



**OFFICE OF THE SANGGUNIANG BAYAN**

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PURA, TARLAC HELD AT THE SB SESSION HALL ON FRIDAY, MAY 15, 2020**

PRESENT:

Hon. CONCEPCION A. ZARATE -----	Municipal Vice Mayor & Presiding Officer
Hon. MANUEL N. MADDELA JR. -----	Municipal Councilor
Hon. FERDINAND C. VALDEZ -----	Municipal Councilor
Hon. BERNABE P. IDMILAO -----	Municipal Councilor
Hon. TEODORA D. ROBINO -----	Municipal Councilor
Hon. REBHENJER J. CARATIQUIT -----	Municipal Councilor
Hon. ALAIN CARLO F. SAWIT -----	Municipal Councilor
Hon. LEO PAULO A. PASCUA -----	Municipal Councilor
Hon. JOHN PAUL M. BALMORES -----	Municipal Councilor
Hon. JEAN ANTHONY M. CAPINPIN-----	Ex-Officio Councilor ( <i>SK</i> )
Hon. EDILBERTO D. TABAQUIN JR.-----	Ex-Officio Councilor ( <i>Liga</i> )

ABSENT:

NONE

**MUNICIPAL ORDINANCE NO. 2020-004**

Series of 2020

**AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION (FOI) IN THE MUNICIPAL GOVERNMENT OF PURA, TARLAC AND PROVIDING GUIDELINES THEREOF**

**WHEREAS**, on 23 July 2016, President Rodrigo R. Duterte issued Executive Order No. 2 entitled “Operationalizing in the Executive Branch the People’s Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof;”

**WHEREAS**, the said Executive Order is limited in scope to government offices under the Executive Branch, and merely encourages local government units to observe and be guided accordingly;

**WHEREAS**, recognizing the importance of the people’s right to government information, and guided by the President’s Executive Order, the Municipal Government of Pura deems it necessary to provide a local mechanism for its offices where the people’s right to information is respected and upheld, subject to exceptions provided by law and jurisprudence;

**NOW, THEREFORE**, Be it ordained that:

**SECTION 1. Title.** This ordinance shall be known as the “*FOI Ordinance of 2020 of the Municipality of Pura, Tarlac.*”

**SECTION 2. Definition of Terms.** For the purpose of this Ordinance, 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 under the Municipal Government of Pura, pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office under the Government.

- (b) **OFFICIAL RECORD-** 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-** include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

**SECTION 3. Coverage.** This order shall cover all government offices under the Municipal Government of Pura, Tarlac.

**SECTION 4. Access to Information.** Any person, natural or judicial, 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, in the custody of the Municipal Government of Pura, Tarlac or any of its offices.

**SECTION 5. Exceptions.** Freedom of information (FOI) shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence.

Pursuant to this, the Sangguniang Bayan Secretary shall cause the publication of the local inventory of FOI exceptions for the guidance of all government offices covered by this ordinance. Said local inventory of FOI exceptions shall be periodically updated by the Sangguniang Bayan.

**SECTION 6. Availability of SALN.** Subject to the provisions contained in Sections 4 and 5 of this ordinance, all public officials of the Municipal Government of Pura 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 ordinance.

**SECTION 7. 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 in the inventory of FOI exceptions.

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 provincial 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 8. 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, pursuant to the Data Privacy Act of 2012 (Republic Act No. 10173), as follows:

- (a) Each government office 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 ordinance 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 or official 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 ordinance or pursuant to existing laws, rules or regulation.

**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 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.

- (b) The public official receiving the request shall be designated as the FOI Receiving Officer and 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 once received by the FOI receiving officer shall be recorded in the FOI logbook, indicating the date and time of receipt and the name, rank, title and position of the FOI receiving officer with the corresponding signature, and a copy thereof furnished to the requesting party. Said request shall then be forwarded to the concerned FOI point person (FPP) for further action.
- (d) The concerned FPP 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.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The FRO 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 the FOI Decision Maker (FDM) decides to grant the request, the person making the request shall be notified of such decision.

#### **SECTION 10. Fees.**

- (a) The Municipality shall not charge any fee for accepting requests for access to information. However, 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.
- (b) 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 11. Notice of Denial.** If the FOI Decision Maker (FDM) 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, or within twenty (20) working days in case of extension, whichever is applicable, 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 12. 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 Office of the Mayor, which will then conduct an independent review, following the procedure mentioned in Section 9 of this ordinance: Provided, that the 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.
- (b) The appeal shall be decided by the Office of the Mayor within thirty (30) working days from the filing of said written appeal. Failure of the Office of the Mayor to decide within the afore-stated 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.
- (d) 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 13. Keeping of Records.** Subject to existing laws, rules, and regulations, 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 14. 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 or agency, which provided for more stringent penalties.

**SECTION 15. FOI Office.** The Office of the Municipal Mayor shall be the FOI Office tasked to oversee the implementation of this ordinance. It is further directed to formulate the implementing rules and regulations (IRR), which shall include, among others the following provisions:

- (a) The name, location, and contact information of FOI receiving officers;
- (b) The procedure for the filing and processing of the request;
- (c) The standard forms for the submission of requests;
- (d) The process for the disposition of requests;
- (e) The procedure for the administrative appeal of any denial;


**SECTION 16. Separability Clause.** If any section or part of this ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

**SECTION 17. Repealing Clause.** All other ordinances, orders, issuances, rules and regulations, which are inconsistent with the provisions of this ordinance, are hereby repealed, amended or modified accordingly.

**SECTION 18. Effectivity.** This ordinance shall take effect fifteen (15) days after publication.

**UNANIMOUSLY APPROVED.**

CERTIFIED CORRECT:


  
**Hon. JOHN PAUL M. BALMORES**  
Municipal Councilor & Acting SB

Secretary

ATTESTED:

  
**Hon. CONCEPCION A. ZARATE**  
Municipal Vice Mayor & Presiding Officer

APPROVED:

  
**Hon. FREDDIE D. DOMINGO**

