



FREEDOM --- **OF** **I**NFORMATION **M**ANUAL

CAGAYAN DE ORO CITY WATER DISTRICT

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COWD FREEDOM OF INFORMATION

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1. OVERVIEW

A. PURPOSE

The Cagayan de Oro City Water District's (COWD) People's Freedom of Information (FOI) Manual provides the processes and guidelines to facilitate the request for information pursuant to Executive Order (E.O.) No. 2, Series of 2016, on Freedom of Information (FOI).

B. STRUCTURE OF MANUAL

This Manual shall set out the rules and procedures to be followed by the Cagayan de Oro City Water District (COWD) when a request for access to information is received. The General Manager is responsible for all actions carried out under this Manual and may delegate this responsibility to key personnel of COWD as may designated from time to time. The General Manager may likewise delegate specific officers to act as the Decision Makers (DMs), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

C. COVERAGE OF THE MANUAL

This Manual shall cover all applicable requests for information, official records and public documents which are made, received, or kept in or under the control and custody of COWD pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business of COWD.

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

The following is the list of exceptions provided under EO No. 2, to wit:

- a. Information covered by Executive privilege;
- b. Privileged information relating to national security, defense or international relations;
- c. Information concerning law enforcement and protection of public and personal safety;
- d. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
- e. 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 quasi-judicial powers;
- f. Prejudicial premature disclosure;
- g. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
- h. Matters considered confidential under banking and finance laws, their amendatory laws; and
- i. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

D. FOI RECEIVING OFFICER

There shall be an FOI Receiving Officer (FRO) designated by the General Manager. The FRO shall preferably come from the Office of the General Manager. The FRO shall hold office at COWD Main Office, Corrales Avenue, Cagayan de Oro City. The FRO shall perform the functions provided under EO No.2, to wit:

- a. Receive all requests for information and forward the same to the appropriate department who has custody of the records;
- b. Monitor all FOI requests and appeals;
- c. Provide assistance to the FOI Decision Maker or General Manager;
- d. Provide assistance and support to the public and staff with regard to FOI;
- e. Compile statistical information as required;
- f. Conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation; or
- g. Deny the request based on:
 - g.1. That the form is incomplete; or
 - g.2. That the information is already disclosed in COWD's Official Website, foi.gov.ph or at data.gov.ph.

E. FOI DECISION MAKER

There shall be an FOI Decision Maker (FDM), designated by the General Manager of COWD, with a Salary Grade (SG) not lower than SG 20 or its equivalent,

who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

- a. The COWD does not have the information requested;
- b. The information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. The information requested falls under the list of exceptions to FOI; or
- d. The request is an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by COWD.

F. CENTRAL APPEALS AND REVIEW COMMITTEE

There shall be a COWD Appeal and Review Committee composed of three (3) members to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the General Manager on the denial of such request.

G. APPROVAL AND DENIAL OF REQUEST TO INFORMATION

The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the General Manager may delegate such authority to any Officer not below SG 20.

2. PROTECTION OF PRIVACY

While providing for access to information, COWD shall afford full protection to the right to privacy of the individual, as follows:

- a. COWD 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. COWD shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of COWD, shall not disclose that information except as authorized by existing laws.

3. STANDARD PROCEDURE

A. RECEIPT OF REQUEST FOR INFORMATION

1. REQUIREMENTS

The requesting party shall comply the following requirements:

- 1.a. The request must be in writing. An FOI Request Form (attached as Annex A) must be filled-up completely;
- 1.b. Submit valid proof of identification or authorization; and
- 1.c. Shall reasonably describe the information requested, and the reason for, or purpose of, the request for information.

- 1.d. If request is through email, one shall attach a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.
- 1.e. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, one may make an oral request, and the FRO shall reduce it in writing.

2. SCHEDULE AND LOCATION TO FILE REQUEST

- 2.a. The requesting party shall submit all the requirements to the FOI Receiving Officer (FRO) at:

Office of the General Manager
Second Floor, COWD Admin Building,
Corrales Avenue, Cagayan de Oro City
Contact No. (088)856-4373 and (08822)726-248 loc. 203

- 2.b. The schedule for filing request for information is 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. Monday to Friday.
- 2.c. The request shall be stamped received by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- 2.d. COWD must respond to requests promptly, within the fifteenth (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is

declared a national public holiday in the Philippines. In computing for the period, Art. 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- 2.d.1. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- 2.d.2. If the government office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent member of staff, and this has generated an 'out of office' message with instructions on how to redirect the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the 15 working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.

B. REQUEST FOR INFORMATION PROCEDURE

- STEP 1 Requesting Party shall submit FOI Request form with all the necessary requirements to FRO

- STEP 2 FRO shall stamp "Received"; conduct initial evaluation and submit the request to concerned Department in custody of the information requested

- STEP 3 The Department concerned shall evaluate and process the request and submit the accomplished request to FRO within 10 days from receipt of such request
- STEP 4 FRO shall transmit accomplished request to GM for approval or denial of the request
- STEP 5 Notify the requesting party of the status of the request
- STEP 6 FRO release the requested information

C. PROCESS ON HANDLING REQUEST

1. Upon receipt of the request for information from the FRO, the Division/Department concern shall:
 - a. Assess and clarify the requests if necessary and shall make all necessary steps to locate or retrieve the information requested;
 - b. Ensure that the complete information requested be submitted to the FRO.
2. FRO shall recommend the approval or denial of the request to the General Manager.
3. FRO shall notify the requesting party within fifteen (15) working days from receipt of the request unless extended once the request has been approved or denied. Notification shall be through electronic mail or phone call, unless the requesting party requests otherwise.
4. Follow-up shall be directed to FRO and not to the Division / Department Managers or the General Manager.

D. INITIAL EVALUATION

After receipt of the request for information, the FRO shall evaluate the contents of the request.

1. **REQUEST RELATING TO MORE THAN ONE OFFICE UNDER COWD:**

If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such offices that they will only provide the specific information that relates to their offices.

2. **REQUESTED INFORMATION IS ALREADY POSTED AND AVAILABLE ON-LINE:**

Should the information being requested is already posted and publicly available in COWD website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

3. **REQUESTED INFORMATION IS SUBSTANTIALLY SIMILAR OR IDENTICAL TO THE PREVIOUS REQUEST:**

Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the FRO shall inform the applicant of the reason of such denial.

E. REQUEST FOR AN EXTENSION OF TIME

If the information requested requires extensive search of the COWD's office records facilities, examination of voluminous records, the occurrence of fortuitous

events or other analogous cases, the Division/Department Manager should inform the FRO.

The FRO shall inform the requesting party of the extension, setting forth the reasons for such extension. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

4. REMEDIES IN CASE OF DENIAL

A. In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of 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 provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the Office of the General Manager or to his/her designated officer.

B. A person whose request for access to information has been denied may avail himself of the remedy set forth below:

Administrative FOI appeal to COWD Central Appeal and Review Committee:

b.1. Filing a written appeal to COWD Central Appeal and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

b.2. The appeal shall be decided by the General Manager upon the recommendation of the Central Appeal and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.

C. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the rules of court.

5. REQUEST TRACKING SYSTEM

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

6. FEES

COWD shall not charge any fee for accepting requests for access to information.

7. ADMINISTRATIVE LIABILITY

A. NON-COMPLIANCE WITH FOI:

Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

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

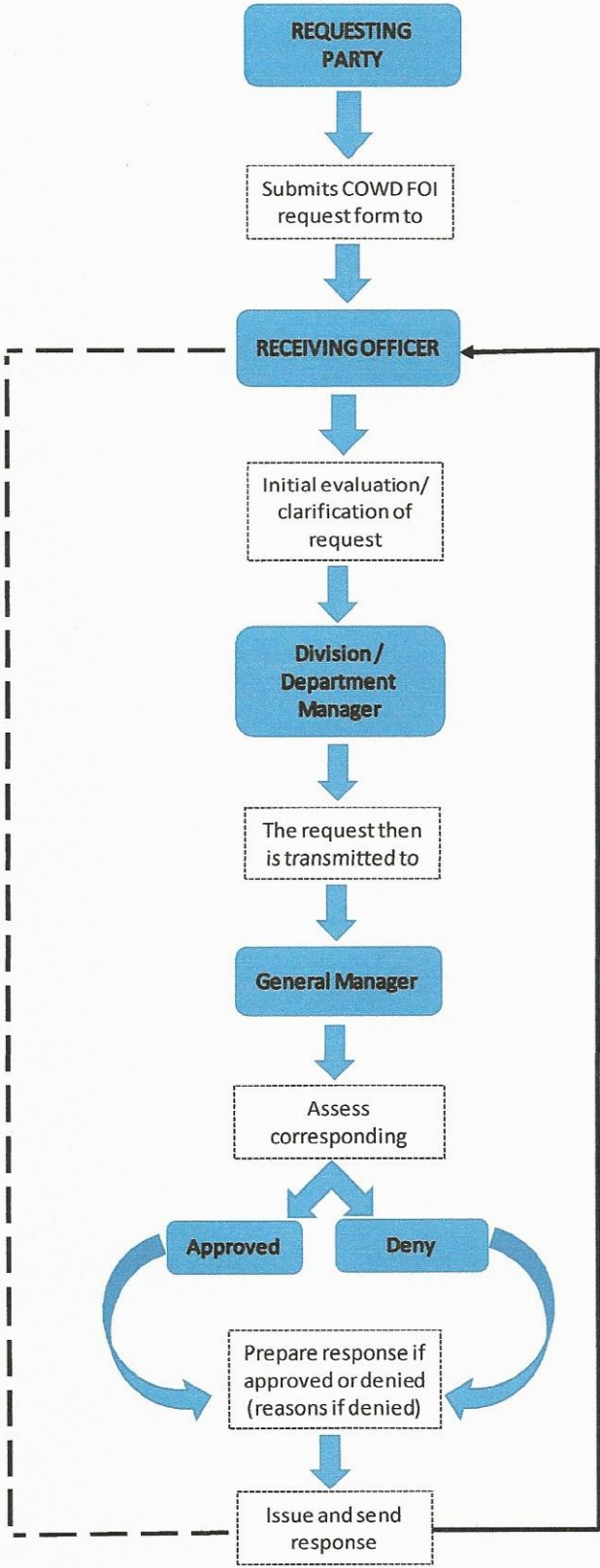
B. PROCEDURE:

The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

C. PROVISIONS FOR MORE STRINGENT LAWS, RULES AND REGULATIONS:

Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

Process Flow



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 AGENCYS, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

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

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

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

- (a) "Information" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video

recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of any government office pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office.

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

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

SECTION 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, AGENCYs, 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 AGENCY 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 AGENCY of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Order.

SECTION 6. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions circularized by the Office of the President provided in the preceding section.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office, which is in custody or control of the information, public record or official record, or the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual as follows:

(a) Each government office per Section 2 hereof shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this order or existing law, rules or regulations;

(b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.

(c) Any employee, official or director of a government office per Section 2 hereof who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this order or *pursuant to* existing laws, rules or regulation.

SECTION 8. People's Freedom to Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its own People's FOI Manual, which shall include among others the following provisions:

(a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can obtain information or submit requests;

(b) The person or office responsible for receiving requests for information;

(c) The procedure for the filing and processing of the request as specified in the succeeding section 9 of this Order.

- (d) The standard forms for the submission of requests and for the proper acknowledgment of requests;
- (e) The process for the disposition of requests;
- (f) The procedure for the administrative appeal of any denial for access to information; and
- (g) The schedule of applicable fees.

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

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

(b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.

(c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title and position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the agency or office concerned to grant or deny access to the information requested.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

(f) Once a decision is made to grant the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to

reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Cases of Denial of Request for Access to Information.

(a) Denial of any request for access to information may be appealed to the person or office next higher in the authority, following the procedure mentioned in Section 9 of this Order: 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 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