



FREEDOM OF INFORMATION MANUAL

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SECTION 1: OVERVIEW

1. **PURPOSE:** The purpose of this **FOI Manual** (Manual) is to provide the process to guide and assist the **LEMERY WATER DISTRICT** (LEWAD) in dealing with requests for information received under **Executive Order (E.O) No. 2 on Freedom of Information (FOI)**. (See Annex “B”).
2. **STRUCTURE OF THE MANUAL:** This manual shall set out the procedures and rules to be followed by the **LEMERY WATER DISTRICT** when a request for access to information is received. The **LEWAD General Manager** is responsible for all actions carried out under this Manual and may delegate this responsibility to the next-in-rank down to the level of the Section Head. The General Manager shall have overall responsibility for the final decision on FOI requests (i.e. to decide whether to release all the records, partially release the records or deny access).
3. **COVERAGE OF THE MANUAL:** The Manual shall cover all requests for information directed to the **LEMERY WATER DISTRICT** (LEWAD).
4. **FOI RECEIVING OFFICER:** There shall be an FOI Receiving Officer (FRO) designated at the LEWAD. The FRO shall hold office at the LEWAD Office, Lemery, Batangas. Its functions include the following:
 - a. Receive all requests for information and conduct initial evaluation of the request;
 - b. Advise the requesting party on whether the request will be forwarded to the FOI Decision Maker for further evaluation, or if the information is already in the LEWAD website, advice the requestor accordingly;
 - c. Forward the request to the appropriate FOI Decision Maker who has custody of the records;
 - d. Monitor and expedite all FOI request and appeals;
 - e. Provide assistance to the FOI Decision Maker/s;
 - f. Provide assistance and support to the public and staff with regard to FOI;
 - g. Compile statistical information as required on request of FOI nature.

“Annex C”, the FOI Receiving Officer for the LEWAD and her contact details.

5. **FOI DECISION MAKER:** The General Manager of LEWAD is designated as the FOI Decision Maker/s (FDM). The FDM shall have the following functions:
 - a. Evaluate the request for information;
 - b. The **General Manager** makes the final decision on the approval or denial of the request.
6. **Bases for Denial of Request.** A request can be evaluated for denial on the following grounds:
 - a. The LEWAD does not have the information requested;
 - b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 - c. The information requested falls under the list of exceptions to FOI;
 - d. The request is an identical or substantially similar information requested by the same requesting party which had already been previously granted or denial by the LEWAD;
 - e. The requested information is already posted in the LEWAD website.



7. Appeals and Review Committee: There shall be an Appeals and Review Committee composed of a member of the Board of Directors as head and two (2) other senior employees, designated by the LEWAD Administrator to review and analyze the grant or denial of request information. The Committee shall endorse to the General Manager the proper response/action on the appeal. The General Manager makes the final decision on the appeal taking into consideration the endorsement of the Committee.

SECTION 2: DEFINITION OF TERMS

data.gov.ph. The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable and accessible.

eFOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, eFOI.gov.ph. provides a central resource for the public to understand the FOI, to locate records that are already available online and to learn how to make a request for information that is not yet publicly available. eFOI.gov.ph. also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in Annual FOI Reports, so that they can be compared by agency and over time.

INFORMATION. Shall mean any records, documents, papers, reports, letters, contracts, minutes and 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.

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.

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.

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



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

1. About an individual race, ethnic origin, marital status, age, color and religious philosophical or political affiliations;
2. About an individual health, education, genetic or sexual life of a person, or to any
3. proceedings for any offense committed or alleged to have committed by such
4. person, the disposal of such proceedings or the sentence of any court in such proceedings;
5. 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,
6. Specifically established by an executive order or an act of Congress to be kept classified.

SECTION 3. GLOSSARY OF TERMS

ADMINISTRATIVE FOI APPEAL. An independent review of an initial denial 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 (Appeal and Review Committee), 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 and appeals received, processed and pending at a particular government office.

EXCEPTIONS. Information that should not be released and disclosed in response to a 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 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 you can make a FOI request.

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

FOI RECEIVING OFFICE. 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 a 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 LEWAD or any of its section cannot release any records in response to a FOI request, because, for example, 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 a FOI request.

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.

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.

PENDING REQUEST OR PENDING APPEAL. An FOI request or administrative appeal for which a government office has not yet taken final action. It covers 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 REQUEST. 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 is called a "referral."

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 4. PROTECTION OF PRIVACY

1. While providing for access to information, the LEWAD shall afford full protection to a person's right to privacy, pursuant to the Data Privacy Act of 2012, to wit:
 - a. The LEWAD 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 LEWAD 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 the LEWAD, shall not disclose that information except as authorized by existing laws.
 - d. Request and release of information pertaining to personnel records shall be made pursuant to CSC Memorandum Circular No. 56, s. 1990



SECTION 4-A. LIST OF EXCEPTION (See Annex “D”)

SECTION 5. STANDARD PROCEDURE (See Annex “E” for flowcharts)

1. Receipt of Request of Information.

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

- The request must be in writing;
- The request shall state the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or purpose of, the request for information. (See Annex D).
- The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI application request and a copy of a duly recognized government ID with photo.

1.2. In case the requesting party is unable to make a written request, because of illiteracy or by reason of disability, he or she may make an oral request and the FRO shall reduce in writing.

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. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.

1.4. The LEWAD must respond to requests promptly, within the fifteenth (15) working day following the date of the receipt of the request. A working day is any day other than Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, ³Art. 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.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an ‘out of office’ message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after LEWAD receives the required clarification from the requesting party.



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2. Evaluation of the Request. After receipt of the request for information, the FRO shall evaluate the contents of the request.
- 2.1. Requested Information is Available. If the requested information is known to the FRO to be available at the LEWAD either wholly or partially, the FRO shall endorse the request to the concerned FDM who has the requested information.
- 2.2. Requested information is not in the custody of the LEWAD: If the requested information is not in the custody of the LEWAD following referral and discussions with the concerned FDM, the FRO shall undertake the following steps:
- If the records requested refer to another government agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the LEWAD (as transferring office) must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
 - If the records refer to an office not within the coverage of E.O No. 2 (i.e. private company), the requesting party shall be advised accordingly and provided with the contact details of that office, if known.
- 2.3. Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in the LEWAD website, data.gov.ph, or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.
- 2.4. Requested information is substantially similar or identical to the previous request: Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.
- 2.5. Requested information is under the Exception List: If the requested information is covered in the Exception List, the FRO shall consult with the concerned FDM if the requested document can indeed not be given to the requesting party. The requesting party should be properly informed of the denial and the reason for the denial. Covered under the Exception List are the following information:
- Minimum Performance Standards and Specifications (MPSS)
 - Bidding Documents prior to Advertisement, pursuant to R.A. 9184 or the Government Procurement Reform Act
 - Those to be provided by the PCOO
- Other Exceptions listed under EO 2 (s. 2016)
- Information covered by executive privilege
 - Privileged information relating to national security, defense, or international relations
 - Information concerning law enforcement and protection of public and personal safety
 - Information deemed confidential for the protection of the privacy and certain individuals such as minors, victims of crimes or the accused
 - 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 and boards or officers, in relation to the performance



of their functions or to inquire or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers.

- f. Prejudicial, premature disclosure
- g. Records of proceedings or information from proceedings which pursuant to law or relevant rules and regulations are treated as confidential or privileged
- h. Matters considered confidential under banking and finance laws and their amendatory laws, and;
- i. Other exception to the right to information under laws, jurisprudence, and rules and regulations.

2.6 Requested Information is under Restricted Information: If the requested information is under the Classified Information List, the FRO should consult with the concerned FDM regarding the necessary precautionary procedure before releasing the requesting information, or denial of the request, whichever is applicable, pursuant to MC No. 78, s. 1964 and other pertinent laws. Covered in the Restricted List are the following information:

- a. Transcript and Minutes of the Board Meetings
- b. Bidding documents after submission, pursuant to R.A. 9184
- c. Personal information pursuant to Data Privacy Act of 2012, CSC MC No. 56, s. 1990 and other pertinent laws

3. Transmittal of Request by the FRO to the FDM: After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and the name of the name of the name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
4. Processing the request: Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to LEWAD General Manager or his/her designate, in case the submission is beyond the 10-day period.

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

5. Role of FRO to transmit the Clarificatory information of the FDM to the Requesting party: Upon receipt of the requested clarificatory information from the FDM, the FRO shall ensure that the requested information is complete. He shall attach a cover/transmittal letter signed by the LEWAD Administrator or his/her designate and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for more information.
6. Request for an Extension of Time: If the information requested requires extensive search of the government's office records facilities, or examination of voluminous records, the FDM should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of



the mandate fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

7. Notice to the Requesting Party of the Decision: The FDM endorses the approval or denial of the request to the General Manager who shall make the final decision on LEWAD's action on the request. The FRO shall prepare the final response of LEWAD to the requesting party either in writing or by email.
8. Approval of Request: In case of approval, the FRO, in consultation with the FDM, shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. 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.
9. 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 6. REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the LEWAD Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. The appeal shall be decided by the LEWAD General Manager upon the recommendation of the Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-days period shall be deemed a denial of the appeal.
 - b. The denial of the Appeal by the LEWAD General Manager or the lapse of the period to respond to the request may be appealed further to the Office of the President under Administrative Order No. 22, s. 2011.
2. Upon exhaustion of administrative FOI Appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 7. REQUEST TRACKING SYSTEM

The LEWAD 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.

The information on the said tracking system will form the bases for the contents of the Annual FOI Report required of all government agencies to be submitted to the PCOO.

SECTION 8. FEES

1. No Request Fee. The LEWAD shall not charge any fee for accepting requests for access to information.
2. Reasonable Cost of Reproduction and Copying of the Information:

The FRO shall immediately notify the requesting party in case there shall be a production and copying fee in order to provide the information. The schedule of fees shall be posted by the LEWAD.



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3. Exemption from Fees: The LEWAD 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 9. 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 (1) to thirty (30) days;
 - c. 3rd Offense – Suspension of one (1) month to six (6) months; and
 - d. 4th Offense - Dismissal from the service.

2. **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 provides for more stringent penalties.

HYDEE DELA LUNA-RAMIREZ, CE, DPA
General Manager



ANNEX “A”

FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government’s response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 S. 2016?

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People’s Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service. EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

Making a Request

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.

5. What can I ask for under EO on FOI?

Information, official records, public records, and, documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

6. What agencies can we ask information?

An FOI request under EO 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs). FOI requests must be sent to the specific PBS-BBS of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?



- a. The requestor is to fill up a request form and submits to the PBS-BBS's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the PBS-BBS holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.
- f. If necessary, the Director of the PBS-BBS shall provide clearance to the response.
- g. The PBS-BBS shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the PBS-BBS may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request. If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the PBS-BBS will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The PBS-BBS will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

11. What if I never get a response?

If the PBS-BBS fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.

12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.



ANNEX "B"

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 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 fundamentals 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 transcript 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 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, transaction 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 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 circulation as herein above 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, wrong doing, 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;

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 regulations;

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 9 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 herein above 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 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 9 of this Order; Provided, that the written appeal must be filed by the same person making the request within (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 party 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



ANNEX "C"

FOI OFFICERS

The names and contact details of the FOI Officers of the Lemery Water District are as follows:

Designation	Name	Telephone No.	Email Address	Role
General Manager	ENGR. HYDEE D. RAMIREZ	043 409-3152	lemerywd@yahoo.com	DM
Administrative Chief	MARIA CECILIA M. MENDOZA	09178449377	aira_mendoza24@yahoo.com	DM
Sr. Industrial Relations Management Officer B	ALDWIN O. BANDALARIA	09177900388	aobandalaria18@yahoo.com	DM
Administration Services Assistant A	JOSEPHINE S. MANABAT	043 406-1776	lemerywd@yahoo.com	RO

FOI RECEIVING OFFICER OF THE LEWAD

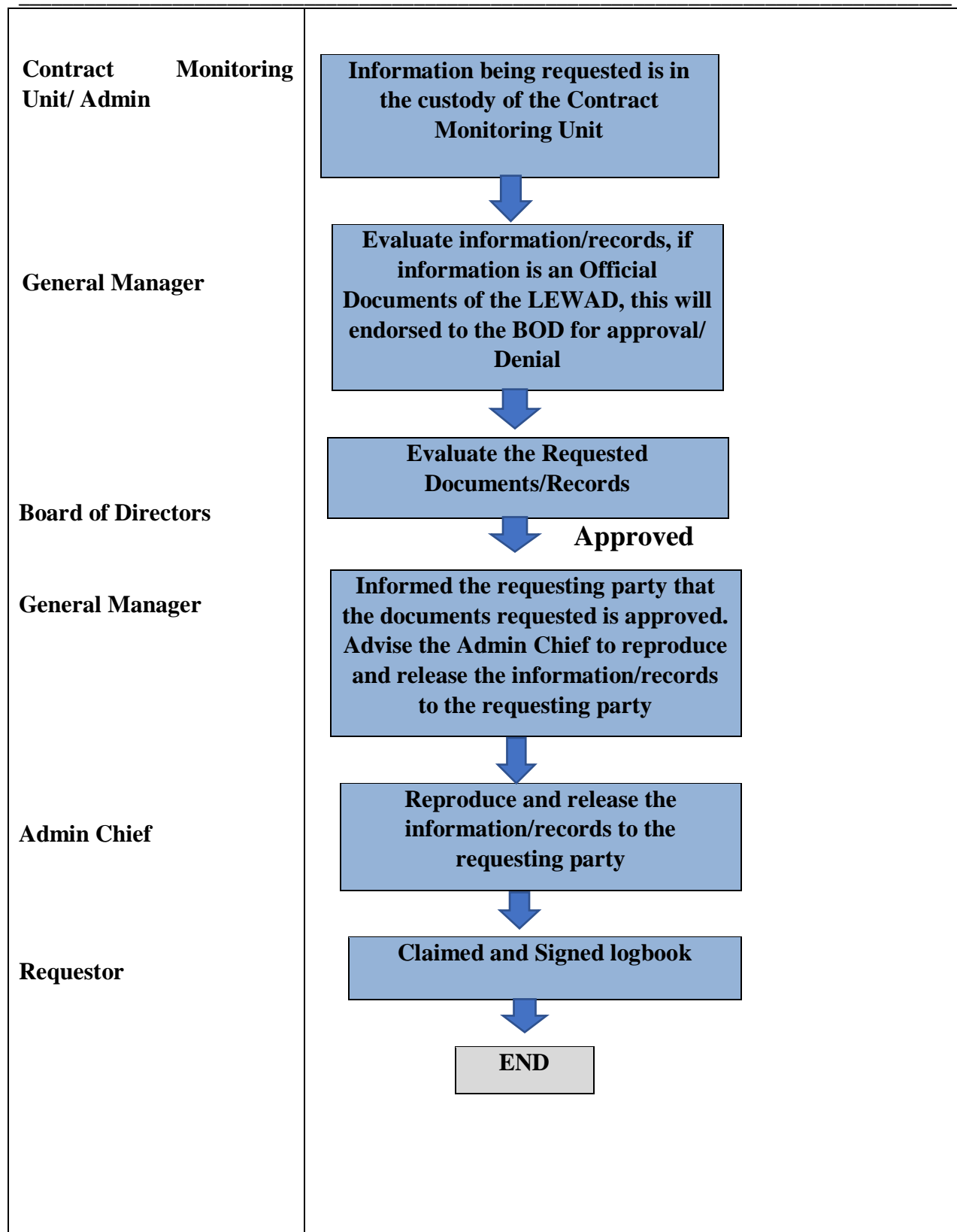
Name of Agency	Location of FOI Receiving Office	Contact Details	Assigned FOI Receiving Officer
Lemery Water District	Contract Monitoring Office	Landline: (043) 406-1776 Email address: lemerywd@yahoo.com	JOSEPHINE S. MANABAT



ANNEX “D”

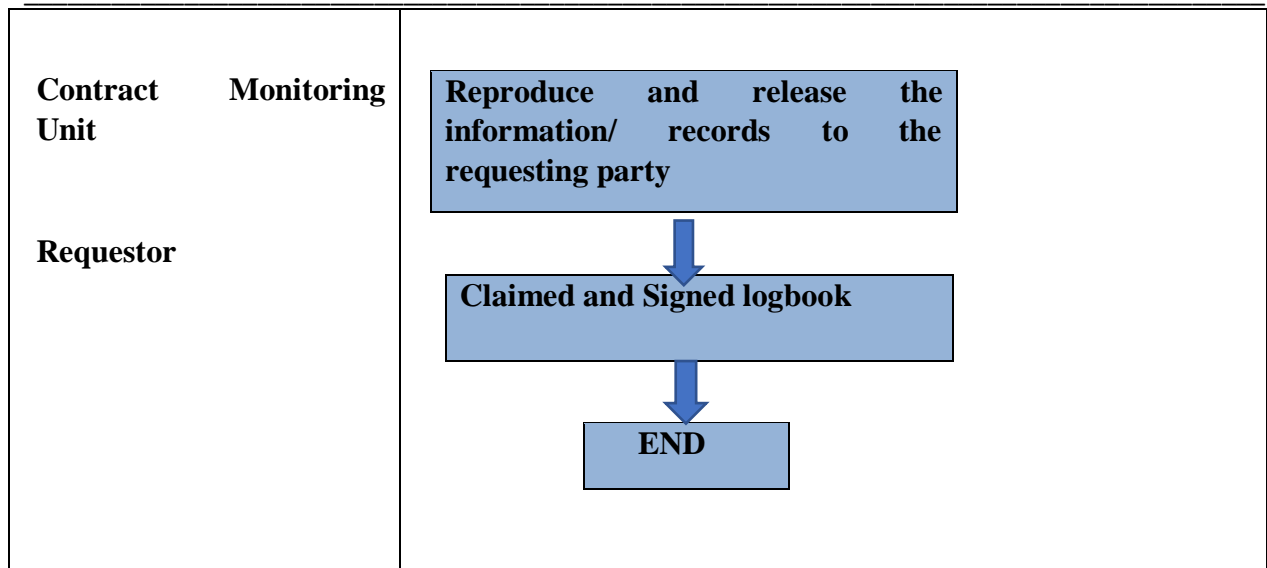
LIST OF EXCEPTIONS for FOI Manual

1. The Lemery Water District shall deny access to information only when the information requested falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence and specified in the inventory of exceptions as embodied in the Circular issued by the Office of the President pursuant to section 4 of EO 2, s. 2016
2. The requested information is not in the custody of Lemery Water District
3. The requested information contains Sensitive Personal Information, unless authorized by the owner thereof.
4. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by Lemery Water District.
5. Filed and pending cases (Courts and Ombudsman)
6. 201 Files
7. Personnel Selection Board Documents
8. Statement of Assets, Liabilities and Net-Worth (SALN)
9. BAC Minutes of meetings, except Minutes of Opening of Bids, as provided under the last sentence 3rd Paragraph, Section 29, the 2016 Revised IRR, RA 9184, and only upon written request stating reasons therefor, and payment of minimal fee to recover cost of materials
10. Abstract of Bids, except Abstract of Bids as Read, as provided under the last sentence, 3rd Paragraph, Section 29, the 2016 Revised IRR, RA 9184, and only upon written request stating reasons therefore, and payment of minimal fee to recover cost of materials
11. TWG Recommendation, BAC Resolutions, and other Bidding Documents
12. IPCR
13. Financial Report not yet audited by COA
14. All reports not in the final form
15. Agenda, Deliberations and minutes of the Board Meetings
16. Legal opinions or comments rendered by the Legal Service



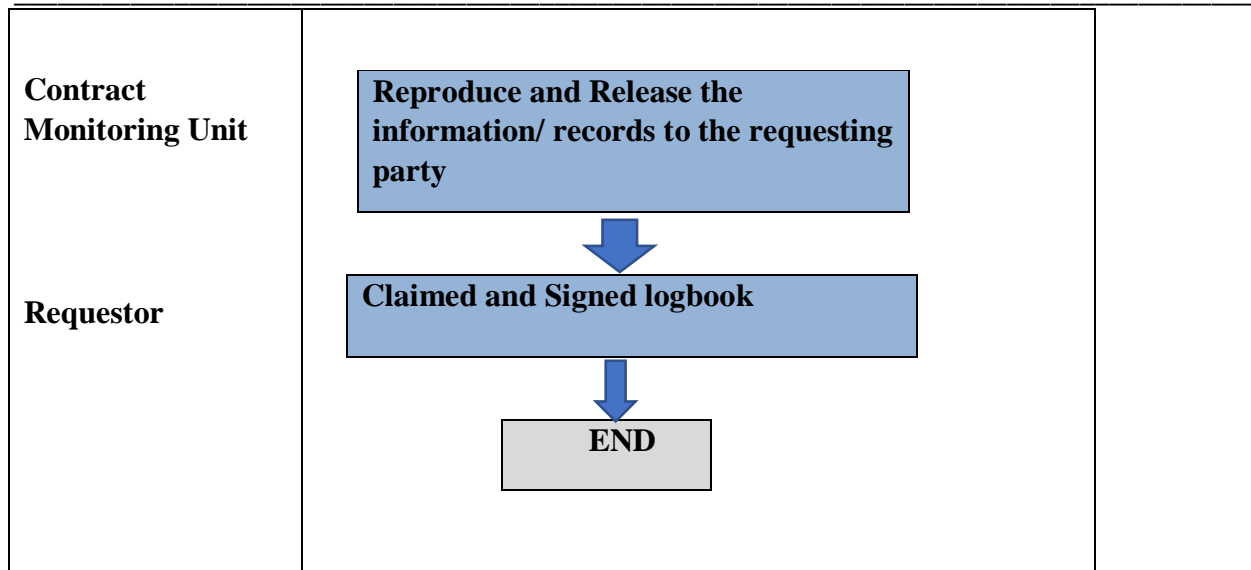


RESPONSIBILITY	PROCESS
Contract Monitoring Unit	<div style="text-align: center;"> <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">A</div> <div style="font-size: 24px; margin: 5px 0;">↓</div> </div>
Contract Monitoring unit	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Informed concerned persons of the information requested </div> <div style="font-size: 24px; margin: 5px 0;">↓</div>
Contract Monitoring unit	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Retrieves or reproduce the information / Records </div> <div style="font-size: 24px; margin: 5px 0;">↓</div>
General Manager	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Collect Information / Records and endorsed to the General Manager </div> <div style="font-size: 24px; margin: 5px 0;">↓</div>
Board of Directors	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Evaluates information / records, if information is an Official Documents of the LEWAD, this will endorsed to the BOD for approval / Denial </div> <div style="font-size: 24px; margin: 5px 0;">↓</div>
General Manager	<div style="border: 1px solid black; padding: 5px; text-align: center;"> Evaluate the Requested Documents/ Records </div> <div style="font-size: 24px; margin: 5px 0;">↓</div>
	<p>Approved</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> Informed the requesting party that the documents requested is approved. Advise and Admin Manager to reproduce and release the information/records to the requesting party </div> <div style="font-size: 24px; margin: 5px 0;">↓</div>





RESPONSIBILITY	PROCESS
<p>Board of Directors</p> <p>General Manager</p> <p>Requestor</p> <p>Board of Directors</p> <p>General Manager</p>	<pre> graph TD B[B] --> Deny[Deny the Request] Deny --> Letter[A Denial letter will be sent to the requesting party] Letter --> Appeal[The Requestor may appeal directly to the BOD in requesting party] Appeal --> Re-eval[Re-evaluates information/records, and possible referral to the legal counsel or LWUA] Re-eval --> Inform[Informed the requesting party that the documents requested is approved. Advise and Admin Chief to reproduce and release the information/records to the requesting party] Inform --> End[] </pre>

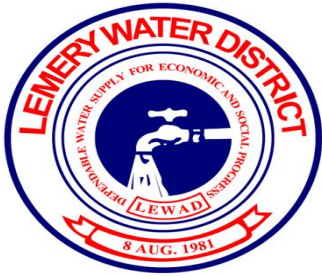


RESPONSIBILITY	PROCESS
Board of Directors General Manager Requestor	<div style="border: 1px solid black; background-color: #d3d3d3; padding: 5px; margin-bottom: 10px;"> C </div> <div style="text-align: center; font-size: 2em; color: blue;">↓</div> <div style="border: 1px solid black; background-color: #d9e1f2; padding: 5px; margin-bottom: 10px;"> Deny the Request </div> <div style="text-align: center; font-size: 2em; color: blue;">↓</div> <div style="border: 1px solid black; background-color: #d9e1f2; padding: 5px; margin-bottom: 10px;"> A denial letter will be sent to the requesting party </div> <div style="text-align: center; font-size: 2em; color: blue;">↓</div> <div style="border: 1px solid black; background-color: #d9e1f2; padding: 5px; margin-bottom: 10px;"> May file the appropriate judicial action in accordance with the rules of court </div> <div style="text-align: center; font-size: 2em; color: blue;">↓</div> <div style="border: 1px solid black; background-color: #d3d3d3; padding: 5px; width: fit-content; margin: 0 auto;"> END </div>



ANNEX “ F “

FOI REQUEST FORM



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

Title of the Documents: _____

Date: _____

Purpose:

Name: _____

Contact Nos. _____

Signature: _____

Date: _____

Address: _____

Proof of Identity: _____

How would you like to receive the information? (Pick-up, Mail or Email) _____

Submitted to: _____

Date/Time of Submission: _____

Certified by: _____

Type of action conducted: _____

Received by: _____

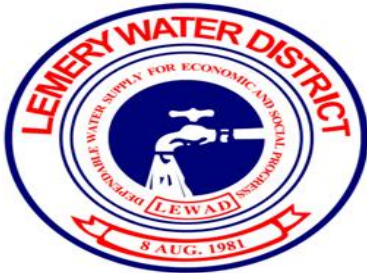
FOI Receiving Officer

Remarks:



ANNEX “ G “

FOI RESPONSE TEMPLATE – COMPLETION OF FORM



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE:

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for: _____

Response to your request:

After processing your request, we found that you have failed to provide the following necessary details:

For the processing of your request, provide us with the necessary missing details.

Thank you.

Respectfully,

HYDEE DELA LUNA-RAMIREZ , CE, DPA

General Manager



FOI RESPONSE TEMPLATE – EXTENSION OF PERIOD



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for: _____

Response to your request:

Since your request requires extensive search of the records and facilities of the Lemery Water District or Because of _____ which is beyond our control, we are asking for an extension of Fifteen (15) days in order to fully process your request.

Thank you.

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – CLARIFICATION



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

In order to fully process your request, we ask for the following clarificatory details:

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – APPROVAL



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for: _____

.

Response to your request:

Your FOI request is **APPROVED**. The **LEMERY WATER DISTRICT** will forward the copies of all the requested information to you in accordance to the information you have stated in the FOI request form.

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – DENIAL (contrary to law, rules and regulations)



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for: _____

Response to your request:

Your FOI request is **DENIED** because it is contrary to _____ if you would like to appeal this denial, you may submit an appeal within fifteen (15) days from the receipt of this letter to the Board of Directors of **Lemery Water District**.

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – DENIAL (falls under list of exceptions)



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for: _____

Response to your request:

Your FOI request is **DENIED** because it falls under the list of exceptions, specifically

If you would like to appeal this denial, you may submit an appeal within fifteen (15) days from receipt of this letter to the Board of Directors of **Lemery Water District**.

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – SIMILAR TO PREVIOUS REQUEST



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for:

Response to your request:

Since your request information is substantially similar or identical to your previous request dated _____, the **Lemery Water District** shall not act upon your request.

Please be guided accordingly.

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – AVAILABLE ONLINE



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for: _____

Response to your request:

We would like to inform your request information can be **FOUND ONLINE** at the website of the Lemery Water District. Your requested information can be found at the following link/s: lemerywaterdistrict.ph

Thank you.

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – NOT IN COSTODY (information with other government agency)



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

We would like to inform you that the Lemery Water District is NOT IN POSSESSION of the information you have requested. You may file a request to _____.

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager



FOI RESPONSE TEMPLATE – NOT IN COSTODY (information not with agency covered by E.O.NO.2)



Republic of the Philippines
LEMERY WATER DISTRICT
Carnero Subdivision, Sangalang
Lemery, Batangas

DATE

Dear _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____

Response to your request:

We would like to inform you the **Lemery Water District** is **NOT IN POSSESSION** of the information you have requested. You may file a request to _____ which can properly process your request.

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

General Manager