

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 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, Liabilites 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 disclosure 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



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
General Manager	ENGR. HYDEE D.	043 740-3792	lemerywd@yahoo.com
	RAMIREZ		
Administrative	MARIA CECILIA	09178449377	aira_mendoza24@yahoo.com
Chief	M. MENDOZA		
Sr. Industrial	ALDWIN O.	09177900388	aobandalaria18@yahoo.com
Relations	BANDALARIA		
Management			
Officer B			
Administration	JOSEPHINE S.	09656811896	jsmanabat67@yahoo.com
Services Assistant	MANABAT		
А			

FOI RECEIVING OFFICER OF THE LEWAD

Name of	Location of FOI	Contact Details	Assigned FOI
Agency			
	Receiving Office		Receiving Officer
Lemery Water	Contract Monitoring	Landline:	JOSEPHINE S.
District	Office		MANABAT
		(043) 740-3792	
		Email address:	
		lemerywd@yahoo.com	



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 therefor, 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



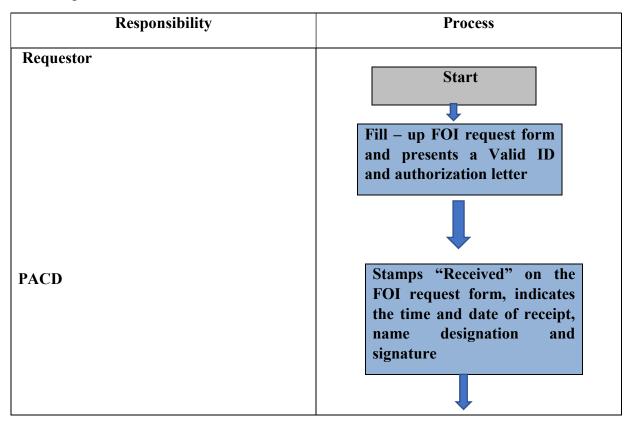
Process Flow Chart and Work Instructions

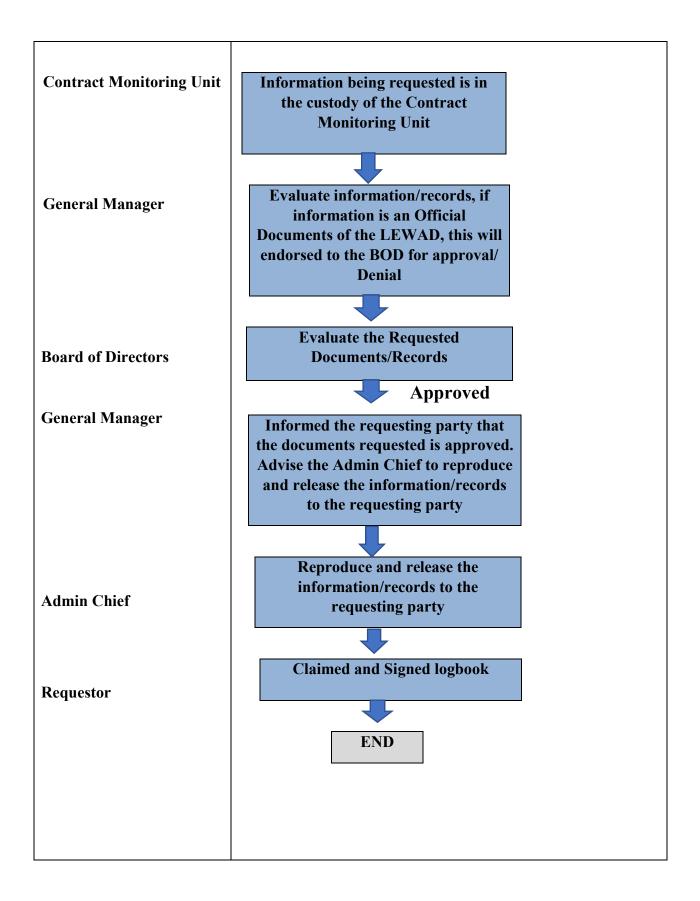
The procedure for Request for Information / Record covers the falling of request for information with the Lemery Water District (FOI Request Forms is available at the PACD located at the entrance of the LEWAD's office), receipt and evaluation of request, and approval, and denial of request.

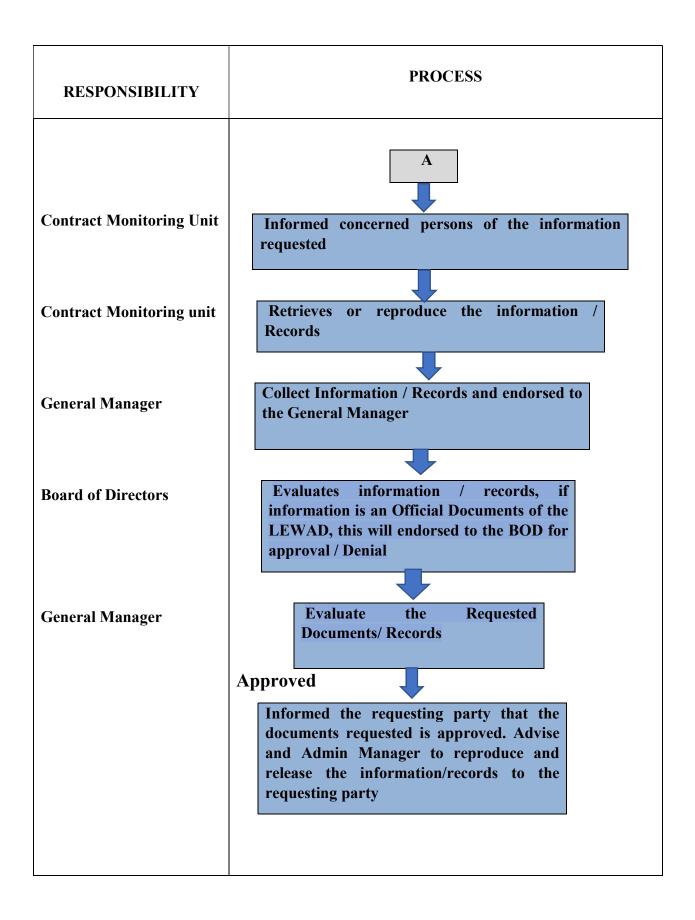
No Fees shall be collected from the requesting party.

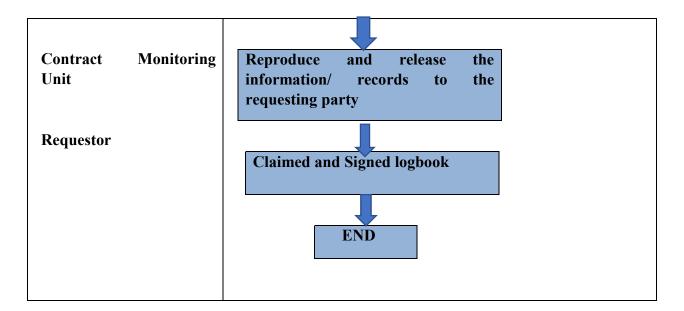
Requirements:

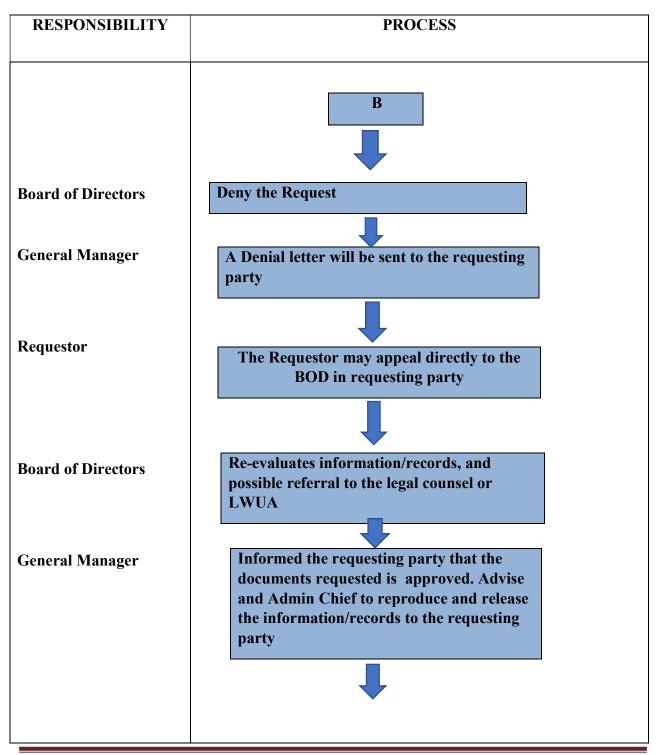
- 1. Duly accomplished Request Form
- 2. Valid identification card
- 3. For representatives, an authorization letter and valid ID

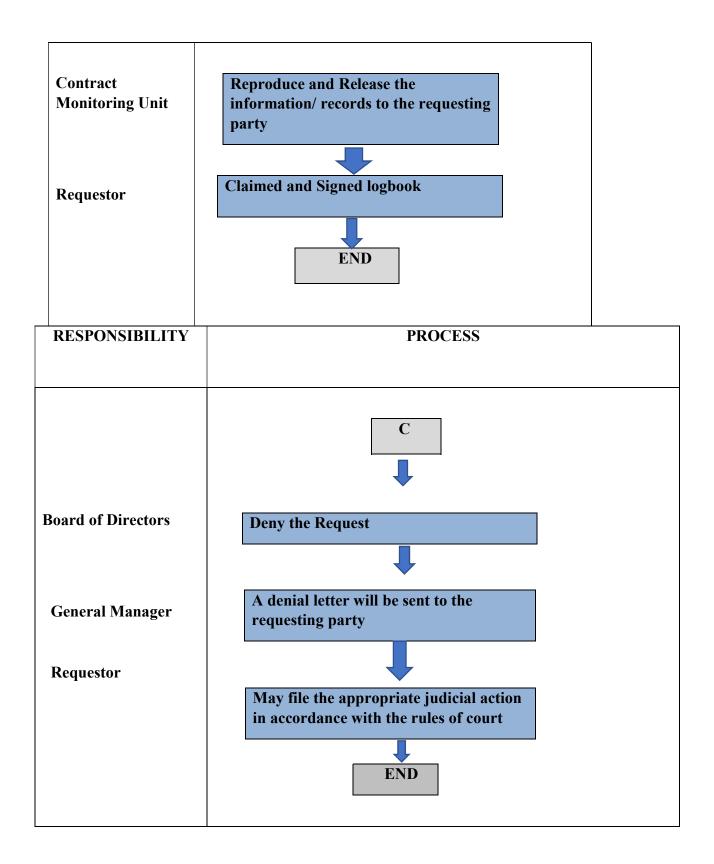














FOI REQUEST FORM



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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?	P (Pick-up , Mail or Email)
Submitted to:	Date/Time of Submission:
Certified by:	
Type of action conducted:	_
Received by:	

FOI Receiving Officer

Remarks:



FOI RESPONSE TEMPLATE – COMLETION OF FORM



Republic of the Philippines LEMERY WATER DISTRICT Cornero 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

FREEDOM OF INFORMATION MANUAL - ANNEXES LEMERY WATER DISTRICT

FOI RESPONSE TEMPLATE – EXTENSION OF PERIOD



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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

FOI RESPONSE TEMPLATE – CLARIFICATION



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

DATE

Dear _____,

Greetings!

Thank you for your request dated ______ under Executive OrderNo. 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

FOI RESPONSE TEMPLATE – APPROVAL



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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

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



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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:

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA

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



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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

FOI RESPONSE TEMPLATE – SIMILAR TO PREVIOUS REQUEST



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

DATE

Dear _____,

Greetings!

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

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

FOI RESPONSE TEMPLATE – AVAILABLE ONLINE



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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

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



Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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

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



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Republic of the Philippines **LEMERY WATER DISTRICT** Cornero 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:

Thank you,

Respectfully yours,

HYDEE DELA LUNA-RAMIREZ, CE, DPA