



REPUBLIC OF THE PHILIPPINES  
**SANTIAGO WATER DISTRICT**  
Santiago City

# **SANWAD FOI MANUAL**



**FREEDOM OF INFORMATION**

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*JK*      *JK*      *SWS*      *Chyri*      *R*      *MS*

# SANTIAGO WATER DISTRICT

## Freedom of Information Manual

### PEOPLE'S FREEDOM OF INFORMATION MANUAL

Santiago Water District People's Freedom of Information Manual is hereby adopted pursuant to Executive Order No. 02 signed on 23 July 2016 entitled "Operationalizing in the Executive Branch the People's Constitutional Right to information and the State Policies to Full Disclosure and Transparency in the Public Service and Providing Guidelines Therefore".

#### SECTION 1. OVERVIEW

1. **Purpose.** The purpose of Santiago Water District (SANWAD) Freedom of Information Manual is to provide the process to guide and assist SANWAD in dealing with requests for information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI) as well as to uphold the right of the public to information on matters of public concern and interest subject to the procedures and limitations provided in Executive Order No. 2.
2. **Scope of the Manual.** This Manual shall sets out the rules and procedures to be followed when a request for access to information is received and the process for appeal for any denial for access to information received. It will contain the following:
  - a. Location and contact information of the District's heads or **FOI Decision Maker/s** and office address where the public can obtain information or submit request;
  - b. The person or office responsible for receiving request for information;
  - c. The procedure for the filing and processing of the request;
  - d. The standard forms for the submission of request and acknowledgement of request;
  - e. The process for the disposition of request;
  - f. The procedure for the administrative appeal for any denial for access to information;
  - g. The schedule of applicable fees.
3. **Coverage of the Manual.** The Manual shall cover all requests for information directed to all offices, divisions of SANWAD.
4. **FOI Receiving Officer (FRO).** There shall be a designated FOI Receiving Officer (FRO). The FRO shall hold office at the MIS unit, Office of the General Manager, SANWAD Office #3 Carreon St. Centro East, Santiago City, Isabela. The FRO receives all requests for information and conducts evaluation of the request, whether there is a need to forward the same to the Decision Maker or can address or deny the request based on the following:
  - a. Incomplete FOI Request Form or absence of a valid written FOI request;
  - b. No government-issued Identification Card presented;



c. The information is already disclosed in the SANWAD website ([www.sanwad.gov.ph](http://www.sanwad.gov.ph))

5. **Standard Forms.** There shall be standard forms for the submission of request and for proper acknowledgement of request.
6. **FOI Decision Maker (FDM).** The SANWAD General Manager shall be the FOI Decision Maker. The FDM shall conduct an evaluation of the request for information and has the authority to grant the request or deny it.
7. **Approval and Denial of Request for Information.** The FOI Decision Maker shall approve or deny all requests for information. In case where the FDM is on official leave, the FDM may delegate it to the Officer-In-Charge.
8. **Request Fee.** SANWAD shall not charge any fee for accepting requests for access to information. The FRO shall immediately notify the requesting party in case there shall be a reproduction and copying fee in order to provide the information. The schedule of fees shall be posted.



## SECTION 2. DEFINITION OF TERMS

**ADMINISTRATIVE FOI APPEAL.** An independent review of the initial determination made in response to a FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, 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 requests and appeals received, processed, and pending at each government office.

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

**DATA SHARING.** As defined in the Data Privacy Act of 2012, data sharing shall refer to disclosure or transfer to a third party of personal data under the custody of a personal information controller or personal information processor. In the case of the latter, such disclosure or transfer must have been upon the instructions of the personal information controller concerned. The term excludes outsourcing, or the disclosure or transfer of personal data by a personal information controller to a personal information processor.

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

**FREEDOM OF INFORMATION (FOI).** 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 at each government office where one can make an FOI request

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

**FOI RECEIVING OFFICER (FRO).** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.

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



**FULL DENIAL.** When the DISTRICT or any of its office or divisions cannot release any records in response to an FOI in view of the fact that the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

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

**INFORMATION.** Shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video 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.

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

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

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

**OPEN DATA.** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

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

**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.

**PROFILING.** Shall refers to any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.



**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 dealing, contract, or a transaction of whatever form or kind with the government or a government agency or office that utilizes public funds.

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

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

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

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

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

**RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that an agency has received within a fiscal year.

**REFERRAL.** When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral."

**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.

**SIMPLE REQUEST.** An FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.





## SECTION 3. PROTECTION OF PRIVACY

While providing for access to information, SANWAD shall give full protection to a person's right to privacy, as follows:

- a. SANWAD shall ensure the confidentiality of Personal Data. Personal Information such as consumers' personal data in its custody or under its control is disclosed only as permitted by existing laws;
- b. SANWAD shall protect personal information in its custody or under its control by making reasonable security arrangements 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 SANWAD, shall not disclose that information except as authorized by existing laws.

## SECTION 4. 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, using the prescribed standard form (See Annex "E"), 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, and present a valid proof of identification or authorization.
- The request shall clearly state the reason or purpose of the request for information.
- The request can be made through email, provided that the requesting party shall attached the scanned copy of the prescribed FOI application request form, and a copy of a duly recognized government ID with photo.

1.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, oral request will be accepted. The FRO shall fill out the Request Form on behalf of the requestor, with a thumbmark of the latter;

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.

1.4 SANWAD or any of its divisions or offices, must respond to requests promptly, within five (5) working days for simple transactions and ten (10) working days for complex transactions 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.

If the information requested require extensive search, examination of voluminous records, the occurrence or fortuitous events or other analogous cases, the FRO shall advise the requesting party of the extension of fifteen (15) days period setting forth the reasons for such extension. 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.

**2. Evaluation.** After receipt of the request for information, the FRO shall evaluate the contents of the request and identify the responsible office or division concerned and determine the access restrictions to the information.

2.1. Should the information being requested is already posted and publicly available in the district's website (sanwad.gov.ph), FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

2.2. Should the requested information be substantially similar or identical to a previous request by the same requester which has been granted or denied, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

**3. Transmittal of Request by the FRO to the FDM:** The FRO shall receive the requested Information and conduct an initial evaluation, and notify the FDM of such request. The copy of the request shall be forwarded to the FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

3.1 Role of FDM in processing the request:

a. Upon receipt of the request for information from the FRO, the FDM shall assess the request and shall make all necessary steps to locate and retrieve the information requested.

b. The complete information requested shall be submitted to the FRO within 10 days upon receipt of such request.

3.2. Role of FRO to transmit the information to the requesting party:

a. The FRO shall collate and ensure that the information from the FDM is complete. A cover/transmittal letter duly signed by the Heads of offices or divisions concerned shall be attached and ensure its transmittal to the requesting party within 15 working days upon receipt of the request for information.

**4. Notice to the Requesting Party of the Approval/Denial of the Request:** Once the Information Request is approved or denied, The FDM shall immediately notify the FRO to prepare the response to the requesting party either in writing or by email.

**5. Approval of Request:** In case of approval, the FRO shall prepare the letter or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

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

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

1. A written appeal must be filed by the same individual or requesting party within fifteen (15) working days upon denial of the request.
2. Denial of request shall be appealed to the General Manager of SANWAD.
3. The letter of appeal should indicate the reason why the requestor disagrees for denying the request. Supporting information to the appeal should be provided by the appellant.
4. The appeal shall be decided by the Decision Maker within (30) working days from the filing of said written appeal. Failure of such person or office to decide within the stated period shall be deemed a denial of the appeal.
5. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

## SECTION 6. REQUEST TRACKING SYSTEM

SANWAD shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.

## SECTION 7. FEES

1. No Request Fee. SANWAD shall not charge any fee for accepting requests for access to information.
2. In case there will be a Cost of Reproduction and Copying of the Information, a reasonable fee shall be the actual amount to be paid by the requesting party which the FRO shall immediately inform to the requestor.

## SECTION 8. ADMINISTRATIVE LIABILITY

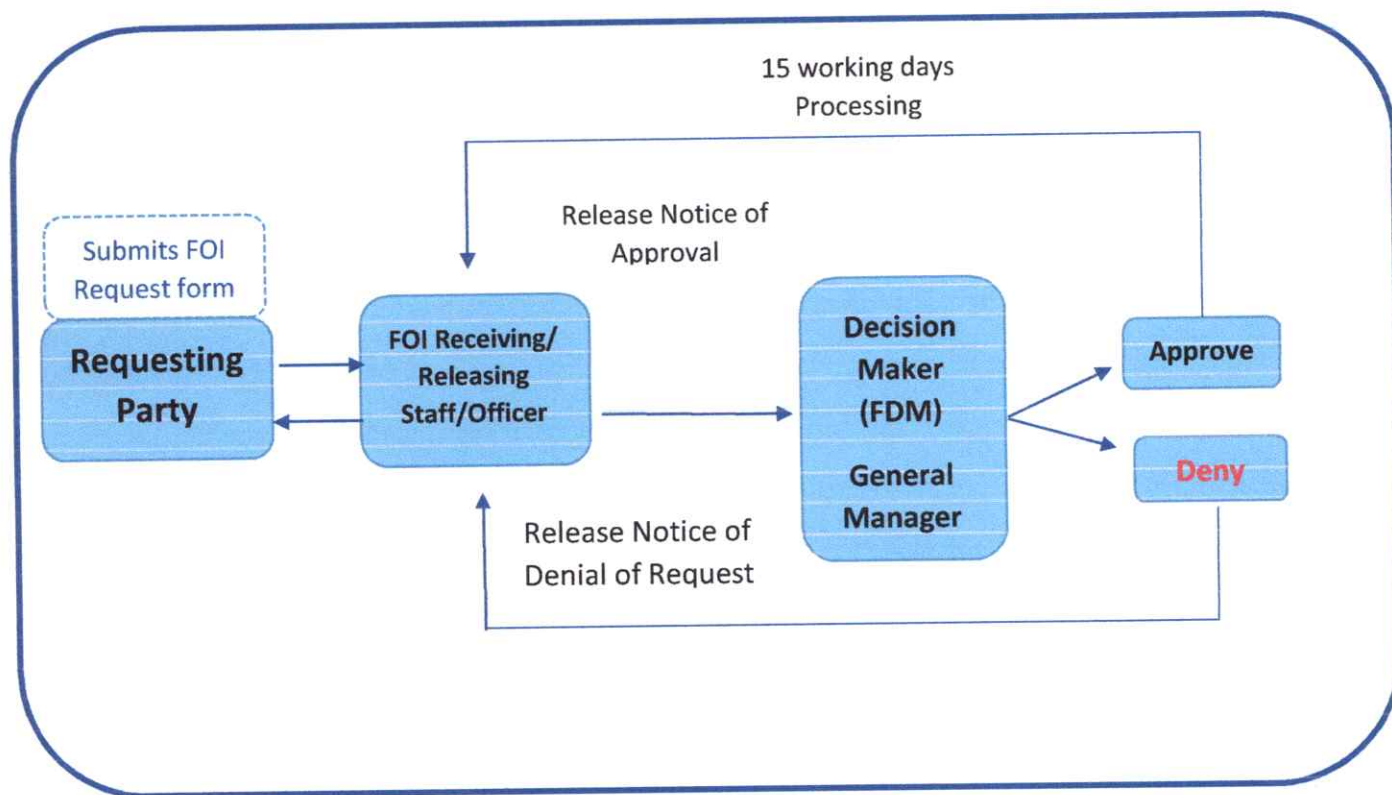
Failure or non-compliance with the provisions of this manual shall be a ground for administrative penalties. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.



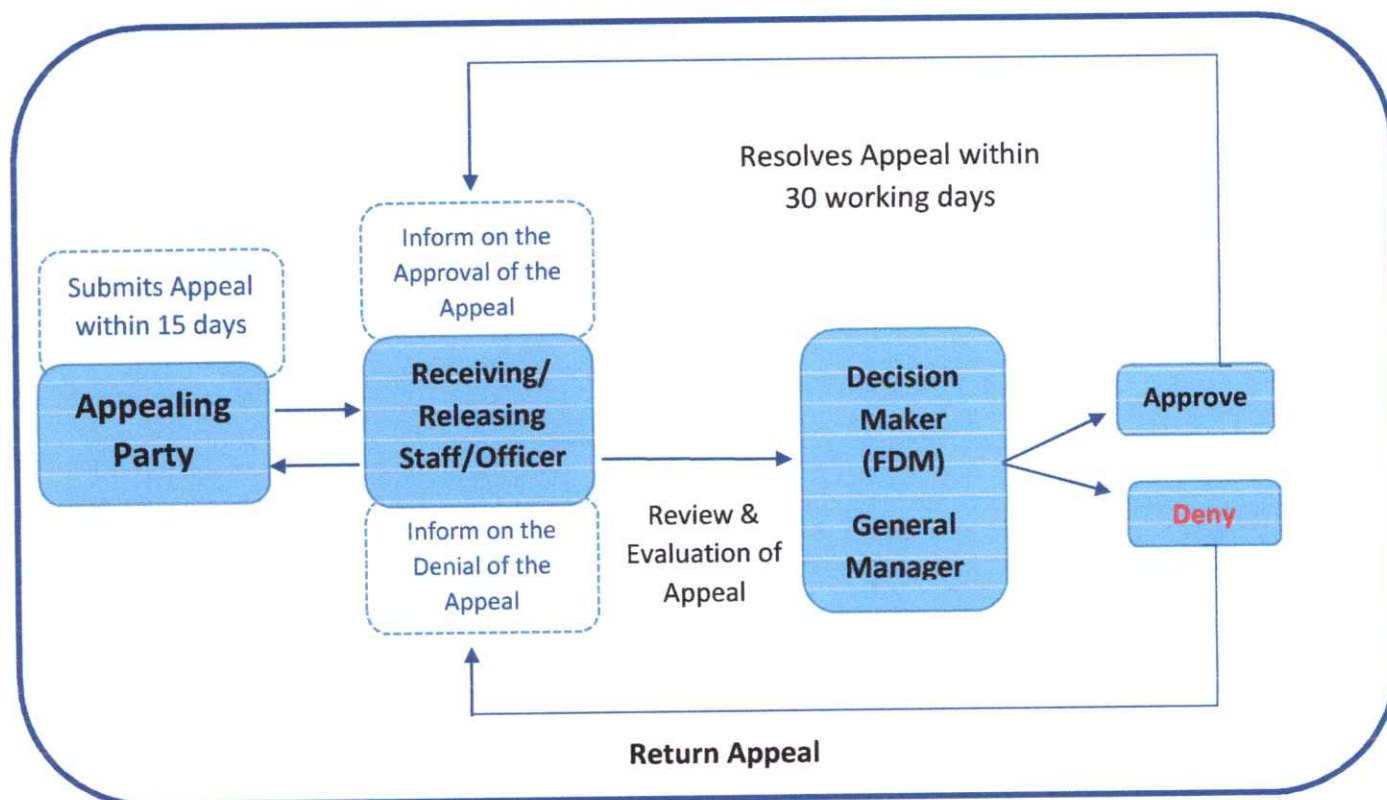
## ANNEX A- CONTACT INFORMATION OF PERSONNEL FOR FOI IMPLEMENTATION

Name & Designation	Location of Receiving/Releasing of Request for Information	Contact Details
<b>GRENDELE C. ARIZABAL</b> Office of the General Manager (Receiving Staff)	#3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>
<b>WINSTON A. FOZ</b> General Manager (FOI Decision Maker)	#3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>
<b>CHARMAINE S. MEDINA</b> Commercial Division (FOI Decision Maker-Division Level)	Commercial Division Office #3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>
<b>VILMA S. CASTROSANTO</b> Administrative and General Services Division (FOI Decision Maker-Division Level)	Administrative & General Services Division Office #3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>
<b>LEO TERIZA P. CHAVES</b> Engineering and Construction Division (FOI Decision Maker-Division Level)	Engineering Division Office #3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>
<b>MARICEL V. INES</b> Finance Division (FOI Decision Maker-Division Level)	Finance Division Office #3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>
<b>FLOREMIL B. PIRA</b> Production and Water Quality Division (FOI Decision Maker-Division Level)	Production and Water Quality Division Office #3 Carreon St. Centro East, Santiago City, Isabela	<b>Telefax:</b> (078) 305-2752 <b>Landline:</b> (078) 305-2648 <b>e-mail:</b> <a href="mailto:santiagowaterdistrict.1979@gmail.com">santiagowaterdistrict.1979@gmail.com</a>

## ANNEX B- FOI REQUEST FOR INFORMATION FLOWCHART



## FOI REQUEST FOR APPEAL FLOWCHART



*[Handwritten signatures and initials]*

# ANNEX "C – Detailed FOI Request Process

## SANWAD FOI FORM NO. 1



### Request for Information

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

Name of Requestor: \_\_\_\_\_  
(Surname, First Name, M.I.)

Address: \_\_\_\_\_  
Contact Nos.: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Information being Requested: \_\_\_\_\_

Purpose of Request for Information: \_\_\_\_\_

No. of Copies: \_\_\_\_\_

\_\_\_\_\_  
Signature Over Printed Name  
(Requestor)

*Reminders: For authorized representative, please bring authorization letter and valid ID of both requestor and representative. Documents should be claimed within 30 working days from due of release. Information not claimed within 30 days shall be disposed of accordingly.*

(To be accomplished by the Receiving Officer)

Request:
<b>Approved</b> <input type="checkbox"/>
<b>Denied</b> <input type="checkbox"/>
<b>Others/Remarks:</b> _____
_____

Received by:
Name: _____ (Surname, First Name, M.I.)
Position: _____
Designation of Request: _____
_____
Signature Over Printed Name

ANNEX D - FOI CLAIM SLIP

SANWAD FOI FORM NO. 2

**CLAIM SLIP**

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

Requestor: \_\_\_\_\_  
*(Surname, First Name, M.I.)*

Contact No.: \_\_\_\_\_

No. of Copies: \_\_\_\_\_

O.R. No.: \_\_\_\_\_

Request for Information Control No.: \_\_\_\_\_

\_\_\_\_\_ Date Received (Requestor)

\_\_\_\_\_ Signature Over Printed Name (Requestor)

*Reminders: For authorized representative, please bring authorization letter and valid ID of both requestor and representative. Documents should be claimed within 30 working days from due of release. Information not claimed within 30 days shall be disposed of accordingly.*

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(To be accomplished by the Public Assistance Desk and Complaints Officer) (Office Copy)

Request Information Released by


Name: \_\_\_\_\_  
*(Surname, First Name, M.I.)*

Department/Position: \_\_\_\_\_

Request for Information Control No.: \_\_\_\_\_

Date of Released: \_\_\_\_\_

\_\_\_\_\_ Signature Over Printed Name



ANNEX E- APPROVED REQUEST INFORMATION LETTER TEMPLATE

SANWD FOI FORM NO. 3



REPUBLIC OF THE PHILIPPINES  
**SANTIAGO WATER DISTRICT**  
Santiago City

NO. 03 CARREON ST. CENTRO EAST, SANTIAGO CITY  
Tel Nos. (078) 305-2648/0839/2752  
CP No. +63927-588-2538

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

Name:

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

Subject: Request for Information. [Indicate requested information here]

Dear [Salutation: Mr./Mrs.] [Last Name]:

We are pleased to inform you that your request dated [date of request] for [indicated request information] has been approved. The requested information shall be acted upon within 15 working days from the issuance of this letter.

Thank you.


Very truly yours,

**WINSTON A. FOZ**  
General Manager



**ANNEX F- DENIAL OF REQUESTED INFORMATION LETTER TEMPLATE**

**SANWD FOI FORM NO. 4**



**REPUBLIC OF THE PHILIPPINES**  
**SANTIAGO WATER DISTRICT**  
**Santiago City**

NO. 03 CARREON ST. CENTRO EAST, SANTIAGO CITY  
 Tel Nos. (078) 305-2648/0839/2752  
 CP No. +63927-588-2538

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

Name: \_\_\_\_\_

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

Subject: Denial of Request Information: **[Indicate requested information here]**

Dear **[Salutation: Mr./Mrs.] [Last Name]**:

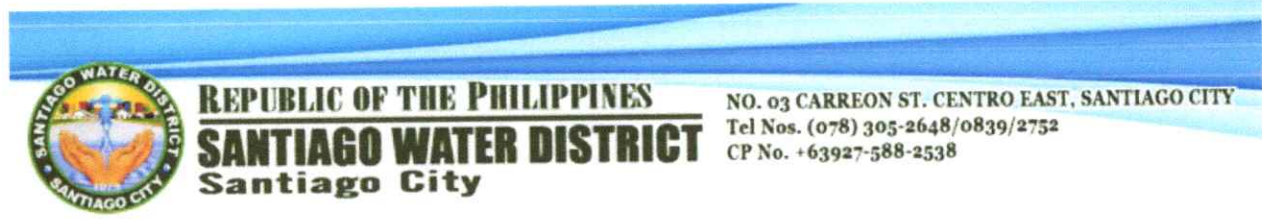
We regret to inform your request for information: **[indicate requested information here]** on **[date of request]** cannot be granted due to **[state grounds for denial include necessary laws, rules and regulations.]**

Thank you.

Very truly yours,

**WINSTON A. FOZ**  
General Manager

SANWD FOI FORM NO. 5



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

Name: \_\_\_\_\_

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

Subject: Request for Information: **[Indicate requested information here]**

Dear **[Salutation: Mr./Mrs.] [Last Name]:**

This is to acknowledge receipt of your request dated **[date of request]** for **[indicate requested information]**.

Upon evaluation of your request, we regret to inform you that the information being requested is not available or in custody of the Santiago Water District (SANWAD), the reason/s being **[state reason/s why the requested information is not available]**.

Thank you.

Very truly yours,

**WINSTON A. FOZ**  
General Manager

# Executive Order No. 2, s. 2016

Signed on July 23, 2016

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 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 affectivity 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 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 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

