



Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao

SEVENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 131ST REGULAR SESSION
OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
HELD ON MAY 28, 2019, 9:00 A.M., TUESDAY,
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL



PRESENT:

Hon. Jude T. Bayona	Acting City Vice Mayor, Temporary Presiding Officer
Hon. Kendrick S. Calubaquib	Sangguniang Panlungsod Member
Hon. Arnel T. Arugay	-do-
Hon. Gilbert S. Labang	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Gil G. Pagulayan	Ex Officio Member (Liga ng mga Barangay President)
Hon. Karen L. Taguinod	Ex Officio Member (SK Federation President)

ABSENT:

Hon. Danilo L. Baccay	Sangguniang Panlungsod Member (on Sick Leave)
Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member

NOTE:

Hon. Bienvenido C. De Guzman II	Acting City Mayor
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CITY ORDINANCE NO. 08-2019

**ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION
IN THE CITY GOVERNMENT OF TUGUEGARAO
AND PROVIDING GUIDELINES THEREFOR**

Sponsors: **Hon. Imogen Claire M. Callangan**
Hon. Jude T. Bayona
Hon. Kendrick S. Calubaquib
Hon. Arnel T. Arugay
Hon. Gilbert S. Labang
Hon. Winnoco R. Abraham
Hon. Mary Marjorie P. Martin-Chan
Hon. Raymund P. Guzman
Hon. Grace B. Arago
Hon. Anthony C. Tuddao
Hon. Gil G. Pagulayan
Hon. Karen L. Taguinod

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;

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WHEREAS, on 23 July 2016, President Rodrigo R. Duterte issued Executive Order No. 2 titled “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 Therefor;”

WHEREAS, the Executive Order also applies to the Local Government Unit of Tuguegarao City;

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 2018.**”

SECTION 2. Definition of Terms. For the purpose of this Ordinance, the following terms shall mean:

- a. Information – shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recordings, magnetic or other tapes, electronic data, computer stored data, any other like or similar 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 Tuguegarao pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office under the City Government of Tuguegarao.
- b. Official Record – shall refer to documents or pieces of information produced or received by a public officer or employee, or by the city government or any 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.
- d. Manual – shall refer to the People’s Right to Information Manual as provided for in Section 6.

SECTION 3. Coverage. This order shall cover all government offices under the City Government of Tuguegarao.

SECTION 4. 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, in the custody of the City Government of Tuguegarao or any of its offices. The city government shall continue to post all documents as required pursuant to DILG Memorandum Circular 2010-83 (Full Disclosure of Budget and Finances and Bids and Public Offerings).

SECTION 5. Exceptions. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law or jurisprudence. In addition to this, access shall be denied to matters covered under the list provided in the annex of this ordinance titled as additional exceptions to City Ordinance No. 08-2019 “Operationalizing the Freedom of Information in Tuguegarao City.”

Thereafter, the Sangguniang Panlungsod Secretary shall cause the publication of the local inventory of FOI exceptions for the guidance of all government offices covered by this Ordinance. Said local inventory of FOI exceptions shall be periodically updated by the City Legal Officer and Sangguniang Panlungsod.

SECTION 6. People’s Right to Information Manual. The City Information Officer, with guidance and assistance from the Public Information Office, Deputy Information Officers and the City Legal Office, shall prepare a People’s Right to Information Manual (Manual) for the city within sixty (60) calendar days from the date of effectivity of this Ordinance. The manual shall be readily available to the public at no charge and shall be published on the official website of the city government. The said manual shall contain the following:

- a. Names, locations and official contact information, including email addresses of the City Information Officer and all the Deputy Information Officers;
- b. Procedure for filing and processing of the Request for Information;
- c. Remedies available and procedure for the same in case of a denial;
- d. A list of administrative and disciplinary sanctions provided for city officials in violation of this Ordinance;
- e. Standard forms for the submission of requests;
- f. Applicable fees;
- g. Inventory of exceptions as provided for in Section 5; and,
- h. A complete copy of the text of this Ordinance.

SECTION 7. Availability of SALN. Subject to the provisions contained in Sections 4 and 5 of this Ordinance, all Public Officials of the City Government of Tuguegarao are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Ordinance.

SECTION 8. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions in the inventory of FOI exceptions. The City Government of Tuguegarao shall adopt the "disclose to one, disclose to all" policy for the information requested through this Ordinance and shall exercise proactive disclosure of information not subject to the exceptions.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head Office who is in custody or control of the information, public record or official record, or the responsible City or Field Officer duly designated by him/her in writing.

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

SECTION 9. Protection of Privacy. While providing access to information, public records and official records, responsible officials shall afford full protection to the right to the 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 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; and,
- c. Any employee, official or director of a government office who has access, authorized or unauthorized, to personal information in the custody of the office must not disclose that information except when authorized under this Ordinance or pursuant to existing laws, rules or regulations.

SECTION 10. FOI Focal Person and FOI Receiving Officers

- a. The City Information Officer – Designate is 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 for 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 Tuguegarao and its offices. Thus, the FOI Focal Person shall establish a system to trace the status of all requests for information 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 11. Procedure. The following procedure shall govern the filing and processing of request for access to information:

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- a. Any person who requests access to information may consult the LGU's FOI Focal Person to identify the concerned office which keeps the information being requested. The requestor may also go directly to the concerned office which he/she thinks has the information being requested.
- b. The requestor shall submit a written request to the FOI Receiving Officer of the concerned office using the standard form of the LGU. The request shall state the name and contact information of the requesting party, provide valid proof of his/her 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.
- c. The FOI Receiving Officer receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs to comply with the request requirements under this Section.
- d. The processed request shall be coursed through the Office of the City Mayor which shall be properly endorsed to the department head concerned once a favorable decision has been made.
- e. The request shall be stamped by the concerned 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 office shall establish a system to trace the status of all requests for information received by it.
- f. The concerned office shall respond to a request fully compliant with the requirements of subsection (b) 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 concerned office to grant or deny access to the information requested.
- g. The period to respond may be extended whenever the information requested requires extensive search of the office's records, facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The concerned 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.
- h. 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 12. Fees.

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

Certification of Official Records - P50.00/page for the 1st copy and
P 5.00/page for succeeding copies

Printing - P 5.00/page

Photocopying
Long - P 3.00/page
Short - P 2.00/page

- 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 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 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 Local Chief Executive. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.
- b. The appeal shall be decided by the Local Chief Executive within thirty (30) working days from the filing of the said written appeal. Failure of a person or office next higher in the authority 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 laws, rules and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.

SECTION 14. Penalties. Failure of any government officer to comply with the provisions of this Ordinance shall be a ground for the following penalties

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

The FOI Focal Person shall submit the list of government officers who fail to comply with the provisions of this Ordinance to the Local Chief Executive who shall decide on the appropriate administrative and disciplinary sanctions.

SECTION 16. Implementing Rules and Regulations. The Implementing Rules and Regulations shall be issued by the Local Chief Executive within thirty (30) days upon the final consideration and approval of this Ordinance by the Seventh City Council.

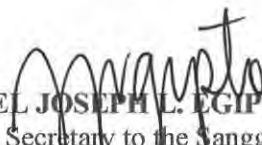
SECTION 17. Separability Clause. If any section or part of this Ordinance is held unconstitutional or invalid, other sections or provisions not otherwise affected shall remain in full force or effect.

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

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D. ^{USM19}
Secretary to the Sanggunian ^{aw}

ATTESTED:


HON. JUDE T. BAYONA
Acting City Vice Mayor/
Temporary Presiding Officer
Date: 063019

APPROVED:


HON. BIENVENIDO C. DE GUZMAN II
Acting City Mayor
Date: 060319

CERTIFICATION

I, Jude T. Bayona, duly elected as the Temporary Presiding Officer during the 131st Regular Session held on May 28, 2019, do hereby certify that I acted as such when the foregoing City Ordinance No. 0-2019 was approved under suspended rules.

In witness whereof, I hereunto set my hand and affix my signature this 28th day of May 2019.



HON. JUDE T. BAYONA
Sangguniang Panlungsod Member/
Temporary Presiding Officer

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