



Republic of the Philippines
Sangguniang Panlungsod
City of Balanga, Bataan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD OF BALANGA, HELD ON FEBRUARY 24,
2020 AT SANGGUNIANG PANLUNGSOD SESSION HALL, CITY OF
BALANGA, BATAAN

PRESENT:

Hon. Vianca Lita Venzon-Gozon	Presiding Officer
Hon. Noel Joseph L. Valdecañas	Member
Hon. Jovy Z. Banzon	Member
Hon. Christian Laurence Z. Manalaysay	Member
Hon. Victor A. Baluyot Jr.	Member
Hon. Ma. Liza A. Vasquez	Member
Hon. Hubert B. Pizarro	Member
Hon. Ricardo M. Magpantay	Member
Hon. Jorescel S. Panganiban	Member
Hon. Pedro T. Yuzon, Jr.	Member
Hon. Benigno P. Meriño	Member
Hon. Ernesto D. Nisay	Member/ ABC President

ABSENT:

Hon. Jose Michael M. Espinosa	Member/ SK Federated President (on official business)
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CITY ORDINANCE NO. 08 S. 2020

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN
THE CITY GOVERNMENT OF BALANGA, BATAAN AND PROVIDING
GUIDELINES THEREFOR

SPONSORED BY: HONORABLE VICTOR A. BALUYOT, JR. AND HONORABLE PEDRO T.
YUZON, JR.

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 1987 Constitution guarantees the
right of the people to information on matters of public concern;

E(1)

WHEREAS, on 23 July 2016, President Rodrigo R. 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 the 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 City Government deems it necessary to provide a 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 be known as the "FOI Ordinance of the City of Balanga, Bataan"

SECTION 2. Definition of Terms. For 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, 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 under the City Government of Balanga according 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 City Government of Balanga.

(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 City Government of Balanga.

SECTION 4. Access to Information. Every Filipino resident of the City of Balanga 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 City Government of Balanga or any of its offices.

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 Sections 4 and 5 of this ordinance, all public officials of the City Government of Balanga are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) following 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 falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence.

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 city 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 8. Protection of Privacy. While providing access to information, public records, and official records, the City Government 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 existing laws, rules or regulation.

SECTION 9. FOI Focal Person and FOI Receiving Officers

(a) There shall be designated to be the FOI Focal Person. He/She is tasked to oversee the implementation of the FOI Ordinance. The focal person shall also develop the standard forms for the submission of requests and the proper acknowledgment of such requests.

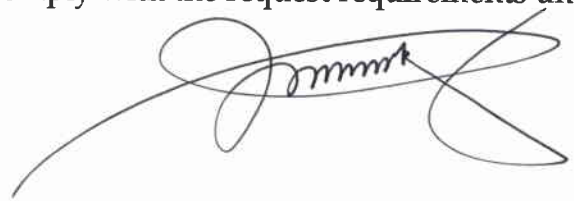
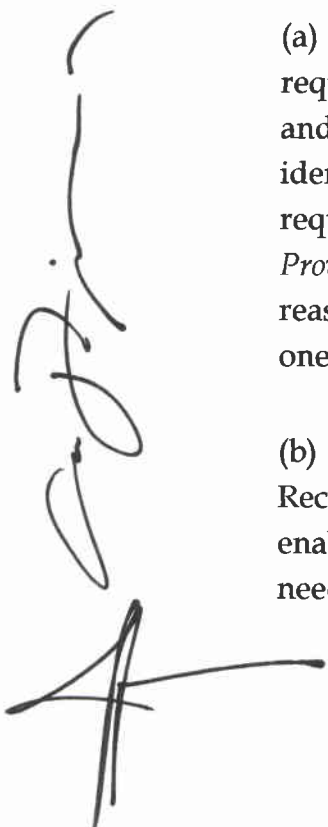
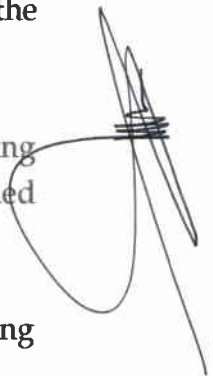
(b) The FOI Focal Person shall monitor the status of all requests for access to information filed in the City Government of and its offices. Thus, the FOI Focal Person shall establish a system to trace the status of all requests in the LGU.

(c) Each of the offices under the LGU shall also designate an FOI Receiving Officer who will accommodate requests for access to information filed through their office.

SECTION 10. Procedure. The following procedure shall govern the filing and processing of request for access to information:

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

(b) The public official receiving the request shall be designated the FOI Receiving Officer and 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 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.

(d) 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 government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The concerned government office shall notify the person requesting 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.

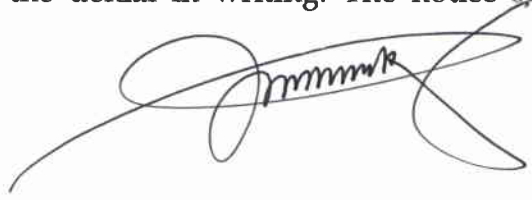
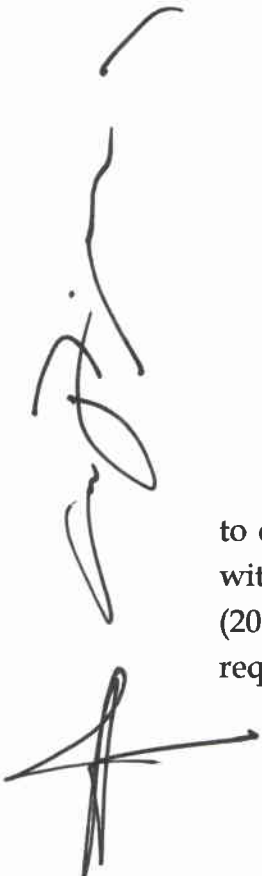
SECTION 11. Fees.

(a) The City Government may charge fees for the document being requested to cover cost of printing, photocopying, and certification services rendered by a government office. The schedule of fee provided for by the Local Revenue Code of the City shall be observed.

(b) The fee shall be paid to the City 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 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 12. Notice of Denial. If 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 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 Office of the City Mayor, following the procedure mentioned in Section 9 of this ordinance: Provided, that the written appeal must be filed by the same person requesting 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 City Mayor within thirty (30) working days from the filing of said written appeal. Failure of the Office of the City Mayor 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.

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. Penalties. Failure of any government officer to comply with the provisions of this ordinance shall be subject to administrative sanctions as provided for by Civil Service laws.

SECTION 16. FOI Office. The City Management Information Service Office (MISO) is designated to be the FOI Office tasked to oversee the implementation of this ordinance. The MISO is further directed to formulate the implementing rules and regulations (IRR) or Manual of Implementation, 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 17. 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 18. 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 19. Effectivity. In addition, to the publication requirement of the 1991 Local Government Code of the Philippines, this ordinance shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the City hall, and in at least two (2) other conspicuous places in the City of Balanga.

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I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE COPY OF ORDINANCE NO. 08 SERIES OF 2020 DULY ENACTED BY THE SANGGUNIANG ON 24 FEBRUARY 2020



CELITO J. TUAZON, MPA
OIC, Secretary to the Sanggunian

ATTESTED:


HON. VIANCA LITA VENZON-GOZON
Presiding Officer


HON. NOEL JOSEPH L. VALDECAÑAS
Member


HON. JOMY Z. BANZON
Member


HON. CHRISTIAN LAURENCE Z. MANALAYSAY
Member


HON. VICTOR A. BALUYOT JR.
Member


HON. MA. LIZA A. VASQUEZ
Member


HON. HUBERT B. PIZARRO
Member



HON. RICARDO M. MAGPANTAY
Member



HON. JORESCHEL S. PANGANIBAN
Member



HON. PEDRO T. YUZON, JR.
Member



HON. BENIGNO P. MERIÑO
Member



HON. ERNESTO D. NISAY
Member / ABC President

APPROVED:



HON. FRANCIS ANTHONY S. GARCIA
City Mayor