



Republic of the Philippines
City Government of Muntinlupa
CITY OF MUNTINLUPA
Office of the City Mayor



Executive Order No. 20
Series of 2016

**PROVIDING FOR THE CREATION OF THE
MUNTINLUPA CITY MANUAL ON PEOPLE'S FREEDOM TO INFORMATION (FOI)**

WHEREAS, Section 28, Article II (Declaration of Principles and State Policies) of the 1987 Philippine Constitution provides that "(t)he State adopts and implements a policy of full disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;"

WHEREAS, Section 7, Article III (Bill of Rights), *supra*, guarantees the right of the people to information on matters of public concern;

WHEREAS, Republic Act No. 10173, otherwise known as The Data Privacy Act of 2012, and its Implementing Rules and Regulations, strengthen the fundamental human right of privacy, and of communication, while ensuring the free flow of information to promote innovation and growth;

WHEREAS, Section 34 of Republic Act No. 9470, referring to Public Inspections of Open Access Records of what is otherwise known as The National Archives of the Philippines Act of 2007, provides an open access record shall be made available for inspection by the public as soon as it is reasonably practicable after a request to inspect the record is made to the government office, the local government unit (LGU), the approved repository, or the National Archives, or whichever has possession of the open access records;

WHEREAS, on 23 July 2016, President Rodrigo Roa Duterte issued Executive Order No. 02, providing for (1) the operation in the Executive Branch of the people's constitutional right to information and (2) the State policies to full public disclosure and transparency in the public service and providing guidelines therefor;

WHEREAS, Section 8, *supra*, mandates every local government office to prepare and formulate, within one hundred twenty (120) calendar days from the effectivity of the said Order, its own People's Freedom to Information Manual;

NOW, THEREFORE, I, ATTY. JAIME R. FRESNEDI, City Mayor of the City of Muntinlupa, by virtue of the powers vested in me by law, do hereby order and decree that:

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BRS
ISO 9001:2008 CERTIFIED
CERT. CODE: QMS0708041506KA-001

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Section 1. Creation.

The Muntinlupa City Manual on People's Freedom to Information is hereby created.

Section 2. Purpose.

The purpose of this Manual is to ensure the people's right to access information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions of the City Government Departments and Offices, and to set forth the procedures to facilitate disclosure of records and information to the public.

Section 3. Definition of Terms.

For purposes of this Manual, the following definitions shall hereby mean:

3.1 Information shall mean any record, document, paper, letter, contract, minutes and transcript of official meetings, map, book, photograph, piece of data, research material, film, sound and video recording, magnetic or other tapes, piece of electronic data, computer stored data, any other like or similar data or material 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.

3.2 Official 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.

3.3 Public 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 4. Person or Office Responsible for Receiving Requests for Information.

The Heads of City Departments and Offices shall designate their respective Administrative Officers or any duly appointed Records Custodian, responsible for taking action on request for records and coordinating the response with other City Offices, when appropriate.

Requests that are related to pending litigation or any court proceedings shall be coordinated with the Office of the City Attorney. Questions regarding the Limitations of Access to Public Information (*Rule 44 of Article 73 of the IRR of Republic Act No. 9470, otherwise known as The National Archives of the Philippines Act of 2007*) shall be forwarded promptly to the Office of the City Attorney for review. Decisions to withhold records must be made in consultation with the Office of the City Administrator.



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Section 5. Procedure for the Filing and Processing of the Request.

The following shall be the procedure for the filing and processing of the request for access to information or public records:

5.1 Any person who requests access to information shall submit a written request to the City Government Office (CGO, *for brevity*) concerned. The request shall state the name and contact information of the requester, 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, however, 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 exceptions as herein provided;

5.2 The public employee 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;

5.3 The request shall be stamped, 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 requester. Each CGO shall establish a system to trace the status of all requests for information received by it;

5.4 The CGO concerned shall respond to a request fully compliant with the requirements of Section (5.1.) 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 CGO concerned to grant or deny access to the information requested;

5.5 The period to response 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 CGO 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 an exceptional circumstance warrants a longer period; and

5.6 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.

5.7 The public records found to be available as described will be photocopied and certified to be a true copy of the original records on file by the Administrative Officer or the designated Records Custodian; approved by the Head of the Office concerned; finally forwarded to the Office of the City Administrator for concurrence; and finally released upon payment of the corresponding fees appurtenant thereto.



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Section 6. Limitations of Access to Public Information.

Certain categories of records containing may be withheld from disclosure as provided in Rule 44 of Article 73 of the Implementing Rules and Regulations of R. A. No. 9470, The National Archives of the Philippines Act of 2007, if such information, record or document must be kept secret in the interest of national defense or security matters, safety of an individual, established privilege, drafts of issuances or decisions, investigatory records, among others.

Section 7. Notice of Denial.

If the CGO 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 requester of the denial in writing. The notice shall clearly set forth the ground or grounds for denial and the circumstance on which the denial is based. Failure to notify the requester 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 8. Procedure for the Administrative Appeal of any Denial for Access to Information.

The procedure is as follows:

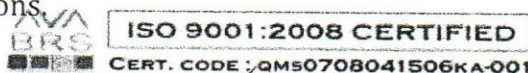
8.1 Denial of any request for access to information by a CGO concerned may be appealed to the Muntinlupa City Records Management Improvement Committee (MCRMIC). Provided, however, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to response. If denied, by MCRMIC, the same may be appealed to the Office of the City Administrator within fifteen (15) days upon receipt of the denial;

8.2 The appeal shall be decided by the Office of the City Administrator within thirty (30) working days from the filing of said written appeal. Failure of such person or office to decide with the afore-stated period shall be deemed a denial of the appeal; and

8.3 Upon exhaustion of administrative appeal remedies, the requester may file the appropriate case in the proper courts in accordance with the Rules of Court.

Section 9. Fees.

Neither charge nor fee for accepting requests for access to information shall be charged by the CGO against the requesting party. It may, however, charge fees in accordance with City Ordinance No. 93-35, otherwise known as The Local Revenue Code of the City of Muntinlupa, as amended, plus a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information required, subject to existing rules and regulations.



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Section 10. Inventory of Records and Keeping of Registry of Records.

To carry out this Order, all CGOs are hereby instructed to conduct and update the Inventory of Public Records generated by their Office for ready reference using the National Archives of the Philippines (NAP) Form No. 1 - NAP Records Inventory and Appraisal Form (*Annex A*) and submit the same to Records Management Office within thirty (30) calendar days from the date of the effectivity of this Order.

Further, each CGO is mandated to keep and maintain a *Registry* (Masterlist) thereto, classified as either: **Open Access Records**, and **Restricted Access Records**.

Section 11. Administrative Liability.

Failure to comply with the provisions of this Executive Order may be a ground for administrative and disciplinary sanctions against any errant public officer or employee as provided under existing laws or regulations.

Section 12. 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.

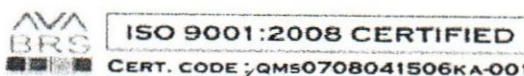
Section 13. Effectivity.

This Executive Order shall take effect immediately upon approval.

DONE and EXECUTED on this 21st day of September 2016 in the City of Muntinlupa.

Atty. JAIME R. FRESNEDI
City Mayor

RTS



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REPUBLIKA NG PILIPINAS
PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Tanggapan ng Punonglungsod

Request for Access to Public Records

To whom it may concern:

I am requesting for the following documents, and I am attesting to the good faith of my request, because of the following reasons, under pain of perjury or dishonesty:

Date: _____

Print Name: _____ Signature: _____

Address: _____ Telephone No.: _____

Email Address: _____

For City Government of Muntinlupa Offices Use Only

Received by: _____ Signature: _____
(Print Name)

Date and Time Received: _____

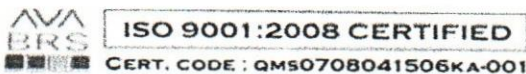
Action Taken

Material provided: _____ Request Denied: _____ Date: _____

Reason for Denial: _____

By: _____ Date: _____

Date Notified: _____



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