

DINALUPIHAN WATER DISTRICT

FREEDOM OF INFORMATION (FOI) MANUAL

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1. DEFINITION OF TERMS

1.1 INFORMATION - shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sounds 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 of the District pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

1.2 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.


1.3 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.


1.4 DISTRICT/ ORGANIZATION - refers to the Dinalupihan Water District (DWD).

1.5 REQUESTOR - Any individual, entity, or stakeholder seeking access to certain information through the guidelines of this manual.

1.6 RECEIVING OFFICER (RO) - refers to the employee appointed by the General Manager who is responsible for providing guidance to the requestor for the access of information.

1.7 PUBLIC ASSISTANCE DESK AND COMPLAINTS OFFICER (PADCO) - refers to the Officer or Personnel assigned by the General Manager to assist and guide customers in their inquiries or request.

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2. RATIONALE

2.1 In compliance to Memorandum Circular no. 2017-1 and Executive Order no. 2 s. 2016 which directs the Dinalupihan Water District to prepare its own Freedom of Information (FOI) Manual.

2.2 The Dinalupihan Water District recognizes the fundamental human right of privacy, and of communication while ensuring the free flow of information to promote innovation and growth, in line with this the District shall create, maintain, and implement the Freedom of Information (FOI) Manual to satisfy the needs and expectations of the Interested Parties or Individuals and promote transparency within the District.

3. OBJECTIVES OF THE MANUAL


The FOI manual aims to achieve the following objectives:


- a. Facilitate access to information through the most efficient and expeditious manner.
- b. Promote and exercise Transparency within the District.
- c. Uphold the fundamental right of the public to free flow of information.

4. SCOPE OF THE MANUAL

The Scope of the Manual covers all the information pertaining to Dinalupihan Water District guided by the E.O. No. 2, S. 2016. The FOI Manual of Dinalupihan Water District contains the following information:

- a. Location and contact information of the District's Head and other established places where the public can obtain information or submit request;
- b. The person or office responsible for receiving request for information;
- c. The procedure for the filing and processing of the request;
- d. The standard forms for the submission of request and for the proper acknowledgement of request;
- e. The process for the disposition of request;
- f. The procedure for the administrative appeal for any denial for access to information; and
- g. The schedule of applicable fees.

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5. POLICY STATEMENT

Guided by the E.O. No. 2, S. 2016 the Dinalupihan Water District is committed to disclose information, maintain and promote transparency to the public involving public interest, subject to limitations as provided by the Constitution, applicable laws, rules, regulations and procedures, such as Republic Act (RA) No. 10173, and the list of exceptions approved by the office of the President, among others.


6. FOI Manual


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

- a. A description of the District's mandate, vision, mission and its officials
- b. A description of the District's Citizens Charter
- c. Bidding processes and requirements; and
- d. A communication channel by which the public may participate in or otherwise influence the formulation of policy.

Being committed to disclose information, the District shall afford full protection to person's right to privacy, as follows:

- a. The District shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. The District shall protect personal information in its custody or under its control by making reasonable security management against unauthorized access, leaks or premature disclosure; and
- c. Any employee or Officer who has access, whether authorized or unauthorized, to personal information in the custody of the District, shall not disclose that information except as authorized by existing laws.

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7. RECORDS

Subject to existing laws, rules, and regulations, the Dinalupihan Water District 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.

8. ROLE OF THE RECEIVING OFFICER (RO) AND PUBLIC ASSISTANCE DESK AND COMPLAINTS OFFICER (PADCO)


8.1 The PADCO shall receive all of the Request for Information and shall forward it to the assigned RO.


8.2 Upon receipt of the requested information the RO shall assess the information requested. The RO shall make all necessary steps to locate and retrieve the information requested.

8.3 The RO shall forward the request to the concerned department/division/unit to facilitate the handling of requested information.

8.4 The concerned department/division/unit which handles the information requested shall advise the RO of its decision on the request. Release of information or issuance of denial letter shall be made through the RO. The RO shall monitor the handling of all the request for information by an individual or party.

8.5 The RO shall collate and ensure that the information being requested is complete prior to release. The RO shall prepare a covering memorandum signed by the General Manager and the release of the Requested Information shall be forwarded to the PADCO and the PADCO shall release the Requested Information to the requesting party or individual.

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9. GUIDELINES

9.1 Filing and Receipt of Request for Information

9.2 The PADCO shall receive the request for information from the requesting party or individual and check compliance with the following requirements:

- a. The request must be in writing;
- b. The request shall state the name and contact information of the requesting party or individual, as well as provide valid proof of identification or authorization; and
- c. The request shall reasonably describe the information requested, and purpose of, the request for information.

9.3 In case the requesting party is unable to read and write due to being a person with disability or illiteracy, he or she may make an oral request, and the PADCO shall fill the Request Form on behalf of the requestor.

9.4 The Request Form shall be provided by the PADCO and the requestor/representative shall duly accomplish the Request Form.


9.5 Request can be made through e-mail provided that the requesting party shall attach in the e-mail a scanned copy of the Request Form, and a copy of a duly recognized ID with photo.


9.6 The PADCO shall stamp "Received" on the letter or Request Form, indicating the date and time of receipt, his/her name, designation and signature of the receiver.

10. EVALUATION

10.1 Upon receipt of the request for information the information being requested shall be evaluated by the RO (personnel appointed by the General Manger) by identifying the responsible unit/division/department for the information, and determine access restrictions to the information.

10.2 If the information being requested is already available in the DWD website, the RO shall inform the requesting individual or party and shall provide the website link where the information is posted.

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10.3 Pursuant to Section 11 of EO No. 2, the RO shall deny any unreasonable subsequent identical or substantially similar request from the same requesting individual or party whose request has been previously granted or denied by the District. However, the RO shall inform the applicant the reason of such denial.

10.4 The RO shall determine the availability of information requested and act upon the request whether approval or denial, at least 5 working days upon receipt of the request.

10.5 The RO shall endorse/forward the request and coordinate with the concerned department/division/unit for their handling of the requested information.

11. PERIOD FOR APPROVAL AND RELEASE

11.1 Request for information shall be acted upon within fifteen (15) working days from the date of receipt of the request, or the day on which the request is physically or electronically delivered to the DWD Administrative Office.


11.2 If the information requested require extensive search, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the RO shall advise the requesting individual or party of the extension of the fifteen (15) day period.


11.3 Pursuant to section 9 (e) of the EO no. 2, in no case shall the extension go beyond twenty (20) working days unless exceptional circumstance warrant a longer period.

11.4 The RO shall ensure that all records have been retrieved and checked for possible exceptions, prior to actual release. The RO shall inform the requestor that the request was favorably granted and to pay applicable fees if any.

11.5 Claiming of requested information shall not exceed thirty (30) working days from the due date of release. Information not claimed within thirty (30) working days of the release date shall be disposed of accordingly.

11.6 In case of denial of request, the RO shall, within the two (2) working days, notify the requesting party of the denial in writing. The notice, signed by the General Manager shall clearly set forth the reasons for denial and the circumstances in which the denial is based.

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12. REMEDIES IN CASE OF DENIAL OF INFORMATION

Pursuant to Section 13 of the EO no. 2, an individual or party whose request for information has been denied may file an appeal set forth below.

12.1 A written appeal must be filed by the same individual or requesting party within fifteen (15) working days upon denial of the request.

12.2 Denial of request shall be appealed to the General Manager of DWD.

12.3 The letter of appeal should indicate the reason why the requestor disagrees for denying the request. The appellant should provide supporting information to the appeal.


12.4 The appeal shall be decided by the personnel appointed by the General Manager (30) working days from the filing of said written appeal. Failure of such person or office to decide within the stated period shall be deemed a denial of the appeal.


14.5 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.

13. FEES

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


13.2 The requestor shall be notified by the RO if there is a cost for the reproduction of the requested information.


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14. ADMINISTRATIVE LIABILITY

Failure or non-compliance with the provisions of this manual shall be a ground for administrative penalties. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

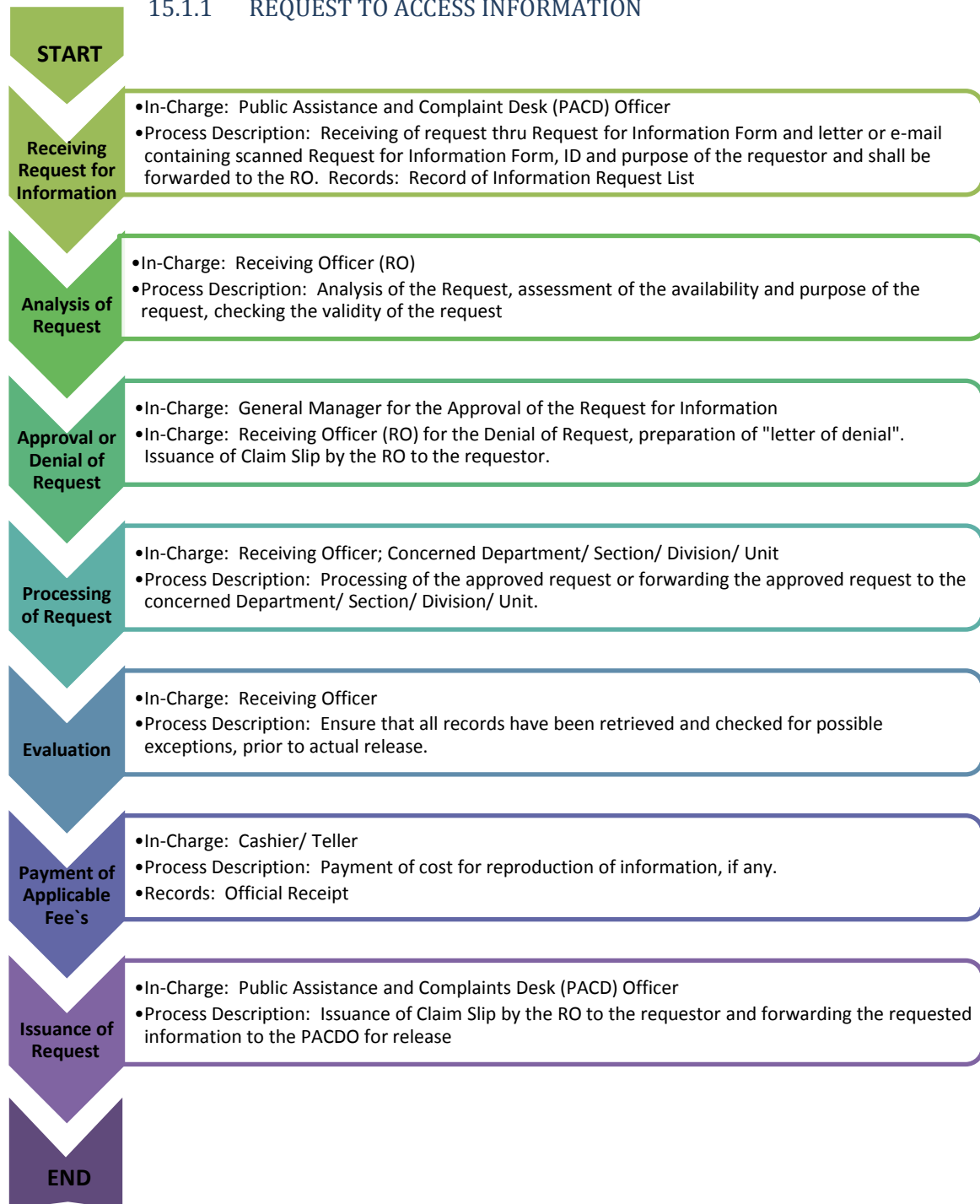
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15. PROCEDURE AND WORK INSTRUCTION


15.1 PROCEDURES AND PROCESS DETAILS

15.1.1 REQUEST TO ACCESS INFORMATION

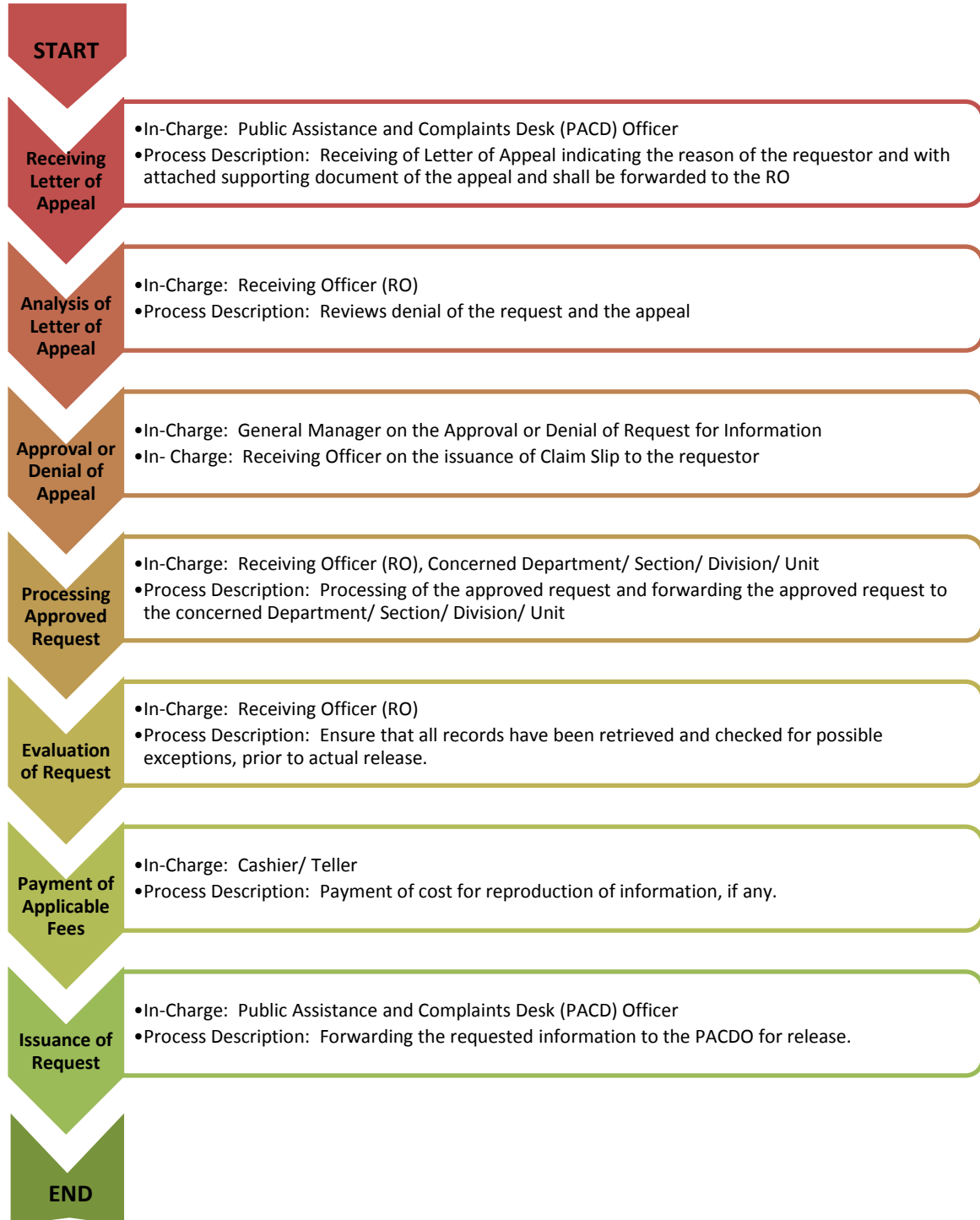


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15.1.2 APPEAL TO ACCESS INFORMATION



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15.2 WORK INSTRUCTIONS

15.2.1 REQUEST TO ACCESS INFORMATION

Step 1. The assigned Public Assistance Desk and Complaints Officer (PADCO) shall receive the request for Information of an individual or party.

- a. The request must be in writing;
- b. The request shall state the name and contact information of the requesting party or individual, as well as provide valid proof of identification or authorization; and
- c. The request shall reasonably describe the information requested, and purpose of, the request for information.
- d. In case the requesting party is unable to read and write due to being a person with disability or illiteracy, he or she may make an oral request, and the PADCO shall fill the Request Form on behalf of the requestor.

Step 2. The Request Form shall be provided by the PADCO and the requestor/representative shall duly accomplish the Request Form.

- a. Request can be made through e-mail provided that the requesting party shall attach in the e-mail a scanned copy of the Request Form, and a copy of a duly recognized ID with photo.

Step 3. The PADCO shall stamp "Received" on the letter or Request Form, indicating the date and time of receipt, his/her name, designation and signature of the receiver.


Step 4. The PADCO shall forward the completed request to the assigned Receiving Officer (RO)

Step 5. The RO shall assess the Information Requested, the legality of the request and the validity of Information Requested or the access for Information.

Step 6. The status of the Requested Information shall be made known to the Requestor by the RO thru the creation of letter within 5 working days upon receipt of the request (see Annexes for standard template of letters). The letter will be submitted thru email, in absence of email the RO shall inform the requestor thru the contact information provided, that the status of Letter of Request is available for claim in the PADCO.

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Step 7. If the Requested Information is Valid the request shall be forwarded to the General Manager for Approval. The RO shall issue a claim slip to the Requestor thru email. In absence of email the claim slip shall be forwarded to the PADCO and the Requestor shall be informed thru the contact information provided by the requestor.

Step 8. The Approved Request shall be forwarded to the concerned Department/Division/Unit/Section. The responsible Department/Division/Unit/Section shall collate all the Information Requested and shall forward the Requested Information to the RO.

Step 9. The RO shall Evaluate the gathered Information and ensure that all records have been retrieved and checked for possible exceptions, prior to actual release.

Step 10. The RO shall forward the Requested Information to the PADCO for release.

Step 11. The PADCO shall ensure that the applicable fees if any must be made before the release of the Requested Information.

Step 12. The PADCO shall fill up and obtain the Office Copy of the Claim Slip for recording purposes.

15.2.2 APPEAL TO ACCESS INFORMATION


Step 1. The Appeal shall be received by the PADCO and forward it to the RO.

Step 2. The RO shall review and assess the Appeal of the Requestor.

- a. A written appeal must be filed by the same individual or requesting party within fifteen (15) working days upon denial of the request.
- b. Denial of request shall be appealed to the General Manager of DWD.
- c. The letter of appeal should indicate the reason why the requestor disagrees for denying the request. The appellant should provide supporting information to the appeal.
- d. The appeal shall be decided by the personnel appointed by the General Manager (30) working days from the filing of said written appeal. Failure of such person or office to decide within the stated period shall be deemed a denial of the appeal.

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- e. 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.

Step 3. If the Appeal is valid the Request shall be forwarded to the General Manager for Approval.

Step 4. The status of the Requested Information shall be made known to the Requestor by the RO thru the creation of letter within 5 working days upon receipt of the request (see Annexes for standard template of letters). The letter will be submitted thru email, in absence of email the RO shall inform the requestor thru the contact information provided, that the status of the Letter of Request is available for claim in the PADCO.

Step 5. If the Request is Approved. The RO shall issue a claim slip to the Requestor thru email. In absence of email the claim slip shall be forwarded to the PADCO and the Requestor shall be informed thru the contact information provided by the requestor.


Step 6. The Approved Request shall be forwarded to the concerned Department/Division/Unit/Section. The responsible Department/Division/Unit/Section shall collate all the Information Requested and shall forward the Requested Information to the RO.


Step 7. The RO shall Evaluate the gathered Information and ensure that all records have been retrieved and checked for possible exceptions, prior to actual release.

Step 8. The RO shall forward the Requested Information to the PADCO for release

Step 9. The PADCO shall ensure that the applicable fees if any must be made before the release of the Requested Information.

Step 10. The PADCO shall fill up and obtain the Office Copy of the Claim Slip for recording purposes.


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ANNEXES

Annex 1 - CONTACT INFORMATION



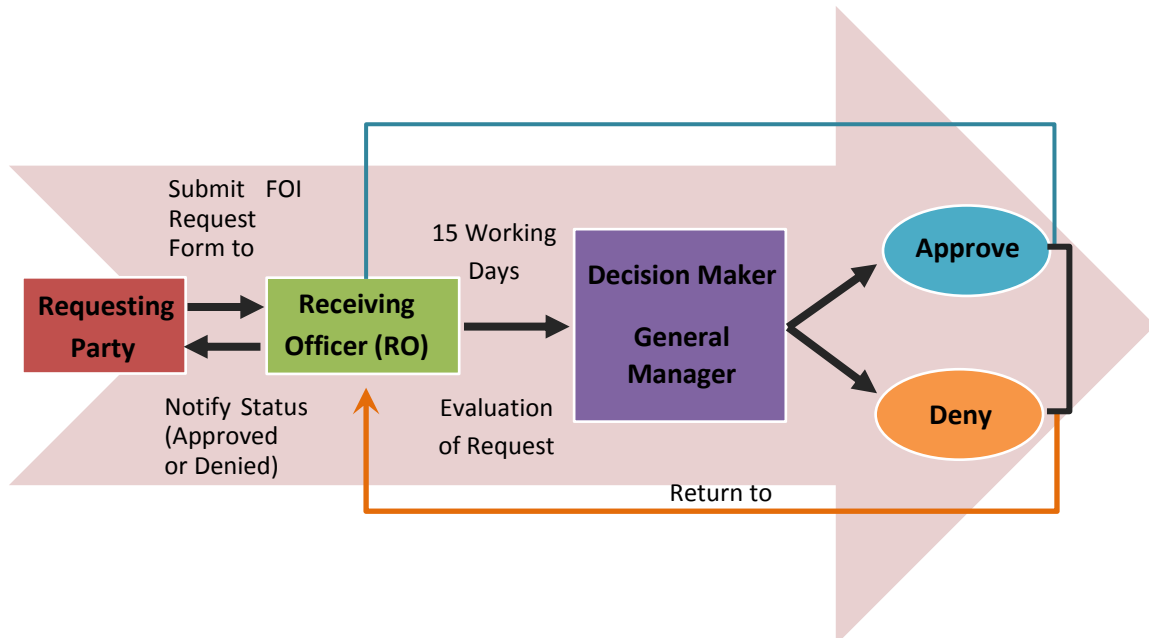
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Annex 2 – FLOWCHART


DINALUPIHAN WATER DISTRICT

FLOWCHART FOR FOI REQUEST



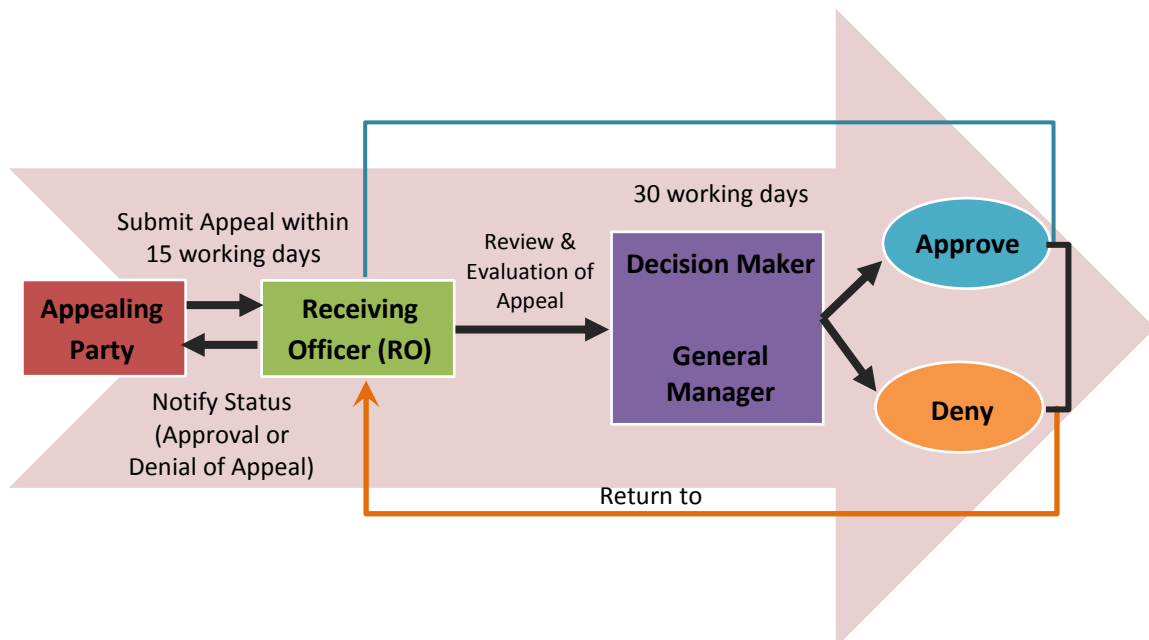
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DINALUPIHAN WATER DISTRICT

FLOWCHART FOR AN APPEAL OF DENIED REQUEST FOR INFORMATION



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Annex 3 - REQUEST FOR INFORMATION FORM



Republic of the Philippines
DINALUPIHAN WATER DISTRICT
 Pag-asa, Kataasan, Dinalupihan, Bataan 2110
 (047) 636-1325; (047) 481-3717
 dinalupihan_waterdistrict@yahoo.com

Request for Information

Control No. _____ Date: _____

Proof of Identification Presented: _____

Name of Requestor: _____

Address: _____

Contact Number: _____ Email: _____

Information being Requested:

Purpose of Request for Information:

No. of Copies: _____

 Signature Over Printed Name
 (Requestor)

Reminders: For authorized representative, please bring authorization letter and valid ID of both requestor and representative. Documents should be claimed within 30 working days from due of release. Information not claimed within 30 days shall be disposed of accordingly.

 (To be accomplished by the Receiving Officer)

REQUEST RECEIVED BY:

Name: _____

Date and Time: _____

Instructions: _____

REQUEST:


Approved ☐

Denied ☐

Others/ Remarks: _____

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Approved by: 
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Annex 4 - CLAIM SLIP



Republic of the Philippines
DINALUPIHAN WATER DISTRICT
Pag-asa, Kataasan, Dinalupihan, Bataan 2110
(047) 636-1325; (047) 481-3717
dinalupihan_waterdistrict@yahoo.com

CLAIM SLIP

Control No. _____ Date of Release: _____

Name of Requestor: _____

Document/ Record Requested: _____

Number of Copies: _____ OR No: _____

Date Received
(Requestor)

Signature Over Printed Name
(Requestor)

Reminders: For authorized representative, please bring authorization letter and valid ID of both requestor and representative. Documents should be claimed within 30 working days from due of release. Information not claimed within 30 days shall be disposed of accordingly.

(To be accomplished by the Public Assistance and Complaints Desk (PACD) Officer)

REQUESTED INFORMATION RELEASED BY:


Name, Position and Signature: _____

Date and Time: _____

Control No: _____ OR No: _____

Reviewed by:
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Approved by: 
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Annex 5 - DENIAL OF REQUESTED INFORMATION LETTER TEMPLATE



Republic of the Philippines
DINALUPIHAN WATER DISTRICT
 Pag-asa, Kataasan, Dinalupihan, Bataan 2110
 (047) 636-1325; (047) 481-3717
 dinalupihan_waterdistrict@yahoo.com

[Date]

[Name]

[Address]

Subject: Request for Information: **[indicate requested information here]**

Dear [Salutation : Mr./Mrs.][Last Name]:

We regret to inform you that your request for information: **[indicate requested information here]** on **[date of request]** cannot be granted due to **[state grounds for denial include necessary laws, rules and regulations.]**


Thank you.

Very truly yours,

Virgilio P. Manalili
 General Manager

Reviewed by:
Virgilio P. Manalili, GM

Approved by: 
ALICIA G. MERCED, BOD Chairperson

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Annex 6 - APPROVED REQUESTED INFORMATION LETTER TEMPLATE



Republic of the Philippines
DINALUPIHAN WATER DISTRICT
 Pag-asa, Kataasan, Dinalupihan, Bataan 2110
 (047) 636-1325; (047) 481-3717
 dinalupihan_waterdistrict@yahoo.com

[Date]

[Name]

[Address]

Subject: Request for Information [indicate requested information here]

Dear [Salutation: Mr./Mrs.][Last Name]:

We are pleased to inform you that your request dated [date of request] for [indicated requested information] has been approved. The requested information shall be acted upon within 15 working days from the issuance of this letter.


Thank you.

Very truly yours,

Virgilio P. Manalili
 General Manager

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Approved by: 
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Annex 7 - REQUESTED INFORMATION IS NOT AVAILABLE LETTER TEMPLATE



Republic of the Philippines
DINALUPIHAN WATER DISTRICT
 Pag-asa, Kataasan, Dinalupihan, Bataan 2110
 (047) 636-1325; (047) 481-3717
 dinalupihan_waterdistrict@yahoo.com

[Date]

[Name]

[Address]

Subject: Request for Information: **[indicate requested information here]**

Dear **[Salutation: Mr./Mrs.][Last Name]**:

This is to acknowledge receipt of your request dated **[date of request]** for **[indicate requested information]**.

Upon evaluation of your request, we regret to inform you that the information being requested is not available or in custody of the Dinalupihan Water District, the reason/s being **[state reason/s why the requested information is not available]**.


Thank you.

Very truly yours,

Virgilio P. Manalili
 General Manager

Reviewed by:
Virgilio P. Manalili, GM

Approved by: 
ALICIA G. MERCED, BOD Chairperson

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EXECUTIVE ORDER NO. 2, S. 2016

Signed July 23, 2016

MALACAÑAN 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:

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(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.

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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.

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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 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 access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing 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.

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(d) The government office shall respond to a request fully compliant with requirements of subsection (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.

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(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

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