

Republic of the Philippines
SILANG WATER DISTRICT
M.H. del Pilar cor. E. Montoya Sts., Silang, Cavite

PEOPLE'S FREEDOM OF INFORMATION MANUAL

Pursuant to the 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*", the **Silang Water District People's Freedom of Information Manual** is hereby adopted.

SECTION 1. OVERVIEW

1. **Purpose.** The purpose of this Silang Water District Freedom of Information Manual (Manual) is to provide the process to guide and assist the Silang Water District (SWD) in dealing with requests for information received under Executive Order (E.O.) No. 2 on Freedom of Information (FOI). (**Annex B**).
2. **Structure of the Manual.** This Manual shall set out the rules and procedures to be followed by SWD when a request for access to information is received. The SWD General Manager is responsible for all actions carried out under this Manual and shall act as the FOI Decision Maker (FDM), who 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 SWD.
4. **FOI Receiving Officer (FRO).** There shall be an FOI Receiving Officer (FRO) designated at SWD. As such that the request for information is a public service, the Department Manager of the Commercial Services Department may act or delegate the task of FRO to any Customer Service Personnel. The FRO shall hold office at SWD Main Office, M. H. del Pilar cor. E. Montoya Sts., Silang, Cavite.

The functions of the FRO shall include the following:

- a. Receives all requests for information and conducts initial 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:
 - an incomplete FOI Request Form or absence of a valid written FOI request. A valid written FOI request should contain the full name of the requestor, contact information, details of information being requested, copy of government-issued ID for proof of identity;
 - no government-issued Identification Card presented;
 - the information is already disclosed in SWD website:www.silangwaterdistrict.com
 - b. Advises the requesting party accordingly, whether the request will be forwarded to the Decision Maker for further evaluation, or, if the information is already in SWD website;
 - c. Forwards the requests for information not available in the SWD website to the Decision Maker;
 - d. Monitors all FOI requests and appeals (all requests for information shall be acted upon within fifteen (15) working days upon receipt);
 - e. Provides assistance and support to the public and Decision Maker with regard to FOI;
 - f. Prepares a Monthly Report on FOI Requests received and compiles statistical information of FOI requests. The Monthly Status Report shall include the complete name of the FOI requestor, type of information being requested, status of request (approved or denied), date of request, date request is granted and other pertinent information.
5. **FOI Decision Maker (FDM).** The SWD General Manager shall be the FOI Decision Maker. The FDM shall conduct evaluation of the request for information and has the authority to grant the request or deny it based on the following:
1. The SWD does not have the information requested;
 2. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
 3. The information is not in the SWD Information Inventory and may be included in the Inventory of Exceptions; or,

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 the SWD.
6. **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 the Caretaker or SWD Officer-in-Charge.
7. **Central Appeals and Review Committee.** The Board of Directors of the SWD shall act as the Central Appeals and Review Committee. They shall review, analyze and provide expert advice on the appeal for denial of the requested information.

SECTION 2. DEFINITION OF TERMS¹

¹ Taken from the Agency Model FOI Manual provided by the Presidential Communications Operations Office (PCOO)

AGENCY INFORMATION INVENTORY. Shall mean list of information kept by the agency and is available to the public.

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.

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.

EXCEPTIONS. Information that are not included in the list of Agency Information Inventory and should not be released and disclosed in response to 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 concerns 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 you can make FOI request.

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. 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.

FOI.gov.ph. The website that serves as the government's comprehensive FOI website for all information on the FOI. Among many other features, FOI.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. FOI.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.

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

FULL DENIAL. When the agency cannot release any record in response to 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 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.

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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 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 FOI request, but must deny other portions of the request.

PENDING REQUEST OR PENDING APPEAL. 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. FOI request which reasonably describes the records sought and is made in accordance with the government office's regulations.

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.

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.

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.

RECEIVED REQUEST OR RECEIVED APPEAL. 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.

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. 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, SWD shall afford full protection to a person's right to privacy, as follows:

- a. The SWD 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 SWD 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 SWD, shall not disclose that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE *(see Annex F for flowchart)*

1. Receipt of Request for 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 G**)

The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI 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 by reason of disability, he or she may make an oral request, and the FRO shall reduce it in writing. The requesting party shall signify his intent by affixing his right thumb mark.
- 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 SWD shall respond to requests promptly, within the fifteenth (15th) working day 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. In computing for the period, Article 13 of the New Civil Code shall be observed, where in computing a period, the first day shall be excluded, and the last day included.

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 SWD receives the required clarification from the requesting party.

- 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 SWD either wholly or partially, the FRO shall endorse the request to the FDM for appropriate action.

- 2.2 **Requested information is not in the custody of SWD.** If the requested information is not in the custody of SWD, the requesting party shall be advised accordingly and shall be provided with the contact details of the concerned 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 SWD website, data.gov.ph or efoi.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 not included in SWD Information Inventory.** If the requested information is not included in SWD Information Inventory, it may be included in the Inventory of Exceptions (*see Annex E*). If that is so, the FRO shall



forward the FOI request to the FDM. The FDM shall evaluate if the requested document shall indeed not be given to the requesting party. The requesting party should be properly informed of the denial and the reason for the denial.

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 the FDM within one (1) day from receipt of the written request. The FRO shall record the nature of request, date, time and name of the FDM or representative who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
4. **Role of FDM in 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 ten (10) days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM.

If the FDM needs further details 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 fifteen (15) working day period and will commence the day after it receives the required clarification from the requesting party.

If the FDM determines that a record contains information of interest to another agency, the requesting party shall only be provided with information that pertains to SWD.

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. The FRO shall attach a cover/transmittal letter signed by the FDM 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, examination of voluminous records, or the occurrence of unexpected cases of unavoidable circumstances, the FDM should inform the FRO.
The FRO shall inform the requesting party of the extension, setting forth the reasons for

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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.

- 7. Notice to the Requesting Party of the Decision.** Once the FDM approved or denied the request, the FDM shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email for transmittal to the requesting party.
 - a. Approval of Request.** In case of approval, the FDM shall ensure that all records, that have been retrieved and considered, have been 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.
 - b. Denial of Request.** In case of denial of the request wholly or partially, the FDM shall write a notice of denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. The FRO shall, within the prescribed period, notify and transmit the notice of denial to the requesting party. 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 OF REQUEST

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 SWD Board of Directors:** 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 SWD Board of Directors within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
 - b.** The denial of the Appeal by the SWD Board of Directors 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 6. REQUEST TRACKING SYSTEM

The SWD shall establish a system to trace the status of all requests for information received, which may be paper-based, computerized 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 Presidential Communications Operations Office (PCOO).

SECTION 7. FEES

1. **No Request Fee.** The SWD 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 reproduction and copying fee in order to provide the information.
3. **Exemption from Fees.** The SWD 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 8. ADMINISTRATIVE LIABILITY

- a. **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; and
 - c. 3rd Offense - Dismissal from the service.
- b. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service (RRACS) shall be applicable in the disposition of cases under this Manual.

- c. **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.

SECTION 9. REPEALING CLAUSE

All circulars, orders, rules and regulations, issuance or any part thereof inconsistent with the provision of this Manual are hereby repealed, amended or modified accordingly consistent with Executive Order No. 2 series of 2016.

SECTION 10. SEPARABILITY CLAUSE

If any section or part of this Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 11. EFFECTIVITY

This Manual shall take effect immediately upon posting in the Silang Water District website. This Manual or part hereof, may be revised or updated as the need arises.

Done this 8th day of September 2017 at Silang, Cavite, Philippines.


BONIFACIO B. DELA CRUZ
General Manager