depending in the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request.

If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

Handwritten signature or mark.

If the agency fails to provide a response within the required fifteen (15) working days, the requestor may write an appeal letter to the FOI Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the FOI Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the requestor may write an appeal letter to the FOI Appeals and Review Committee within fifteen (15) working days from the lapse of the required response period. The appeal shall be decided within thirty (30) working days by the FOI Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

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ANNEX "H"

**MALACAÑANG 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 THEREFORE

WHEREAS, pursuant to Article 28, Article II of the 1987 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 operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive AGENCY's, 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 of 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:

Roa Duterte

- (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 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.
- (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 records/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, AGENCY's, 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 an 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 AGENCY of Justice and the Office of the Solicitor

General are directed to update the inventory to exceptions as the need to do so arises, for circularization as herein above stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Section 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny 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 inventory of 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 the Officer 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 records, 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 disclosed that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to 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 request and for the proper acknowledgement of requests;
- (e) The procedure for the administrative appeal of any denial for access to information; and
- (f) 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, 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 contained in the inventory or updated inventory of exceptions contained in the 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 corresponding 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 extensions go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant the request, the person making the request shall be notified 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 applicable 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 has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office to deny the request in whole or in part, it shall as soon as practicable, in any case within fifteen (15) 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 Case of Denial of Request to Access to Information.

- (a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in section 9 of this order: provided that the written appeal must be filed by the same person making the request within (15) working days from the notice of denial or from the lapse of relevant period to respond to the request.
- (b) The appeal be decided by the person or office next higher in authority within in (30) working days from the filling of said written 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 maybe a ground for administrative and disciplinary sanctions against any erring public officer or employees 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, with in one hundred twenty (120) days from the effectivity of this order.

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

SECTION 18. Repealing Clause. All orders, rules and regulations, issuance 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 (s. 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 ____ day of _____, 20__.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

rs

ANNEX "I"



REPUBLIC OF THE PHILIPPINES
PRESIDENTIAL COMMUNICATIONS OPERATIONS OFFICE
Tanggapang Pampanguluhan sa Operasyong Komunikasyon
Ermita, City of Manila

FREEDOM OF INFORMATION
MEMORANDUM CIRCULAR

FOR : ALL AGENCIES, DEPARTMENTS, BUREAUS, OFFICES
AND INSTRUMENTALITIES OF THE EXECUTIVE
BRANCH INCLUDING GOVERNMENT-OWNED AND/OR
CONTROLLED CORPORATIONS (GOCCS), STATE
UNIVERSITIES AND COLLEGES (SUCS), AND LOCAL
WATER DISTRICTS (LWDS)

SUBJECT : GUIDELINES ON THE REFERRAL OF REQUESTED
INFORMATION, OFFICIAL RECORD/S AND PUBLIC
RECORD/S TO THE APPROPRIATE GOVERNMENT
AGENCY OTHERWISE KNOWN AS THE "NO WRONG
DOOR POLICY FOR FOI"

WHEREAS, Executive Order (EO) No. 02, s. 2016 was issued by President Rodrigo Roa R. Duterte to operationalize the Constitutional Right of Access to information, and Policy of Full Public Disclosure in the Executive Department;

WHEREAS, Memorandum Order (MO) No. 10, s. 2016 designated the Presidential Communications Operations Office (PCOO) as the lead agency in the implementation of EO No. 02, s. 2016;

WHEREAS, Department Order No. 18, s. 2017, issued by the PCOO, created the Freedom of Information – Project Management Office (FOI-PMO) to exercise the mandate of MO No. 10, s. 2016;

WHEREAS, in order to ensure the policy of the President to have an open, transparent and accountable government, it is the mandate of the PCOO to develop programs and mechanisms to enhance the capacity of government agencies to comply with the FOI program;

proposed

WHEREAS, there is a need to break the prevailing “silo system” and lack of interconnection among government agencies, with the end goal of a government acting as a singular unit serving its primary client, its citizens;

NOW, THEREFORE, by the virtue of PCOO’s mandate to develop programs and mechanism to ensure compliance with the FOI program, particularly on addressing the issue regarding the referral of any requested information, official record/s, or public record/s to the appropriate government agency, these rules are hereby prescribed and promulgated for the information, guidance and compliance of all concerned;

Section 1. Purpose. – This rule seeks to set guidelines for the referral of any requested information, official record/s, or public record/s to the appropriate government agency by another agency which does not have in its possession or custody the requested information or records, or is not authorized to release the information to the public.

Section 2. Coverage. – This Order shall cover all government agencies under the Executive branch implementing the FOI Program, pursuant to EO No. 2, s. 2016 and all other related issuances, and applies to both paper-based and electronic form of requesting information.

Section 3. Request of Information – Any person who requests for access to information shall comply with Section 9 of EO No. 2, s. 2016 and all other pertinent laws, existing rules and regulations, issuances, and orders. For purposes of this rule, information and records shall refer to information, official record/s, or public record/s as defined under EO No. 02, s. 2016.

Section 4. Acceptance of request. – As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Section 5. Process of Referral. – When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “First Referral” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

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If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the “Second Referral” and another fresh period shall apply.

Referrals under the Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Section 6. FOI Internal Messenger. – The FOI-PMO shall create a “FOI Internal Messenger”. Such feature shall be included in the dashboards of FROs and FDMs, located at the eFOI portal or www.foi.gov.ph, where all FROs and FDMs can ask or confirm with each other on which agency has the control and custody of any information or record being requested.

Section 7. Status of the Request. – A request that is referred to the appropriate government agency is considered successful if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

Section 8, Inventory of Receiving Officers and Decision Makers, and Agency Information Inventory. – For the convenience of all FROs and FDMs in implementing this Circular, an inventory of the names and contact details of all designated FROs and FDMs of government agencies, and an Agency Information Inventory (AII) shall be compiled by the FOI-PMO.

The FOI-PMO shall be the central repository of the inventory of all designated FROs and FDMs and shall collate and update the names and contact information of the designated FROs and FDMs of each government agency. The inventory shall be posted at the eFOI portal, www.foi.gov.ph. FOI-PMO shall strictly adhere to Republic Act No. 10173 or the Data Privacy Act of 2012.

To assist the FROs in locating the requested information or record, an annual updating of the All shall be required of all agencies on-boarded on the eFOI Portal. The consolidated inventory of information shall likewise be made available in the dashboard of the FRO and FDM for ease of access and information.

Section 9. Separability Clause. If, for any reason, any part or provision of this Memorandum Circular is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

Section 10. Repealing Clause. All orders, rules and regulations, memoranda, circulars, and issuances or any part thereof inconsistent with the provisions of this Memorandum Circular are hereby repealed, amended or modified accordingly.

Section 11. Effectivity. This Memorandum Circular shall take effect immediately.

Manila, Philippines, 27th day of August 2021.

JOSE RUPERTO MARTIN M. ANDANAR
Secretary and FOI Chairperson

Praves

NO WRONG DOOR POLICY FLOWCHART

