

# Freedom Of Information Manual

(IMPLEMENTING DETAILS)

*October 2018*



# PREFACE

Pursuant to Executive Order No. 2, s. 2016 by the President of the Republic of the Philippines, “Operationalizing in the Executive Branch the People’s Constitutional Right to Information and The State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor”,

In act to the call of the government for transparency and accountability in public offices, the Pandi Water District (PanWaDis) hereby publishes its **FREEDOM OF INFORMATION PEOPLE’S MANUAL**.

The PanWaDis FOI Manual set out the step-by-step procedures and guidelines to be conformed by the person/s requesting access on relevant information about the District, its programs, projects and activities (PAPs) within reasonable working days.

Consistent with the foregoing, this manual directs the PanWaDis officers, staff and the general public in the processing of any request for information under Executive Order No. 2, series of 2016.

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**PANDI WATER DISTRICT**

**FREEDOM OF INFORMATION (FOI) PEOPLE’S MANUAL**

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## Section 1. **Overview**

1. **Purpose of the Manual.** The purpose of this FOI People's Manual is to provide PanWaDis with the processes involved in dealing with a request for information received under Executive Order (E.O.) No. 2.

2. **Structure of the Manual.** This Manual sets the rules, guidelines, and procedures to be followed by the Pandi Water District whenever there is a request for access to information. The General Manager is responsible for all actions administered under this manual and may delegate this responsibility to key officers of the District to act as the Decision Maker/s (FDM) and may likewise delegate specific officers to act as the Appeals and Review Committee as may designated from time to time and as approved by the Board of Directors. The General Manager shall have overall responsibility for the final decision on FOI requests, ( i.e.to decide whether to release all the records, partially release the records or deny access).

3. **Coverage of the Manual.** The Manual shall include all request for information as well as the procedures for the appeal on request for information directed to PanWaDis.

4. **Approval and Denial of Request to Information.** The Decision Makers shall approve or deny all request of information. In case where the Decision Makers are on official leave, the General Manager may delegate such authority to the designated officer-in-charge of the unit.

5. **Policy Statement.** Consistent with the constitutional mandates upholding the right to Freedom of Information and implementation of policy of full public disclosure of all its transactions involving public interest, the PanWadis is committed to disclose information to the public involving public interest, subject to limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, such as the Republic Act (RA) No. 10173, otherwise known as the "Data Privacy Act," and the List of Exceptions approved by the Office of the President, among others.



**SECTION 2.** Promotion of Openness in Government

1. **Duty to Publish Information.** The PanWaDis shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision-making processes;
- b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

2. **Accessibility of Language and Form.** The PanWaDis shall endeavor to translate key information into major Filipino languages and present them in popular form and means.

3. **Keeping of Records.** The PanWaDis shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with the agency and the data generated or collected.



### SECTION 3. PROTECTION OF PRIVACY

1. While providing for access to information on matters of public concern as well as government research data used as the basis for policy development, the Pandi Water District (PanWaDis) shall balance said right with that of the right to privacy, as follows:

a. The PanWaDis shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by the Constitution, laws, regulations jurisprudence and Agency policies, rules and regulations;

b. General Data Privacy Principles. – The processing (collection, storage, use, destruction and other similar operations) of personal information shall be allowed, subject to compliance with the requirements of the Data Privacy Act and other laws allowing disclosure of information to the public and adherence to the principles of transparency, legitimate purpose and proportionality.

Personal information must be:

(1) Collected for specified and legitimate purposes determined and declared before, or as soon as reasonably practicable after collection, and later processed in a way compatible with such declared, specified and legitimate purposes only;

(2) Processed fairly and lawfully;

(3) Accurate, relevant and, where necessary for purposes for which it is to be used the processing of personal information, kept up to date; inaccurate or incomplete data must be rectified, supplemented, destroyed or their further processing restricted;

(4) Adequate and not excessive in relation to the purposes for which they are collected and processed;

(5) Retained only for as long as necessary for the fulfillment of the purposes for which the data was obtained or for the establishment, exercise or defense of legal claims, or for legitimate business purposes, or as provided by law; and

(6) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected and processed: Provided, that personal information collected for other purposes may lie processed for historical, statistical or scientific purposes, and in cases laid down in law may be stored for longer periods:

Provided, further that adequate safeguards are guaranteed by said laws authorizing their processing. (Section 11, Data Privacy Act)

Consistent with the above principles and 3e of the IRR of RA 6713, the District shall redact unnecessary information in the document, record or information that is the subject of a granted FOI request.

c. The PanWaDis as well as those seeking information pursuant to this FOI Manual as personal information controllers must ensure implementation of personal information processing principles set out herein (Section 11, Data Privacy Act). The District shall, therefore, in the FOI request form, and in replying to the granted FOI request require the requesting party to strictly adhere to the Philippine Data Privacy Act and other applicable laws.

d. The processing of personal information shall be permitted only if not otherwise prohibited by law, and when at least one of the following conditions exists:

- (1) The data subject has given his or her consent;
- (2) The processing of personal information is necessary and is related to the fulfillment of a contract with the data subject or in order to take steps at the request of the data subject prior to entering into a contract;
- (3) The processing is necessary for compliance with a legal obligation to which the personal information controller is subject;
- (4) The processing is necessary to protect vitally important interests of the data subject, including life and health;
- (5) The processing is necessary in order to respond to national emergency, to comply with the requirements of public order and safety, or to fulfill functions of public authority which necessarily includes the processing of personal data for the fulfillment of its mandate; or
- (6) The processing is necessary for the purposes of the legitimate interests pursued by the personal information controller or by a third party or parties to whom the data is disclosed, except where such interests are overridden by fundamental rights and freedoms of the data subject which require protection under the Philippine Constitution (Section 12, Data Privacy Act).

e. The processing of sensitive personal information and privileged information shall be prohibited, except in the following cases:

- (1) The data subject has given his or her consent, specific to the purpose prior to the processing, or in the case of privileged information, all parties to the exchange have given their consent prior to processing;
- (2) The processing of the same is provided for by existing laws and regulations: Provided, that such regulatory enactments guarantee the protection of the sensitive personal information and the privileged information: Provided, further, that the consent of the data subjects are not required by law or regulation permitting the processing of the sensitive personal information or the privileged information;

(3) The processing is necessary to protect the life and health of the data subject or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;

(4) The processing is necessary to achieve the lawful and non-commercial objectives of public organizations and their associations: Provided, that such processing is only confined and related to the bona fide members of these organizations or their associations: Provided, further, that the sensitive personal information is not transferred to third parties: Provided, finally, that consent of the data subject was obtained prior to processing;

(5) The processing is necessary for purposes of medical treatment, is carried out by a medical practitioner or a medical treatment institution, and an adequate level of protection of personal information is ensured; or

(6) The processing concerns such personal information as is necessary for the protection of lawful rights and interests of natural or legal persons in court proceedings, or the establishment, exercise or defense of legal claims, or when provided to government or public authority (Section 12, Data Privacy Act).

f. The PanWaDis shall protect personal information in its custody or under its control by making reasonable and appropriate security arrangements against unauthorized access, leaks or premature disclosure including physical, organizational and technical measures. The determination of the appropriate level of security under this section must take into account the nature of the personal information to be protected, the risks represented by the processing, the size of the organization and complexity of its operations, current data privacy best practices and the cost of security implementation (Section 20c, Data Privacy Act); and

g. The FOI Receiving Officer, FOI Decision Maker, and FOI Appeal and Review Committee or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the District, shall not disclose that information except as authorized by the Constitution, laws, regulations jurisprudence and PanWaDis policies, rules and regulations.



## SECTION 4. *and Definition of Terms.*

**ADMINISTRATIVE FOI APPEAL** is an independent review by the FOI Review and Appeal Committee of the initial determination by the FOI Decision Makers to approve or deny an FOI Request. Requesting parties who are dissatisfied with the initial determination on their FOI Request have a right to appeal such initial determination to the FOI Review and Appeal Committee, who will then conduct an independent review and will make a final determination whether to approve or deny the FOI Request.

**ANNUAL FOI REPORT** is a report to be filed each year with the Presidential Communications Operations Office (PCOO) by all government agencies detailing the administration of the FOI. Annual FOI Reports contain detailed statistics on the number of FOI requests and appeals received, processed, and pending at each government office.

**COMPLEX REQUEST** refers to a request which will require extensive research of existing records, processing or generation of voluminous data, or may involve a possible violation of the Data Privacy Act or other relevant laws.

**CONSULTATION.** When a government office locates a record that contains information of interest to another office or another person, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a "consultation."

**data.gov.ph.** The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.

**eFOI.gov.ph.** The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by the agency.

**EXCEPTIONS** refers to the information that should not be released and disclosed in response to an FOI request because they are protected by the Constitution, laws or jurisprudence.

**FREEDOM OF INFORMATION (FOI)** refers to the right of the people to information on matters of public concern, and the PanWaDis adoption and implementation of a policy of full public disclosure of all its transactions involving public interest, subject to

the limitations provided in the Constitution, applicable laws and regulations, issuances including Executive Order No. 2 and applicable jurisprudence. This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.

**FOI CONTACT.** refers to the name, office and contact information of designated FOI officers where you can make a FOI request.

**FOI DECISION MAKER.** refers to the PanWaDis official responsible for all actions carried out under this Manual and who has the primary duty of deciding whether to approve or deny an FOI Request lodged with their office.

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

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

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

**FULL DENIAL.** When the AGENCY or any of its office, bureau or agency cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

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

**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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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 PanWaDis or any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

**INFORMATION FOR DISCLOSURE.** Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes

information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without a need for written requests from the public.

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

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

**OPEN DATA.** as defined in Joint Memorandum Circular 2015-01 refers to datasets published by agencies that shall be machine-readable, in open formats, and released with open licenses. For any particular dataset to be deemed in compliance with this qualification of openness, the following must be present:

1. Publicly available and accessible by default. If the dataset qualifies for publication to the extent permitted by applicable laws and subject to individual privacy, confidentiality, national security, or other legally mandated restrictions, it should be made available through the agency's website by default and obtainable by download;
2. Open and machine-readable format. This means that the dataset is in a format that is platform-independent, machine-readable, and made available to the public without restrictions that would impede the re-use, modification, or processing of that information. Datasets in machine-readable formats are ones which are able to have its data extracted and processed by computer programs easily; and

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

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

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

**PERSONAL INFORMATION.** Shall refer to any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information or when put together with other information would directly and certainly identify an individual.

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

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

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

**READILY AVAILABLE INFORMATION.** refers to information made publicly or readily available by the Agency without the need of a specific FOI Request, such as materials, documents, records or information concerning its functions which may be posted on its website/s, or are otherwise readily available in its offices without the need of action by the FOI Decision Maker.

**REFERRAL** refers to the process wherein the Pandi Water District forwards an FOI Request to another agency for processing and final determination whenever the District locates a record that originated with or is of primary interest to, such other agency.

**SENSITIVE PERSONAL INFORMATION**, as defined in Section 3 (l) of the Data Privacy Act of 2012, refers to personal information:

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, the genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) specifically established by an executive order or an act of Congress to be kept classified.

**SIMPLE REQUEST** refers to a request the response to which will not require or involve the extensive search of existing records, processing or generation of voluminous data, or does not raise questions of possible violation of the Data Privacy Act or other relevant laws.

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## Section 5. **Responsible FOI Officers**

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1. **FOI Receiving Officers.** There shall be an FOI Receiving Officer (FRO) designated at the PanWaDis Main Office. The FROs shall preferably come from the Public Assistance or Information Office.

The FRO shall have the following duties and responsibilities:

a. Receive on behalf of the PanWaDis all requests for information and facilitate such request;

b. Ensure that FOI Request Form is completely accomplished;

Advise the requesting party on whether the request will be forwarded to the FOI Decision Maker for further evaluation, or, if the information is already in the PanWaDis website;

c. Process all request for information and forward to concerned division(s) which has custody of the requested record(s), as may be appropriate after consultation and evaluation and approval of the FOI Decision Maker (FDM);

d. Provide assistance in ensuring all requests are responded to within the prescribe time;

e. Maintain an FOI logbook of all requests for records and accountability purposes;

f. Monitor all FOI requests and appeals, provide assistance to the FDM, provide assistance and support to the public with regard to FOI request and compile statistical information as required;

g. Upon completion of the evaluation within the period set forth in EO No. 02, advice the requesting party of any decision on the request;

h. Prepare all other necessary FOI reports.

Annex "C" lists down the FOI receiving Officers for the PanWaDis and their respective contact details.

2. **FOI Decision Maker.** The various Division Heads of PanWaDis are designated by the General Manager as FOI Decision Maker/s (FDM) for purposes of efficiency and streamline process, who shall have authority for the initial decision on the FOI, evaluate the request whether to release all the requested records, partially release the same or deny access thereto based on the following:

- a. The PanWaDis does not have the information requested;
- b. The information is already disclosed in the PanWaDis Official Website [www.pandiwaterdistrict.gov](http://www.pandiwaterdistrict.gov).
- c. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- d. The information requested falls under the list of exceptions to FOI; or  
The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by Pandi Water District.

3. **FOI Appeals and Review Committee.** There shall be a FOI Appeals and Review Committee composed of three(3) officers designated by the General Manager to review and analyze the grant or denial of the request for information. The Committee shall endorse to the General Manager the proper response/action on the appeal. The General Manager makes the final decision on the appeal taking into consideration the endorsement and advice on denial of such request.

## SECTION 6.

# Standard Procedure

### 1. Receipt of Request for Information.

a. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance of the following requirements:

- i. The request must be in writing using the prescribed application form;
- ii. The request shall state the name and contact information of the requesting party;
- iii. Requesting party who shall be a Filipino citizen shall provide valid proof of identification. In the absence of a valid government-issued ID, the citizen may provide other documents to prove Filipino citizenship such as, but not limited to a birth certificate, etc. Requesting party shall also state under oath in the Application Form that he/she is a Filipino citizen. Authorization is required in the event that the FOI Request is coursed through a representative; and
- iv. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See **Annex "G" & "H"** FOI request form) and
- v. The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI application request form, and a copy of a duly recognized government ID with photo, and, in case the FOI Request is coursed through a representative, authorization.

b. In case the requesting party is unable to make a written request because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it to writing in the presence of a neutral third party.

c. In case the Requesting Party is unable to comply with any of the requisites, e.g. appropriate ID, insufficient details, etc., the FRO shall write the Requesting Party to notify him or her of the deficiencies and give him or her five working (5) days to rectify the deficiency in the request. The fifteen-day period within which to act on an FOI Request shall only commence once the Requesting Party completes the requisites for an FOI Request. In case the Requesting Party fails to rectify the deficiency within the said period, the request shall be archived.

d. The request shall be stamped "RECEIVED" by the FRO indicating the date and time of the receipt of the written request and furnished to the requesting party. In the case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

e. The PanWaDis must respond to requests promptly, within fifteen (15) working days following the date of receipt of the request.<sup>1</sup> A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Art. 13<sup>2</sup> of the New Civil Code shall be observed.

*An exception to this is where the request has been emailed to an absent FOI Responsible Officer. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.*

The date of receipt of the FOI request shall either be:

a. The date on which the request is physically delivered to the FRO, or received in the email inbox of the FRO; or

b. The date on which a necessary clarification is received if the PanWaDis asked the requesting party for further details to identify and locate the requested information.

**2. Initial Evaluation of Request.** After receipt of the request for information, the FRO shall evaluate the contents of the request to determine whether it is fully compliant with the requirement in Section 1.

a. **Requested information is available.** Request for readily available information as defined in this manual need not undergo the whole FOI procedure as mandated by EO No.2, the FRO shall endorse the request to the concerned FDM who has access to the requested information.

b. **Request relating to more than one Division under the PanWaDis:** If a request for information is received which requires to be complied with different Division, the FRO shall forward such request to the concerned Division and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective Division that they will only provide the specific information that relates to their offices.

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<sup>1</sup> EO 2 wording - The government office shall respond to a request fully compliant with requirements of subsection (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof.

<sup>2</sup> Article 13 of the Civil Code of the Philippines provides: Art. 13. When the laws speak of years, months, days or nights, it shall be understood that years are of three hundred sixty-five days each; months, of thirty days; days, of twenty-four hours; and nights from sunset to sunrise. If months are designated by their name, they shall be computed by the number of days which they respectively have. In computing a period, the first day shall be excluded, and the last day included. (7a)

a) **Requested information is not in the custody of the PanWaDis or any of its Division:** If the requested information is not in the custody of the District or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

a. If the records requested refer to another AGENCY, the request will be immediately transferred to such appropriate AGENCY and the FRO must inform the requesting party that the information is not held by the PanWaDis within the 15-working day limit. The 15-working day requirement for the appropriate department commences the day after it receives the request.

b. If the records refer to an office, not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

c. **Requested information is already posted in the PanWaDis Website.** For information requested that is already available and posted in the PanWaDis Website, the FRO shall inform the requesting party and provide the website link where the information is posted.

d. **Requested information is substantially similar or identical to the previous request.** Pursuant to Section 11 of E. O. No. 2, s. 2016, the FRO 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 PanWaDis. However, the FRO shall inform the applicant of the reason for such denial.

e. **Frequently requested information.** Each unit/ Division of PanWaDis should, as much as practicable, keep a database/records of frequently requested information for easy retrieval. Such frequently requested information may be made available online or readily available by each office.

f. **Requested information may be in violation of the Data Privacy Act.** If, after evaluation of the FOI Request, the FRO determines that such request may possibly encroach on the right to privacy of any person or if there appears to be a risk that disclosure of the requested information will expose the Pandi Water District and/or its employees to liability under the Data Privacy Act or any other existing law, the FRO shall refer the matter to the FDM who shall, before resolving the Request, refer the matter to a duly constituted FOI Appeals and Review Committee.

**i. Composition of the FOI Review Committee.**

1. Data Protection Officer (DPO) of the Pandi Water District involving FOI requests.
2. Two (2) officials appointed by the General Manager whom may be knowledgeable on the matter being requested.

**3. Transmittal of Request by the FRO to the FDM** After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgment of receipt of the request.

**4. Role of FRO in processing the request:** Upon receipt of the FOI request the FRO shall assess it and make clarifications if necessary. S/he shall make all necessary steps to locate and retrieve the information requested.

If the FOI request needs further details to identify or locate the information, he/she shall seek clarification from the requesting party. The clarification shall stop the running of the 15-working day period and will commence the day after it receives the required clarification from the requesting party.

If determines that a record contains information of interest to another office/agency, the FRO shall consult with the agency concerned on the disclosability of the records before making any final determination.

**5. Role of FRO to transmit the information to the requesting party:** Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He/She shall attach a cover/transmittal letter signed by the FDM noted by the General Manager and ensure the transmittal of such to the requesting party within fifteen (15) working days upon receipt of the request for information.

**6. Request for an Extension of Time.** Should the information requested require extensive search of the government office record facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FRO shall advise the requesting party immediately of the extension of the fifteen (15) day period.

Pursuant to Section 9 (e) of the EO No. 2, in no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.<sup>3</sup>

Where there is a need to submit additional information, requirements, or documents, the reply to the requesting party shall so state, specifying the reasonable period of time within which they should be submitted, and the name of the particular official or employee in charge thereof. When all the documents or requirements have been submitted to the satisfaction of the of the PanWaDis, the FRO shall inform the requesting party of the action to be

**PANDI WATER DISTRICT**

taken and the reasonable period of time when such action or disposition can be expected, barring unforeseen circumstances.<sup>4</sup>

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<sup>3</sup> Section 3(a) (1), Rule VI, Implementing Rules and Regulations of R.A. 6713.

<sup>4</sup> Section 3(b) (2), Rule VI, Implementing Rules and Regulations of R.A. 6713.

Reasonable period of time as used under this provision shall be based on the reasonable time defined under the Implementing Rules and Regulations of R.A. 6713.<sup>5</sup>

In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

If the request is outside the jurisdiction of the PanWaDis, the FRO must acknowledge receipt of the request and thereafter transmit a reply that the same will be referred to the proper department, office, or agency and attach a copy of the letter of referral to the proper department, office or agency.<sup>6</sup>

**7. Notice to the Requesting Party of the Approval/Denial of the FOI REQUEST:** The FDM endorses the approval or denial of the request to the FARC cc. The Office of the General Manager who shall make the final decision on PanWaDis action on the request. The FRO shall prepare the final response of PanWaDis to the requesting party either in writing or by email.

**8. Action on the FOI Request:**

a. **Approval of Request:** In case of approval, the FRO, in consultation with the FDM, shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

i. **Partial grant.** Where, in the determination of the FDM, the PanWaDis will not be able to disclose all the records in full as where part of the request involves data or information which falls under the exceptions or some information, data or record cannot be located, the FDM through

the FRO will disclose only such portions of the records as it may legally do so.

- b. **Denial of Request:** In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based.

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<sup>5</sup> Section 4. All official papers and documents must be processed and completed within a reasonable time from the preparation thereof. Reasonable time shall be determined in accordance with the following rules: (b) When the law or the applicable rule issued in accordance therewith prescribes a period within which a decision is to be rendered or an action taken, the same shall be followed; (c) When the law or the applicable rule issued in accordance therewith does not prescribe a period, the head of department, office or agency shall issue rules and regulations prescribing, among other things, what is reasonable time, taking into account the following factors:

(1) Nature, simplicity or complexity of the subject matter of the official papers or documents processed by said department, office or agency. (2) Completeness or inadequacy of requirements or of data and information necessary for decision or action; (3) Lack of resources caused by circumstances beyond the control of the department, office or agency or official or employee concerned; (4) Legal constraints such as restraining orders and injunctions issued by proper judicial, quasijudicial or administrative authorities; and (5) Fault, failure or negligence of the party concerned which renders decision or action not possible or premature; and (6) Fortuitous events or force majeure.

<sup>6</sup> Section 3(b)(1) and (2), Rule VI, Implementing Rules and Regulations of R.A. 6713.

**i. Grounds for Denial of Request.** The following are grounds for denial of an FOI Request:

1. The request is covered by one of the exceptions under the Constitution, laws or jurisprudence;
2. The request is covered by one of the exceptions listed in **ANNEX “B”** of this Manual;
3. The request is substantially similar or identical to a previous request by the same requesting party.

## SECTION 7

# REMEDIES IN CASE OF DENIAL

A person whose FOI Request has been denied by the FDM may appeal said denial and avail of the remedy set forth below:

1. Administrative FOI Appeal to the PanWaDis FOI Appeals and Review Committee: Provided, that the written appeal must be filed 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.
  - a. The appeal shall be decided by the General Manager upon the recommendation of the FOI Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
  - b. The denial of the Appeal by the General Manager or the lapse of the period to respond to the request may be Appealed further to the Office of the President under Administrative Order No. 22, s. 2011.

## SECTION 8



1. **No Request Fee.** The PanWaDis shall not charge any fee for accepting FOI requests.
2. **Reasonable Cost of Printing or Reproduction of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. Such fee shall be the actual amount spent by the PanWaDis in providing the information to the requesting party. The schedule of fees shall be posted by the PanWaDis in its website.
3. **Exemption from Fees:** The PanWaDis may exempt any requesting party from payment of fees upon request, stating the valid reason why such requesting party need not pay the fee.

SECTION 9.



The PanWaDis shall establish a system to trace the status of all requests for information received by it, which may be paper-based, online or both. It shall be the responsibility of the FRO to collate and consolidate the following information under the Request Tracking System:

Status	Meaning
Accepted	Request has been validated and verified by the FOI Receiving Officer (FRO) and has been forwarded to the FOI Decision Maker (FDM)
Awaiting clarification	Request has incomplete details or missing field/s and has been returned to the requesting party
Processing	Request has been received by the FDM and is now being processed
<b>Successful:</b> Information has been disclosed	Request has been processed and information requested has been disclosed
<b>Successful:</b> Information already available online	Request has already been proactively disclosed via the website of the DISTRICT
<b>Successful:</b> Request has already been addressed	Requested information has already been requested before through the eFOI portal
Partially successful	Out of several queries in a single FOI Request, only a number of these information has been disclosed
<b>Denied:</b>	Requested information is included or is under the

PANDI WATER DISTRICT

Information under Exceptions List	scope of the categories of the Exceptions List
<b>Denied:</b> Wrong agency	Requested information is not with the agency and/or another agency holds the information
Closed	Request which has been returned to the requesting party for clarification and the requesting party failed to response within 60 days
Red flags	Request went beyond the deadline of either 15 or 35 (for those with requested extension) days <sup>7</sup>

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<sup>7</sup> Section 2 of FOI MC No. 5 series of 2017 on Standard FOI Registry

SECTION 10.

**ADMINISTRATIVE LIABILITY**

A. **NON-COMPLIANCE WITH FOI** shall be a ground for the imposition of administrative and disciplinary sanctions against the erring official or employee after notice and hearing as provided under existing laws and regulations:

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

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

2. Procedure. The Revised Rules on Administrative Cases in the Civil Service (RRACS) shall be applicable in the disposition of cases under this Manual.

SECTION 10.



**ANNEX “ A”**

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

**EXECUTIVE ORDER NO. 02**

**OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE’S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR**

**WHEREAS, pursuant to Article 28, Article II of the 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 departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

**WHEREAS**, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow 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:

(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 record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

**SECTION 3. Access to information.** Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

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

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare 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 Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

**SECTION 5. Availability of SALN.** Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for 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 Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public 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 disclose 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 requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

**SECTION 9. Procedure.** The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, 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 exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, 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 subsection (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 an extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer 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 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 decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

**SECTION 13. Remedies in Cases of Denial of Request for Access to Information.**

(a) Denial of any request for access to information may be appealed to the 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 fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.

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

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

**SECTION 14. Keeping of Records.** Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval, and communication of information to the public.

**SECTION 15. Administrative Liability.** Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

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

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

**SECTION 18. Repealing Clause.** All orders, rules and regulations, 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 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**

President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**

Executive Secretary

**ANNEX “ B”**

OFFICE OF THE PRESIDENT

OF THE PHILIPPINES

MALACAÑANG

SUBJECT: **INVENTORY OF EXCEPTIONS TO EXECUTIVE ORDER NO. 2 (S. 2016)**

DATE: 24 November 2016

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Pursuant to Section 4 of Executive Order (EO) No. 2 (s. 2016), the Office of the President hereby circularizes the inventory of exceptions to the right to access of information, for the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public.

The foregoing list of exceptions shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the courts.

In evaluating requests for information, all heads of offices are enjoined to ensure the meaningful exercise of the public of their right to access to information on public concerns.

For your information and guidance.

(Sgd.) SALVADOR C. MEDIALDEA

**PANDI WATER DISTRICT**

**FREEDOM OF INFORMATION (FOI) PEOPLE’S MANUAL**

## **Exceptions to Right of Access to Information**

For the guidance of all government offices and instrumentalities covered by EO No. 2 (s. 2016) and the general public, the following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:<sup>8</sup>

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. 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;
6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.

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<sup>8</sup> These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.

1. Information covered by Executive privilege:
  - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;<sup>9</sup> and
  - b. Matters covered by deliberative process privilege, namely:
    - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;<sup>10</sup> and
    - ii. information, record or document comprising drafts of decisions, orders, rulings, policy-decisions, memoranda, etc.;<sup>11</sup>
2. Privileged information relating to national security, defense or international relations:
  - a. Information, record, or document that must be kept secret in the interest of national defense or security;<sup>12</sup>
  - b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;<sup>13</sup> and
  - c. Patent applications, the publication of which would prejudice national security and interests;<sup>14</sup>

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<sup>9</sup> This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998,

299 SCRA 744.

<sup>10</sup> *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

<sup>11</sup> Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

<sup>12</sup> *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a), Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No.

196 as "Top Secret," "Secret," "Confidential," and "Restricted."

<sup>13</sup> *Akbayan v. Aquino*, *supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

<sup>14</sup> The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

3. Information concerning law enforcement and protection of public and personal safety;
  - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
    - i. interfere with enforcement proceedings;
    - ii. deprive a person of a right to a fair trial or an impartial adjudication;
    - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
    - iv. unjustifiably disclose investigative techniques and procedures;<sup>15</sup>
  - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;<sup>16</sup>
  - c. When disclosure of information would put the life and safety of an individual in imminent danger;<sup>17</sup>
  - d. Any information given by informants leading to the recovery of carjacked vehicles and apprehension of the persons charged with carjacking;<sup>18</sup> and
  - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;<sup>19</sup>
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:

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<sup>15</sup> Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG*, *supra*. May be invoked by law enforcement agencies.

<sup>16</sup> *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

<sup>17</sup> Section 3(b), Rule IV, Rules on CCESPOE.

<sup>18</sup> Section 19, *New Anti Carapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.

<sup>19</sup> Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,<sup>20</sup> personal information or records,<sup>21</sup> including sensitive personal information, birth records,<sup>22</sup> school records,<sup>23</sup> or medical or health records;<sup>24</sup>

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information;<sup>25</sup>

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been committed by such person, the disposal of such proceedings, or the sentence of any court in such proceedings;
- (3) issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- (4) specifically established by an executive order or an act of Congress to be kept classified.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual<sup>26</sup> and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.<sup>27</sup>

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<sup>20</sup> Section 3(e), Rule IV, Rules on CCESPOE.

<sup>21</sup> Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

<sup>22</sup> Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

<sup>23</sup> Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

<sup>24</sup> Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

<sup>25</sup> Section 3(l), *Data Privacy Act of 2012*.

<sup>26</sup> Article 26(2), *Civil Code*.

<sup>27</sup> Section 11, *Data Privacy Act of 2012*.

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including:

(1) the fact that the individual is or was an officer or employee of the government institution;

(2) the title, business address and office telephone number of the individual;

(3) the classification, salary range and responsibilities of the position held by the individual; and

(4) the name of the individual on a document prepared by the individual in the course of employment with the government;<sup>28</sup>

b. Source of any news report of information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;<sup>29</sup> and

c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:

(1) records of child and family cases;<sup>30</sup>

(2) children in conflict with the law from initial contact until final disposition of the case;<sup>31</sup>

(3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;<sup>32</sup>

(4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;<sup>33</sup>

- (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;<sup>34</sup>

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<sup>28</sup> Section 4, *Data Privacy Act of 2012*.

<sup>29</sup> *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.

<sup>30</sup> Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

<sup>31</sup> Section 43, *Juvenile Justice and Welfare Act of 2006* [RA No. 9344].

<sup>32</sup> Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

<sup>33</sup> Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

<sup>34</sup> Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

- (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;<sup>35</sup>
- (7) names of victims of child abuse, exploitation or discrimination;<sup>36</sup>
- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;<sup>37</sup>
- (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;<sup>38</sup>
- (10) names of students who committed acts of bullying or retaliation;<sup>39</sup>
- (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and<sup>40</sup>

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<sup>34</sup> Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

<sup>35</sup> Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

<sup>36</sup> Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*; as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.

<sup>37</sup> Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

<sup>39</sup> Section 3(h), *Anti-Bullying Act* (RA No. 10627).

<sup>40</sup> Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

(12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;<sup>41</sup>

5. 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, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;<sup>42</sup>
  - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);<sup>43</sup>
  - c. Records and reports submitted to the Social Security System by the employer or member;<sup>44</sup>
  - d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;<sup>45</sup>
  - e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;<sup>46</sup>
  - f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;<sup>47</sup>
  - g. Documents submitted through the Government Electronic Procurement System;<sup>48</sup>

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<sup>41</sup> Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>42</sup> Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.

<sup>43</sup> Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

<sup>44</sup> Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

<sup>45</sup> Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

<sup>46</sup> Section 34, *Philippine Competition Act* (PCA), RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

<sup>47</sup> Section 81, EO No. 226 (s. 1987), as amended.

<sup>48</sup> Section 9, *Government Procurement Reform Act* (RA No. 9184).

- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;<sup>49</sup>
  - i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;<sup>50</sup>
  - j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;<sup>51</sup>
  - k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;<sup>52</sup>
  - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;<sup>53</sup>
  - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;<sup>54</sup>
  - n. Information on registered cultural properties owned by private individuals;<sup>55</sup>
  - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);<sup>56</sup> and
  - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;<sup>57</sup>
6. Information of which a premature disclosure would:

- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
- b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.<sup>58</sup>

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<sup>49</sup> Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

<sup>50</sup> Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).

<sup>51</sup> Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

<sup>52</sup> Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

<sup>53</sup> Section 10, *Safeguard Measures Act*.

<sup>54</sup> Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

<sup>55</sup> Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

<sup>56</sup> CHED Memorandum Order No. 015-13, 28 May 2013.

<sup>57</sup> Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards of Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).

<sup>58</sup> Section 3(g), Rule IV, Rules on CCESPOE.

7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
  - a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;<sup>59</sup>
  - b. Matters involved in an Investor-State mediation;<sup>60</sup>
  - c. Information and statements made at conciliation proceedings under the *Labor Code*;<sup>61</sup>
  - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);<sup>62</sup>
  - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;<sup>63</sup>

- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;<sup>64</sup>
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;<sup>65</sup>
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;<sup>66</sup>
- i. Investigation report and the supervision history of a probationer;<sup>67</sup>
- j. Those matters classified as confidential under the *Human Security Act of 2007*;<sup>68</sup>

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<sup>58</sup> Section 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

<sup>59</sup> Article 10, *International Bar Association Rules for Investor-State Mediation*

<sup>61</sup> Article 237, *Labor Code*.

<sup>62</sup> Article 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

<sup>63</sup> Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

<sup>64</sup> Sections 13.4, 15.4, 29.2(b), and 64.2 of the *Securities Regulation Code*.

<sup>65</sup> Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.

<sup>66</sup> DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

<sup>67</sup> Section 17, *Probation Law of 1976* [PD No. 968 (s. 1976)].

<sup>68</sup> Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;<sup>69</sup> and
  - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;<sup>70</sup>
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*)

- b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
  - c. RA No. 8791 (*The General Banking Law of 2000*);
  - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
  - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
    - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;<sup>71</sup>
    - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);<sup>72</sup> and
    - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);

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<sup>69</sup> Section 14, Civil Service Commission Resolution No. 01-0940.

<sup>70</sup> Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.

<sup>71</sup> Examples: Article 20(2), ASEAN Comprehensive Investment Agreement; Article 15(2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15(2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

<sup>72</sup> Article 7, UNCITRAL Transparency Rules.

- b. Testimony from a government official, unless pursuant to a court or legal order;<sup>73</sup>
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
  - (1) any purpose contrary to morals or public policy; or
  - (2) any commercial purpose other than by news and communications media for dissemination to the general public;<sup>74</sup>
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;<sup>75</sup>

- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;<sup>76</sup>
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;<sup>77</sup> and
- g. Attorney-client privilege existing between government lawyers and their client.<sup>78</sup>

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<sup>73</sup> *Senate v. Neri, supra; Senate v. Ermita, supra.*

<sup>74</sup> Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees.*

<sup>75</sup> *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte, Jr.*, G.R. No. 74930, 13 February 1989; 252 Phil. 264.

<sup>76</sup> Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and

Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the

Committee on Claims; National Labor Relations Commission Resolution No. 01-02, Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform, MC No. 07-11, 19 July 2011; Department of Social Welfare and Development, MC No. 021-12, 16 October 2012; and Section 42. Investment Company Act (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.

<sup>77</sup> *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

<sup>78</sup> Canon 21 of the *Code of Professional Responsibility.*

## ANNEX “ C ”

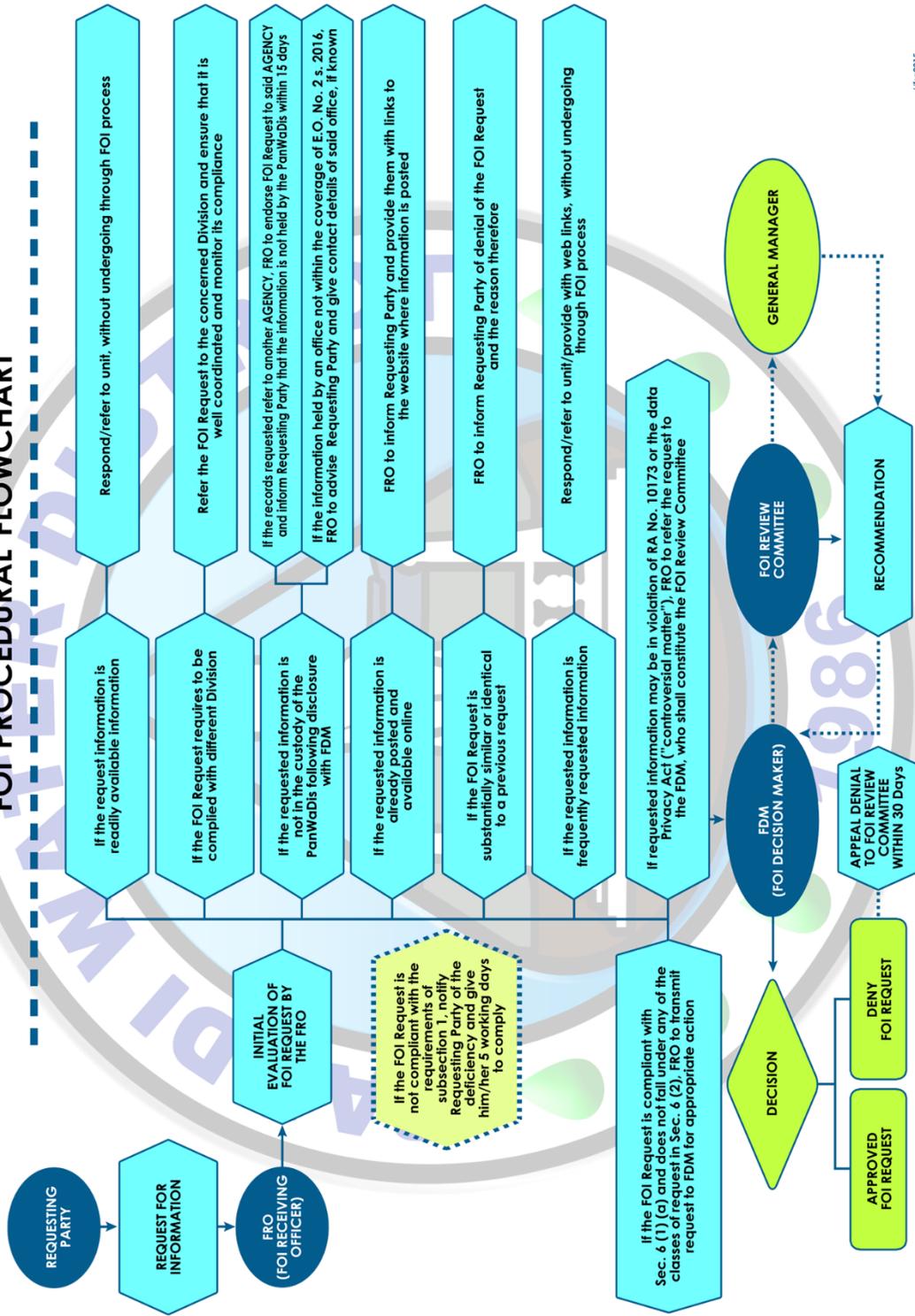
### FOI Designated Officers

Division	Names of Officer	FOI Designation	Contact Details
Commercial	<b>Gemmalyn D. Bernardo</b>	FOI Receiving Officer	Landline: <b>(044) 603-4169</b>  Mobile: <b>0997-603-4169</b> <b>0942-980-7556</b>
	<b>Flordeliza B. Villamin</b>	FOI Receiving Officer	Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>
Commercial	<b>Janet G. Capiral</b>	FOI Decision Maker	Landline: <b>(044) 309-5121</b>  Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>
Administrative and General Services	<b>Criselda A. Cruz</b>	FOI Decision Maker	
Engineering and Construction	<b>Engr. Ronaldo R. Dalisay</b>	FOI Decision Maker	
Administrative and General Services	<b>Mila P. Mendoza</b>	FOI Appeals and Review Committee	Landline: <b>(044) 309-5121</b>
Finance			

PANDI WATER DISTRICT

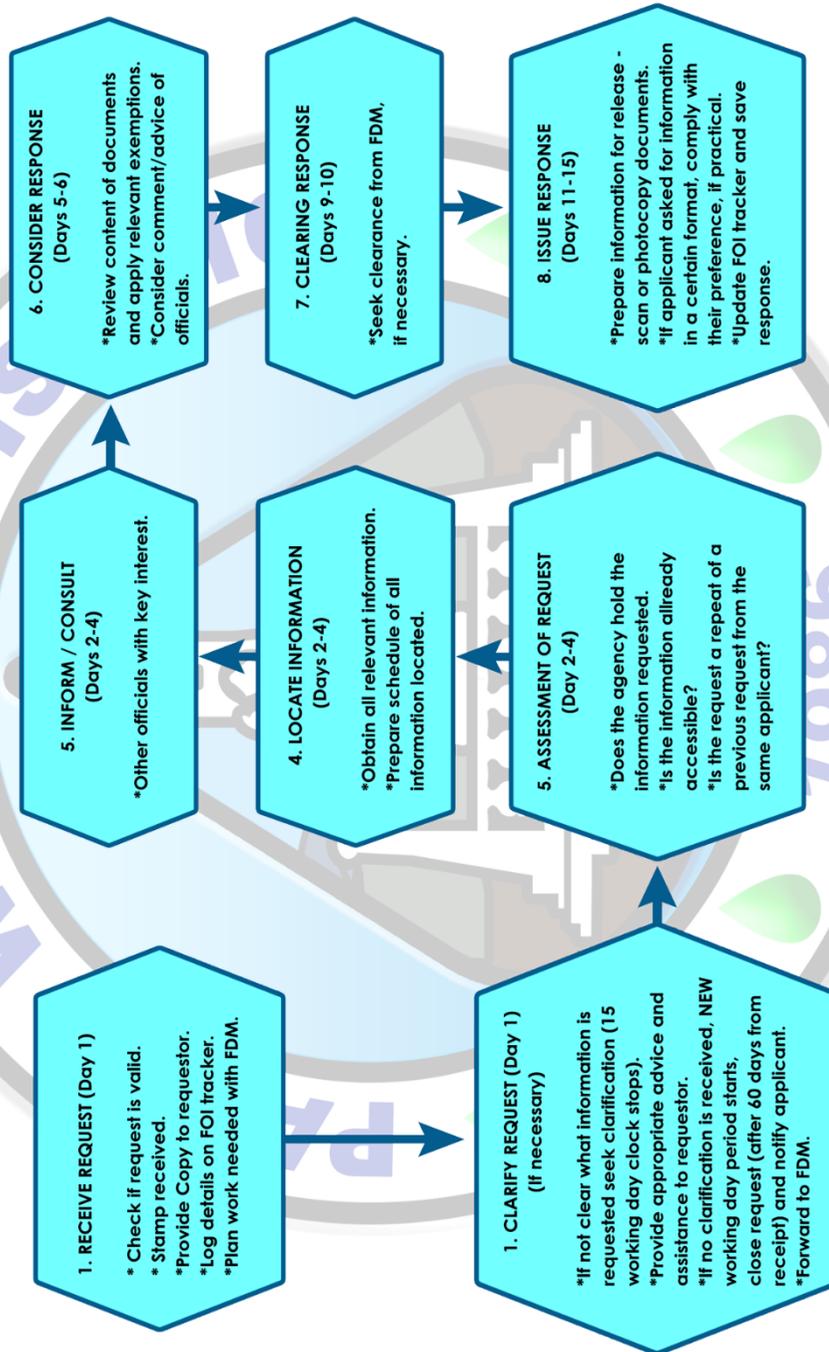
	<b>Cristina S. Fetalco</b>	FOI Appeals and Review Committee	Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>
Production and Water Quality	<b>Engr. Cesar Ortega</b>	FOI Appeals and Review Committee	

FOI PROCEDURAL FLOWCHART



/fhoab15

DETAILED FOI REQUEST PROCESS



/f/00015

**ANNEX “F”**

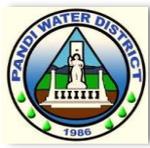
**FOI REQUEST PROCESS IN DAYS**

<b>Day 1</b>	<b>Days 2 – 4</b>	<b>Days 5 – 8</b>	<b>Days 9 – 10</b>	<b>Days 11 - 15</b>
<p><b>RECEIVE REQUEST</b></p> <ul style="list-style-type: none"> <li>* Check if request is valid.</li> <li>* Stamp received.</li> <li>* Provide copy to requestor.</li> <li>* Log details on FOI tracker.</li> <li>* Plan work needed with FDM.</li> </ul> <p><b>CLARIFY REQUEST (If necessary)</b></p>	<p><b>ASSESSMENT OF REQUEST</b></p> <ul style="list-style-type: none"> <li>* Does the agency hold the information requested?</li> <li>* Is the information already accesible</li> <li>* Is the request a repeat of a previous request from the same applicant?</li> </ul> <p><b>LOCATE INFORMATION</b></p>	<p><b>CONSIDER RESPONSE</b></p> <ul style="list-style-type: none"> <li>* Review content of documents and apply relevant exemptions.</li> <li>*Consider comment/advise of officials.</li> </ul>	<p><b>CLEARING RESPONSE</b></p> <ul style="list-style-type: none"> <li>*Seek clearance from FDM, if necessary.</li> </ul>	<p><b>ISSUE RESPONSE</b></p> <ul style="list-style-type: none"> <li>* Prepare information for release-</li> <li>Scan or photocopy documents.</li> <li>* If applicant asked for information in a certain format, comply with their preferences, if practical.</li> <li>* Update FOI traker and save response.</li> </ul>

<p>* If not clear what information is requested seek clarification (15 working day clock stops).</p> <p>* Provide appropriate advice and assistance to requestor.</p> <p>* When clarification is received, New working day period starts.</p> <p>* If no clarification received, close request ( after 60 days from receipt) and notify applicant.</p> <p>* Forward to FDM.</p>	<p>* Obtain all relevant information.</p> <p>* Prepare schedule of all information located.</p> <p><b>INFORM / CONSULT</b></p> <p>* Other officials with key interest.</p>			
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**Notes:**

- 9 This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
  - 10 Each FOI request is different, so not all of these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. **However, it is always important to allow sufficient time for FOI Decision Makers, etc to clear FOI responses before expiry of the 15 working day deadline.**
- For any request, it is essential to start looking at it as soon as it is received, to assess what work needs to be done and to plan that work so that the request is answered on time. This table is intended to help with that planning.



**FREEDOM OF INFORMATION REQUEST FORM**

**PART I. INFORMATION ON REQUESTING PARTY**

1. Title: (Mr/Mrs/Miss/Ms)  Others

2. Full Name:

Surname

First Name   
*(Including M.I.)*

3. Complete Address:

Apt/House No./Street

Brgy/District

City/Municipality

Province

4. Company/Affiliation/Organization/School and Position:

5. Type of I.D. Given: *(With photograph and signature)*

Passport  Driver's License  Others: *(Pls. Specify)*

Postal ID  Voter's ID

6. Contact Details:

	Country Code	Area Code	Number
Landline:	( )	( )	
Fax:	( )	( )	
Mobile:			
E-mail:			

7. Preferred Mode of Communication:  
*(For clarification and other matters)*

Landline  Mobile  E-mail  Postal Address

8. Preferred Mode of Reply/Response:

Pick-up  Fax  E-mail  Postal Address

9. Name of Representative/Guardian: *(If applicable)*

Surname

First Name   
*(Including M.I.)*

10. I.D. of Representative:

11. Proof of Authority:

**PART II. REQUESTED INFORMATION**

12. Title of Document/Record Requested:  
*(Please provide as much detail as you can)*

Photocopy  Certified Photocopy

13. Date of Document: *(DD/MM/YYYY)*  /  /

Certified True Copy

14. Purpose of Request *(Please be as specific as possible):*

15. Any other relevant information:

I declare and certify that the information provided in this form is complete and correct. I am aware that giving false or misleading information or using forged documents is a criminal offense. I bind myself and my principal to use the requested information only for the specific purpose stated and subject to such other conditions as may be prescribed by the Office of the President. I understand that the Office of the President may collect, use and disclose personal information contained in this request.

16. Signature of Requesting Party or Representative:

Date: *(DD/MM/YYYY)*  /  /

**For Official Use Only**

Received by:

Name/Signature:

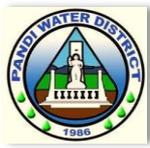
Position:

Date and Time Received:

Remarks:

For follow-ups or other inquiries, please contact (044) 309-5121/ 0997-603-4169/0942-980-7556 and look for the FOI Receiving Officer on duty.

Control No.



**PORMULARYO NG KAHILINGAN (FOI)**

**(FOI Request Form)**

**Titulo ng dokumento /** (Title of the Document): \_\_\_\_\_

**MGA TAON/PANAHONG SAKLAW /** (Year): \_\_\_\_\_

**LAYUNIN /** (Purpose): \_\_\_\_\_

**PANGALAN /** (Name): \_\_\_\_\_ **CONTACT NOS. :** \_\_\_\_\_

**LAGDA/** (Signature): \_\_\_\_\_ **PETSA /** (Date) : \_\_\_\_\_

**TIRAHAN /** (Address): \_\_\_\_\_ **KATIBAYAN NG PAGKAKAKILANLAN /** (Proof of Identity)

**PARAAN NG PAGTANGGAP NG IMPORMASYON /**

Passport No. \_\_\_\_\_

(How would you like to receive the information?)

Driver's License \_\_\_\_\_

Email \_\_\_\_\_

Other \_\_\_\_\_

Fax \_\_\_\_\_

Postal \_\_\_\_\_

Pick-up/(Office hours) \_\_\_\_\_

**Gawaing Itinalaga kay:** (Submitted to) \_\_\_\_\_

(Lumagda sa ibaba ng pangalang nakalimbag)

**Petsa/Oras ng Pagkatalaga :** (Date/Time of Submission) \_\_\_\_\_

**Taong nagpatunay ng Gawaing Natapos:** \_\_\_\_\_

(Lumagda sa ibaba ng pangalang nakalimbag)

**Uri ng isinagawang aksiyon:**

(Type of action conducted) \_\_\_\_\_

**Iniskedyul ni /** (Scheduled by):

**FOI Receiving Officer (FRO)**

1 \_\_\_\_\_

2 \_\_\_\_\_

**Remarks:** (Komento/Suhestiyon)

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Control No.
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Republic of the Philippines  
**Pandi Water District**

M. Santos St., Poblacion, Pandi, Bulacan

EXCERPT FROM THE MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING HELD ON  
 25<sup>th</sup> SEPTEMBER 2018 AT 2<sup>nd</sup> FLOOR PANDI WATER DISTRICT OFFICE.

**BOARD OF DIRECTORS:**

**PRESENT** : Mr. Joel C. Bernardo  
 Mrs. Evangelina L. Sandel  
 Mrs. Trinidad L. Gonzales  
 Mrs. Maria Isabel O. Avendaño  
 Mrs. Rosalinda M. Marcos

**ABSENT** : None

**ALSO PRESENT** : Ms. Elvira Socorro B. Santos

**I. DETERMINATION OF QUORUM AND CALL TO ORDER.**

After the determination of the quorum, the Chairperson of the Board called the meeting to order at exactly 5:00 p.m. The Secretary of the Board took the minutes.

**RESOLUTION NO. 2018-042**

**II. A RESOLUTION APPROVING THE PANDI WATER DISTRICT FREEDOM OF INFORMATION (FOI) PEOPLE'S MANUAL IN COMPLIANCE TO EXECUTIVE ORDER NO. 2, SERIES OF 2016 AND AUTHORIZING THE GENERAL MANAGER ELVIRA B. SANTOS TO ADMINISTER ALL ACTIONS SET FORTH UNDER THIS MANUAL AND DESIGNATING KEY OFFICERS TO ACT AS FOI RECEIVING OFFICER/S (FRO), FOI DECISION MAKER/S (FDM) AND THE APPEALS AND REVIEW COMMITTEE.**

**WHEREAS**, the Presidential Communications Operations Office (PCOO) thru FOI-MC No. 01 s.2016 was tasked to take the lead in the implementation of the FOI program and guidelines for Executive Branch, including GOCCs and SUCs; (Annex "A")

**WHEREAS**, Pandi Water District (PanWaDis), as a Government Owned and Controlled Corporation (GOCC), adheres to the policies of government institutions in order to contribute to national goals set by the present administration;

**WHEREAS**, pursuant to Executive Order No. 2, with the subject "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", the District came up with a Freedom of Information Manual; (Annex "B").

**1** **Board Resolution No. 2018-042**

*Water is Life, and Clean water means health*  
 -Audrey Hepburn

Contact Nos.: (0997)2536220/ (0942)9807556/ (044) 661-1050  
 Email : pandiwaterdistrict@yahoo.com.  
 Website: www.pandiwaterdistrict.com

Control No.



Republic of the Philippines  
**Pandi Water District**

M. Santos St., Poblacion, Pandi, Bulacan

**WHEREAS**, this Manual sets the rules, guidelines, and procedures to be followed by the Pandi Water District whenever there is a request for access to information. The General Manager is responsible for all actions administered under this manual and may delegate this responsibility to staff as FOI Receiving Officers and key officers of the District to act as the Decision Maker/s (FDM) and may likewise delegate specific officers to act as the Appeals and Review Committee, as may designated from time to time and as approved by the Board of Directors. The General Manager shall have overall responsibility for the final decision on FOI requests, ( i.e.to decide whether to release all the records, partially release the records or deny access).

**WHEREAS**, during the presentation and discussion of this FOI People's Manual, the Board deemed it as an interim solution to standardize the process of releasing information on matters of public concern;

**WHEREAS**, the General Manager designates the FOI Receiving Officers, FOI Decision Makers, and FOI Appeals and Review Committee who will handle the District's FOI implementation. Information about these FOI Officers and their duties and responsibilities as follows :

I. **FOI Receiving Officers:** There shall be an FOI Receiving Officer (FRO) designated at the PanWaDis Main Office. The FROs shall preferably come from the Public Assistance or Information Office.

Division	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officers
Commercial	Public Assistance and Complaint Desk (PACD)	Landline: (044) 603-4169 Mobile: 0997-603-4169	1. Gemmalyn D. Bernardo Costumer Service Assist.B
	Frontline Services G/F PanWadis Office	0942-980-7556	2. Flordeliza B. Villamin Costumer Service Assist.C

The FRO shall have the following duties and responsibilities:

- a. Receive on behalf of the PanWaDis all requests for information and facilitate such request;
- b. Ensure that FOI Request Form is completely accomplished;
- c. Advise the requesting party on whether the request will be forwarded to the FOI Decision Maker for further evaluation, or, if the information is already in the PanWaDis website;
- d. Process all request for information and forward to concerned division(s) which has custody of the requested record(s), as may be appropriate after consultation and evaluation and approval of the FOI Decision Maker (FDM);

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- e. Provide assistance in ensuring all requests are responded to within the prescribed time;
- f. Maintain an FOI logbook of all requests for records and accountability purposes;
- g. Monitor all FOI requests and appeals, provide assistance to the FDM, provide assistance and support to the public with regard to FOI request and compile statistical information as required;
- h. Upon completion of the evaluation within the period set forth in EO No. 02, advise the requesting party of any decision on the request;

II. **FOI Decision Makers:** designated by the General Manager as FOI Decision Maker/s (FDM) for purposes of efficiency and streamline process, who shall have authority for the initial decision on the FOI, evaluate the request whether to release all the requested records, partially release the same or deny access thereto based on the following:

- a. The PanWaDis does not have the information requested;
- b. The information is already disclosed in the PanWaDis Official Website, [www.pandiwaterdistrict.gov](http://www.pandiwaterdistrict.gov).
- c. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- d. The information requested falls under the list of exceptions to FOI; or
- e. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by Pandi Water District.

Division	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officers
Commercial	Public Assistance and Complaint Desk (PACD)  Frontline Services G/F PanWadis Office	Landline: (044) 603-4169 Mobile: 0997-603-4169 0942-980-7556  Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>	Janet G. Capiral Customer Services Officer A
Administrative and General Services	Administrative Office	Landline: (044) 309-5121  Email:	Criselda A. Cruz Senior Industrial Relations Management Officer A

3 **Board Resolution No. 2018-042**

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	2/F PanWaDis Office	<a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>	
Engineering and Construction	Engineering Office G/F PanWaDis Office	Landline: (044) 603-4169 Mobile: 0997-603-4169 0942-980-7556  Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>	Engr. Ronaldo R. Dalisay Supervising Engineer A

III. **FOI Appeals and Review Committee.** There shall be an FOI Appeals and Review Committee composed of three(3) officers designated by the General Manager to review and analyze the grant or denial of the request for information. The Committee shall endorse to the General Manager the proper response/action on the appeal. The General Manager makes the final decision on the appeal taking into consideration the endorsement and or expert advice on denial of such request.

Division	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officers
Administrative and General Services	Administrative Office 2/F PanWaDis Office	Landline: (044) 309-5121	Mila P. Mendoza Public Relations Officer B
Finance	Finance Office 2/F PanWaDis Office	Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>	Cristina S. Fetalco Corporate Budget Specialist A
Production and Water Quality	G/F PanWadis Office	Landline: (044) 603-4169 Mobile: 0997-603-4169 0942-980-7556  Email: <a href="mailto:pandiwaterdistrict@yahoo.com">pandiwaterdistrict@yahoo.com</a>	Engr. Cesar Ortega Engineering Assistant A

**NOW THEREFORE, for and in consideration of the foregoing, on motion duly made and seconded, BE IT FINALLY RESOLVED,** to approve the Pandi Water District's Freedom of Information (FOI) People's Manual and authorizing the General Manager to administer all actions in accordance with the guidelines and procedures under this

4 **Board Resolution No. 2018-042**

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