



Freedom of Information Manual



DIGOS WATER DISTRICT

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Davao del Sur, Philippines*

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16 January 2024

Freedom of Information (FOI) Manual

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Summary

This manual is promulgated pursuant to the Government's thrust to operationalize the people's constitutional right to information and transparency in the public service subject to the limitations provided by law.



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General Manager

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Section 1. Background/Rationale

Executive Order 2, s. 2016 dated 23 July 2016 operationalizes in the Executive Branch the people's Constitutional right to information and the State Policies to full public disclosure and transparency in public service. The EO mandates all executive offices, including but not limited to the national government and all its offices, department, bureaus, offices and instrumentalities, including government-owned or controlled corporations, state universities and local government units (LGUs) to give every Filipino "access to information, official records and to documents and papers pertaining to official acts, transactions or decisions, as well as government research data used as basis for policy development."

Section 8 of the same Executive Order directs all government units to prepare its own People's Freedom of Information (FOI) Manual specifying therein the implementing details taking into consideration their mandates and the nature of information in their custody and control.

Digos Water District (DWD) is a government owned and controlled corporation created under PD 198 with the mandate of acquiring, installing, improving, maintaining and operating water supply and distribution systems and providing, maintaining and operating wastewater collection, treatment and disposal facilities within its franchise area.

As a GOCC, DWD hereby complies with the mandate of EO 2 by promulgating this Manual.

Section 2. Objectives

In line with the provisions set forth in EO No. 2, the DWD – FOI Manual aims to achieve the following objectives:

1. Facilitate access to information through the most efficient and expeditious manner in line with the procedures in this manual;
2. Promote transparency in the exercise of the Commission's mandate and functions; and
3. Uphold the fundamental right of the public to free flow of information.

Section 3. General Duties of DWD under EO No. 2

- 3.1 **General Duties.** The water district shall, consistent with the mandate of EO 2, series of 2016, respect the constitutional right of Filipinos to freedom of information (FOI), and subject to the limitations provided by law, make its records and information available, provide for public access to its records and information, protect its own records and information to the extent consistent with the requirements of public interest and personal privacy protection, and protect its public officers from the adverse consequences of disclosing certain kinds of official information without authorization under procedures established here.
- 3.2 **Recording and Safekeeping Duties.** The water district shall ensure that it records and safe keeps information about all its activities, operations and concerns.
- 3.3 **Maintenance Duties.** The water district shall ensure the proper organization and maintenance of all information in its custody in a manner that facilitates public access to such information.
- 3.4 **Training for DWD personnel.** The water district shall provide adequate training and/or capacity-building program for its officials and employees to improve awareness of the right of access to information or records held by government agencies, as provided for in EO 2, series of 2016, and to keep updated of best practices in relation to information disclosure and records maintenance.

Section 4. Definition of Terms

For purposes of this manual, 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(s)** – shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) **Public record(s)** – shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.
- (d) **Records** – shall refer to information, whether in its original form or otherwise, including documents, signatures, seals, texts, images, sounds, speeches, or data compiled, recorded or stored.
- (e) **Access to information** – herein relates to acquiring or obtaining information, official records, public records, and documents and papers pertaining to official acts, transactions or decisions, as well as government research data used as basis for policy development, either through purposely released/published information or by request.
- (f) **Freedom of information** – herein relates to access to information without undue restriction that curtails the right of the people to information on matters of public concern as guaranteed by the Constitution.
- (g) **Information for disclosure** – herein refers to information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies, and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted in the agency and other applicable government websites without need for requests from the public.
- (h) **Open Data** – refers to publicly available data structured in a way that enables the data to be fully discoverable and useable by end users.
- (i) **Water District** – shall mean Digos Water District (DWD)

- (j) **Public service contractor** – shall be defined as a private entity that has dealing, contract, or a transaction of whatever form of kind with the government or a government agency/office that utilizes public funds.
- (k) **Personal information** – refer to any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
- (l) **Sensitive personal information** – is defined by the Data Privacy Act of 2012 as personal information:
- i. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
 - ii. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
 - iii. 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
 - iv. Specifically established by an executive order or an act of Congress to be kept classified.
- (m) **Vexatious request** – a request that is evidently without any legitimate purpose or aimed at disrupting the work in DWD or harassing its employees, including identical or substantially similar requests.

Section 5. Promotion of Openness in Government

Duty to Publish Information. The Water District shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in

conjunction with Republic Act 9485, or the Anti-Red Tape Act of 2007, and through their website, timely, true, accurate and updated key information including, but not limited to:

- (a) A description of its mandate, structure, powers, functions, duties and decision-making processes;
- (b) A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- (c) The names of its key officials;
- (d) Projects, performance targets and accomplishments, and budgets, revenue allotments and expenditures;
- (e) Current and important database and statistics that it generates;
- (f) Bidding processes and requirements; and
- (g) Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy of the exercise of its powers.

These are the types of information without need for request from the public information.

Section 6. Protection of Privacy

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

- (a) The Water 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 Water District shall protect personal information in its custody or under its control by making reasonable security arrangement against unauthorized access, leaks or premature disclosure; and
- (c) The Records Officer (RO) or any employee or official who has access, whether authorized or unauthorized, to personal information in the

custody of the Water District, shall not disclose that information except as authorized by existing laws.

Section 7. Exceptions to Freedom of Information

For the guidance of the water district personnel, 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, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
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.

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

1. Information covered by Executive privilege

- a. Presidential conversations, correspondences, and discussions in closed-door Cabinet meetings; and
- b. Matters covered by deliberative process privilege, namely:
 - i. Advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials; and
 - ii. Information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.

2. Privileged information relating to national security, defense or international relations

- a. Information, record, or document that must be kept secret in the interest of national defense or security;
- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs, and
- c. Patent applications, the publication of which would prejudice national security and interests;

3. Information concerning law enforcement and protection of public and personal safety

- a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. Interfere with enforcement proceedings;
 - ii. Deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. Disclose the identity of a confidential source and in the course of a criminal investigation, or by a n agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. Unjustifiably disclose investigative techniques and procedures;
- b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;
- c. When disclosure of information would put the life and safety of an individual in imminent danger;
- d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping; and
- e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;

4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused

These include:

- a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, personal information or records, including sensitive personal information, birth records, school records, or medical health records;

Sensitive personal information as defined by the Data Privacy Act of 2012 as personal information:

- i. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- ii. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- iii. 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
- iv. Specifically established by an executive order or an act of Congress to be kept classified.

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

Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual; (1) including that the individual is or

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

- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation contained in confidence, and
- c. Records or proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 - (1) Records of child and family cases;
 - (2) Children in conflict with the law from initial contact until final disposition of the case;
 - (3) A child who is a victim of any offense under the Anti-Child Pornography Act of 2009, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;
 - (4) A child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;
 - (5) Cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;
 - (6) Trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;

- (7) Names of victims of child abuse, exploitation or discrimination;
- (8) Disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;
- (9) Records, documents and communications of proceedings involving domestic and inter-country adoptions, including the identity of the child, natural parents and adoptive parents;
- (10) Names of students who committed acts of bullying or retaliation;
- (11) First time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of *the Comprehensive Dangerous Drugs Act of 2002*, as amended; and
- (12) Identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing.

5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers

Listed hereunder are under #5, but not limited to the following:

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

Implementing Rules and Regulations (IRR), during the term of the project to which it relates;

- j. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;
- k. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;
- l. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;
- m. Certain information and reports submitted to the Insurance Commissioner pursuant to the *Insurance Code*;
- n. Information submitted on registered cultural properties owned by private individuals;
- o. Data submitted by a higher education institution to the Commission on Higher Education (CHED); and
- p. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;

6. Prejudicial premature disclosure

Information of which a premature disclosure would:

- a. In the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
- b. Be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is

required by law to make such disclosure on its own initiative prior to taking final action on such proposal.

7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged

Listed hereunder is not limited to the following:

- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the *Alternative Dispute Resolution Act of 2004*;
- b. Matters involved in an Investor-State mediation;
- c. Information and statements made at conciliation proceedings under the *Labor Code*;
- d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);
- e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;
- f. Information related to investigations which are deemed confidential under the *Securities Regulations Code*,
- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;
- h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the *Comprehensive Dangerous Drugs Act of 2002*;
- i. Investigation report and the supervision history of a probationer;
- j. Those matters classified as confidential under the *Human Security Act of 2007*;

- k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies; and
- l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential.

8. Matters considered confidential under banking and finance laws and their amendatory laws

- a. RA No. 1405 (*Law on Secrecy of Bank Deposits*);
- b. RA No. 6426 (*Foreign Currency Deposit Act of the Philippines*) and relevant regulations;
- c. RA No. 8791 (*The General Banking Law of 2000*);
- d. RA No. 9160 (*Anti-Money Laundering Act of 2001*); and
- e. RA No. 9510 (*Credit Information System Act*);

9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations

- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:
 - (1) When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;
 - (2) Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules); and

- (3) Refugee proceedings and documents under the 1951 Convention Relating to the Status of Refugees, as implemented by *DOJ Circular No. 58* (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;
- c. When the purpose of the request of Statement of Assets, Liabilities and Net Worth is any of the following:
 - (1) Any purpose contrary to morals or public policy; or
 - (2) Any commercial purpose other than by news and communications media for dissemination to the general public,
- d. Lists, abstracts, or summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings; and
- g. Attorney-client privilege existing between government lawyers and their client.

Section 8. Procedure for FOI Access

A. Who May Request

1. Any Filipino citizen outside the agency, including members of the media, academic and research institutions; and
2. Persons within the agency but from offices/divisions other than those directly authorized/responsible for custody and control of the information requested, seeking access to information not for official purpose such as for academic research.

B. Filing Request for Information

1. Interested party must submit a written request using the accomplished standard request form (**ANNEX A**), with the following:
 - i. Name, contact information and preferred mode of reply of requesting party;
 - ii. Description of the information requested; and
 - iii. Valid proof of identification and authorization, such as copy of government or institution – issued identification card with photo and signature, and authorization document in case the requesting person.

If request does not use the standard form and submitted by mail, email or facsimile, the form will be accomplished by the FOI receiving officer and attached to the written/printed request. If the written request lacks the necessary details, the receiving officer shall immediately communicate with the requesting party.

2. The request may be submitted personally, by mail, through official agency email(s), or using facsimile. Request made during interview or meeting should still be reduced into writing.
3. The request for information must be addressed to:

The General Manager
Digos Water District
Rizal Avenue, Digos City
8002 Davao del Sur

4. The person or office responsible for receiving requests for information:

Karen Lou C. Rulona
Executive Assistant C
Management Services Division
Digos Water District
Rizal Avenue, Digos City
Telefax number: (082) 553-2872
E-mail: digoswaterdistrict@gmail.com

C. Receiving, Initial Evaluation and Routing of Request

1. The staff receiving the request personally submitted shall provide reasonable assistance, free of charge, to enable the requesting party particularly those with special needs, to comply with the requirements.
2. The request shall be stamped accordingly, indicating the name and time of receipt as well as the name, title or position/designation of the staff with corresponding signature and a copy thereof furnishing the requesting party.
3. Requests submitted through mail, email (to be printed out) or facsimile shall also be stamped accordingly.
4. The receiving officer shall maintain a separate logbook for requests relating to access to information. The said logbook shall contain the following information:
 - a. Date and time received;
 - b. Form of request (e.g. accomplished request form, letter, email, fax);
 - c. Brief description of information requested;
 - d. What office referred to;
 - e. Forma and content of document to be transmitted to requesting party; and
 - f. Date and time released.
5. If the information/record requested is not within the responsibility and custody of the unit where the receiving officer is, the request shall immediately be referred and routed to the office concerned.
6. If the requested information is/are with more than one office, then the request shall immediately be referred/routed to all of them with advice to provide the applicable information only. Prior to this, due diligence shall be made to coordinate and verify with the responsible office/s in order to avoid mistaken referral and delay in processing.

7. In case a request is mistaken by referred and/or routed to an office not responsible and/or in custody of the information/record, the said request shall immediately be returned to the records officer, with advice on appropriate office, if known.
8. The requesting party shall be informed of such routing/referrals, as necessary, especially if a significant amount of time has already lapsed since the date of receipt.

D. Processing Requests

1. Within one (1) working day from receipt and after initial evaluation, the Receiving Officer shall refer the request to the General Manager or his duly authorized official already with the initial evaluation/recommendation on requested information, and/or response to the requesting party, as appropriate.
2. The General Manager or his duly authorized official shall determine the appropriate action to be taken of the information/record requested, taking into consideration the recommendation of the Receiving Officer, as follows:

| CIRCUMSTANCES | WHAT TO DO |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Already available in the agency website, publications or other sources. | Advise the requesting party how to access the information. |
| Readily available and can be provided immediately. | Proceed with preparing the information requested. |
| Record contains information of interest to another office/agency | Consult the office/agency concerned on disclosability |
| Not readily available but can later be produced fully or partially. | Advise the requesting party, including the indicative period within which the available information can be produced, then proceed with preparing the information. |

| CIRCUMSTANCES | WHAT TO DO |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Unclear information requested. | Advise the requesting party to clarify request. |
| Information not available but definitively known to be with other agencies/offices. | Advise the requesting party and/or refer to agency/office concerned |
| Not available and cannot be produced within the prescribed period or reasonable time and resources, such as those that require research or data gathering from other sources or different offices. | Deny the request. |
| Falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence listed in Section 7. | Deny the request. |
| Requested information contains sensitive personal information protected by the Data Privacy Act. | Deny the request. |
| Unreasonable subsequent identical or substantially similar request from the same requesting party whose request has been previously granted or denied by the same office. | Deny the request. |

3. Once the request has been received by the General Manager, any response or referral shall be in writing thru the Receiving Officer – either using formal letter or email communication via means preferred by the requesting party. The response shall be signed by the General Manager or his duly authorized officer subject to the nature of information, delegation of authority and special designations.
4. In case of approval, the Receiving Officer shall ensure that all records retrieved and considered are checked for possible exceptions prior

to actual release. The said Officer shall prepare the letter or email informing the requesting party within the prescribed period that the request is granted and requiring the payment of applicable fees, if any.

5. In case of denial of the request wholly or partially, the Receiving Officer shall, within the prescribed period that the requesting party in writing. The notice shall clearly set forth the ground/s for denial and the circumstances on which the denial is based. Failure to notify the requesting party within the period shall be deemed denial of the request.

A. **Period for Approval and Release.** Pursuant to Section 9 (d) of EO No. 2, 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 government office. The said response refers to advice referral, approval or denial of the requests.

B. **Request for an Extension of Time.** Should the information requested require extensive search of the government office record facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the General Manager thru the Receiving Officer shall notify the requesting party, setting forth the reasons for extension. In no case shall the extension go beyond 20 working days counted from the end of original period unless exceptional circumstances warrant a longer period.

C. **Charging and Payment of Fees.**

Digos Water District shall not charge any fee for accepting requests for access to information. However, a reasonable fee may be imposed to reimburse actual cost of printing and/or reproduction of information/records, at two pesos (₱2.00) per page.

The records officer may exempt any requesting party from payment of fees, upon request with valid reason for such.

In case the requesting party cannot pay the fee(s) and in order to avoid or minimize charging of fees and for purposes of efficiency, access to information shall be made through email or facsimile.

6. **No Wrong Door Policy.** In compliance with FOI-MC No. 21-05 or the Guidelines on the Referral of Requested Information, Official Record/s and Public Record/s to the Appropriate Government Agency, otherwise known as the “No Wrong Door Policy for FOI,” Digos Water District will not deny FOI requests for information and/or records not under its possession but instead refer the request to the appropriate government agency which is the proper repository or custodian of the requested information or records, or have control over the said information or records.

Section 9. Remedies in Case of Denial

9.1 **Motion for reconsideration.** Should the applicant disagree with the DWD’s action in denying his request, he may move for its reconsideration within ten (10) calendar days from receipt of the denial notice but only when based on palpable or patent errors; provided, that only one such motion from the applicant shall be entertained.

9.2 **Appeal.** A denial of an applicant’s motion for reconsideration may be appealed to the Board of Directors within 15 calendar days from receipt of such denial notice. The appeal may be entertained if there is prima facie evidence of abuse of discretion on the part of the General Manager. All appeals shall be resolved within 15 days from receipt of the same.

Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate juridical action in accordance with the Rules of Court


Section 10. Administrative Liability

1. Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:
 - a. 1st offense – Reprimand;
 - b. 2nd offense – Suspension of one (1) to thirty (3) days; and
 - c. 3rd offense – Dismissal from the service.

2. The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.
3. Nothing in this Manual shall be construed to derogate from any law, rule or regulation prescribed by anybody, which provides for more stringent penalties.

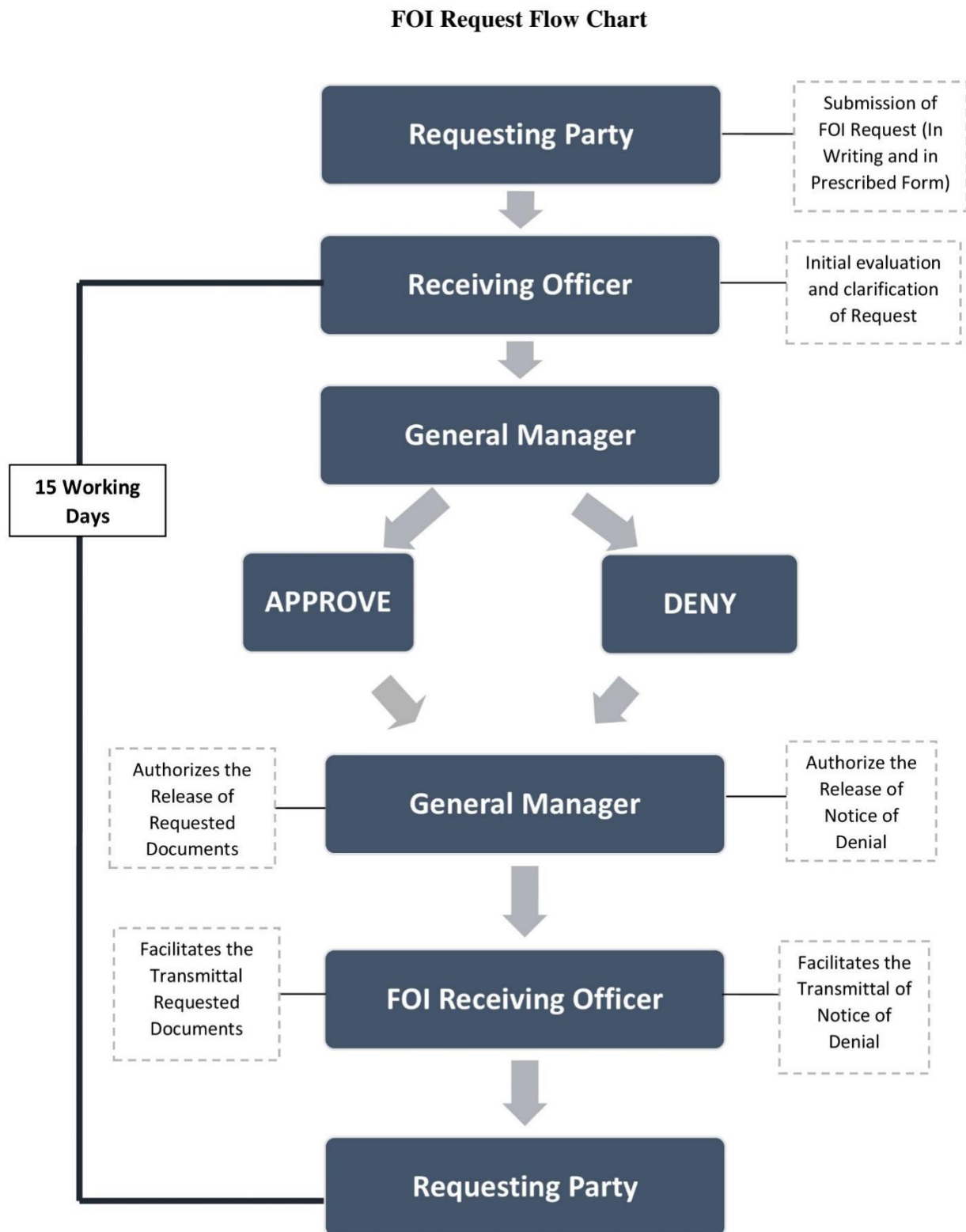
***** End of Manual *****

Appendix A: Request Form and Claim Slip

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
|  <p>Republic of the Philippines DIGOS WATER DISTRICT Rizal Avenue, Digos City, PH</p> | CONTACT US | |
| | Telephone Nos. (+63) (82) 553-2121, 553-2111 Tele fax: (+63) (82) 553-8742; 553-2872 Email Address: digoswaterdistrict@gmail.com | |
| AIR Form Tracking No: _____ | | |
| ACCESS TO INFORMATION REQUEST FORM <i>(Pursuant to Executive Order No. 2, s. 2016)</i> | | |
| <i>Please read the following information carefully before proceeding with your application. Use blue or black ink only. Write in BLOCK letters. Mark boxes with "X" where necessary. Fill-out all fields. Write "N/A" if not applicable.</i> | | |
| A. Requesting Party | | |
| 1. Title (e.g. Mr, Mrs, Miss) | 2. Given Name/s (Last name, First, MI) | |
| 2. Residence/ Business Address | _____ <i>House No./Blk. No. Street Barangay</i> _____ <i>City/Municipality Province</i> | |
| 3. Contact Information | Landline/Fax: | Mobile No.: |
| 4. Preferred Mode of Communication: | <input type="checkbox"/> Landline <input type="checkbox"/> Mobile <input type="checkbox"/> Email <input type="checkbox"/> Postal Address <i>(If your request is successful, we will be sending the documents in this manner)</i> | Email: |
| 5. Preferred Mode of Reply: | <input type="checkbox"/> Landline <input type="checkbox"/> Fax <input type="checkbox"/> Email <input type="checkbox"/> Pick-up at Agency | |
| 6. Proof of identity/evidence of authority (must contain photo and signature): | <input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others (Specify): | |
| B. Requested Information | | |
| 7. Agency - Connecting Agency (if applicable): | | |
| 8. Title of Document/Record (Please provide a detailed description): | | |
| 9. Date or Period (DD/MM/YY): | | |
| 10. Purpose of the request (you may use another sheet if necessary): | | |
| 11. Any other Relevant Information: | | |
| C. Declaration | | |
| <p>Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the 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 Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.</p> | | |
| <p>I declare that:</p> <ul style="list-style-type: none"> •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. <p>I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my</p> | | |
| | | _____ Signature over printed name Date: _____ |
| CLAIM SLIP | | |
| Requested document: _____ | AIR Tracking No: _____ | |
| Date of filing: _____ | Date of Release: _____ | |
| Please present this stub upon date of release with Official Receipt of payment. Payment shall be determined upon the release of document. | | |

| D. Receiving Officer (FOR INTERNAL USE ONLY) | |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name (Print name) : | |
| Agency - Connecting Agency (if applicable) : | |
| Date entered on eFOI (if applicable) : | |
| Proof of ID presented (photocopy of original should be attached) : | <input type="checkbox"/> Passport <input type="checkbox"/> Driver's License <input type="checkbox"/> SSS ID <input type="checkbox"/> Postal ID <input type="checkbox"/> Voter's ID <input type="checkbox"/> School ID <input type="checkbox"/> Company ID <input type="checkbox"/> Others (Specify): |
| The application is recommended to be (If denied, please choose the reason for the denial) | <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Invalid Request <input type="checkbox"/> Incomplete <input type="checkbox"/> Data already available online |
| Second Receiving Officer Assigned (Print name) : | |
| Decision maker Assigned to Application (Print name) : | |
| Decision on Application (If denied, please choose the reason for Denial) : | <input type="checkbox"/> Successful <input type="checkbox"/> Partially Successful <input type="checkbox"/> Denied <input type="checkbox"/> Cost <input type="checkbox"/> Invalid Request <input type="checkbox"/> Incomplete <input type="checkbox"/> Data already available online <input type="checkbox"/> Exception Which exception? |
| Date Request Finished (DD/MM/YY) : | |
| Date Documents (if any) Sent (DD/MM/YY) : | |
| FOI Registry Accomplished: | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Signature of Receiving Officer: | |
| Date (DD/MM/YY) : | |

Appendix B: Flow Chart of Requesting for Information



Appendix C: Denial Letter Template

[Date: dd-mmm-yyyy]

[Name]

[Address]

SUBJECT: Denial of Request for Information: **[indicate requested information / record here]**

Dear **[Salutation: Mr./Ms./Dr., etc.] [Last name]:**

We regret to inform you that your request for information: **[indicate requested information / record here]** on **[date of request]** cannot be favourably granted due to:

- Time constraint, requires research or data gathering from other sources or different offices
- Falls under any of the exceptions enshrined in the Constitution, existing laws and jurisprudence
- Requested information contains sensitive personal information protected by the Data Privacy Act
- Unreasonable subsequent identical request has been previously granted or denied by this office.

Thank you.

Very truly yours,

FELOMINO A. DAUB
General Manager

Appendix D: Cover Letter – Requested Information is Enclosed

[Date: dd-mmm-yyyy]

[Name]
[Address]

SUBJECT: Request for Information: **[indicate requested information / record here]**

Dear **[Salutation: Mr./Ms./Dr., etc.] [Last name]:**

We are pleased to inform you that your request dated **[date of request]** for **[indicate requested information / record here]** has been approved.

Enclosed is/are copy/ies of the requested information released for whatever legal purpose it may serve.

Thank you.

Very truly yours,

FELOMINO A. DAUB
General Manager

Appendix E: Frequently Asked Questions

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's 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 enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2, s. 2016?

Executive Order No. 2 is the enabling order 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.

EO 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

3. Who oversees the implementation of EO2?

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 EO 2 can be made before all government offices, under the Executive Branch, including government owned and controlled corporations (GOCCs) and state universities and colleges (SUCs).

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

7. How do I make an FOI request?

- a. The requestor is 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 General Manager for proper assessment. The General Manager shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials 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 of 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 cost, including costs 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 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 a motion for reconsideration to the General Manager within Ten (10) working days from the lapse of required response period. The motion shall be decided within fifteen (15) working days by the General Manager.

A denial of an applicant's motion for reconsideration may be appealed to the Board of Directors within 15 calendar days from receipt of such denial notice. The appeal may be entertained if there is a prima facie evidence of abuse discretion on the part of the General Manager. All appeals shall be resolved within 15 days from receipt of the same.

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 General Manager within fifteen (15) working days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the General Manager.

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.

References

- ❖ DOJ Freedom of Information Manual
- ❖ Executive Order No. 2, series of 2016 dated 23 July 2017
- ❖ Insurance Commission FOI Peoples Manual
- ❖ OGCC FOI Peoples Manual
- ❖ http://www.lwua.gov.ph/FOI/Inventory_of_Exceptions_to_FOI.pdf
- ❖ FOI-MC No. 21-05 dated 27 August 2021

Editions

- ❖ 1st Edition - September 4, 2017
- ❖ 2nd Edition - October 25, 2018
- ❖ 3rd Edition - January 23, 2023
- ❖ 4th Edition – January 16, 2024