

# Freedom of Information

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*People's Manual*

**Executive Order No. 02 s. 2016**

**Operationalizing in the Executive Branch the People's Constitutional  
Right to Information and the State Policies to Full Public Disclosure  
and Transparency in the Public Service and Providing Guidelines**

**Therefore**

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## **SECTION 1: OVERVIEW**

### ***Background/Rationale***

Article II, Section 28 of the 1987 Constitution provides that the State shall adopt and implement a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. Additionally, Article III, Section 7 of the Constitution, guarantees the right of the people to information on matters of public concern.

In order to implement the constitutional provisions, the President issued Executive Order (EO) No. 2 (s. 2016)<sup>1</sup> (Annex “A”) which directs every government office to prepare its own Freedom of Information (FOI) Manual.

In recognition of the fundamental human right of privacy and the role of free and open exchange of information in a democracy in enhancing transparency and accountability in official government acts, the Buenavista Water District created the BWD – Freedom of Information (FOI) Manual.

### ***Objective Of The Manual***

In line with the provisions set forth in EO No. 2, the BWD – FOI Manual aims to achieve the following objectives:

1. Simplify access to information through the most efficient and expeditious manner in line with the procedures in this manual;
2. Uphold transparency in the exercise of the District’s mandate and functions; and
3. Preserve the fundamental right of the public to free flow of information.

### ***Scope of The Manual***

The BWD - FOI Manual contains the following information:

- 1) The location and contact information of the BWD Office and responsible officers.
- 2) The Designated Records Officer to handle the requests related to the freedom of information;
- 3) The procedures on:
  - a. Request to Access Information / Record; and b. Appeal to Access Information / Record.
- 4) Forms on:

- a. Request Form; and
  - b. Letter Template for the Denial of Request.
- 5) Schedule of applicable fees.

## ***Policy Statement***

Consistent with the constitutional mandates upholding the right to freedom of information and the implementation of a policy of full public disclosure of all its transactions involving public interest, the BWD 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 Buenavista Water District 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 of the exercise of its powers.

## **SECTION 3: PROTECTION OF PRIVACY**

While providing for access to information, the Buenavista Water District shall afford full protection to person's right to privacy, as follows:

- a. The District 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 District shall protect personal information in its custody or under its control by making reasonable security arrangement against unauthorized access, leaks or premature disclosure; and
- c. The Records Officer (RO) 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 existing laws.

## **SECTION 4: DEFINITION OF TERMS**

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

**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.

**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.

**ACCESS TO INFORMATION-** Relates to acquiring or obtaining information , official records, public records, and documents and papers pertaining to official acts, transaction or decisions, as well as government research data used as basis for policy development, either through purposely released / published information or by request.

**FREEDOM OF INFORMATION -** relates to access to information without undue restriction that curtail the right of the people to information on matters of public concern as guaranteed by the Constitution.

**INFORMATION FOR DISCLOSURE -** refers to 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, 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 in the agency and other applicable government websites without need for requests from the public.

**OPEN DATA** – refers to publicly available data structure in a way that enables the data to be fully discoverable and useable by end users.

**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.

**RECORDS** Shall refer to information, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded or stored.

**RECORDS OFFICER.** Refers to the employee responsible for overseeing the agency's records management program and providing guidance on adequate and proper recordkeeping. For the purpose of this manual, the Records Officer shall be in charge of all requests, to wit: the RO shall receive, act on, facilitate and/or monitor all requests filed with the District, collate and ensure correctness and completeness of requested information/record upon retrieval, and release/withhold information in accordance with necessary provisions as to approval/disapproval of requests.

**REQUESTOR.** Any individual, entity, or party seeking access to certain information through the guidelines of this manual.

**SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information:

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

## **SECTION 5: GUIDELINES**

### **1. FILING AND RECEIPT OF REQUEST FOR INFORMATION**

- 1.1. In compliance with Section 9 (a) of EO No. 2, the Records Officer (RO) shall receive the request for information from the requesting party and check compliance with the following requirements:
  - a. The request must be in writing;
  - b. The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
  - c. The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

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 RO shall fill the Request Form on behalf of the requestor.

- 1.1. The RO shall provide a Request Form to the requestor or an authorized representative. The requestor/representative shall duly accomplish the Request Form.
- 1.2. Requests can be made through e-mail provided that the requesting party shall attach in the e-mail a scanned copy of the Request Form, and a copy of a duly recognized ID with photo.
- 1.3. The RO stamps “Received” on the letter and Request Form, and indicate the date and time of receipt, his/her name, designation, and signature. The RO shall log in the details of the request on the FOI Log Book.
- 1.4. The RO must respond to requests promptly, within fifteen (15) working days following the date of receipt of the request. 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 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

Should the requested information need further details to identify or locate, then the fifteen (15) working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

**2. EVALUATION OF REQUEST.** Upon receipt, the RO shall evaluate the information being requested, identify the responsible unit/division, and determine access restrictions to the information.

2.1. **Requested information is already posted in the BWD website.** If the information requested is already available in the BWD website, the RO shall inform the requesting party and provides the website link where the information is posted.

2.2. **Requested information is substantially similar or identical to previous requests.** Pursuant to Section 11 of EO No. 2, the RO shall deny an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the BWD. However, the RO shall inform the applicant the reason of such denial.

2.3. **Requested information is in custody of the Designated Records Officer.** The RO shall determine availability of information requested and act upon the request, whether approval or denial, within one (1) day.

2.4. **Requested information is in the custody of other Unit/Division.** The RO shall endorse/forward the request and coordinate, through the most expeditious manner, with the concerned unit/division for their handling. The requesting party shall be advised that the requested information is not currently with the RO.

### **3. ROLE OF THE DESIGNATED RECORDS OFFICER (DRO)**

3.1. Upon receipt of the request for information, the RO shall assess and clarify the request if necessary. The RO shall make all necessary steps to locate and retrieve the information requested.

3.2. The RO shall coordinate with the concerned division to facilitate the handling of requests and retrieval of requested information in the custody of the unit/division.

3.3. The concerned division/unit shall advise the RO of its decision on the request. Release of information or issuance of denial letter shall be made through the RO. As such, the RO shall monitor handling of all requests for information.

3.4. The RO shall collate and ensure that the information is complete prior to release. The RO shall prepare a covering memorandum signed by the Decision Makers duly noted by the General Manager and release the information to the requesting party.

**4. PERIOD FOR APPROVAL AND RELEASE.** Pursuant to Section 9 (d) of EO No. 2, request for information shall be acted upon within fifteen (15) working days from the date of receipt of the request, or the day on which the request is physically or electronically delivered to the government office.

- 5. 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 RO 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.

- 6. APPROVAL AND RELEASE OF REQUEST.** The RO shall ensure that all records have been retrieved and checked for possible exceptions, prior to actual release. The RO shall inform the requestor that the request was favorably granted and to pay applicable fees indicated in the Claim Slip.

- 6.1. For information in custody of other unit/division, upon determination that the request can be favorably granted, the RO shall inform the requestor of the retrieval and release of such information in the custody of other unit/division, and indicate the date of release on the Claim Slip. The Division Staff concerned shall apprise the RO when the information is retrieved and ready for claiming.
  - 6.2. Claiming of requested information shall not exceed thirty (30) working days from the due date of release. Information/record not claimed within thirty (30) working days of the release date shall be disposed of accordingly.

- 7. DENIAL OF REQUESTS.** In case of denial of the request, the RO shall, within the two (2) working days, notify the requesting party of the denial in writing. The notice, signed by the Decision Maker of the division in custody of the information being requested shall clearly set forth the reasons for denial and the circumstances in which the denial is based.

## **SECTION 6: REMEDIES IN CASE OF DENIAL**

Pursuant to Section 13 of the EO No. 2, a person or party whose request for access to information has been denied may file an appeal set forth below.

- 1. APPEAL TO THE BUENAVISTA WATER DISTRICT.** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) working days upon denial of request.

- 1.1. Denial of request shall be appealed to the General Manager concerned by filing a written appeal within fifteen (15) working days from the date of notice or letter of denial.

- 1.2. The letter of appeal should state why the requestor/requesting party disagrees with the reason/s for denying the request. The appellant may provide supporting information to the appeal.
- 1.3. Pursuant to Section 13 (b), appeals shall be decided upon by the person or office next higher in authority within thirty (30) working days from the filing of said appeal.

## **SECTION 7: FEES**

- 1. REASONABLE COST OF REPRODUCTION OF INFORMATION.** No fees will be charged in accepting request for information, only the cost of reproduction. The RO shall immediately notify the requesting party of the cost of reproduction of the requested information.
- 2. SCHEDULE OF FEES.** The cost of reproduction shall not exceed the amount of P 10.00 per page in accordance with the BWD BOD Resolution No. 16 s. 2017.
- 3. NO FEES ON APPROVED APPEALS.** No fees shall be charged to the appellant in case of approval of an appeal.

## **SECTION 8: ADMINISTRATIVE LIABILITY**

**NON-COMPLIANCE WITH FOI.** Failure to comply with the provisions of this Manual shall be a ground for administrative penalties. The Revised Rules on Administrative Cases in the Civil Service (RRACS) shall be applicable in the disposition of cases under this Manual.

## **SECTION 9: PROCESS FLOWCHARTS AND WORK INSTRUCTIONS**

### **REQUEST TO ACCESS INFORMATION / RECORD**

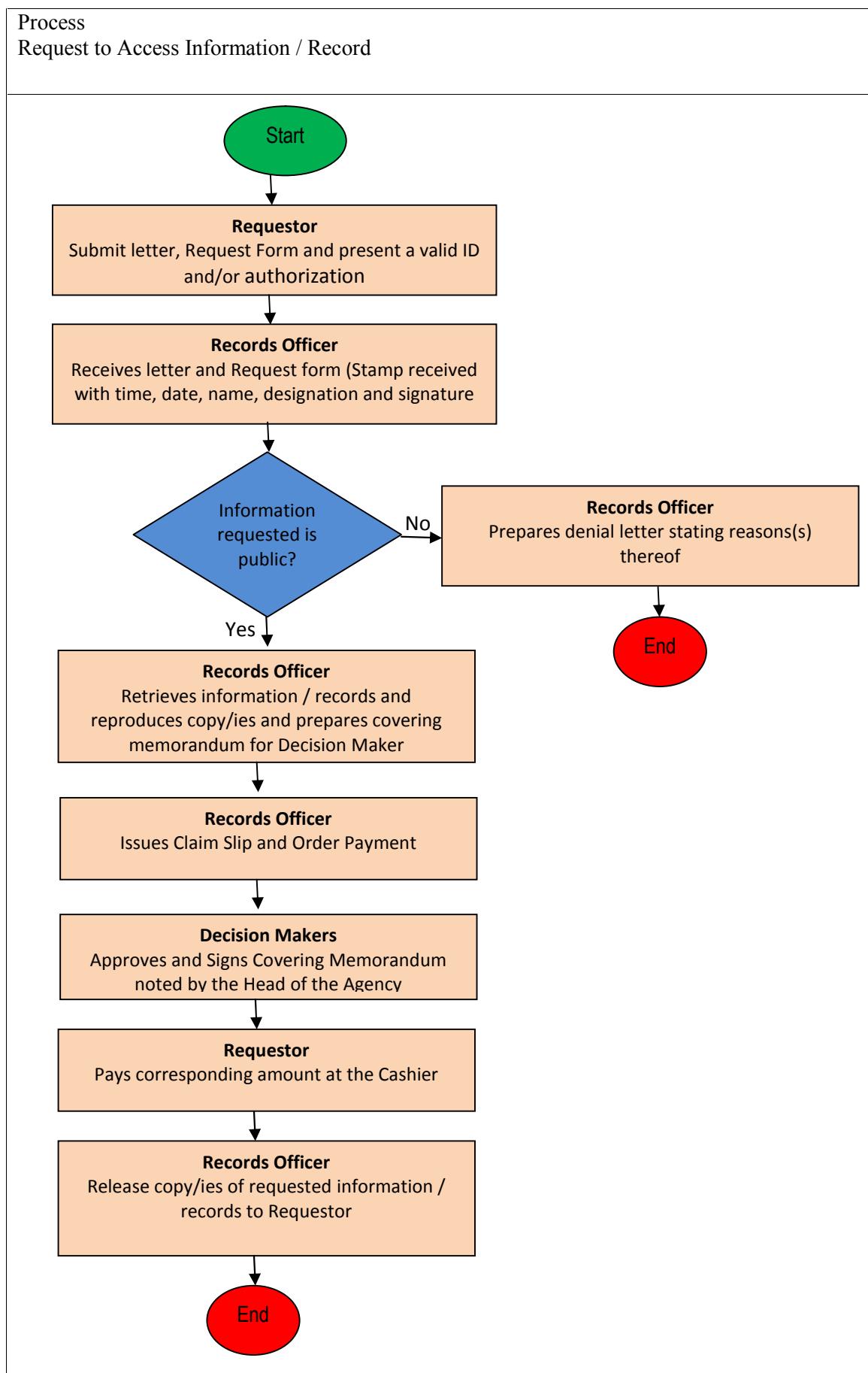
The procedure for Request to Access Information / Record covers the filing of request for information with the District, receipt and evaluation of request, and approval/denial of request.

Fees for reproduction apply as per BWD BOD Resolution No. 16 s. 2017

Requirements:

1. Written request
2. Duly accomplished Request Form
3. Valid identification card
4. For representatives, an authorization letter and valid ID

## **PROCESS FLOWCHART :**



Work Instructions		Request to Access Information / Record		
	STEP	APPLICANT/ REQUISITOR	BUENAVISTA WATER DISTRICT	RESPONSIBLE PERSON
1	<b>Receipt of Request for Information</b>	Submits letter, request form and presents a valid ID and/or authorization letter if requestor is a representative	Receives letter and Request Form ,stamp received indicating time and date of receipt, name , designation, signature.  Attachment: Photocopy of ID and/or Authorization letter to the Request Form	Records Officer
2	<b>Determination of custody of requested information/record</b>		<p>Determination of custody of requested Information / Record</p> <p>In such case that the requested information is available online, advertise the requested information be found in the BWD Website and provides the website link where the information is posted.</p> <p><b>For Information/ Record in Custody of the RO:</b> If information being requested is in custody of the RO, proceed to step 3</p> <p><b>For Information/ Record in Custody of Unit/Division:</b> Notifies requestor that information is in custody of other unit/division and forwards request to concerned unit/division</p> <p>Note: Coordinates and confirms with concerned unit/division whether information being requested is public or confidential. Concerned unit/division receives request form by affixing date and time of receipt and affixes initials, then proceed to step no.3</p>	Records Officer Records Officer Records Officer
3	<b>Determination of access restriction</b>		Determine whether there is access restriction to requested information (public or confidential)	Records Officer

			Refer to the List of Exceptions and approved as per EO 2 s. 2016	
			If information being requested is public, proceed to step no. 4.	Records Officer
			If information being requested is confidential, notifies requestor that information is confidential through letter stating the reason thereof.  Signs Request Form and releases denial letter through Records Officer within two(2) days upon receipt of request . [End]	Records Officer/ General Manager
4	<b>Retrieve and Reproduction of Information / Record</b>		<p>For Public Information / Record in Custody of Record Officer: Retrieve information / record and reproduces copy/ies.</p> <p>Prepare covering memorandum stating that the request was granted.</p> <p><b>For Public Information/ Record in Custody of other unit/division:</b> Notifies requestor that information / record maybe claimed within fifteen(15) working days. Retrieval of information / record should not exceed 15 working days upon receipt of request.</p> <p>Prepares Claim Slip indicating the date of information / record claimed and issue to the requestor.</p> <p>Advise requestor to claim information / record on the date indicated on the Claim Slip ad to bring other requirements for claiming, as follows:</p> <ul style="list-style-type: none"> <li>❖ If claiming through a representative: and authorization letter, valid ID of representative and photocopy of requestor's</li> </ul>	Records Officer  Records Officer  Records Officer
		Presents Claim Slip and other necessary requirements.  Note: Information /		Records Officer

		record should be claimed within thirty (30) days from due date of release.	ID  Retrieve information / record and reproduce copy/ies, prepare covering memorandum and forwards documents to the Records Office  Once information / record is ready for claiming, notify requestor either through email/call/SMS stating the amount to be paid.	Unit/Division Staff concerned  Records Officer
5	Preparation and Issuance of Claim Slip / Order of Payment (OP)		Issues Claim Slip and Order of Payment (OP) to the requestor.	Records Officer
6	Approval		Forwards copy/ies of requested information / record  Signs on the covering memorandum and forward to Records Section	Records Officer  Decision Maker
7	Payment	Requestor proceeds to Cashier , presents OP with Claim Slip and pays corresponding fees	Cashier accepts payment, issues Official Receipt (OR), writes OR No. on the claim Slip and issues the same to the requestor.	Cashier
8	Release of Information / Record	Requestor presents OR and Claim Slip to Records Officer	Writes OR No. on Request Form  Releases copy/ies of requested information / record to requestor with covering memorandum	Records Officer

## **SECTION 11: APPEAL TO ACCESS INFORMATION/ RECORD**

In case of denial of request, the requestor may appeal to the General Manager through a written appeal. The appeal must be filed by the same requesting party within fifteen (15) working days.

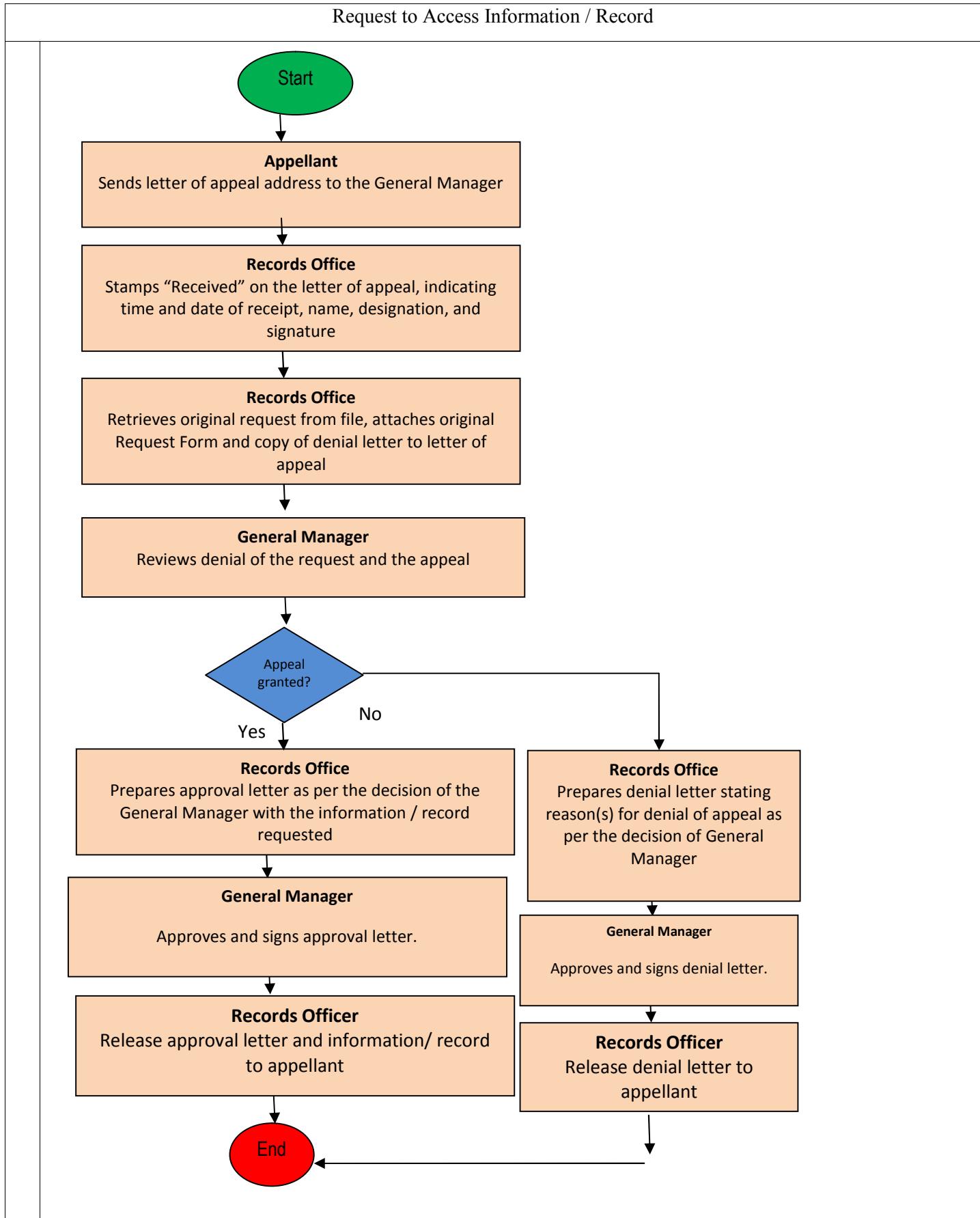
The denial of request shall be appealable to the General Manager.

The procedure for Appeal to Access Information/Records covers the filing of appeal, evaluation of appeal, recommendation on the appeal, and approval of the recommendation on the appeal.

Requirements:

- Written letter of appeal address to the General Manager.
  - The letter of appeal should state why the request or requesting party disagrees with the reason/s given for denial of the request.

## Process Flowchart – Appeal to Access Information / Record



Work Instructions		Appeal to Access Information/ Record		
STEP		APPELLANT	BUENAVISTA WATER DISTRICT	RESPONSIBLE PERSON
1.	<b>Filing of Appeal</b>	<p>The appellant send letter of appeal address to the General Manager within fifteen (15) working days upon denial of request for information</p> <p>Note:</p> <p>The Letter of appeal should state why the requestor / requesting party disagrees with the reasons(s) given for denying the request.</p> <p>The appellant may provide supporting information to the appeal.</p>	Stamps “ Received” on the letter of appeal, indicating time of receipt, name, designation and signature.	Records Officer
2.	<b>Handling of Appeal</b>		Retrieves the original request from files and copy of denial letter and attaches the set to the letter of appeal.	Records Officer
3.	<b>Evaluation of Appeal</b>		Based on the arguments provided in the letter of appeal, the General Manager reviews denial of the request and the appeal.	General Manager
4	<b>Preparation of Approval / Denial Letter</b>		<p>Approval of Appeal: If appeal was approved, prepare approval letter to be signed by the General Manager.</p> <p>Instructs Records Office/ Division concerned to retrieve and reproduce copy(ies) of the requested information/ record.</p>	Records Officer  General Manager
			Denial of appeal: If appeal was denied , prepare denial letter to be signed by the General Manager.	Records Officer
5	<b>Approval on Appeal</b>		Approves and signs letter on appeal	General Manager
6	<b>Releasing</b>		Releases approval letter & copies of requested information to the appellant	Records Officer

		Note: The cost of reproduction shall not be charged to the appellant	
		Releases denial letter to appellant	Records Officer

Recommended by:

  
**JANETTE R. ALOYON**  
 Division – A  
 Admin/Finance/Commercial  
 Decision Makers

  
**ENGR. SALVADOR S. CHAN, JR.**  
 Division – B  
 Engineering/Maintenance/Production  
 Decision Maker

Approved by:

  
**ELISA B. ALIBAY**  
 General Manager

## **SECTION 12: ANNEXES**

Annex A – Executive Order No. 2

Annex B – FOI Directory

Annex C – Request Form and Claim Slip

Annex D – List of Exceptions

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 effectiveness 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;
- (c) The person or office responsible for receiving requests for information;
- (d) The procedure for the filing and processing of the request as specified in the succeeding section 8 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, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the 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 7 (f) 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 said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

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

**SECTION 15. Administrative Liability.** Failure to comply with the provisions of this Order may be 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, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (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 23<sup>rd</sup> day of July in the year of our Lord two thousand and sixteen.

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

By the President:

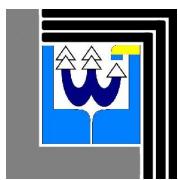
(Sgd.) **SALVADOR C. MEDIALDEA**  
Executive Secretary

## Annex "B"

### FOI DIRECTORY

NAME & DESIGNATION	LOCATION OF FOI RECEIVING OFFICE	CONTACT DETAILS
<b>ALONA G. ORIHUELA</b> Records Officer	Buenavista Water District Rizal Avenue, Barangay 3 Buenavista, Agusan del Norte	(085) 343-4037 / 808-0055 Email: bwd_adn@yahoo.com
<b>JANETTE R. ALOYON</b> Division –A Manager / Decision Maker	Buenavista Water District Rizal Avenue, Barangay 3 Buenavista, Agusan del Norte	(085) 343-4037 / 808-0055 Email: bwd_adn@yahoo.com
<b>ENGR. SALVADOR S. CHAN, JR.</b> Division – B Manager / Decision Maker	Buenavista Water District Rizal Avenue, Barangay 3 Buenavista, Agusan del Norte	(085) 343-4037 / 808-0055 Email: bwd_adn@yahoo.com

## Annex "C"



Republic of the Philippines  
**BUENA VISTA WATER DISTRICT**  
Rizal Avenue, Barangay 3, Buenavista, Agusan del Norte

### Request for Information

Date: \_\_\_\_\_

Proof of Identity presented:  
ID No.: \_\_\_\_\_

Name of Requestor: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Nos.: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Requested Information:

Reason for request :

No. of copies:

Signature of Requestor/Representative  
(Lagda)

*(To be accomplished by Records Officer )*

Stamp "Received" Here  
(Indicate time of receipt)

Request:  Approved  
 Disapproved

Remarks/Others:

[Signature]

Division Manager

[Signature] \_\_\_\_\_

[Name] \_\_\_\_\_

[Designation] \_\_\_\_\_

OR No. \_\_\_\_\_

----- Claim Slip -----

**CLAIM SLIP**

OR No. \_\_\_\_\_

Requestor: \_\_\_\_\_

Date of Release: \_\_\_\_\_

No. of copies /

[Signature and date] \_\_\_\_\_

pages: \_\_\_\_\_

Total Amount: \_\_\_\_\_

Records Officer

**REMINDERS:**

1. Fees for reproduction (PhP10.00/page) apply as per BOD Resolution No. 16 s. 2017
2. For authorized representatives, please bring authorization letter, valid ID and photocopy of valid ID of requestor
3. Documents should be claimed within thirty (30) working days from due date of release
4. Information/records not claimed within thirty (30) working days shall be disposed of accordingly.

## **Annex “D”**

### **LIST OF EXCEPTIONS**

The following are the exceptions to the right of access of information as per Executive Order No. 2 s. 2016:

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 personal and certain individual such as minors, victim 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 amending laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.



## BUENAVISTA WATER DISTRICT

Rizal Avenue, Barangay. 3, Buenavista, Agusan del Norte  
Tele fax No. (085)343-4037; Email Address: [bwd\\_adn@yahoo.com](mailto:bwd_adn@yahoo.com)

EXCERPTS FROM THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS HELD ON MAY 16, 2017 AT BUENAVISTA WATER DISTRICT, RIZAL AVE., BARANGAY 3 BUENAVISTA, AGUSAN DEL NORTE.

### BOD RESOLUTION NO.16-A S.2017

#### **"APPROVAL AND ADOPTION OF BUENAVISTA WATER DISTRICT FREEDOM OF INFORMATION MANUAL"**

WHEREAS, pursuant to Executive Order No. 02 signed on July 23, 2016 entitled "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies of Full public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof" and to ensure that every Filipino has access to information, official and public records,

WHEREAS, the employees and staff of BWD shall adhere to the provisions of the BWD Freedom of Information manual;

WHEREAS, BWD FOI shall take effect immediately after its approval and adoption;

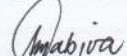
NOW THEREFORE upon unanimous decision and approval of the August Body be it-

*RESOLVED AS IT IS HEREBY RESOLVED to Approved and Adopt Buenavista Water District Freedom of Information Manual.*

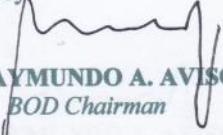
RESOLVED FINALLY that this resolution be furnished to all concern for their information and guidance.

ADOPTED this 16<sup>th</sup> day of May, 2017 at Buenavista, Agusan del Norte.

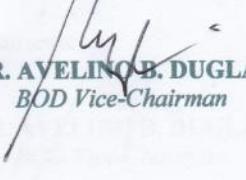
I HEREBY CERTIFY to the correctness of the foregoing resolution and which is still in full force and effect and has not been recalled nor revoked or cancelled.

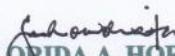
  
**DIR. MERLY P. ABIVA**  
*BOD Secretary*

Attested by:

  
**DIR. RAYMUNDO A. AVISO, JR.**  
*BOD Chairman*

Concurrence:

  
**DIR. AVELINO B. DUGLAS**  
*BOD Vice-Chairman*

  
**DIR. FLORIDA A. HORDISTA**  
*BOD Member*

  
**DIR. LAUDITA J. ARAPAN**  
*BOD Member*

Noted:

  
**ELISA B. ALIBAY**  
*General Manager*