



VICTORIA'S CITY WATER DISTRICT

FREEDOM OF INFORMATION MANUAL

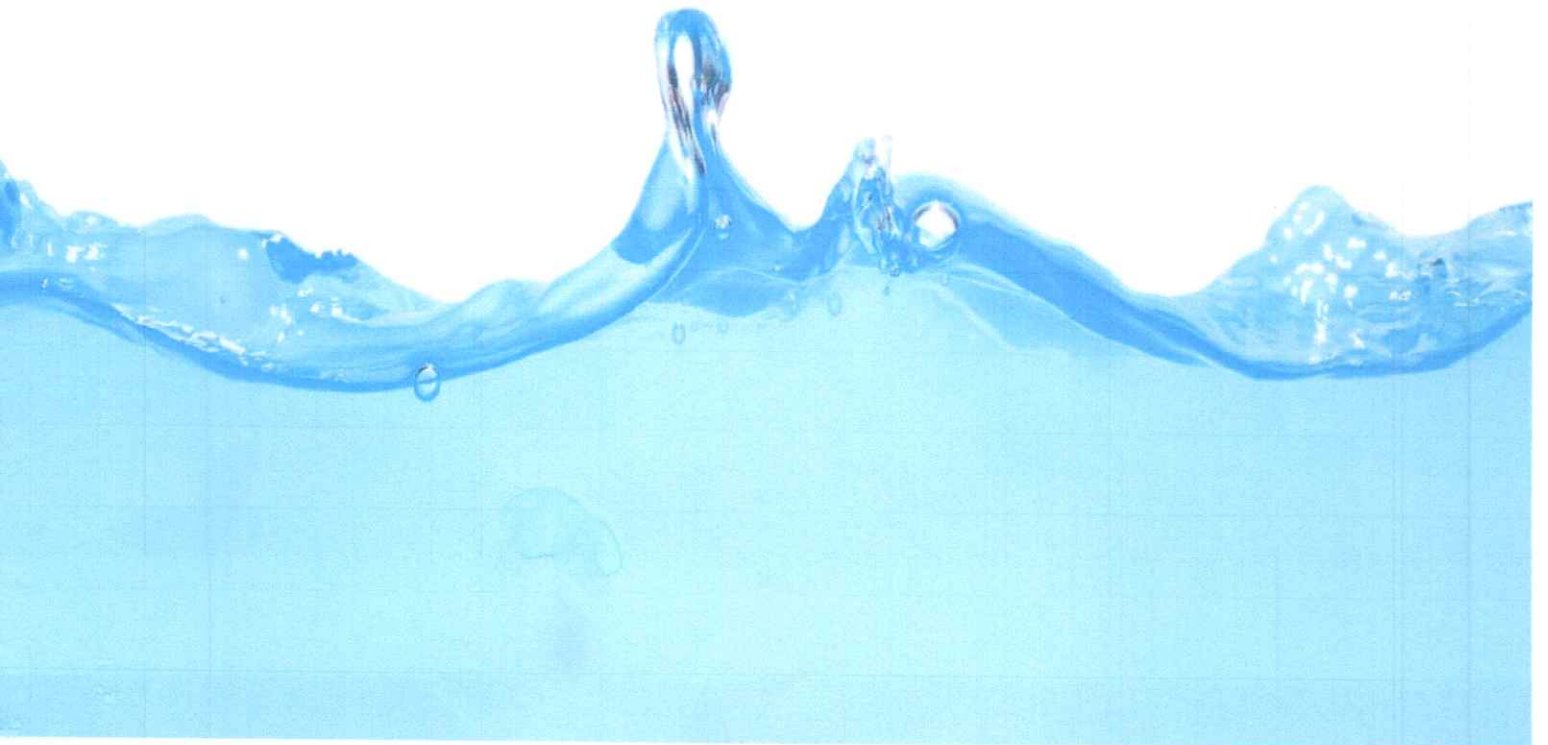
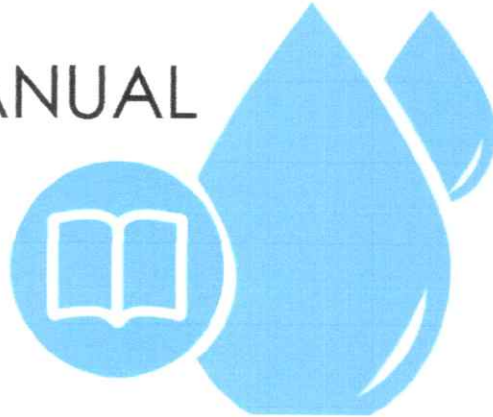




TABLE OF CONTENTS

<u>TOPIC</u>	<u>PAGE</u>
SECTION 1: OVERVIEW	1-3
PURPOSE OF THE MANUAL	
STRUCTURE OF THE MANUAL	
COVERAGE OF THE MANUAL	
RESPONSIBLE OFFICERS	
FOI RECEIVING OFFICER	
FOI DECISION MAKER	
FOI APPELLATE AUTHORITY	
SECTION 2: DEFINITION OF TERMS	3-5
SECTION 3: PROMOTION OF OPENNESS IN GOVERNMENT	5-7
ACCESS TO INFORMATION	
DUTY TO PUBLISH INFORMATION	
KEEPING OF RECORDS	
LIMITATIONS	
SECTION 4: PROTECTION OF PRIVACY	7
SECTION 5: MANNERS AND PROCEDURES OF REQUEST	7-9
STANDARD PROCEDURE	
REQUEST FOR INFORMATION	
MANNER OF MAKING REQUEST	
RECEIPT OF REQUEST	
PERIOD TO RESPOND	
ELECTRONIC REQUEST	
SECTION 6: REFERRAL OR NO WRONG DOOR POLICY FOR FOI	9-10
SECTION 7: REMEDIES IN CASE OF DENIAL	10
SECTION 8: TRACKING FORM	10
SECTION 9: FEES AND UNDERTAKING	10-11
SECTION 10: ADMINISTRATIVE LIABILITY	11
SECTION 11: APPROVAL	12
ANNEXES:	
A. EXECUTIVE ORDER No. 2	13-18
B. LIST OF EXCEPTIONS	19-31
C. FOI REQUEST FORM	32
D. FOI APPEAL TEMPLATE	33
E. FOI PROCESS GENERAL FLOW CHART	34
E-2. DETAILED FOI REQUEST PROCESS	35
E-3. FOI PROCESS REQUEST IN DAYS	36
E-4. REFERRAL OR NO WRONG DOOR POLICY FLOW CHART	37
F. FOI TRACKING FORM	38
G-1. FOI TEMPLATE-DOCUMENT-ENCLOSED	39
G-2. FOI TEMPLATE-DOCUMENT-ANSWER	40
G-3. FOI TEMPLATE-DOCUMENT-DOCUMENT AVAILABLE ONLINE	41
G-4. FOI TEMPLATE-DOCUMENT- DOCUMENT NOT AVAILABLE	42
G-5. FOI RESPONSE TEMPLATE-UNDER EXCEPTIONS	43
G-6. FOI RESPONSE TEMPLATE-IDENTICAL REQUEST	44



SECTION 1: OVERVIEW

Purpose of the Manual

The purpose of this Freedom of Information (FOI) Manual is to provide the process by which the Victorias City Water District (VCWD) shall deal with requests of information received under Executive Order No. 2, s. 2016 on FOI.

Structure of the Manual

This Manual shall set out the rules and procedures to be followed by the VCWD when a request for access to information is received. The VCWD General Manager is responsible for all actions carried out under this Manual and may delegate this responsibility to the Division Manager of Administrative and Finance Department of the water district. The General Manager may delegate a specific officer to act as the Decision Maker (DM), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

This Manual also sets out the definition of terms, standard operating procedures, remedies, fees, and administrative liability. It also provides for the relevant forms and other annexes.

Coverage of the Manual

The Manual shall cover all requests for information directed to the VCWD.

Responsible Officers

The Victorias City Water District established a group for the formulation and implementation of the rules and guidelines covered in this manual. The team will include FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), and the FOI Appellate Authority, which were appointed by the General Manager and approved by the Board directors.

FOI Receiving Officer

There shall be an FOI Receiving Officer (FRO) designated at the VCWD. The FRO shall preferably come from the Public Assistance or Information Office, or its equivalent, of the agency. The FRO shall hold office at Victorias City Water District Office, Quirino Street, Victorias City, Negros Occidental.



VICTORIAS CITY WATER DISTRICT FREEDOM OF INFORMATION MANUAL 2021

The functions of the FRO shall include receiving on behalf of the VCWD all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required and; conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the VCWD's Official Website, victoriascitywd.gov.ph.

FOI Decision Maker

The General Manager, who is also the Decision Maker (FDM), will conduct an evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. The agency 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; or
- d. 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 agency.

The FDM shall also approve or deny all request of information. In case where the FDM is on official leave, he may delegate such authority to any of his Division Managers.

FOI Appellate Authority

There shall be a central appeals and review committee composed of three (3) officials designated by the General Manager to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the General Manager on the denial of such request.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

Officer	Designated Officer	Contact Number	Email Address
Mary Atilove S.Escañer	FOI Receiving Officer	(034) 399- 3554 or 399- 2865	victoriacitywd@yahoo.com.ph
Engr. Abraham J. De Dios	FOI Decision Maker	(034) 399- 3554 or 399- 2865	victoriacitywd@yahoo.com.ph
Jose Ma. Valentin S. Garcia	FOI Appellate Authority	(034) 399- 3554 or 399- 2865	victoriacitywd@yahoo.com.ph

SECTION 2: DEFINITION OF TERMS

1. **CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.”
2. **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.
3. **FREEDOM OF INFORMATION (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, *subject to the procedures and limitations provided in Executive Order No. 2.* This right is indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.
4. **FOI CONTACT.** The name, address and phone number at each government office where you can make a FOI request
5. **FOI REQUEST.** A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.



VICTORIA CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

6. **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.
7. **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.
8. **FULL DENIAL.** When the AGENCY or any of its office, bureau or agency 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.
9. **FULL GRANT.** When a government office is able to disclose all records in full in response to a FOI request.
10. **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.
11. **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.
12. **OFFICIAL RECORDS/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.
13. **OPEN DATA** refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
14. **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.
15. **PERSONAL INFORMATION** shall refer to any information, whether recorded in a material form or not, from which the identify 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.



- 16. 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
- 17. 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.
- 18. 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.
- 19. RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that an agency has received within a fiscal year.
- 20. REFERRAL.** When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral.”
- 21. SENSITIVE PERSONAL INFORMATION** shall be as defined in the Data Privacy Act of 2012 (Republic Act No. 10173), i.e., personal information:
- (1) About an individual’s race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - (2) About an individual’s 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.
- 22. 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.
- 23. VCWD – Victorias City Water District**



SECTION 3: PROMOTION OF OPENNESS IN GOVERNMENT

Access to Information:

The Victorias City Water District recognizes the right of the people to information on matters of public concern and accordingly adopts a policy of full disclosure, subject to the exceptions (Annex "B"), procedures, and limitations provided in E.O. No. 2 (Annex "A") and the Manual. This right is indispensable to the exercise of the right of the people to effective and reasonable participation at all levels of social, political and economic decision-making.

Duty to Publish Information

The district shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act 9485, or Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including but not limited to:

- a. A description of its mandate, structure, powers, functions, duties and decision making processes;
- b. A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- c. The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- d. Work programs, development plans, investment plans, projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- e. Important rules and regulations, orders or decisions;
- f. Current and important database and statistics that it generates;
- g. Bidding processes and requirements; and
- h. Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.

Keeping of Records

The VCWD shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation or records, policies, transactions, decisions,



resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

Limitations:

The right of access to information is without prejudice to the right of the VCWD to determine whether there are grounds to believe that: the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided by him/her, the request is prompted by sheer idle curiosity, the request is being made with a plainly discernible improper motive such as harassment, the purpose of the request is contrary to law, morals, good customs or public policy, or the request is for any commercial purpose.

SECTION 4: PROTECTION OF PRIVACY

While providing for access to information, the VCWD shall afford full protection to a person's right to privacy, as follows:

- i. The VCWD shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws.
- ii. The VCWD shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure.
- iii. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the VCWD, shall not disclose that information except as authorized by existing laws.

SECTION 5: MANNERS AND PROCEDURES OF REQUEST

A. Standard Procedure

A1. Request for Information

All requests for information shall:

- (1) Be in writing and be accomplished using the prescribed request form; (Annex "C")



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- (2) Provide the full name and contact information of the requesting party including a valid government identification card with photograph and signature; and
- (3) Reasonably describe the information requested, and the reason for, or purpose of, the request for information. The request form shall be made available in the offices of the VCWD and on the VCWD website.

A2. Manner of Making Request

A request for information shall be made by the requesting party by delivering it personally to the VCWD, by sending it by mail, or by sending it by electronic email (victoriacitywd@yahoo.com). In case the requesting party is unable to make a written request because of illiteracy or disability, he/she may make an oral request and the FRO shall reduce it into writing. The requesting party shall sign the form.

A3. Receipt of Request:

A complete request for information shall be signed and stamped received by the FRO after it has been delivered to him/her by the personnel who actually received the request. The FRO shall indicate the date and time of receipt and the name, rank, title and position of the said personnel at the receiving station. The date of receipt shall be:

- (1) The date when the request is personally delivered to the VCWD;
- (2) The date when the request is received by mail by the VCWD; or
- (3) The date when the request is electronically received by the VCWD.

A4. Period to Respond

1. The VCWD shall respond to the requesting party within fifteen (15) working days from the date of receipt of the request.
2. 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, Art. 13 of the Civil Code shall be observed.
3. The period may be extended whenever the request requires extensive search of the records facilities of the VCWD or examination of voluminous records, or in case of the occurrence of fortuitous events, or other analogous cases. The FRO shall inform the requesting party of the extension, setting forth the reason for such extension.



B. ELECTRONIC REQUEST

1. Go to www.foi.gov.ph to your browser's home address
2. Click the sign-up button and provide all the required fields. Attach a valid ID to create an account.
3. Once logged in, you will be directed to your Dashboard. The Dashboard contains all the FOI requests of the account owner.
4. Click the "Make a Request" button then select the Victorias City Water District
5. You will now be directed to the Make a Request Page. Accomplish all fields then click Send My Request.
6. VCWD will evaluate your request and will notify you within 15 working days.
7. VCWD will prepare the information for release based on your desired format. It will be sent to you depending on the receipt of preference.

SECTION 6. REFERRAL OF REQUESTED INFORMATION OR NO WRONG DOOR POLICY FOR FOI

Acceptance of Request

As a general rule, all fully compliant requests for information shall be accepted by the FOI Receiving Officer (FRO) and FOI Decision Maker (FDM). No request for information shall be denied or refused acceptance by a government office unless the reason for the request is contrary to the Constitution, pertinent laws, existing rules and regulations, or it is one of the exceptions provided under the Inventory of Exceptions.

Process of Referral

1. When the requested information is not in the possession of VCWD (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2), the request shall be immediately referred by VCWD to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the **"First Referral"** and a fresh period will apply.



VICTORIAS CITY WATER DISTRICT FREEDOM OF INFORMATION MANUAL 2021

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records.

If VCWD fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO No. 02, s. 2016. No fresh period shall apply.

If VCWD in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

2. GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth in the first paragraph of this Section. This shall be considered as the "Second Referral" and another fresh period shall apply.
3. Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred.
4. The requesting party shall be notified of the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred.

Status of the Request

A request that is referred to the appropriate government agency is considered **successful** if the same is acknowledged and the requested information is disclosed to the requestor.

If GA3, after the second referral still cannot provide the information requested, it shall deny the said request and shall properly notify the requesting party.

In all phases of the referral, the requesting party shall be informed in writing, email, and/or through the eFOI of the status of his/her request.

See Annex E-4 for No Wrong Door Policy Flowchart.

SECTION 7. REMEDIES IN CASE OF DENIAL

1. In case of denial of a request for information, the requesting party may appeal to the FOI Appellate Authority. The appeal shall be in writing, signed by the requesting party, citing the ground for the appeal, with copies of the request for information and



the notice of denial attached, and shall be filed within fifteen (15) working days from the notice of denial. (Annex "D")

2. The appeal shall be decided by the FOI Appellate Authority within thirty (30) working days from receipt of the appeal, unless circumstances warrant a longer period. In no case shall the extension exceed twenty (20) working days.

SECTION 8: TRACKING FORM

The VCWD shall establish a form to trace the status of all requests for information received by it. (Annex "F")

SECTION 9: FEES AND UNDERTAKING

No Request Fee.

The AGENCY shall not charge any fee for accepting requests for access to information.

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. Such fee shall be the actual amount spent by the AGENCY in providing the information to the requesting party. The schedule of fees shall be posted by the AGENCY.

Exemption from Fees:

The AGENCY may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

Undertaking:

By receiving the requested information and document, the requesting party acknowledges that the same shall not be used for any purpose other than what is indicated in the request form as approved, shall not be used for any purpose that is contrary to law, morals, good customs, or public policy, and shall not be reproduced for any commercial use. (Annex "F")

SECTION 10: ADMINISTRATIVE LIABILITY

Non-compliance with FOI:

Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:



ANNEXES

ANNEX "A"

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 THEREFORE

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the Constitution guarantees the right of the people to information on matters of public concern;

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its implementing Rules and Regulations, strengthens the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:



SECTION 1. Definition. For the purpose of this Executive Order, the following terms shall mean:

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.
- (b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, offices, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are encouraged to observe and be guided by this Order.

SECTION 3. Access to information. Every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of 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 circularization as hereinabove stated.



SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or pursuant to existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;
- (b) The person or office responsible for receiving requests for information;



- (c) The procedure for the filing and processing of the request as specified in the succeeding section 8 of this Order.
- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of request for access to information:

(a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.



SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.
(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 7 (f) of this Order: Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
(b) The appeal be decided by the person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide within the afore-stated period shall be deemed a denial of the appeal.
(c) Upon exhaustion of administrative appeal remedies, the requesting part may file the appropriate case in the proper courts in accordance with the Rules of Court.

SECTION 14. Keeping of Records. Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 15. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. Separability Clause. If any section or part of this Order is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.



SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: Provided, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 23rd day of July in the year of our Lord two thousand and sixteen.

(Sgd.) **RODRIGO ROA DUTERTE**
President of the Philippines

By the President:

(Sgd.) **SALVADOR C. MEDIALDEA**
Executive Secretary

ANNEX "B"

LIST OF EXCEPTIONS

The following are the exceptions to the right of access to information, as recognized by the Constitution, existing laws, or jurisprudence:¹

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. 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, boards, or officers, in relation to the

¹ These exceptions only apply to governmental bodies within the control and supervision of the Executive department. Unless specifically identified, these exceptions may be invoked by all officials, officers, or employees in the Executive branch in possession of the relevant records or information.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;

6. Prejudicial premature disclosure;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

For the implementation of the exceptions to the right of access to information, the following provide the salient details and legal bases that define the extent and application of the exceptions.²

1. Information covered by Executive privilege:
 - a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings;³ and
 - b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials;⁴ and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;⁵
2. Privileged information relating to national security, defense or international relations:
 - a. Information, record, or document that must be kept secret in the interest of national defense or security;⁶

² As enumerated in the Memorandum from the Office of the Executive Secretary entitled, "Inventory of Exceptions to Executive Order No. 2 (s. 2016)", dated 24 November 2016, signed by Executive Secretary Salvador C. Medialdea.

³ This exception may only be invoked by the President and his close advisors. The extent of the privilege is defined by applicable jurisprudence: *Senate v. Ermita*, G.R. No. 169777, 20 April 2006, 488 SCRA 1; *Neri v. Senate Committee on Accountability of Public Officers and Investigations*, G.R. No. 180643, 4 September 2008, 564 SCRA 152; *Akbayan v. Aquino*, G.R. No. 170516, 16 July 2008, 558 SCRA 468; and *Chavez v. PCGG*, G.R. No. 130716, 9 December 1998, 299 SCRA 744.

⁴ *Akbayan v. Aquino*, *supra*; *Chavez v. NHA*, G.R. No. 164527, 15 August 2007; and *Chavez v. PCGG*, *supra*. The privilege of invoking this exception ends when the executive agency adopts a definite proposition (*Department of Foreign Affairs v. BCA International Corp.*, G.R. No. 210858, 20 July 2016).

⁵ Section 3(d) Rule IV, *Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees* (Rules on CCESPOE). Drafts of decisions, orders, rulings, policy decisions, memoranda, and the like, such as resolutions prepared by the investigating prosecutor prior to approval for promulgation and release to parties [*Revised Manual for Prosecutors of the Department of Justice (DOJ)*] are also covered under this category of exceptions.

⁶ *Almonte v. Vasquez*, G.R. No. 95367, 23 May 1995, 244 SCRA 286; *Chavez v. PCGG*, *supra*; *Legaspi v. Civil Service Commission*, L-72119, 29 May 1987, 150 SCRA 530; *Chavez v. NHA*, *supra*; *Neri v. Senate*, *supra*; *Chavez v. Public Estates Authority*, G.R. No. 133250, 9 July 2002, 384 SCRA 152; and Section 3(a),



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs;⁷ and
 - c. Patent applications, the publication of which would prejudice national security and interests;⁸
3. Information concerning law enforcement and protection of public and personal safety:
- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;⁹
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;¹⁰
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;¹¹
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping;¹² and

Rule IV, Rules on CCESPOE. This exception generally includes matters classified under Memorandum Circular (MC) No. 78, as amended by MC No. 196 as "Top Secret," "Secret," "Confidential," and "Restricted."

⁷ *Akbayan v. Aquino, supra*; Section 3(a) Rule IV, Rules on CCESPOE. This privilege may be invoked by the Department of Foreign Affairs and other government bodies involved in diplomatic negotiations.

⁸ The applicability of this exception is determined by the Director General of the Intellectual Property Office and subject to the approval of the Secretary of the Department of Trade and Industry. Section 44.3 of the *Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372).

⁹ Section 3(f), Rule IV, Rules on CCESPOE; *Chavez v. PCGG, supra*. May be invoked by law enforcement agencies.

¹⁰ *Akbayan v. Aquino, supra*; and Section 51, *Human Security Act of 2007* (RA No. 9372). May be invoked by law enforcement agencies.

¹¹ Section 3(b), Rule IV, Rules on CCESPOE.

¹² Section 19, *New Anti Carnapping Act of 2016* (RA No. 10883). May be invoked by law enforcement agencies.



VICTORIAN CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;¹³
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
 - a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,¹⁴ personal information or records,¹⁵ including sensitive personal information, birth records,¹⁶ school records,¹⁷ or medical or health records;¹⁸

Sensitive personal information as defined under the *Data Privacy Act of 2012* refers to personal information:¹⁹

- (1) about an individual's race, ethnic origin, marital status, age, color, and religious, philosophical or political affiliations;
- (2) about an individual's health, education, genetic or sexual life of a person, or to any proceeding for any offense committed or alleged to have been 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

¹³ Section 7, *Witness Protection, Security and Benefit Act* (RA No. 6981).

¹⁴ Section 3(e), Rule IV, Rules on CCESPOE.

¹⁵ Sections 8 and 15, *Data Privacy Act of 2012* (RA No. 10173); *Personal information* refers 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 [Section 3(g), *Data Privacy Act of 2012*]; Article 26, Civil Code. May be invoked by National Privacy Commission and government personal information controllers.

¹⁶ Article 7, *The Child and Youth Welfare Code* [Presidential Decree (PD) No. 603].

¹⁷ Section 9(4), *Education Act of 1982* [Batas Pambansa (BP) Blg. 232].

¹⁸ Medical and health records are considered as sensitive personal information pursuant to Section 3(l)(2), *Data Privacy Act of 2012*; See also Department of Health-Department of Science and Technology (DOST)-Philippine Health Insurance Corporation Joint Administrative Order No. 2016-0002 (Privacy Guidelines for the Implementation of the Philippine Health Information Exchange).

¹⁹ Section 3(l), *Data Privacy Act of 2012*.



VICTORIAN CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

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.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual²⁰ and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.²¹

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including:

- (1) the fact that the individual is or was an officer or employee of the government institution;
- (2) the title, business address and office telephone number of the individual;
- (3) the classification, salary range and responsibilities of the position held by the individual; and
- (4) the name of the individual on a document prepared by the individual in the course of employment with the government;²²

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence;²³ and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:

²⁰ Article 26(2), *Civil Code*.

²¹ Section 11, *Data Privacy Act of 2012*.

²² Section 4, *Data Privacy Act of 2012*.

²³ *An Act to Exempt the Publisher, Editor or Reporter of any Publication from Revealing the Source of Published News or Information Obtained in Confidence* (RA No. 53), as amended by RA No. 1477. May be invoked by government newspapers.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- (1) records of child and family cases;²⁴
- (2) children in conflict with the law from initial contact until final disposition of the case;²⁵
- (3) a child who is a victim of any offense under the *Anti-Child Pornography Act of 2009*, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;²⁶
- (4) a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;²⁷
- (5) cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;²⁸
- (6) trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;²⁹
- (7) names of victims of child abuse, exploitation or discrimination;³⁰
- (8) disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;³¹

²⁴ Section 12, *Family Courts Act of 1997* (RA Act No. 8369).

²⁵ Section 43, *Juvenile Justice and Welfare Act of 2006* (RA No. 9344).

²⁶ Section 13, *Anti-Child Pornography Act of 2009* (RA No. 9775).

²⁷ Section 31, A.M. No. 00-4-07-SC, *Re: Proposed Rule on Examination of a Child Witness*.

²⁸ Section 44, *Anti-Violence Against Women and their Children Act of 2004* (RA No. 9262); and *People v. Cabalquinto*, G.R. No. 167693, 19 September 2006.

²⁹ Section 7, *Anti-Trafficking in Persons Act of 2003* (RA No. 9208), as amended by RA No. 10364.

³⁰ Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act* (RA No. 7610).

³¹ Section 14, *Juvenile Justice and Welfare Act of 2006*; Section 7, *Anti-Trafficking in Persons Act of 2003*, as amended; and Section 29, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- (9) records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;³²
 - (10) names of students who committed acts of bullying or retaliation;³³
 - (11) first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the *Comprehensive Dangerous Drugs Act of 2002*, as amended; and ³⁴
 - (12) identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;³⁵
5. 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, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers, such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;³⁶

³² Section 15, *Domestic Adoption Act of 1998* (RA No. 8552) and Section 43, IRR of RA No. 8552; Sections 6 and 16(b), *Inter-Country Adoption Act of 1995* (RA No. 8043) and Sections 53, 54 and 55 of IRR of RA No. 8043.

³³ Section 3(h), *Anti-Bullying Act* (RA No. 10627).

³⁴ Sections 60, 64 and 67, *Comprehensive Dangerous Drugs Act of 2002* (RA No. 9165).

³⁵ Sections 2(b), 18, 30, and 32, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

³⁶ Sections 45, 106.1, and 150.2, *The Intellectual Property Code* (RA No. 8293, as amended by RA No. 10372); Section 66.2, *Securities Regulation Code* (RA No. 8799); DOST Administrative Order No. 004-16; Section 142, *The Corporation Code* (BP Blg. 68); Section 34, *Philippine Competition Act* (RA No. 10667); Sections 23 and 27 (c), *The New Central Bank Act* (RA No. 7653); *Anti-Money Laundering Act* (RA No. 9160); Section 18, *Strategic Trade Management Act* (RA No. 10697); Sections 10 and 14, *Safeguard Measures Act* (RA No. 8800); Section 12, *Toxic Substances and Hazardous and Nuclear Wastes Control Act of 1990* (RA No. 6969); Article 290, *Revised Penal Code*; Section 10.10, Rule 10, 2012 Revised IRR of *Build-Operate-Transfer Law* (RA No. 6957); and *Revised Philippine Ports Authority Manual of Corporate Governance*.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority (PSA);³⁷
- c. Records and reports submitted to the Social Security System by the employer or member;³⁸
- d. Information gathered from HIV/AIDS contact tracing and all other related health intelligence activities;³⁹
- e. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;⁴⁰
- f. Applications and supporting documents filed pursuant to the *Omnibus Investments Code of 1987*;⁴¹
- g. Documents submitted through the Government Electronic Procurement System;⁴²
- h. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the *Electronic Commerce Act of 2000*;⁴³
- i. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the *Philippine Mining Act of 1995* and its *Implementing Rules and Regulations (IRR)*, during the term of the project to which it relates;⁴⁴

³⁷ Section 26, *Philippine Statistical Act of 2013* (RA No. 10625); and Section 4, *Commonwealth Act No. 591*. May be invoked only by the PSA.

³⁸ Section 24(c), *Social Security Act of 1997* (RA No. 1161, as amended by RA No. 8282).

³⁹ Section 29, *Philippine AIDS Prevention and Control Act of 1998* (RA No. 8504).

⁴⁰ Section 34, *Philippine Competition Act (PCA)*, RA No. 10667 and Section 13, Rule 4 of the IRR of PCA. This exception can be invoked by the Philippine Competition Commission subject to well-defined limitations under the PCA.

⁴¹ Section 81, EO No. 226 (s. 1987), as amended.

⁴² Section 9, *Government Procurement Reform Act* (RA No. 9184).

⁴³ Section 32, *Electronic Commerce Act of 2000* (RA No. 8792).

⁴⁴ Section 94(f), *Philippine Mining Act of 1995* (RA No. 7942).



VICTORIAN CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;⁴⁵
 - k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;⁴⁶
 - l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;⁴⁷
 - m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;⁴⁸
 - n. Information on registered cultural properties owned by private individuals;⁴⁹
 - o. Data submitted by a higher education institution to the Commission on Higher Education (CHED);⁵⁰ and
 - p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;⁵¹
6. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public

⁴⁵ Section 1, Rule IX, DOT MC No. 2010-02 (Rules and Regulations to Govern, the Accreditation of Accommodation Establishments – Hotels, Resorts and Apartment Hotels); and Section 23, DOT MC No. 2015-06 (Revised Rules and Regulations to Govern the Accreditation of Travel and Tour Agencies).

⁴⁶ Section 9(c), *Anti-Money Laundering Act of 2001*, as amended. May be invoked by AMLC, government banks and its officers and employees.

⁴⁷ Section 10, *Safeguard Measures Act*.

⁴⁸ Section 297 in relation with Section 295 and Section 356, *The Insurance Code* (as amended by RA No. 10607).

⁴⁹ Section 14, *National Cultural Heritage Act of 2009* (RA No. 10066).

⁵⁰ CHED Memorandum Order No. 015-13, 28 May 2013.

⁵¹ Articles 229 and 230, *Revised Penal Code*; Section 3(k), *Anti-Graft and Corrupt Practices Act* (RA No. 3019); Section 7(c), *Code of Conduct and Ethical Standards for Public Officials and Employees* (RA No. 6713); Section 7, *Exchange of Information on Tax Matters Act of 2009* (RA No. 10021); and Section 6.2, *Securities Regulation Code* (RA No. 8799).



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.⁵²

7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;⁵³
 - b. Matters involved in an Investor-State mediation;⁵⁴
 - c. Information and statements made at conciliation proceedings under the *Labor Code*;⁵⁵
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);⁵⁶
 - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;⁵⁷
 - f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*;⁵⁸
 - g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;⁵⁹

⁵² Section 3(g), Rule IV, Rules on CCESPOE.

⁵³ Sections 9, 23 and 33, *Alternative Dispute Resolution (ADR) Act of 2004* (RA No. 9285); and DOJ Circular No. 98 (s. 2009) or the IRR of the ADR Act.

⁵⁴ Article 10, International Bar Association Rules for Investor-State Mediation.

⁵⁵ Article 237, *Labor Code*.

⁵⁶ Section 7.1, Rule 7, CIAC Revised Rules of Procedure Governing Construction Arbitration.

⁵⁷ Section 142, *Corporation Code*. May be invoked by the SEC and any other official authorized by law to make such examination.

⁵⁸ Sections 13.4, 15.4, 29.2 (b), and 64.2 of the *Securities Regulation Code*.

⁵⁹ Section 53(b)(1) of the *Pre-Need Code of the Philippines*. The confidentiality of the proceedings is lifted after the issuance of the cease and desist order.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;⁶⁰
 - i. Investigation report and the supervision history of a probationer;⁶¹
 - j. Those matters classified as confidential under the *Human Security Act of 2007*;⁶²
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies;⁶³ and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;⁶⁴
8. Matters considered confidential under banking and finance laws and their amendatory laws, such as:
- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
 - b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
 - c. RA No. 8791 (*The General Banking Law of 2000*);
 - d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
 - e. RA No. 9510 (*Credit Information System Act*);
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:

⁶⁰ DOJ Department Circular No. 006-16 (No. 6), 10 February 2016.

⁶¹ Section 17, *Probation Law of 1976* [PD No. 968 (s.1976)].

⁶² Sections 9, 13, 14, 29, 33 and 34, *Human Security Act of 2007* (RA No. 9372).

⁶³ Section 14, Civil Service Commission Resolution No. 01-0940.

⁶⁴ Section 18, Rule 139-B and Section 24, Rule 130 of the Rules of Court; and Section 11 of the Rule on DNA Evidence, A.M. No. 06-11-5-SC.



VICTORIAN CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;⁶⁵
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules);⁶⁶ and
 - (3) Refugee proceedings and documents under the *1951 Convention Relating to the Status of Refugees*, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;⁶⁷
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
- (1) any purpose contrary to morals or public policy; or
 - (2) any commercial purpose other than by news and communications media for dissemination to the general public;⁶⁸
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;⁶⁹
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;⁷⁰

⁶⁵ Examples: Article 20 (2), ASEAN Comprehensive Investment Agreement; Article 15 (2) Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation between the ASEAN and the Republic of India; and Article 15 (2) of the Agreement on Investment under the Framework Agreement on the Comprehensive Economic Cooperation among the Government of the Member Countries of the ASEAN and the Republic of Korea.

⁶⁶ Article 7, UNCITRAL Transparency Rules.

⁶⁷ *Senate v. Neri, supra*; *Senate v. Ermita, supra*.

⁶⁸ Section 8(D), *Code of Conduct and Ethical Standards for Public Officials and Employees*.

⁶⁹ *Belgica v. Ochoa*, G.R. No. 208566, 19 November 2013; and *Valmonte v. Belmonte Jr.*, G.R. No. 74930, 13 February 1989, 252 Phil. 264.

⁷⁰ Examples: 2012 Guidelines and Procedures in the Investigation and Monitoring of Human Rights Violations and Abuses and the Provision of CHR Assistance; Government Service Insurance System's Rules of Procedure of the Committee on Claims; National Labor Relations Commission Resolution No. 01-02,



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings;⁷¹ and
- g. Attorney-client privilege existing between government lawyers and their client.⁷²

Amending Certain Provisions of the New Rules of Procedure of the National Labor Relations Commission, 08 March 2002; Department of Agrarian Reform MC No. 07-11, 19 July 2011; Department of Social Welfare and Development MC No. 021-12, 16 October 2012; and Section 42, *Investment Company Act* (RA No. 2629); When the information requested is not a matter of public concern or interest as decided in *Hilado v. Judge Amor A. Reyes*, G.R. No. 163155, 21 July 2006.


⁷¹ *Romero v. Guerzon*, G.R. No. 211816, 18 March 2015.

⁷² Canon 21 of the *Code of Professional Responsibility*.



VICTORIAS CITY WATER DISTRICT
FREEDOM OF INFORMATION MANUAL 2021

ANNEX "C"
FOI Request Form



FREEDOM OF INFORMATION REQUEST FORM
(PURSUANT TO EXECUTIVE ORDER No. 2, s. 2016)

Please read the following information carefully before proceeding with you application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled forms out will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (✓) denotes a MANDATORY field.

FOI TRACKING NUMBER: _____

A. Requesting Party
You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1.) Title _____ 2.) Given Name/s _____ 3.) Surname _____
(e.g. Mr. Mrs. Ms. Miss) (including M.I.)

4.) Complete Address *(Apt./House Number/Street, City/Municipality, Province)* _____

5.) Landline/Fax _____ 6.) Mobile _____ 7.) E-mail _____

8.) Preferred Mode of Communication Landline Mobil E-Mail Postal Address
(If your request is successful, we will be sending the documents to you in this

9.) Preferred Mode of Reply E-mail Fax Postal Address Pick-Up at Agency

10.) Type of ID Given *(Please ensure your IDs contain your photo and signature)* Passport Driver's License SSS ID Pas Voter's ID
 School ID Company ID Others: _____

B. Requested Information

11.) Agency - Connecting Agency _____ ✓

12.) Title of Document/Record Requested *(Please be as detailed as possible)* _____ ✓

13.) Date or Period *(DD/MM/YY)* _____ ✓

14.) Purpose _____ ✓

15.) Document Type _____ ✓

16.) Reference Numbers *(if known)* _____ ✓

17.) Any other Relevant Information _____ ✓

C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by VCWD to deal with your application as set out in the Freedom of Information Executive Order No. 2. If VCWD gives you access to a document, and if the document contains no personal information about you, the document will be published online in VCWD's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of the person, body or entity.

I declare that:

- The information I provided in the form is complete and correct.
Kumpleto kag matuod ang mga impormasyon na akon ginhatag sa ini na porma.
- I have read and understand the Privacy Notice;
Nabasa ko na kag na intindihan ang mga pahibalo parte sa pribasiya sang mga dokumento nga akon gina pangayo.
- I have presented at least one (1) government-issued ID to establish proof of identity.
Nakapresentar ako sang isa ukon sobra pa sa isa na ID na gin isyu sang gobyerno.

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.
Akon na intindihan na sala maghatag sang indi insakto na impormasyon parte sa akon pagkalinanlan kag maka resulta ini sa indi pag aprobar sang akon na gina hangyo.

Signature _____ ✓
Date Accomplished *(DD/MM/YY)* _____ ✓

D. FOI Receiving Officer (INTERNAL USE ONLY)

Name *(Print Name):* _____ ✓

Proof of ID Presented Passport Driver's License SSS ID Postal ID Voter's ID
 School ID Company ID Others: _____

The request is recommended to be: Approved Denied
(If Denied, please tick the Reason for the den Invalid Request Incomplete Data already available online

Decision Maker Assigned to Application _____ ✓
(print name)

Decision on Application Successful Partially Successful Denied Cost
 Invalid Request Incomplete Data already available online

Date Request Finished *(DD/MM/YY)* _____ ✓

Date Documents (if any) Sent *(DD/MM/YY)* _____ ✓

FOI Registry Accomplished Yes No

RO Signature _____ ✓
Date *(DD/MM/YY)* _____ ✓



ANNEX "D"
FOI APPEAL TEMPLATE

[date]

Victorias City Water District

Dear Sir/Ma'am,

I submitted a request for information dated _____ asking for _____.
Attached is a copy.

On _____, I received a notice denying the request for the following reason: _____.
Attached is a copy.

I would like to appeal this denial on the following ground: _____.
This appeal is being filed within fifteen (15) working days from receipt of the notice of denial.

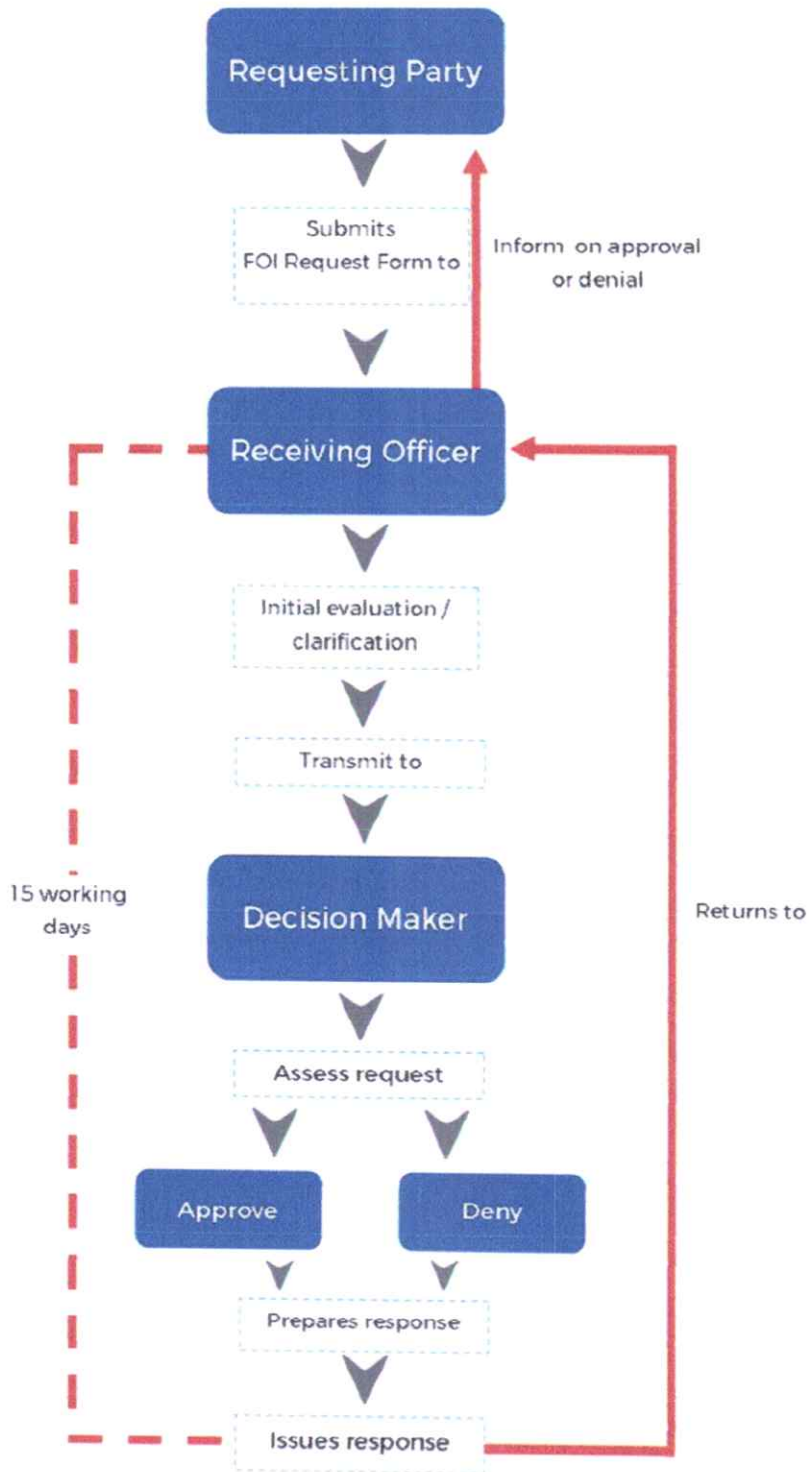
Thank you.

Respectfully,

[Requesting Party]

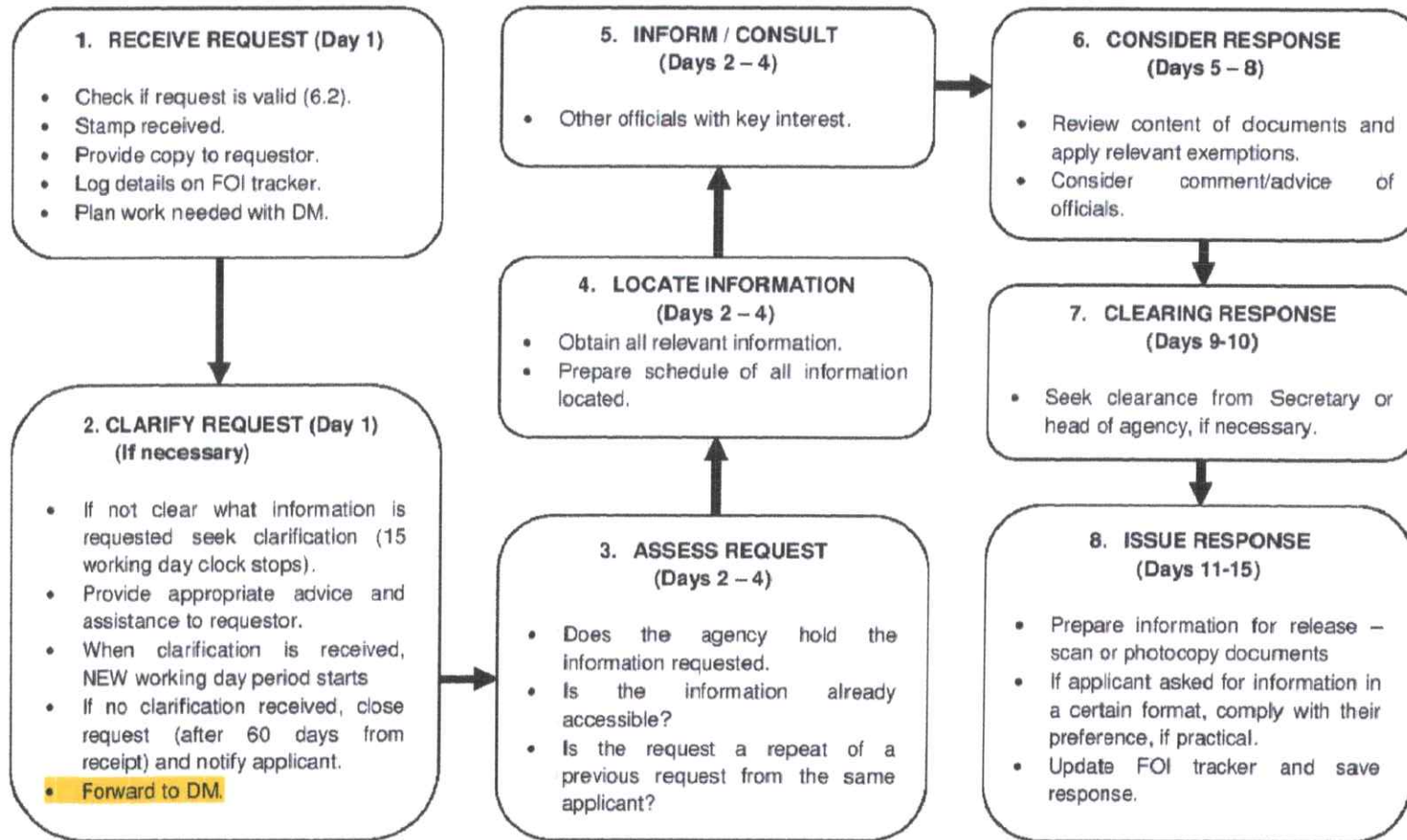


ANNEX "E"
FOI Process General Flow Chart





“ANNEX E -2”
Detailed FOI Request Process





ANNEX "E - 3"
FOI Process Request in Days

Day 1	Days 2 – 4	Days 5 – 8	Days 9 – 10	Days 11 - 15
<p>RECEIVE REQUEST</p> <ul style="list-style-type: none"> Check if request is valid. Stamp received. Provide copy to requestor. Log details on FOI tracker. Plan work needed with DM. <p>CLARIFY REQUEST (If necessary)</p> <ul style="list-style-type: none"> If not clear what information is requested seek clarification (15 working day clock stops). Provide appropriate advice and assistance to requestor. When clarification is received, NEW working day period starts If no clarification received, close request (after 60 days from receipt) and notify applicant. Forward to DM. 	<p>ASSESS REQUEST</p> <ul style="list-style-type: none"> Does the agency hold the information requested. Is the information already accessible? Is the request a repeat of a previous request from the same applicant? <p>LOCATE INFORMATION</p> <ul style="list-style-type: none"> Obtain all relevant information. Prepare schedule of all information located. <p>INFORM / CONSULT</p> <ul style="list-style-type: none"> Other officials with key interest. 	<p>CONSIDER RESPONSE</p> <ul style="list-style-type: none"> Review content of documents and apply relevant exemptions. Consider comment/advice of officials. 	<p>CLEARING RESPONSE</p> <ul style="list-style-type: none"> Seek clearance from Secretary or head of agency, if necessary. 	<p>ISSUE RESPONSE</p> <ul style="list-style-type: none"> Prepare information for release – scan or photocopy documents If applicant asked for information in a certain format, comply with their preference, if practical. Update FOI tracker and save response.

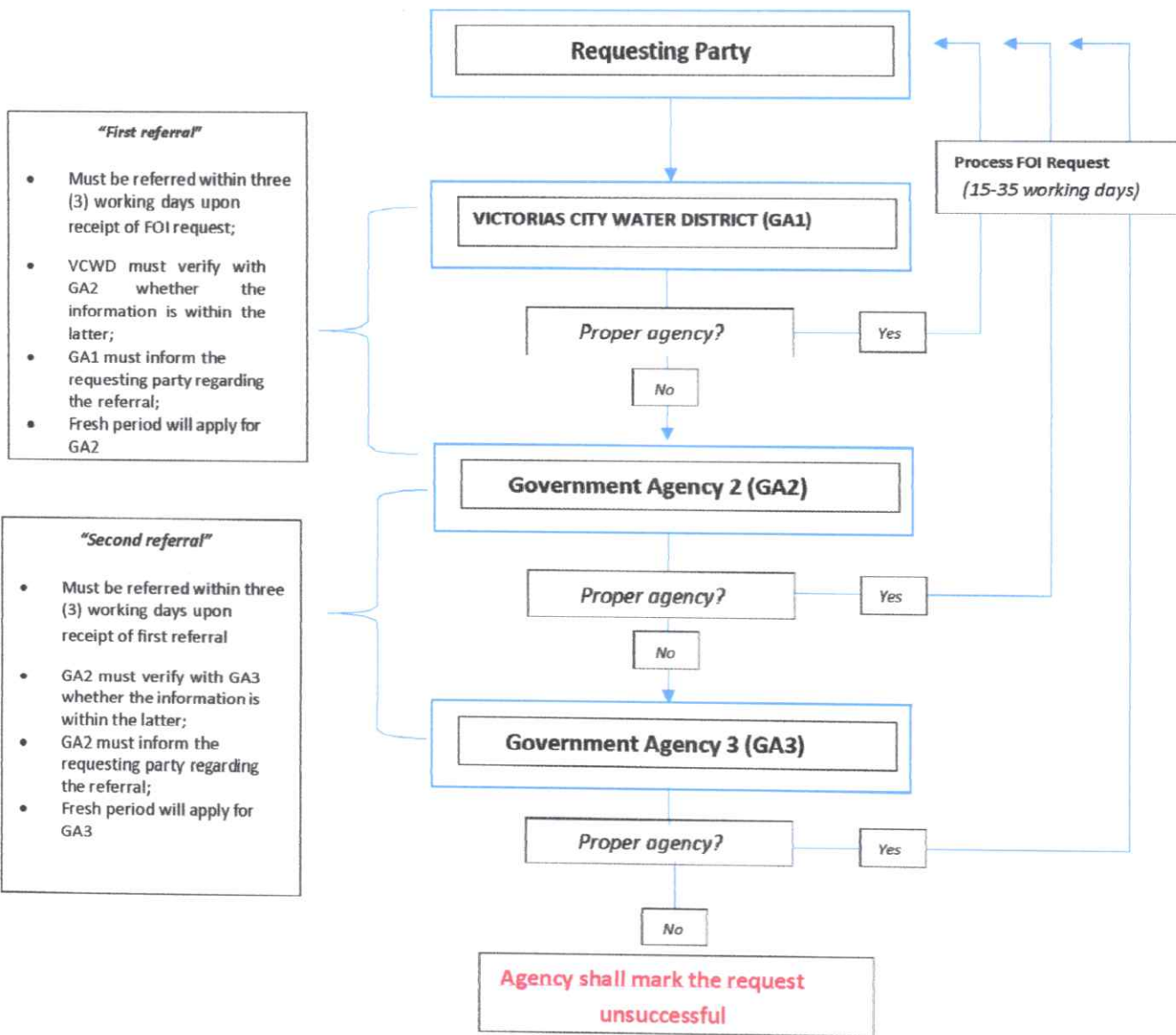
Notes:

- This table sets our targets, at various points within the 15 working day response period, for completion of key steps in the process of handling an FOI request.
- Each FOI request is different, so not all of these actions will be required in each case – some will be much simpler – and sometimes actions will be completed earlier or later than the targets in this table. **However, it is always important to allow sufficient time for Decision Makers, etc to clear FOI responses before expiry of the 15 working day deadline.**
- For any request, it is essential to start looking at it as soon as it is received, to assess what work needs to be done and to plan that work so that the request is answered on time. This table is intended to help with that planning.



ANNEX E-4

VCWD NO WRONG DOOR POLICY FLOWCHART



NOTE:
If VCWD fails to refer the request within three (3) working days upon its receipt, the FOI Receiving Officer (FRO) shall act on it within the remaining period to respond pursuant to EO No. 2, s. 2016. No fresh period shall apply.



ANNEX "F"

FOI Tracking Form

FOI TRACKING FORM						
Date	Name of Requester	Document/Info Requested	Tracking Number	Status	Remarks	Signature



ANNEX "G-1"

FOI RESPONSE TEMPLATE - DOCUMENT ENCLOSED

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

Your FOI request is approved. I enclose a copy of [some/most/all] * of the information you requested [in the format you asked for]

Thank you.

Respectfully,

FOI Receiving Officer



ANNEX "G-2"

FOI RESPONSE TEMPLATE - ANSWER

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

Your FOI request is approved. The answer to your request is <insert answer>

Thank you.

Respectfully,

FOI Receiving Officer



ANNEX "G-3"

FOI RESPONSE TEMPLATE - DOCUMENT AVAILABLE ONLINE

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

[Some/ Most/ All] of the information you have requested is already available online from <add details of where that specific information can be obtained e.g. data.gov.ph, foi.gov.ph or other government websites>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 working days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Office



ANNEX "G-4"

FOI RESPONSE TEMPLATE - DOCUMENT NOT AVAILABLE

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance this Office does not have [some of]* the information you have requested. However, you may wish to contact <insert name of other authority/organization> at<insert contact details. Who may be able to help you. The reasons why we do not have the information are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer



ANNEX "G-5"

FOI RESPONSE TEMPLATE – UNDER EXCEPTIONS

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide [some of]* the information you have requested because an exception(s) under section(s) <insert specific section number(s) of the List of

Exceptions applies to that information>. The reasons why that exemption(s) applies are explained in the Annex to this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer



ANNEX "G-6"

FOI RESPONSE TEMPLATE – IDENTICAL REQUEST

DATE

Dear _____,

Greetings!

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

Your request

You asked for <quote request exactly, unless it is too long/complicated>.

Response to your request

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because it is substantially similar or identical to a previous request that you made on <insert date of previous request>, which we responded to on <insert date of response>.

Your right to request a review

If you are unhappy with this response to your FOI request, you may make an appeal by writing to <insert name of Official> at <insert email and address>. Your appeal should explain why you are dissatisfied with this response, and should be made within 15 calendar days from the date when you received this letter. We will complete the review and tell you the result within 30 workings days from the date when we receive your appeal.

Thank you.

Respectfully,

FOI Receiving Officer