



REPUBLIKA NG PILIPINAS
PAMAHALAAN LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA

Telephone no. 861-0181/Fax: 862-6473
Email address: sangguniangpanlungsod2k19@gmail.com



ORDINANCE NO. 2020-139

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION (FOI) IN THE
CITY GOVERNMENT OF MUNTINLUPA AND PROVIDING GUIDELINES THEREFOR.

Sponsored by:

Hon. Coun. Cornelio M. Martinez
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Paty Katy C. Boncayao
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadea
Hon. Coun. Engr. Marissa C. Rongavilla-VIA ZOOM
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Walter A. Arcilla
Hon. Coun. Kenichi D. Takagi, Jr. – VIA ZOOM

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

WHEREAS, on 23 July 2016, President Rodrigo R. Duterte issued Executive Order No. 2 entitled "*Operationalizing 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 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 of Muntinlupa deems it necessary to provide a local mechanism for its officers where the people's right to information is respected and upheld, subject to exceptions provided by law and jurisprudence;

NOW, THEREFORE, BE IT ORDAINED AS IS IT BY ORDAINED, by the 9th Sangguniang Panlungsod of Muntinlupa in Session assembled that:



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SECTION 1. Title. ordinance shall be known as the "FOI Ordinance of 2020"

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

- a. "**Information**" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research, materials, films, sound and video recording, magnetic, or other tapes, electronic, data, computer stored data, any other like or similar data 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 Muntinlupa** pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance to transaction of official business by any government office under the of **City Government of Muntinlupa**.
- 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 to 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 ordinance shall cover all government offices under the City Government of Muntinlupa.

SECTION 4. Access to Information. Every Filipino shall have access to information, officials' 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, in the custody of the City Government of Muntinlupa.

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.

Pursuant to this, the **City Government of Muntinlupa Legal Officer** is directed to prepare a **local inventory of FOI exceptions** and submit the same to the Sangguniang Panlungsod within thirty (30) calendar days from the date of effectivity of this ordinance, for its approval.



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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 of Muntinlupa Legal Officer** and the **Sangguniang Panlungsod**.

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 Muntinlupa are reminded of their obligation to file and make available for scrutiny their **Statements of Assets, Liabilities and Net Worth (SALN)** in accordance with existing laws, rules and regulations, and the spirit and letter of this ordinance.

SECTION 7. Application and Interpretation. There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions in the inventory of FOI exceptions. The City Government of Muntinlupa shall adopt the **"disclose to one, disclose to all"** policy for the information requested through this Ordinance and shall exercise pro-active 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 of 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 / her 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 8. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual, pursuant to the Data Privacy Act of 2012 (Republic Act No. 10173), as follows.

- a. Each government office shall ensure that personal information in its custody to 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.



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- 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 regulation.

SECTION 9. FOI Focal Person and FOI Receiving Officers

- a. The **Public Information Office (PIO)** is designated to be the FOI Focal Person. He/she is tasked to oversee the implementation of the FOI Ordinance.
- b. The FOI Focal Person is further directed to formulate the **Implementing Rules and Regulations (IRR)**, which shall include, among others, the following provisions:
- (i) ***The name, location, and contact information of FOI receiving officers covered by this ordinance;***
 - (ii) ***The procedure for the filing and processing of the request;***
 - (iii) ***The standard forms for the submission of request;***
 - (iv) ***The process for the disposition of request;***
 - (v) ***The procedure for the administrative appeal of any denial; and***
 - (vi) ***The schedule of applicable fees.***
- c. The FOI Focal Person shall monitor the status of all request for access to information filed in the City Government of Muntinlupa and its offices. Thus, the FOI Focal Person shall establish a system to trace status of all request for information in the Local Government of Muntinlupa.

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

- a. Any person who request access to information may consult the **Local Government of Muntinlupa's** FOI Focal Person to identify the concerned officer who shall help him/her in his/her FOI request. The requestor may also go directly to the concerned office which he/she thinks has the information being requested.
- b. The FOI Receiving Officer of the concerned office shall ask the requestor to completely fill out the FOI Request Form which asks for his/her name and contact information, details or the information being requested (title the document/ information/ record and period covered), and purpose of the FOI request.



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- c. The FOI Focal Person and the FOI Receiving Officers shall provide reasonable assistance, free of charge, to enable all requestors and particularly those which special needs, to comply with the request requirements.
- d. If the information requested is already available in the **Local Government of Muntinlupa's** website, the FOI Focal Person or the FOI Receiving Officer shall direct the requestor to the specific webpage containing the requested information. In such case, the requestor no longer needs to fill out the FOI Request Form; however, the FOI Focal Person or the FOI Receiving Officer shall still record the query in the FOI log.
- e. The FOI Request Form shall be stamped by the FOI Receiving Officer, indicating the date and time of receipt and the name, rank, title, and position and the FOI Receiving Officer with his/her corresponding signature. A copy of the stamped FOI Request Form shall be furnished to the requestor. The FOI Receiving Officer shall then record the request in the FOI Log.
- f. Once the FOI Receiving Officer has retrieved and requested information, the Head of Office shall assess its completeness and verify if any exceptions apply to any of the retrieved information. The Head of Office may either instruct the Receiving Officer to release the retrieved information or to deny the request if it is under the exceptions.
- g. If the retrieved information has been fully or partially approved for release by the Head of Office, the FOI Receiving Officer shall immediately notify the requestor of the decision and release the information within fifteen (15) working days upon receipt of request.
- h. If the retrieved information requires printing, photocopying, and certification services rendered by the office, the FOI Receiving Officer shall immediately notify the requestor and direct him/her to the Local Government of Muntinlupa's Treasurer to settle the applicable fees for the service/s. The FOI Receiving Officer shall release the requested information as soon as the requestor settles the fees.
- i. If the Head of Office or the responsible officer duly designated by him/her in writing denied 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 of 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.



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- j. 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 of other analogous cases. The FOI Receiving Officer 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 thirty-five (35) working days from the receipt of request unless exceptional circumstances warrant a longer period.

SECTION 11. People's FOI Manual. For the effective implementation of this ordinance, the FOI Focal Person with the assistance of the FOI Receiving Officers, City Legal Office, Budget Office and Administrator's Office, is directed to prepare the People's FOI Manual of the **Local Government of Muntinlupa** within one hundred twenty (120) calendar days from the date of effectivity of this Ordinance. The People's FOI Manual shall contain the exceptions discussed in Section 8 and the IRR indicated in sub-section 9.b.

SECTION 12. Fees. (a) City Government of Muntinlupa 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:

- (a.) **Certification of Official Records** – P50.00/page for the 1st copy and Php5.00/page for succeeding copies.

Printing – P5.00/page

Photocopying –

Long – P3.00/page

Short/A4 – P2.00/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 FOI Office may exempt any requesting party from payment of fees, upon request stating the valid reason why such party should not pay the fee.



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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 Mayor, following the procedure indicated in the People's FOI Manual formulated by the FOI Focal Person: 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 Mayor within thirty (30) working days from the filing of said written 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 ground for the following penalties:

1st Offense – Reprimand;

2nd Offense – Suspension of one (1) to thirty (30) days; and

3rd Offense – Dismissal from the service.

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

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

SECTION 18. Effectivity. This ordinance shall take effect fifteen (15) days after publication.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 5TH day of October 2020, on its 65th Regular Session.



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CONCURRED

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

(ABSENT)
COUN. MA. DHESIREE G. AREVALO
Member

COUN. ENGR. MARERTO T. SEVILLA, JR.
Member

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. CORNELIO M. MARTINEZ
Member

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman

COUN. KENICHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan



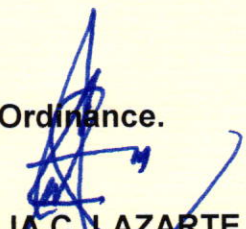
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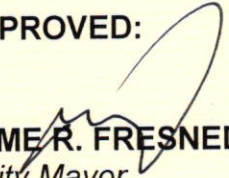
I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.


CECILIA C. LAZARTE
Secretary to the Sanggunian

ATTESTED:


ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor

Date: 14 OCT 2020

Norie/9th SP