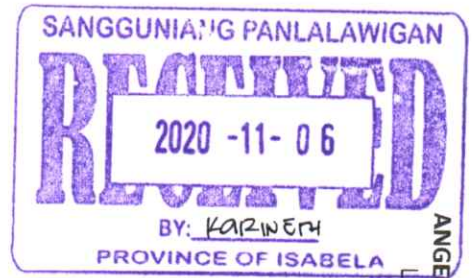




Republic of the Philippines
Province of Isabela
MUNICIPALITY OF PALANAN



OFFICE OF THE SANGGUNIANG BAYAN

Literal copy of **Municipal Ordinance No. 2020 – 061** approved by the Sangguniang Bayan of Palanan, Isabela in its **Regular Session on September 28, 2020** held at the Legislative Session Hall, this Municipality.

Sponsored by: **HON. RONNIE A. ATIENZA, Sangguniang Bayan**

MUNICIPAL ORDINANCE NO. 2020-061

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN THE MUNICIPAL GOVERNMENT OF PALANAN, ISABELA AND PROVIDING GUIDELINES AND PENALTIES THEREFOR

WHEREAS, on 23 July 2016, President Rodrigo Roa Duterte issued Executive Order No. 2 entitled “Operationalizing in the Executive Branch the People’s Right to Information and the State Policies to Full Public Disclosure and Transparency in Public Service and Providing Guidelines Therefore”;

WHEREAS, the said Executive Order is limited in scope to government offices under the Executive Branch, and merely encourages local government units to observe and be guided accordingly;

WHEREAS, recognizing the importance of the people’s right to government information, and guided by the President’s Executive Order, the Municipal Government deems it necessary to provide local mechanism for its offices where the people’s right to information is respected and upheld, subject to exceptions provided by law and jurisprudence;

NOW THEREFORE, Be it *Ordained* that:

SECTION 1. TITLE. This Ordinance shall known as the “ **FOI Ordinance of 2020**”.

SECTION 2. DEFINITION OF TERMS. For the purpose of this Ordinance, 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, store, or archived in which are made, received, or kept in under the control or custody of any government office under the *Municipal Government of Palanan* pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office under the Municipal Government of Palanan.
- (b) “**Official Record**” 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**” shall include information required by laws, executive orders, rules or regulations to be entered, kept and made publicly available by a government office.

SECTION 3. COVERAGE. This order shall cover all government offices under the Municipal Government of Palanan, Isabela.

SECTION 4. ACCESS TO INFORMATION. Every Filipino resident of Palanan 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, in the custody of the Municipal Government of Palanan or any of its offices.

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERT B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
SB MEMBER

RONNIE A. ATIENZA
SB MEMBER

ANGELINA A. BERNARDO
LNB PRESIDENT

JUSTIN KERRY S. BERNARDO
SK FEDERATION PRESIDENT

GLOBIA D. CAULIAN
SB MEMBER

CRISELDA S. DELA PENA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

SECTION 5. EXCEPTIONS. Freedom of Information (FOI) shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence.

SECTION 6. AVAILABILITY OF SALN. Subject to the provisions contained in Section 4 and 5 of this ordinance, all public officials of the Municipal Government of Palanan 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 ordinance.

SECTION 7. 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 in the inventory of FOI exceptions.

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 Municipal or Field Officer duly designated by him in writing.

In making such determination, the *Head of the Office or his/her 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.

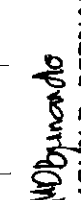
SECTION 8. PROTECTION OF PRIVACY. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual, pursuant to the Data Privacy Act of 2012 (Republic Act No. 10173), as follows:

- (a) Each government office 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 ordinance 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 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 ordinance or pursuant to existing laws, rules or regulations.

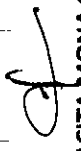
SECTION 9. PROCEDURE. The following procedure shall govern the filing and processing of request for access to information:

- (a) Any person who requests access to information shall submit a written request to Municipal Public Information Office (MPIO) or the 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: 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.
- (b) The public official receiving the request shall be designated the FOI Receiving Officer and shall provide reasonable assistance, free of charge, 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 MPIO or the concerned government office, indicating the date and time of receipt and the name, rank, title and position of the FOI receiving officer 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.


EABL JOHN ANGELO S. BERNARDO
SB MEMBER


MICHAEL JOHN D. BERNARDO
SB MEMBER


ROBERT B. NERI
SB MEMBER



PACITA MONA Q. ATANACIO
SB MEMBER

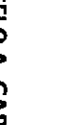

ROMIE A. ATIENZA
SB MEMBER

ANGELINA A. BERNARDO
LNB PRESIDENT


JUSTIN KEREN S. BERNARDO
SK FEDERATION PRESIDENT


GIORGIO D. CAULIAN
SB MEMBER


CRISELDA S. DELA PENA
SB MEMBER


THEO ANGELO A. GARCIA
SB MEMBER


- (d) The MPIO or the concerned 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.
- (e) The period to respond may be extended whenever the information requested requires extensive search of the office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The MPIO or the concerned 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.

(a) Government offices shall not charge any fee for accepting requests for access to information. Likewise, there shall be no charge for obtaining information in digital format (i.e. PDF, JPEG, etc.). However, the following schedule of fees is imposed for printing, photocopying and certification services rendered by a government office:

Certification of Official Records	-	P 100.00/ page for the 1 st copy and 5.00/page For succeeding copies
Printing	-	P 5.00/page
Photocopying	-	P 3.00/page (Long) P 2.00/page (Short)

(b) The fee shall be paid to the Municipal Treasurer at the time of the request, whether written or verbal. The Official Receipt number, the amount of the total fees, and the date of payment shall be indicated at the bottom of the certificate.

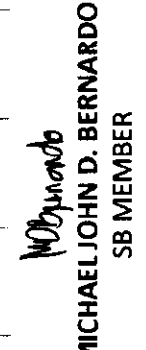
(c) The MPIO or the concerned government office may exempt any requesting party from payment of fees, upon request stating the valid reason why such party should not pay the fee.

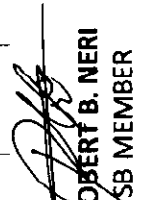
SECTION 11. NOTICE OF DENIAL. If the MPIO or the concerned government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, or within twenty (20) working days in case of extension, whichever is applicable, 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.

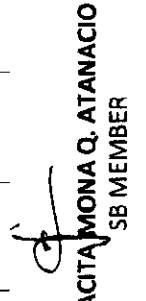
SECTION 12. REMEDIES IN CASES OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION.


- (a) Denial of any request for access to information may be appealed to the Office of the Governor, following the procedure mentioned in Section 9 of this ordinance: 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.
- (b) The appeal shall be decided by the Office of the Governor within thirty (30) working days from the filing of said written appeal. Failure of the Office of the Governor to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.


EARL JOHN ANGELO S. BERNARDO
SB MEMBER


MICHAEL JOHN D. BERNARDO
SB MEMBER


ROBERT B. NERI
SB MEMBER


PACITA MONA Q. ATANACIO
SB MEMBER


RONNIE MATIENZA
SB MEMBER


ANGELINA A. BERNARDO
LNB PRESIDENT


JUSTIN KERY S. BERNARDO
SK FEDERATION PRESIDENT


GLORIAM D. CAILLIAN
SB MEMBER


RISEIDA S. DELA PENA
SB MEMBER


THEO ANGELO A. GARCIA
SB MEMBER

SECTION 13. 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 14. PENALTIES. Failure of any government officer to comply with the provisions of this ordinance shall be a ground for the following penalties:

- 1st Offense - Reprimand
- 2nd Offense - Suspension of one (1) to thirty (30) days; and
- 3rd Offense - Dismissal from the service.

SECTION 15. FOI OFFICE. The Municipal Public Information Office (MPIO) / Office of the Mayor is designated to be the FOI Office tasked to oversee the implementation of this ordinance. The designated MPIO is further directed to formulate the implementing rules and regulations (IRR), which shall include, among others the following provisions:

- (a) The name, location, and contact information of FOI receiving officers;
- (b) The procedure for the filing and processing of the request;
- (c) The standard forms for the submission of requests;
- (d) The process for the disposition of requests;
- (e) The procedure for the administrative appeal of any denial;

SECTION 16. SEPARABILITY CLAUSE. If any section or part of this ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

SECTION 17. REPEALING CLAUSE. All other ordinances, orders, issuances, rules and regulations, which are inconsistent with the provisions of this ordinance are hereby repealed, amended or modified accordingly.

SECTION 18. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after publication.


I **HEREBY CERTIFY** that the foregoing ordinance was duly enacted by the Sangguniang Bayan of Palanan, Isabela during its **Regular Session** on **September 28, 2020**.



NELIA ALAMO-PLATA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY ENACTED:

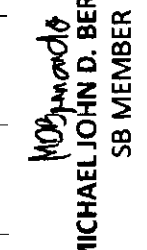
APPROVED:

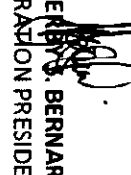

JIMMY B. GONZALES
Municipal Vice Mayor/Presiding Officer

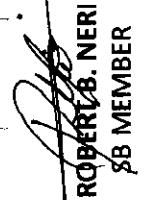

ELIZABETH B. OCHOA
Municipal Mayor
Date: 10-01-2020


EARL JOHN ANGELO S. BERNARDO
SB MEMBER

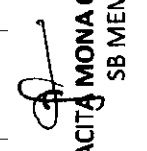

ANGELINA A. BERNARDO
LNB PRESIDENT

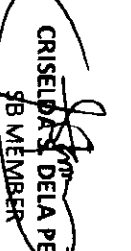

MICHAEL JOHN D. BERNARDO
SB MEMBER


JUSTIN KENNETH S. BERNARDO
SK FEDERATION PRESIDENT


ROBERT B. NERI
SB MEMBER


GLORINDO CAULIAN
SB MEMBER


PACITA MONA Q. ATANACIO
SB MEMBER


CRISEIDA S. DELA PENA
SB MEMBER


RONNIE M. ATIENZA
SB MEMBER


THEO ANGELO A. GARCIA
SB MEMBER