



FREEDOM OF INFORMATION MANUAL

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I. Overview

1. Purpose of the Manual

The purpose of this Freedom of Information Manual is to provide the process by which the Pulupandan Water District shall deal with Request of Information received under Executive Order No. 2, series 2016 on Freedom of Information issued by the Office of the President.

2. Structure of the Manual

This manual sets out the definition of terms, standard operating procedure, remedies, fees and administrative liability. It also provide for the relevant forms and other annexes.

3. Coverage of the Manual

This manual shall cover all request for information directed to the Pulupandan Water District, as follows

- a. Board of Directors
- b. Office of the General Manager

4. Personnel Assistance and Complaint Desk (PACD)

For purposes of the Manual the PACD shall be the FOI receiving officer, who is located in front of Pulupandan WD office. He will assist the requesting party in filling out the request form and endorsed directly to the Office of the General Manager.

5. General Manager

The General Manager will evaluate the request before recommending to the Board of Directors for approval or denial. The General Manager can seek the assistance of a legal attorney or from LWUA if the request is in conformance to the existing laws, rules and regulations.

6. Board of Directors

The Board of Directors will approved or deny the request in a form of a resolution. If the request is denied the BOD will site in the resolution the ground for denial and provide necessary laws, rules and regulations.

II. Definition of Terms

INFORMATION - shall mean any records, documents, papers, reports, letters, contracts, minutes of board meetings and transcripts of official meetings, maps, plan, 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.

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.

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.

PERSONAL INFORMATION shall refer to any information, whether recorded in a material form or not, from which the identify of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.

SENSITIVE PERSONAL INFORMATION – refers to personal information: (RA 10173)

- 1) About an individual's race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- 2) About an individual's health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- 3) Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
- 4) Specifically established by an executive order or an act of Congress to be kept classified.

BOARD OF DIRECTORS – Board of Directors is the policy setting and legislative body of the WD. Ensures the availability of adequate financial resources and approves annual budget. The powers and duties of the Board shall be defined in Chapter V of PD 198

GENERAL MANAGER - is an executive who has overall responsibility for managing all the elements of a Water District, usually oversees most or all of the District's functions as well as the day-to-day operations. Frequently, the general manager is responsible for effective planning, delegating, coordinating, staffing, organizing, and decision making to attain desirable mission and vision of the Water District.

III. Standard Operating Procedure

1. **Request for Information:** All requests for information shall:

- a) Be in writing and be accomplished using the prescribed form of Pulupandan Water District; **(Annex B)**
- b) Provide the full name and contact information of the requesting party including a valid government identification card with photograph and signature; and
- c) Reasonably describe the information requested, and the reason for, or purpose of, the request for information.

The request for information shall be made available in the Pulupandan Water District office located in Pulupandan, Negros Occidental, Philippines and on the Pulupandan WD website at www.pulupandanwd.gov.ph.

If the PACD determines that the request is not complete, the PACD shall immediately return it and inform the requesting party to submit the complete form. **(Annex B)**

2. **Manner of Making Request:** A request for information shall be made by the requesting party by delivering it personally to the Office of Pulupandan Water District located in Pulupandan, Negros Occidental, Philippines or by sending it by mail at pulupandanWD@yahoo.com.ph

In case the requesting party is unable to make a written request because of illiteracy or disability, he or she may make an oral request and the PACD shall reduce it into writing. The requesting party shall sign the form.

3. **Receipt of Request:** A complete request for information shall be signed and stamped received by the PACD after it has been delivered to him/her by the personnel who actually received the request. The PACD shall indicate the date and time of receipt and the name, rank, title and position of the said personnel at the receiving station. **(Annex C)**

For email requests sent on a non-working day, and during non-working hours, receipt shall be at the start of the working hours of the next working day. A confirmation email shall then be sent to the requesting party. For email requests to be considered received:

1. They must be sent to pulupandanWD@yahoo.com.ph; and
2. An acknowledgement email must be sent to the requesting party within 1 working day

4. **Period to Respond:**

4.1 The office of Pulupandan Water District shall respond to the requesting party within fifteen (15) working days from the date of receipt of the complete request for information/Records.

4.2 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.

The date of receipt shall be:

1) The date when the request is physically delivered to the Office of Pulupandan Water District located in Pulupandan, Negros Occidental, Philippines.

2) The date when the request is received by mail by the Office of Pulupandan Water District; or

3) The date when the request is electronically received by the Office of Pulupandan Water District, provided that, when the request has been emailed to an employee of Pulupandan WD who is absent and this has generated an 'out of office' message with instructions on how to re-direct the message to another contact, then it shall be the date when the request electronically delivered to that contact.

4.3 The period may be extended whenever the request requires extensive search of the records of the Office of Pulupandan Water District. The General Manager shall inform the requesting party of the extension, setting forth the reasons for such extension. **(Annex D)**

In no case shall the extension exceed twenty (20) working days, unless exceptional circumstances warrant a longer period.

5. **Transmittal of Request by the PACD to the GM:** The PACD shall forward the request for information to the General Manager within the day from receipt. The PACD shall record the date and time and the name of the receiving person if in case the General Manager is not in the office for official business in a record book with the corresponding signature. When the request requires extensive search of the records of the Office of Pulupandan Water District an extended time shall be made. The General Manager shall inform the requesting party of the extension, setting forth the reasons for such extension. **(Annex D)**

6. **Response on the Request:** Upon receipt of the request for information, the GM shall assess and evaluate the request before recommending to the Board for approval or denial. Response shall be relayed by the GM to the requesting party through its authorized representative, by mail or by email.

7. **Approval of Request:** The GM will present the request for information together with the requested documents/information to the Board of Directors. The Board of Directors will approved or deny the request in a form of a resolution. If the request is deny the BOD will site in the resolution the ground for denial and provide necessary laws, rules and regulations. The GM notify the requesting party through its authorized representative in writing the decision of the BOD. **(Annex F)**

8. **Denial of Request:** No request shall be denied by the Board of Directors unless:

10.1. The reason for the request is contrary to law or rules and regulations **(Annex G)**,
or

10.2. The request falls under the exceptions under the Inventory of Exceptions issued by the Office of the President **(Annex H)**. The General Manager shall notify the requesting party in writing through its authorized representative, clearly setting forth the ground for denial and the circumstances on which the denial is based.

11. Requested Information is Substantially Similar or Identical to a Previous Request: The Pulupandan Water District shall not be required to act if, upon determination by the General Manager, the requested information is substantially similar or identical to a previous request by the requesting party, whether the same has been granted or denied. The requesting party shall be advised accordingly. **(Annex I)**

12. Requested Information is Available On-Line: If the General Manager determines that the requested information is already available on the SWD website, the requesting party shall be advised accordingly and provided with the website link where the information is posted. **(Annex J)**

13. Requested Information is Not in the Custody of the Pulupandan Water District: If the General Manager determines that the requested information refers to another government agency, the requesting party shall be advised accordingly and coursed through the concerned government agency. **(Annex K)**

14. If the government agency is not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known. **(Annex L)**

IV. Remedies In Case Of Denial

1. In case of denial of a request for information, the requesting party may appeal to the Board of Directors. The appeal shall be in writing, and shall be filed within fifteen (15) working days from the receipt of notice of denial or from the lapse of the period to respond to the request. The appeal shall be decided within fifteen (15) working days from receipt of the appeal.

2. Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

V. Fees

The **Pulupandan Water District** will not charge any fee for accepting requests for information/Records.

VI. Administrative Liability

1. Non-compliance with FOI: Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

1. 1st Offense - Reprimand
2. 2nd Offense - Suspension of one day to thirty days
3. 3rd Offense - Suspension of one month to six months
4. 4th Offense - Dismissal from the service

VII. FOI Officers

The names and contact details of the FOI Officers of the Pulupandan Water District are as follows:

| DESIGNATION | NAME | MOBILE NO. | EMAIL ADDRESS |
|--------------------------------|---------------------------|-------------------|-------------------------------|
| General Manager D | Amador G. Geroy | 09335860825 | pulupandanWD@yahoo. com.ph |
| Accounting Processor A | Ma. Theresa J. Odtohan | 09489299004 | pulupandanWD@yahoo. com.ph |
| Public Asst. Complaint Desk | Lianie B. Paclibar | 09987921192 | lian_ronn@yahoo.com |
| Board Secretary | Eufemia F. Cantiller | 09193090312 | pulupandanWD@yahoo. com.ph |

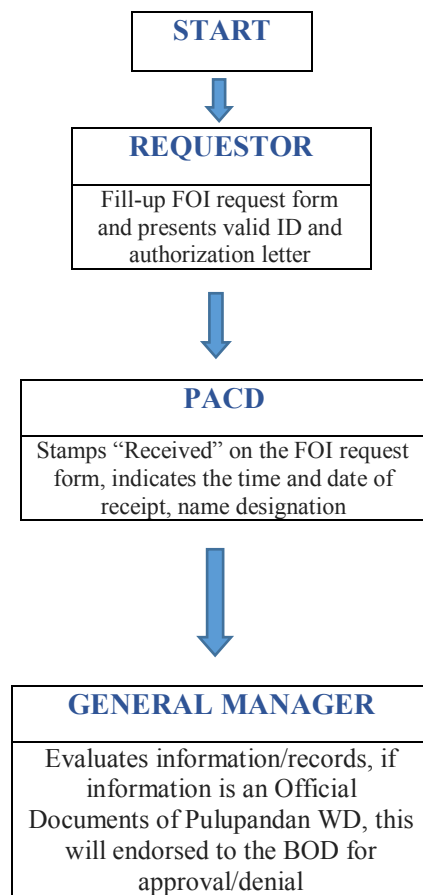
VIII. Process Flow Chart and Work Instructions

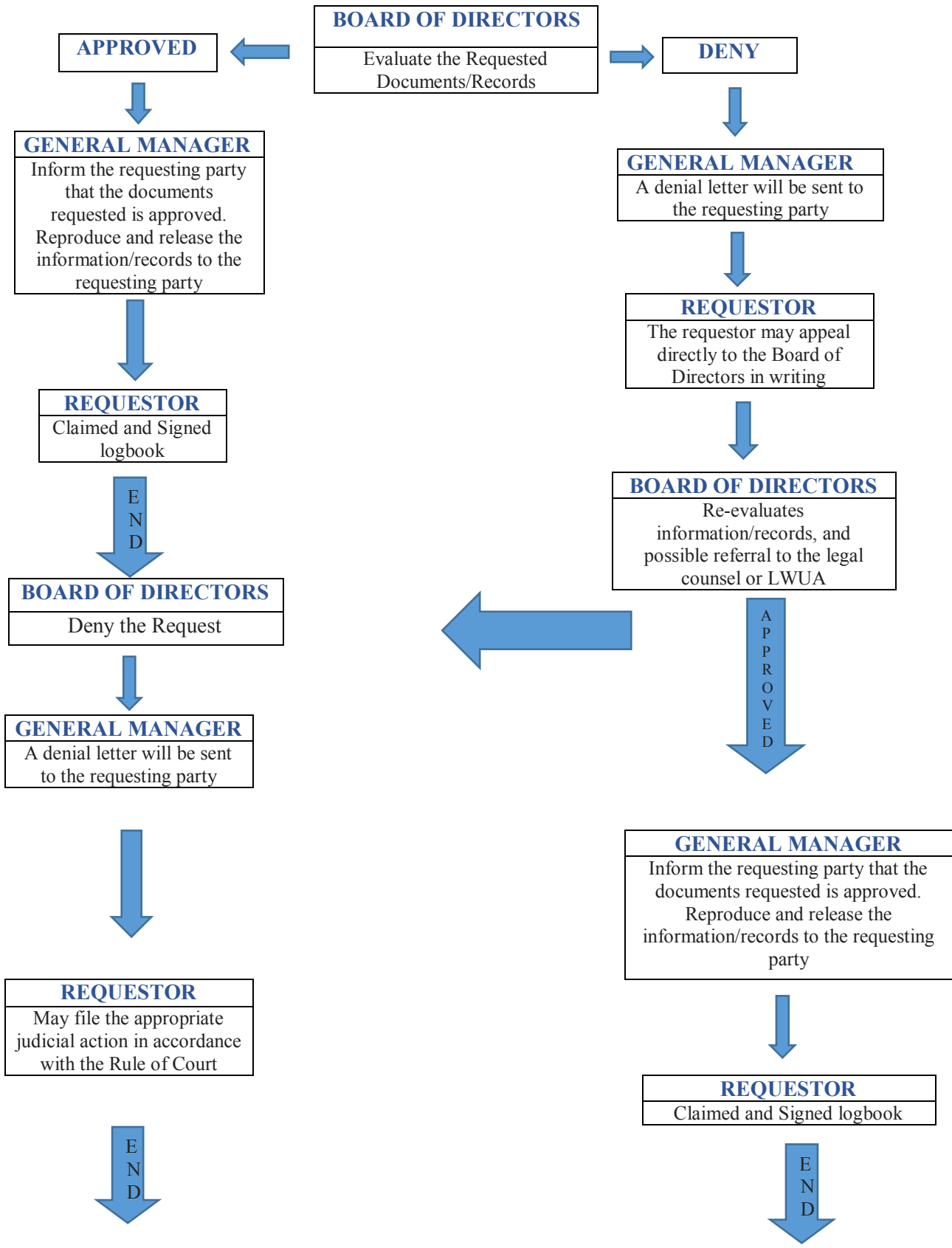
The procedure for Request for Information / Record covers the filing of request for information with the Pulupandan Water District (FOI Request Forms is available at the PACD located at the entrance of the SWD's office), receipt and evaluation of request, and approval/denial of request.

No Fees shall be collected from the requesting party.

Requirements:

1. Duly accomplished Request Form
2. Valid identification card
3. For representatives, an authorization letter and valid ID





APPROVED

BOARD OF DIRECTORS
Evaluate the Requested Documents/Records

DENY

GENERAL MANAGER
Inform the requesting party that the documents requested is approved. Reproduce and release the information/records to the requesting party

GENERAL MANAGER
A denial letter will be sent to the requesting party

REQUESTOR
Claimed and Signed logbook

REQUESTOR
The requestor may appeal directly to the Board of Directors in writing

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N
D

BOARD OF DIRECTORS
Deny the Request

BOARD OF DIRECTORS
Re-evaluates information/records, and possible referral to the legal counsel or LWUA

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GENERAL MANAGER
A denial letter will be sent to the requesting party

GENERAL MANAGER
Inform the requesting party that the documents requested is approved. Reproduce and release the information/records to the requesting party

REQUESTOR
May file the appropriate judicial action in accordance with the Rule of Court

REQUESTOR
Claimed and Signed logbook

E
N
D

E
N
D

IX. Pulupandan Water District FOI Annexes

ANNEX “A”

LIST OF EXCEPTIONS

LIST OF EXCEPTIONS for FOI Manual

1. The Pulupandan Water District shall deny access to information only when the information requested falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence and specified in the inventory of exceptions as embodied in the Circular issued by the Office of the President pursuant to Section 4 of EO 2, s. 2016.
2. The requested information is not in the custody of Pulupandan Water District
3. The requested information contains Sensitive Personal Information, unless authorized by the owner thereof.
4. 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 Pulupandan Water District.
5. Filed and pending cases (Courts and Ombudsman)
6. 201 Files
7. Personnel Selection Board Documents
8. Statement of Assets, Liabilities and Net-Worth (SALN)
9. BAC Minutes of meetings, except Minutes of Opening of Bids, as provided under rd the last sentence 3 Paragraph, Section 29, the 2016 Revised IRR, RA 9184, and only upon written request stating reasons therefor, and payment of minimal fee to recover cost of materials
10. Abstract of Bids, except Abstract of Bids as Read, as provided under the last rd sentence, 3 Paragraph, Section 29, the 2016 Revised IRR, RA 9184, and only upon written request stating reasons therefor, and payment of minimal fee to recover cost of materials.
11. TWG Recommendation, BAC Resolutions, and other Bidding Documents
12. IPCR
13. Financial Report not yet audited by COA

14. All reports not in the final form
15. Agenda, deliberations and minutes of the Board Meetings
16. Legal opinions or comments rendered by the Legal Service

X. SIGNED

This Freedom of Information Manual, was signed on December 05, 2017 by:


AMADOR G. GEROY
General Manager D

ANNEX "B"

FOI REQUEST FORM



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

FOI Request Form

Title of the Documents : _____

Date :

Purpose:

Name: _____ Contact Nos. _____

Signature: _____ Date: _____

Address : _____ Proof of Identity: _____

How would you like to receive the information? (Pick-up, Mail or E-mail)

Submitted to: _____ Date/Time of Submission: _____ Certified by:

_____ Type of action conducted:

_____ Received by:

Personnel Assistance and Complaint Desk (PACD)

Remarks:

ANNEX "C"

FOI RESPONSE TEMPLATE – COMPLETION OF FORM



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

After processing your request, we found that you have failed to provide the following necessary details: _____ . For the processing of your request, please provide us with the necessary missing details.

Thank you.

Respectfully,

General Manager

ANNEX "D"

FOI RESPONSE TEMPLATE – EXTENSION OF PERIOD



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

Since your request requires extensive search of the records and facilities of the Pulupandan Water District or Because of _____ which is beyond our control, we are asking for an extension of 15 days in order to fully process your request.

Thank you.

Respectfully,

General Manager

ANNEX "E"

FOI RESPONSE TEMPLATE – CLARIFICATION



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr/Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

In order to fully process your request, may we ask for the following clarificatory details:

_____.

Thank you.

Respectfully,

General Manager

ANNEX "F"

FOI RESPONSE TEMPLATE – DENIAL (falls under list of exceptions)



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

Your FOI request is APPROVED. The Pulupandan Water District will forward the copies of all the requested information to you in accordance to the information you have stated in the FOI request form.

Thank you.

Respectfully,

General Manager

ANNEX "G"

FOI RESPONSE TEMPLATE – DENIAL (contrary to law, rules and regulations)



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

Your FOI request is DENIED because it is contrary to _____. If you would like to appeal this denial, you may submit an appeal within fifteen (15) days from the receipt of this letter to the Board of Directors of Pulupandan Water District.

Thank you.

Respectfully,

General Manager

ANNEX "H"

FOI RESPONSE TEMPLATE – DENIAL (falls under list of exceptions)



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

Your FOI request is DENIED because it falls under the list of exceptions, specifically _____ . If you would like to appeal this denial, you may submit an appeal within fifteen (15) days from the receipt of this letter to the Board of Directors of Pulupandan Water District.

Thank you.

Respectfully,

General Manager

ANNEX "I"

FOI RESPONSE TEMPLATE – SIMILAR TO PREVIOUS REQUEST



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

Since your requested information is substantially similar or identical to your previous request dated _____, the Pulupandan Water District shall not act upon your request. Please be guided accordingly.

Thank you.

Respectfully,

General Manager

ANNEX "J"

FOI RESPONSE TEMPLATE – AVAILABLE ONLINE



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

We would like to inform your requested information can be FOUND ONLINE at the website of the Pulupandan Water District. Your requested information can be found at the following link/s:[www.balambanwd.gov.ph/www.info.balambanwd.gov.ph]

Thank you.

Respectfully,

General Manager

ANNEX "K"

FOI RESPONSE TEMPLATE – NOT IN CUSTODY (information with other government agency)



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

We would like to inform you the Pulupandan Water District is NOT IN POSSESSION of the information you have requested. You may file a request to _____.

Thank you.

Respectfully,

General Manager

ANNEX "L"

FOI RESPONSE TEMPLATE – NOT IN CUSTODY (information not with agency covered by E.O. No. 2)



Republic of the Philippines
PULUPANDAN WATER DISTRICT
Pulupandan, Negros Occidental

DATE

Dear Mr./Mrs. _____,

Greetings!

Thank you for your request dated _____ under Executive Order No. 2 (s. 2016) on Freedom of Information in the Executive Branch.

Information Requested:

You asked for _____.

Response to your request:

We would like to inform you the Pulupandan Water District is NOT IN POSSESSION of the information you have requested. You may file a request to _____ which can properly process your request.

Thank you.

Respectfully,

General Manager