

CALAMBA WATER DISTRICT

FREEDOM OF INFORMATION (FOI) People's Manual

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SECTION 1. OVERVIEW

1. **Purpose of the Manual:** The purpose of this Freedom of Information (FOI) Manual is to provide the CWD the processes involved in dealing with requests for information received under Executive Order (EO) No. 2, s. 2016 on Freedom of Information (FOI).
2. **Structure of the Manual:** This Manual shall set out procedures and rules to be followed by the CWD when a request for information is received. The General Manager (GM) is responsible for all actions carried out under this Manual and may delegate this responsibility to the next-in-rank down to the level of the Division Manager. The GM shall have overall responsibility for the final decision on FOI requests.
3. **Coverage of the Manual:** This Manual shall cover all requests for information directed to the CWD.
4. **FOI Receiving Officer:** For purposes of this Manual, there shall be the FOI Receiving Officer (FRO), the FOI Decision Maker (FDM), the General Manager and the FOI Appeals and Review Committee.

The functions of the FRO shall include receiving on behalf of the CWD all requests for information and forwarding the same to the appropriate office which has custody of the records, monitoring of all FOIs request and appeals; providing assistance to the FOI Decision Maker; providing support and assistance to the public and staff with regard to FOI.

5. **FOI Decision Maker:** There shall be a Decision Maker designated by the General Manager with a rank of Department Manager who shall conduct evaluation of the request for information and have the authority to grant the request or deny it based on the following:
 - a. The CWD 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 (annex e); 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 CWD.

6. **FOI Appeals and Review Committee:** There shall be a FOI Appeals and Review Committee composed of three (3) personnel designated by the General Manager to review and analyze the appeal the grant or denial of request of information. The Committee shall also provide expert advice to the General Manager of the denial of such request.

SECTION 2. DEFINITION OF TERMS

1. **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 recordings, magnetic or other tapes, electronic data, computer-stored data, or 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.
2. **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.
3. **PUBLIC RECORD/RECORDS** shall include all information required by laws, executive orders, rules or regulations to be entered, kept and made publicly available by a government office.
4. **PERSONAL INFORMATION** shall refer to any information, whether recorded in a material form or not, from which the entity 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, or when put together with other information would directly and certainly identify an individual.
5. **FOI CONTACT** the name, address and phone number of each government office where you can make a FOI request.
6. **SENSITIVE PERSONAL INFORMATION** as defined in the Data Privacy Act of 2012, shall refer to 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.

SECTION 3. PROTECTION OF PRIVACY

1. While providing for access to information, the CWD shall afford full protection to a person's right to privacy, as follows:
 - a. The CWD shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws, rules or regulations.
 - b. The CWD 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 verification, harassment, or any other wrongful acts; and
 - c. Any employee or official of a government office who has access, authorized or unauthorized, to personal information in the custody of the office must not disclose that information except when authorized under this Order or pursuant to existing laws, rules or regulations.
2. Exceptions: Access to information shall be denied when the information falls under any of the exceptions issued by the Executive Secretary as Memorandum with the subject Inventory of Exceptions to Executive Order No. 2 dated November 24, 2016. (Annex E)

SECTION 4. STANDARD PROCEDURE

1. Receipt of request for information.

- 1.1. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and assess if the following requirements are met:
- The request must be in writing;
 - The request shall indicate 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.
 - If the request is made through email, the requesting party shall attach in the email a scanned copy of the FOI application request and a copy of a duly recognized government ID with photo.

- 1.2. If a written request cannot be made by the requesting party, 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 sign the form.

- 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. The FRO shall input the details of the request on the Request Tracking System with its corresponding reference number.

For requests sent through email, it shall be acknowledged by replying to the said email. The email should also be printed out and follow the procedure done with a written request.

- 1.4. The CWD must respond to requests within fifteen (15) working days 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 fifteen (15) working-day period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the official email of the CWD; or

- b. If the FRO 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 employee who is on leave on the day the request has been sent. This will automatically be recognized as an 'out of office' message and will need to be sent to the official email of the CWD. The 15 working-day period will commence on the date the email is received through the official email of the CWD.

Should the requested information need further details to identify or locate, the 15 working-day period will begin from the day after the CWD receives the required clarification from the requesting party.

2. **Request evaluation.** 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 identified by the FRO to be available at the CWD, either wholly or partially, the FRO shall endorse the request to the concerned FDM who has access to the requested information.
 - 2.2 **Requested information is not available at the CWD:** If the requested information is found to be not available at the CWD after thorough evaluation of the request and deliberation with the concerned FDM, the FRO shall:
 - a. Immediately forward the request to the government agency concerned and inform the requesting party of the status of his request within the 15 working-day period. The 15-working day requirement for the receiving office commences the day after it receives the request.
 - b. For requests not covered by E.O. No. 2, s. 2016, (i.e., private companies), the requesting party should be duly notified and given the contact details of that office, if known.
 - 2.3 **Requested information is already posted in the CWD Website.** Information requested that is already available and posted in the

CWD Website, the FRO shall inform the requesting party and provide the website link where the information is posted.

2.4 Requested information is substantially similar or identical to the previous request. Pursuant to Section 11 of E. O. No. 2, s. 2016, the FRO shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the CWD. However, the FRO shall inform the applicant of the reason of such denial.

2.5 Requested information is under the Exception List. For requests of information that falls under the memorandum issued by the Executive Secretary dated Nov. 24, 2016 entitled Inventory of Exceptions to E. O. 2, s. 2016. The FRO shall discuss with the concerned FDM if the information requested is indeed an exception. Upon verification, the FRO shall immediately inform the requesting party of the denial and the reason thereof.

3. Transmittal of request from the FRO to the concerned FDM.

Upon evaluation of the request for information by the FRO, a copy of the same shall be endorsed to the concerned FDM within one (1) day from its receipt. The FRO shall record in a logbook the time, date, name and position of the FDM who received the copy of the request. An acknowledged signature by the FDM shall be placed in the logbook.

4. Processing of request.

The FDM shall prepare the records needed by the requesting party. The FDM shall make sure that all necessary steps are made to locate and identify the information requested. The FDM shall inform the FRO if any clarification is needed from the requesting party. The FDM shall ensure that the complete information requested be submitted to the FRO within ten (10) days upon receipt of such request.

5. Processing of Referral.

When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 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.

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 GA1, in good faith, erroneously referred the request to GA1, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency.

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.

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.

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.

6. Role of FRO to transmit information of the FDM to the requesting party.

Upon receipt of request for clarificatory items from the FDM, shall immediately inform the requesting party of such request. The letter for clarification, signed by the General Manager, shall be sent to the requesting party within 15 working days upon receipt of the request for more information.

7. Request for time extension.

If the request for information requires extensive search of the records facilities of the CWD, examination of voluminous records, or in case of the occurrence of fortuitous event or other analogous cases, the period for reply may be extended. The FDM shall inform the FRO about the need for time extension. In turn, the FRO shall immediately notify the requesting party of

such extension, setting forth the reasons for the 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.

8. Communication/Notice of decision to the requesting party.

The FDM shall endorse his grant or denial of the request of information to the General Manager who shall make the final action on the request for information. The FRO shall communicate the final decision of the CWD to the requesting party either in writing or by email, and directed to pay any applicable fees.

9. Approval of request.

The FRO, together with the FDM, shall ensure that all records that to be released are checked for possible exemptions. The FRO is responsible in preparing and sending out the letter or email to the requesting party, within the prescribed period, regarding the approval of his request and be directed to pay any applicable fees.

10. Denial of request.

A notice of denial shall be sent to the requesting party if CWD decides to deny the request wholly or partially, as soon as practicable and within fifteen (15) working days from the receipt of request. The notice shall be made in writing and should clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein provided shall be deemed a denial of the request for access 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 remedies set forth below:

1. Denial of any request for access to information may be appealed to the FOI Appeals and Review Committee: Provided, that the written appeal

must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

- The appeal shall be decided by the General Manager upon the recommendation of the FOI Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure the Administrator to decide within the afore-stated period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 6. REQUEST TRACKING SYSTEM

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

SECTION 7. FEES

1. **No request fee/s.** The CWD shall not charge any fee for accepting requests for access to information.
2. **Reasonable cost of reproduction and copying of the information.** The CWD may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required.
The FRO shall immediately notify the requesting party for any cost incurred in order to provide the information.
3. **Exemption from Fees.** The CWD may exempt any requesting party from payment of fees, upon submission of a written request stating the valid reason why such requesting party shall not pay any fee.

SECTION 8. ADMINISTRATIVE LIABILITY

1. **Non-compliance with FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) day to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service.
2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. **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. POSTING AND EFFECTIVITY

This Manual shall take effect immediately after the approval of the Interim Board of Directors and shall be posted on the CWD website.

“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 THEREFOR**

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

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

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

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

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

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

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

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

(a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

(b) "Official record/records" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.

(c) "Public record/records" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

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

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

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

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

Freedom of Information Frequently Asked Questions (FAQs)

1. What is FOI?

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

The FOI mechanism for the Executive Branch is enable via Executive order No. 2 series of 2016.

2. What is Executive Order No. 2

Executive Order No. 2 is the enabling for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional Right to Information. EO 2 also provides the State policies to full public disclosure and transparency in the public service.

3. Who oversees the implementation of EO 2?

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

Making a Request

4. Who can make an FOI request?

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

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

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

6. What agencies can we ask information?

An FOI request under EO2 can be made before all government officers under the Executive Branch, including government owned and controlled corporation (GOCCs) and state universities and colleges (SUCs).

FOI request must be sent to the specific agency of interest, to be received by its respective Receiving office.

7. How do I make an FOI request?

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

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

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

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

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

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

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

11. What if I never get a response?

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

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

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

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

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



"ANNEX C"

FOI RECEIVING OFFICER OF CWD

NAME OF AGENCY : CALAMBA WATER DISTRICT
LOCATION : LAKEVIEW SUBD. HALANG, CALAMBA CITY

ASSIGNED FOI RECEIVING OFFICER : GERALDINE GARCIA-MANGUIAT
LOCATION OF FOI RECEIVING OFFICE: ADMINISTRATIVE DEPARTMENT
2nd FLR. CWD BLDG. LAKEVIEW
SUBD. HALANG, CALAMBA CITY

CONTACT DETAILES:

LANDLINE : (049) 545-0226 (DIRECT LINE)
545-1614, 545-2863, 545-2728 local 211 & 206

EMAIL ADDRESS : jedai_garcia@yahoo.com
g.manguiat@cwd.com.ph



"ANNEX D"



FOI TRACKING NO.

FREEDOM OF INFORMATION REQUEST FORM

Please read the following information carefully before proceeding with your application. Use black ink. Write neatly and in BLOCK letters. Improper or incorrectly filled out forms will not be acted upon.

PART I. REQUESTING PARTY

1. **FULL NAME** : _____
Surname First Name Middle Initial
2. **COMPLETE ADDRESS** : _____

3. **COMPANY/AFFILIATION/ORGANIZATION/SCHOOL** _____
4. **CONTACT DETAILS** : _____ **EMAIL ADDRESS**: _____
5. **PREFERRED MODE OF COMMUNICATION (for clarification and other matters)** :
 Landline Mobile Number Email Postal Address
6. **PREFERRED MODE OF REPLY/RESPONSE**:
 Pick-up Fax Email Postal Address
7. **TYPE OF ID GIVEN**: Driver's License Company ID SSS ID
 GSIS UMID Postal ID School ID Others: _____
8. **NAME OF REPRESENTATIVE**: _____
9. **PROOF OF AUTHORITY** : _____

PART II. REQUESTED INFORMATION

10. **NAME OF AGENCY** : _____
11. **TITLE OF DOCUMENT/RECORD REQUESTED : (Please provide complete details)**

12. **DATE OF DOCUMENT (dd/mm/yyyy)**: _____
13. **PURPOSE OF REQUEST : (Please specify)** _____

14. **DOCUMENT TYPE** : _____
15. **ANY OTHER RELEVANT INFORMATION** : _____



PART III. DECLARATION

Privacy notice: Once deemed valid, your information from your application will be used by the agency you have to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and date you applied.

I declare and certify that:

The information provided in the form is complete and correct.

- I have read the Privacy Notice
- I have presented at least one (1) government issued ID to establish proof of my identity
- 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 and process my application
- I understand that using the information other than the declared purpose may lead to

Signature : _____

Date Accomplished : _____

PART IV. FOI RECEIVING OFFICER (for Internal use only)

Name (Print Name) : GERALDINE G. MANGUIAT

Date Received : _____

Department Assigned : ADMINISTRATIVE DEPARTMENT

Proof of ID Presented : _____

Request Recommendation: Approved Denied

Reason for Denial : Invalid Incomplete Data already available online

Decision on Application : Successful Partially successful Denied

If denied, pls. tick the reason for the denial: Invalid Incomplete Data already available online
 Exception Which Exception? _____

Date Request Finished : _____

Date Documents Sent : _____

FOI Registry Accomplished: Yes No

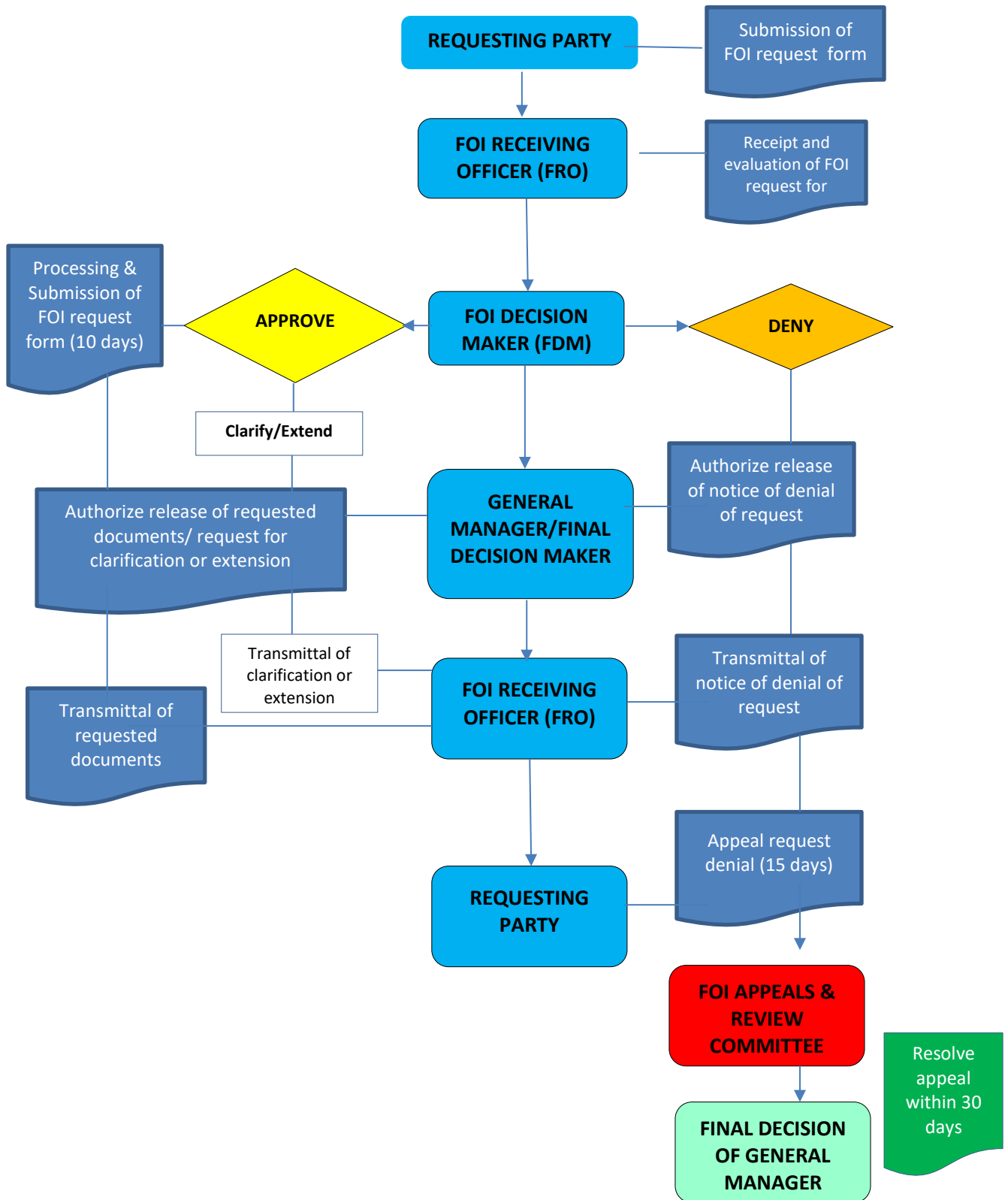
FRO Signature : _____

Date (dd/mm/yy) : _____



“ANNEX E”

FOI REQUEST FLOWCHART





'ANNEX F'

FOI OFFICERS OF CWD

FOI APPEAL AND REVIEW COMMITTEE HEAD

EXEQUIEL A. AGUILAR, JR.
General Manager A

FOI DECISION MAKERS (FDMs)

MR. EDWIN L. CARTAGO	–	Department Manager A
MS. JULIANA S. HACA	–	Department Manager A
ENGR. RANELY S. CARTAGO	–	Department Manager A
MS. MA. CARMELA M. ELEPANO	–	Division Manager A
ENGR. JOSELITO A. GILLERA	–	Department Manager A

FOI RECEIVING OFFICER

GERALDINE G. MANGUIAT
Industrial Relations Development Officer A

ALTERNATE FOI RECEIVING OFFICER

ENGR. JONATHAN DAVE A. FAJARDA
Management Information Design Specialist

“ANNEX G”

LIST OF EXCEPTIONS

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

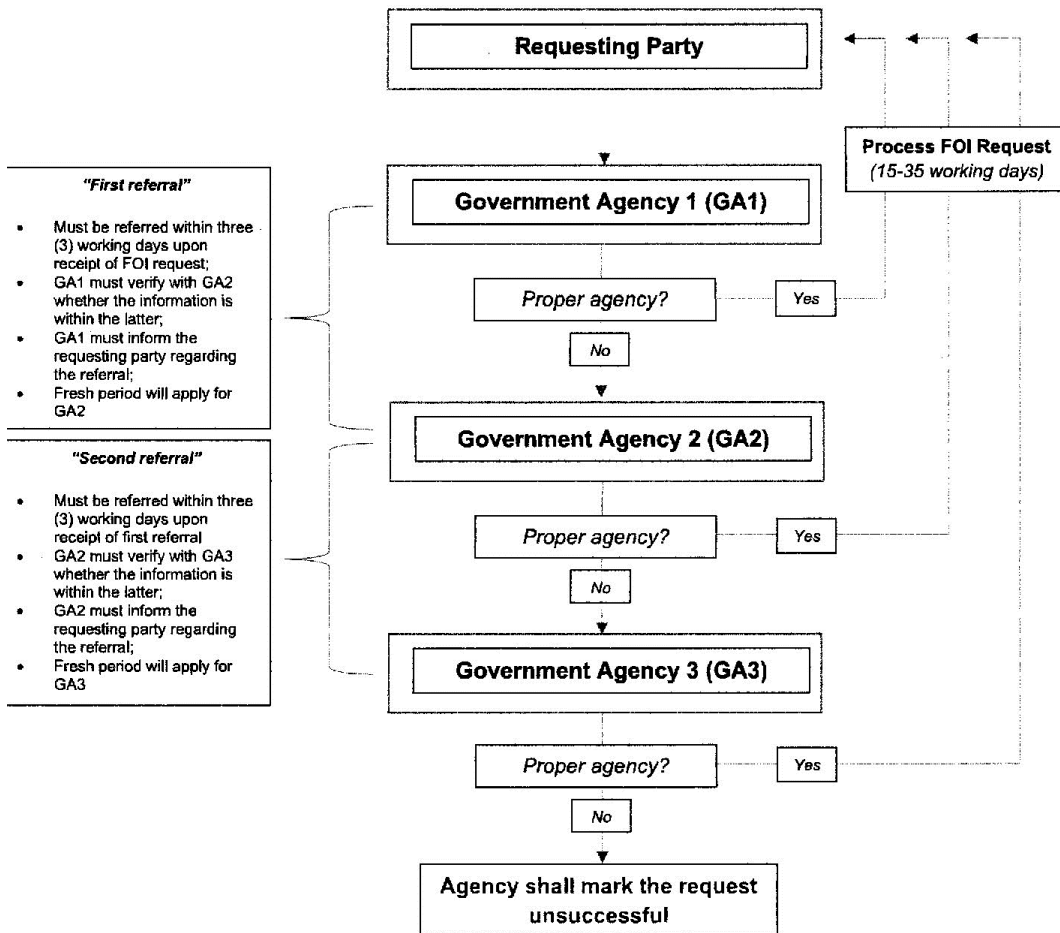
1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons 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, board of 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;
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. ⁱ

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



“ANNEX H’

NO WRONG DOOR POLICY FLOWCHART



- “First referral”**
- Must be referred within three (3) working days upon receipt of FOI request;
 - GA1 must verify with GA2 whether the information is within the latter;
 - GA1 must inform the requesting party regarding the referral;
 - Fresh period will apply for GA2
- “Second referral”**
- Must be referred within three (3) working days upon receipt of first referral
 - GA2 must verify with GA3 whether the information is within the latter;
 - GA2 must inform the requesting party regarding the referral;
 - Fresh period will apply for GA3

NOTE:

If GA1 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.

Prepared by:


GERALDINE G. MANGUIAT
FOI Receiving Officer

Noted by:


EDWIN E. CARTAGO
Department Manager A

Approved by:


EXEQUIEL A. AGUILAR, JR.
General Manager A

