



CITY OF KORONADAL WATER DISTRICT

Blk. 1, Casa Subd., Zone 3, City of Koronadal,
South Cotabato 9506

Freedom of Information Manual



EO 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

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TABLE OF CONTENTS

I.	Overview	Page
	A. Purpose of the Manual.....	2
	B. Structure of the Manual.....	2
	C. Policy Statement.....	2
	D. Coverage of the Manual.....	2
II.	Definition of Terms.....	3
III.	Protection of Privacy.....	3
IV.	Exceptions to Access to Information.....	4
V.	Standard Procedure.....	5
VI.	Remedies In Case of Denial of Request.....	10
VII.	Fees.....	11
VIII.	Annexes	
	A. FOI Request Form.....	11
	B. FOI Notice of Extension.....	12
	C. FOI Notice of Denial.....	13
	D. FOI List of Exceptions.....	14
	E. Executive Order No. 02.....	15
	F. FOI Flowchart.....	22

I. Overview

Purpose of the Manual

To provide guidelines and processes in requesting of information in pursuant to Executive Order (EO) no. 02 s. 2016 known as the Freedom of Information Act.

Structure of the Manual

This Manual shall set out the rules and procedures to be followed by the CKWD when a request for access to information is received. It also sets out the definition of terms, standard operating procedure, remedies and fees. Also provides relevant forms and other annexes.

Coverage of the Manual

This Manual shall cover all requests for information directed to the CKWD Office.

Policy Statement

CKWD is committed to uphold the right to freedom of information and implementation of full public disclosure of all its transactions involving public interest subject to limitations as provided by the constitution, applicable laws, rules, regulations and procedures.

Responsible Officers

- a. FOI Receiving Officer (FRO)
- b. FOI Decision Maker (FDM)
- c. FOI Appeals and Review Committee (FARC)

II. Definition of Terms

1. **Document** – a piece of written, printed or electronic matter that provides information or evidence or that serves as an official record.
2. **Information** – facts provided or learned about something or someone.
3. **Official Record** – the original document that is legally recognized and thus ensuring the quality of a fact when it is established.
4. **Privacy** – is the ability of an individual or group to seclude themselves, or information about themselves and thereby express themselves selectively.
5. **Public Records** – are documents or pieces of information that are not considered confidential and generally pertain to the conduct of government.
6. **Vilification** – abusively disparaging speech or writing.

III. Protection to Privacy

While providing access to information, public records and official records, CKWD shall afford full protection to the right to privacy of its employees and concessionaires as follows:

- CKWD 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 the existing law, rules or regulations;

- CKWD must protect personal information in its custody or under its 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.
- Any employee, officer or manager of CKWD who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose any information except when authorized under EO 02 or pursuant to existing laws, rules and regulations.

IV. **Exceptions to Access to Information (Annex D)**

Access to information shall be denied when the information falls under any of the exceptions issued by the Executive Secretary as Memorandum with the subject Inventory of Exceptions to Executive Order No. 2 dated November 24, 2016. (Annex E)

For the purpose of Freedom of information, the City of Koronadal Water District shall deny access to information on the following grounds:

1. Requested information is available in the CKWD Website (<http://www.ckwd.gov.ph>).
2. Identical or substantially similar requests (EO 02 s.2016 sec. 11).

“The Government Office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the same Government Office.”

3. Protection of Privacy
4. Information covered by Executive Privilege.
5. Privilege information relating to national security, defense, or international relations.
7. Information deemed confidential for the protection of the privacy and certain individuals such as minors, victims of crimes or the accused.
8. Prejudicial, premature disclosure.
9. Matters considered confidential under banking and finance laws and their amendatory laws and;
10. Other Reason Under (EO 02 s.2016 sec. 6)

V. Standard Procedure

1. Receipt of request for information

- 1.1 The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party through an FOI Request Form (Annex A) that is completely filled in. (FOI Request Form is available at CKWD Office or downloadable through CKWD Website)
- 1.2 If a written request cannot be made by the requesting party, because of illiteracy or by reason of disability, he or she may make an oral request, and the FRO shall reduce it in writing in the FOI Request Form and must be signed by the requesting party.

- 1.3 The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy furnished to the requesting party.

Note: For requests sent through email, it shall be acknowledged by replying to the said email. The email should also be printed out and follow the procedure done with a written request.

- 1.4 The CKWD must respond to the requests within fifteen (15) working days following the date of receipt of the request.

Note: A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines.

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 official email of the CKWD. mailto:ckwd_koronadacity@yahoo.com
- b. If the FRO has asked the requesting party for further details to identify and locate the requested information, the date will be on which the necessary clarification is received back by the FRO.

Note: An exception to this where the request has been emailed to an employee who is on leave on the day the request has been sent. This will automatically be recognized as an "On Leave" message and will need to be sent to the official email of the CKWD. The Fifteen (15) working-day period will commence on the date the emails received through the official email of the CKWD.

2. Request Evaluation and Approval

After receipt of the request for information, the FRO shall record the contents of the request and endorse to the FDM for evaluation and approval.

2.1 Requested Information is available.

If the requested information is identified to be available, the FDM shall endorse the request to the concerned unit who has access to the requested information (no. 3). The responsible unit shall then act on the requested information and endorse back to the FDM for final approval.

2.2 Requested Information is not available.

If the requested information is not available, the requesting party shall be informed of the status of his/her request within the 15 working-day periods.

2.3 Requested Information is already available and posted in the CKWD Website. (www.ckwd.gov.ph)

If the Information requested is already posted in the website, the FRO shall inform the requesting party and provide the website link where the information is posted.

2.4 Requested information is substantially similar or identical to the previous request.

CKWD 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. However, the requesting party shall be informed of the reason of such denial.

2.5 Requested Information is under the Exception List.

For requests of information that falls under the memorandum issued by the Executive Secretary dated Nov. 24, 2016 entitled Inventory of Exceptions to EO no. 2, s. 2016. The Concerned Unit shall discuss with the FDM if the information requested is indeed an exception. Upon verification, the Requesting Party shall be immediately informed of the denial and the reason thereof.

3. Transmittal of request from the FDM to the Concerned Unit.

Upon evaluation of the request by the FDM, a copy of the same shall be endorsed to the Concerned Unit within one (1) day from its receipt.

4. Processing of the Request

The Concerned Unit shall prepare the records needed by the requesting party and shall inform the FDM if any clarification is needed from the requesting party.

Note: Clarification is not included in the fifteen (15) working-day period.

5. Communication of Clarificatory Information of the FDM to the Requesting Party

The requesting party shall be informed of clarificatory items, if any, within fifteen (15) working days upon receipt of the request.

6. Request for Time Extension

If the requested information requires extensive search and locate, examination of voluminous records, or in case of the occurrence of fortuitous event or other analogous cases, the period of reply may be extended.

The concerned unit shall inform the FDM about the need for time extension. In turn, the FDM shall immediately notify the requesting party for a Time Extension through a Notice of Extension (Annex B). 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. Communication of Decision to the Requesting Party

The FDM shall endorse his grant or denial of the request of information to the FRO who shall communicate to the requesting party.

7.1 Approval of the Request.

The concerned unit together with the FDM shall ensure that all records to be released are checked. The FRO is responsible in preparing and sending out the letter or email to the requesting party, within the prescribed period.

7.2 Denial of the Request

A Notice of Denial (Annex C) shall be sent to the requesting party if the FDM decides to deny the request.

VI. Remedies In Case of Denial of Request

1. Denial of any request for access to information may be appealed to the Office of CKWD provided that:

1.1 A written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

2. The appeal shall be decided by the FDM upon the recommendation of the FOI Appeals and Review Committee within thirty (30) working days from the filing of the appeal. If the FDM failed to decide within the afore-stated period, the appeal is deemed denied.
3. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

VII. Fees

1. No Request Fees

The Office of CKWD shall not charge any fee for accepting requests for access to information.

2. Reasonable Cost of Reproduction and Copying of the Information

The Office of CKWD may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The FRO shall then immediately notify the requesting party of any related cost incurred.

3. Exemption from Fees.

The Office of CKWD may exempt any requesting party from payment of fees, upon submission of a written request stating the valid reason why such requesting party shall not pay any fee.


REY J. VARGAS
General Manager B



Republic of the Philippines
City of Koronadal Water District

FOI REQUEST FORM

Title of document requested: _____

Date: _____

Purpose: _____

The Requesting Party:

Name: _____ Contact Nos. _____

Signature: _____ Proof of Identity: _____

Address: _____

Should there is approval and information is available, how would you like to receive such request? Please check.

For Pick-up

Mail

E-mail

Fax

----- *(For CKWD personnel only)* -----

Request received by: _____

(Name/Designation/Department/Signature)

Date and Time of request: _____

Submitted/Forwarded to: _____

(Name/Designation/Department/Signature)

Remarks: _____



Republic of the Philippines
City of Koronadal Water District

Notice of Extension

Date:_____

Dear Mr./Ms./Mrs._____

Greetings from the City of Koronadal Water District!

In compliance to Executive Order no. 2 series of 2016 on Freedom of Information in Executive Branch, we have received your request dated _____asking for _____.

Please be advised that due to_____ this office will need additional time to fully process your requested document. Hence, we are asking for ____ days extension in order to fully respond to your request.

Thank you for your understanding.

Yours in service,

REY J. VARGAS
General Manager



Republic of the Philippines

City of Koronadal Water District

Notice of Denial

Date:_____

Dear Mr./Ms./Mrs._____

Greetings from the City of Koronadal Water District!

In compliance to Executive Order no. 2 series of 2016 on Freedom of Information in Executive Branch, we have received your request dated _____asking for _____.

Please be advised that after conduct of thorough evaluation on your requested information, your request has been DENIED because of its inclusion in the list of exceptions in the District's Information Manual under number _____ and contrary to _____.

Should you wish to appeal on your request, you may submit a letter of appeal to the City of Koronadal Water District's FOI Appeals and Review Committee within fifteen (15) days from the receipt of this letter.

Thank you for your understanding.

Yours in service,

REY J. VARGAS
General Manager

Lists of 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: ¹

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.

**MALACAÑANG PALACE
MANILA**

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

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

WHEREAS, pursuant to Section 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 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 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 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 aforestated 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 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