

**FREEDOM OF INFORMATION
PEOPLE'S MANUAL**



**REPUBLIC OF THE PHILIPPINES
PROVINCE OF TARLAC
MUNICIPALITY OF MONCADA**



Republic of the Philippines
Province of Tarlac
MUNICIPALITY OF MONCADA
Office of the Mayor



EXECUTIVE ORDER NO. 3 SERIES of 2020

CREATION OF THE MUNICIPAL CENTRAL APPEALS AND REVIEW COMMITTEE ON FREEDOM OF INFORMATION (FOI)

WHEREAS, pursuant to Article 28, Article II of the 1987 Constitution, the state adopts and implements a policy of full 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 the matters of public concern;

WHEREAS, the Data Privacy Act of 2012 (RA 10173) including its implementing Rules and Regulation, strengthens the fundamental human rights of privacy and of communication while ensuring the free flow of information to promote innovation and growth;

WHEREAS, Executive Order No. 2 Series of 2016, operationalizing in the Executive Branch the People's Constitutional Rights to Information and the State of Policies to full Public Disclosure and Transparency in the Public Service and providing guidelines therefor was issued last July 23, 2016 by Pres. Rodrigo S. Duterte to have Constitutional Rights to Information as a true mark of democracy of the Filipino people;

NOW, THEREFORE I, ESTELITA M. AQUINO, Municipal Mayor of this Local Government Unit, by virtue of the power vested in me by law, do hereby order the organization of the **Municipal Central Appeals and Review Committee** who shall review and analyze the grant or denial of request for information. The committee shall also provide expert advice on the grant or denial of such request to be composed of the following:

Chairperson : Mayor Estelita M. Aquino
Co-Chairperson : Vice-Mayor Jaime O. Duque
Members : All Department Heads/section and Unit Heads

The Municipality shall formulate a People's Manual to serve as guide in complying with the requirements, procedures and rules of the general public when making request for access to information. There shall be a Freedom of Information (FOI) Receiving Officer and FOI Decision Maker Designated by the LCE among the members of the committee whose function are stated in the Municipality's manual.

This Executive Order shall take effect immediately.

Done in the Municipality of Moncada, Tarlac this 23rd day of January, 2020.

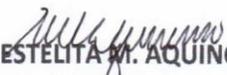

ESTELITA M. AQUINO
Municipal Mayor

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Section 1. OVERVIEW

Purpose: The purpose of this FOI People's Manual is to provide the process to guide and assist the general public in making request for information under Executive Order NO. 2 (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) dated July 23, 2016 (Annex "A")

1. **Structure of the Manual:** This manual shall set out the rules and procedures which will guide the general public when making requests for access for information. The LCE is responsible for all actions carried out under this Manual or may delegate a specific officer to act as the FOI Decision Maker (FDM) and shall have overall responsibility for the initial decision on information requests, (i.e. to decide whether to release all the records, partially release the records or deny access)
2. **Coverage of the Manual:** The Manual shall cover all request for information directed to the Municipality of Moncada.
3. **FOI Receiving Officer:** There shall be an FOI Receiving Officer (FRO) to be designated by the LCE. The names, offices and contact numbers of the FROs of the Municipality of Moncada are indicated on the attached list. (Annex B)

The duties and functions of the FROs are the following:

- a. Receive on behalf of the Municipality of Moncada all request for information and transmits the same to the FDM
- b. Monitor all information request and appeals
- c. Provide assistance to the FOI Decision Maker
- d. Provide assistance and support to the public and staff with regard to FOI
- e. Compile statistical information as required
- f. Conduct initial evaluation of the request and advise the requesting party whether the form is completely accomplished or the information is already disclosed in the Municipality's official website (www.moncadatarlac.gov.ph).
Maintain a record book or disclosure log of all information requests.

4. FOI Decision Maker

There shall be an FDM, designated by the LCE who shall conduct evaluation of all requests for information and has the authority to grant the request, or deny it based on the following:

- a. The municipality does not have the information requested;
 - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012
 - c. The information requested falls under the list of exceptions of FOI:
 - d. The information request is unreasonable;
 - e. The information request is identical or substantially similar from the same requesting party which has already been previously granted or denied by the LGU.
5. **Approval and Denial of Request of Information:** The FDM shall approve or deny all the request of information. In case the FDM is on Official Leave, the OIC shall take charge.
 6. **LGU Central Appeals and Review Committee:** There shall be a Central Appeals and Review Committee that will review and analyze the grant or denial of request for information. The committee shall also provide expert advice on the grant or denial of such request.

SECTION 2: DEFINITION OF TERMS

Data.gov.ph. The open website that serves as the government's comprehensive portal of 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 others features, eFOI.gov.ph provides central resource for the public to understand the FOI, to locate records that are already available on line, 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 agency and over time.

Information. Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcript of official meetings, maps, books photographs, data research materials, films, sounds and video recording, magnetic or tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

Official 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.

Open Data. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable and end-users.

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

Public Service Contractor. Shall be defined as a private entity that has a dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

Sensitive Personal Information. As defined in the Data Privacy Act of 2012, shall refer to personal information:

1. About an individual race ethnic origin, marital status, age, color and religious philosophical or political affiliations.
2. About an individual health, education and, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;

3. Issued by government agencies peculiar to an individual which includes but not limited to social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
4. Specifically established by an Executive Order or an Act of Congress to be kept classified.

SECTION 3. PROTECTION OF PRIVACY

While providing for access to information, the Municipality of Moncada shall afford full protection to a person's right to privacy, as follows:

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

SECTION 4. STANDARD PROCEDURE

(See Annex "D" for flowchart)

1. Receipt of Request for Information

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

- The request must be in writing.
- The request shall state the name and contact information of the requesting party as well as provide valid proof of identification or authorization and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information (see Annex "E")

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, and a copy of a duly recognized government ID with photo.

1.2 Where the requesting party is unable to read and write or whose impediment or physical defect incapacitates him to make a request in writing, he may make an oral request, and the FRO shall fill out the form for him.

1.3 After receipt of the request for information, the FRO shall evaluate if the request form is duly accomplished. Then the request shall be stamped "RECEIVED" indicating the date and time of receipt of the written request, and the name, rank, title and position of the FRO who actually received it with his signature and furnishing the requesting party a copy thereof. In 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 encode the details of the request on the Request Tracking system all allocate a reference no. The date of receipt of the request will be the actual receipt of the request form. In case electronic request, it is deemed received from the date of acknowledgement by the FRO.

1.4 The LGU must respond to request within fifteen (15) working days from the date of receipt of the request. In computing by the period, Art. 13 of the New Civil Code shall be observed.

2. Initial Evaluation. After receipt of the information request, the FRO shall evaluate the same.

2.1 Request concerning different offices of the LGU: The FRO shall forward such request to the Service concerned, and ensure its compliance.

2.2 Requested information is not in the custody and/or authority of the LGU to disclose: If the requested information is not in the custody and or authority of the LGU, following referral and discussions with the FDM, the request shall be immediately referred to the concerned agency through the most expeditious manner.

If the records refer to an office not within the coverage of E.O.NO. 2, the requesting party shall be advised accordingly.

2.3 Requested information is already posted and available on line: The FRO shall inform the requesting party that the information requested is publicly available in the LGU website, www.moncadatarlac.gov.ph or in the eFOI portal.

2.4 Requested information is substantially similar or identical to the previous request: Where the requested information be substantially similar or identical to a previous request by the same requestor, the request shall be denied, and FRO shall inform the applicant of the reason of such denial.

3. Transmittal of Request by the FRO to the Unit or Service Concerned: The FRO shall determine which unit or service has the information requested. He shall then forward the request to the concerned unit or service within one day from receipt of the written request. The FRO shall record in a book the date and time of receipt, and the name and signature of the person who received the request form.

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

Where the information requested is of another's agency's interest, the FRO shall forward the request to the said agency for appropriate action. This shall stop the running of the 15 working period and will commence to run again the day after it receives the required information from other agency.

4. Role of the FDM: Upon receipt of the information request from the unit or service concerned, the FDM shall assess whether or not the same shall be granted. If there are no grounds for denial, the FDM shall forward the request to the FRO for transmittal to the requesting party. The FDM shall ensure that the complete information requested is submitted to the FRO within (10) working days from the former's receipt of such request.

If grounds for denial exist, the FDM shall inform the FRO in writing the grounds of such denial within the prescribed period.

In case the FDM fails to act on the request within the 10 working day period, the FRO shall note the date and time of receipt of the information from the FDM and report the same.

5. Role of the FRO to transmit the Information to the Requesting Party: Upon receipt of the requested information from the FDM, the FRO shall transmit the requested information to the requesting party. He shall attach a cover/transmittal letter signed by the FDM.

The FRO shall keep a record of the date and time of receipt of the information from the FDM. The FRO shall likewise keep a record of the date and time of receipt by the requesting party from the FRO and the mode by which the information requested is transmitted.

6. Notice to the Requesting Party of Extension of Time: When the information requested cannot be provided to the requesting party within the 15 working day period due to the following circumstances:

- Information requested requires extensive search of the LGU's record facilities
- Examination of voluminous records
- The occurrences of fortuitous events
- Other analogous cases; the FDM shall immediately inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extensions. 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.

7. Approval of Request: In case of approval, the FRO shall inform the requesting party that the request was granted and be directed to pay the applicable fees, if any.

7. Denial of Request: In case of the denial of the request wholly or partially, the FDM through 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. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request to information.

SECTION 5. REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the LGU. Provided that the written appeal must be filed by the same requesting party within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request.

a. Denial of the Request by the FDM may be appealed by filing a written appeal to the LGU's Committee within fifteen (15) working days from the notice of denial or from the lapse of the period to respond to the request. The Committee shall review and analyze the grant or denial of request for information and submit its recommendations to the LCE.

b. The appeal shall be decided by the LCE or the designated OIC within thirty (30) working days from the filing of said written appeal. Failure to decide within the prescribed period shall be deemed a denial of the appeal.

c. The denial of the Appeal by the LCE 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.

2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with Rules of Court.

SECTION 6. FEES

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

SECTION 7. ADMINISTRATIVE LIABILITY

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 to Thirty days and
 - c. **Third Offense** – Dismissal from the Service
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. Provisions for more stringent laws, rules and regulations. Nothing in this manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody r agency, which provided for more stringent penalties.

SECTION 8. GLOSSARY

ADMINISTRATIVE FOI APPEAL. An independent review of the FDM’s decision made in response to an information request. Requesting parties who are dissatisfied with the response made on their request have a right to appeal the FDM’s decision to the Central Appeal and Review Committee (CARC), which will then conduct an independent review.

ANNUAL FOI REPORT. 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 request and appeals received, processed and pending at each government office.

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

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

FOI CONTACT. The name, address and phone number of PSA where the public can make an information request.

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

FOI RECEIVING OFFICER. The primary contact of the PSA where the requesting party can call and ask questions about the FOI process or the pending information request.

FREQUENTLY REQUESTED INFORMATION. Information released in response to an information request that the municipality determines to have become or are likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the Municipality cannot release any records in response to an information request on grounds herein provided.

FULL GRANT. When the Municipality discloses all records requested.

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

PARTIAL GRANT / PARTIAL DENIAL. When the Municipality discloses significant portions of the records in response to an information request, but denies other portions of the request.

PENDING REQUEST OR PENDING APPEAL. An information request or administrative appeal for which the FDM or CARC has not yet taken final action.

PERFECTED REQUEST. An information request which have been duly acted upon by the Municipality.

PRO-ACTIVE DISCLOSURE. Information made publicly available by the Municipality without waiting for a specific request which includes website postings.

PROCESSED REQUEST OR PROCESSED APPEAL. The number of requests or appeals where the Municipality has completed its work and sent final action to the requestor.

RECEIVED REQUEST OR RECEIVED APPEAL. An information request or administrative appeal that the Municipality has received within a calendar year.

REFERRAL. When the Municipality locates a record that originated from, or is, of another agency's interest, the former will forward the request to the said agency for appropriate action.

SIMPLE REQUEST. An information request that the Municipality considers to be small volume or which can be processed within a reasonable time.

COMPLEX REQUEST. Any information request that is not simple.

ANNEX "A"

FOI RECEIVING OFFICERS OF THE MUNICIPALITY OF MONCADA

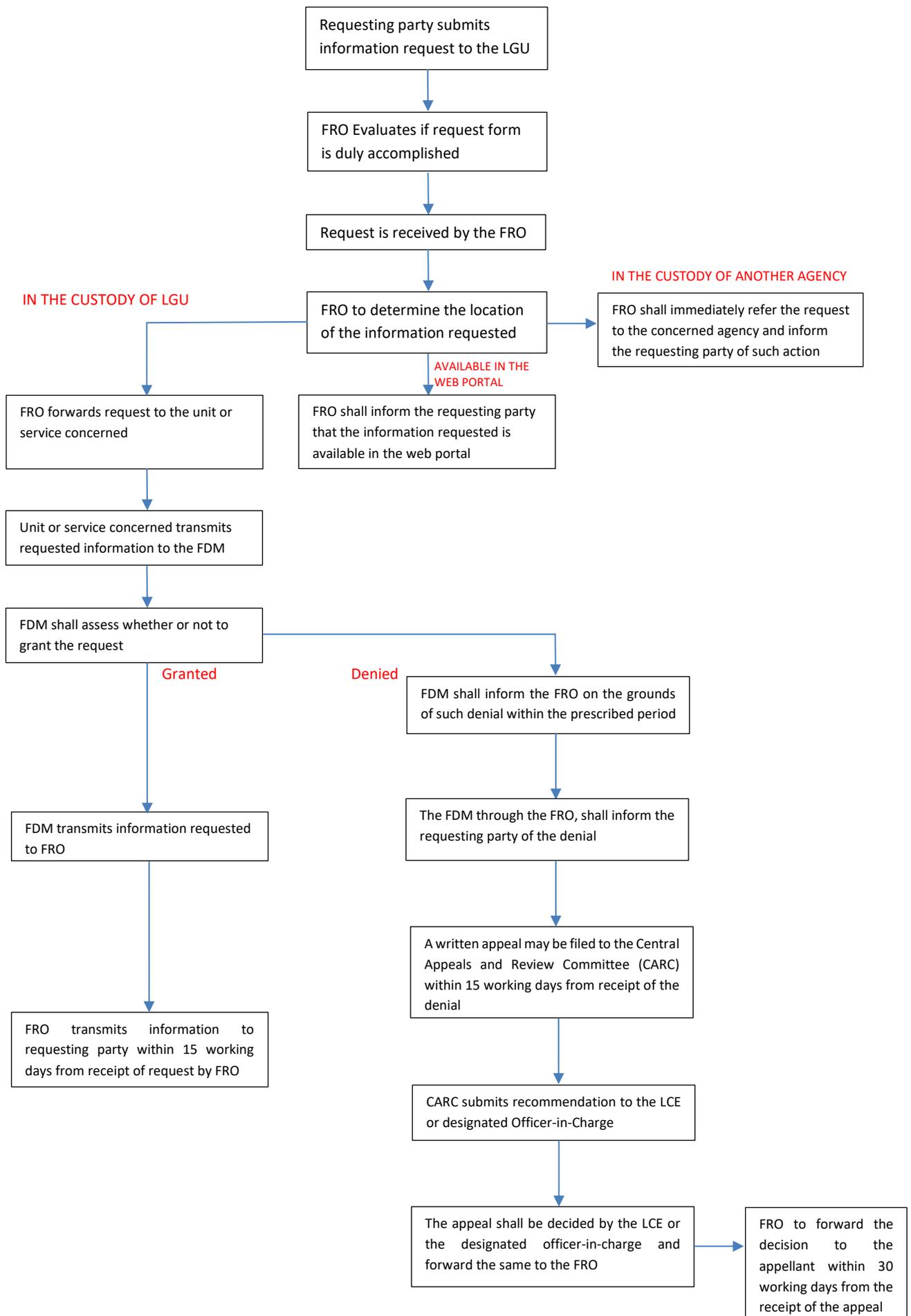
Assigned FOI Receiving Officer	LOCATION OF FOI RECEIVING OFFICE	CONTACT DETAILS
ABRAHAM S. SALES, JR.	Office of the MPDO, Municipality of Moncada, Tarlac	(045) 985-5641
RULINA GRACE F. BERMUDEZ	Office of the MPDO, Municipality of Moncada, Tarlac	(045) 985-5641
CRISTOPHER JOHN B. PABO	Office of the MHRMO, Municipality of Moncada, Tarlac	(045) 985-5641
KIMBERLY A. OCOMEN	Office of the HRMO, Municipality of Moncada, Tarlac	(045) 985-5641

ANNEX “B”

LIST OF EXCEPTIONS

1. Information covered by Executive Privilege
2. National Security, Defense or International Relations
3. Law Enforcement and Protection of Public and Personal Safety
4. Confidential Information for the protection of the privacy of persons
5. Confidential Information by reason of official capacity
6. Prejudicial premature disclosure
7. Records of proceedings
8. Confidential information under Banking and Finance Laws
9. Other exceptions under Laws, Jurisprudence and IRR

ANNEX "C" FLOWCHART



ANNEX "D"
FOI REQUEST FORM

Municipality of Moncada
Poblacion 1, Moncada, Tarlac

Pormularyo ng Kahilingan (FOI)
FOI Request Form

Titulo ng Dokumento (Title of the document) _____

Mga Taon/Panahong Saklaw (Year) _____

Layunin (Purpose) _____

Pangalan (Name) _____ Contact No. _____

Lagda (Signature) _____ Petsa (Date) _____

Tirahan (Address) _____ Katibayan ng Pagkakalinlan (Proof of Identity)

Paraan ng Pagtanggap ng impormasyon _____ Passport No. _____

Driver's License _____

Other _____

(How would you like to receive the information?)

E-mail _____

Fax _____

Postal Address _____

Pick-up _____

Gawaing itinalaga kay: _____

(Submitted to) _____ Signature

Petsa/Oras ng Pagkakatalaga: _____

(Date/Time of Submission) _____ Signature

Taong nagpapatunay ng Gawaing natapos: _____

(Certified by) _____ Signature

Uri ng isinagawang aksiyon: _____

(Type of Action conducted)

Iniskedyul ni (Received by):

FOI Receiving Officer

Remarks:
