



LUBAO WATER DISTRICT

San Nicolas I Lubao, Pampanga

Tel/fax No. (045) 971-6699 Website: <https://www.lubaowaterdistrict.gov.ph>

FREEDOM OF INFORMATION

EXECUTIVE ORDER NO. 02
SERIES OF 2016

**LUBAO WATER DISTRICT
PEOPLE'S FOI MANUAL**

FREEDOM OF INFORMATION (FOI) MANUAL



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A. OVERVIEW

- 1. Statement of Policy.** It is the policy of the State to adopt and implement a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law (Section 28, Article II, 1987 Constitution). Moreover, the 1987 Constitution guarantees the right of the people to information on matters of public concern (Sec.7, Article III).

In addition, it is mandated that the governance of water district shall be carried out in a transparent, responsible and accountable manner and with the utmost degree of professionalism and effectiveness R.A. No. 10149, Section 2. Lubao Water District adheres to the above policies and has thus taken measures to operationalize the same through this Freedom of Information Manual (FOI Manual), designed to accommodate requests of information from the public as regards matters falling within the LWD's mandate under Republic Act (R.A.) No. 10149.

- 2. Purpose.** The purpose of this FOI Manual is to guide and assist the Lubao Water District (LWD) and the public in dealing with requests of information received under Executive Order (E.O.) No. 2 on Freedom of Information issued on 23 July 2016.
- 3. Structure of the Manual.** This Manual shall define the rules and procedures to be followed by the LWD 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 the LWD as may designated from time to time and as approved by the Board of Directors of LWD. 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 and/or to recommend whether to release all the records, partially release the records or deny access.
- 4. Coverage of the Manual.** This FOI Manual shall cover all requests for information directed to the Lubao Water District and all its attached office/divisions.
- 5. FOI Receiving Officer.** There shall be FOI Receiving Officers (FROs) designated by the General Manager. The functions of the FRO shall include receiving on behalf of the LWD all requests for information and forwarding the same to the appropriate office which has custody of the records; monitoring all FOI requests and appeals; providing assistance to the FOI Decision Maker; providing



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assistance and support to the public and staff with regard to FOI; compiling statistical information as required; and conducting initial evaluation of the request and advising the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or denied based on any of the following grounds:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the LWD's Official Website, www.lubaowaterdistrict.gov.ph

6. FOI Decision Maker. There shall be FOI Decision Makers (FDMs), designated by the Board of Directors, who shall conduct evaluation of the request for information and have the authority to grant the request, or deny it based on the following:

- a. The Lubao Water District 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 the Lubao Water District.

B. DEFINITION OF TERMS

- a. **Administrative FOI Appeal** - An independent review of the initial determination made in response to an FOI request. Requesting parties who are dissatisfied with the response made on their initial request have a right to appeal that initial determination to an office within the agency, which will then conduct an independent review.
- b. **data.gov.ph** - The Open Data website that serves as the government's comprehensive portal for all public government data that is searchable, understandable, and accessible.
- c. **eFOI.gov.ph** - The website that serves as the government's comprehensive FOI website for all information on the FOI.



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- d. **Exceptions** - Information that should not be released and disclosed in response to an FOI request because these are protected by the Constitution, laws or jurisprudence.
- e. **Freedom of Information (FOI)** - The right of the people to information on matters of public concern, necessitating the adoption and implementation of a policy of full public disclosure of the Executive Branch's transactions involving public interest, subject to the procedures and limitations provided in the 1987 Constitution, Executive Order No. 2 Republic Act No. 10173 or the Data Privacy 2 Act of 2012, and other existing laws, rules and regulations.
- f. **FOI Request** - A written request submitted by any Filipino to the LWD personally or by email asking for records on any topic falling under the water district's mandate.
- g. **Full Denial** - The non-release by the Lubao Water District of information in response to an FOI request.
- h. **Full Grant** - Disclosure by the Lubao Water District of Information in response to an FOI request.
- i. **Information** - Shall mean any record, document, paper, report, letter, contract, minutes, transcript of official meetings, maps, books, photographs, research datum, research material, film, sound and video recording, magnetic or other tape, electronic datum, computer-stored datum, or any other like or similar datum or material recorded, stored or archived in whatever format, whether offline or online, which is made, received, or kept in or under the control and custody of the LWD pursuant to law, executive order, and rules and regulations or in connection with the performance or transaction of official business by the LWD.
- j. **Information for Disclosure** - Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public' government agencies, and the community and economy. it also includes information encouraging familiarity with the general operation, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted on government websites, such as data.gov.ph without need for written requests from the public.



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- k. **Official Record** - 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.
- l. **Open Data** - Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- m. **Partial Grant/Partial Denial** - Disclosure by the LWD of portions of records in response to an FOI request, and denial of the remaining portions of such records.
- n. **Proactive Disclosure** - Information made publicly available by the LWD without waiting for a specific FOI request.
- o. **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.
- p. **Personal Information** - Shall refer to any information, whether recorded in a material form or not, from which the identity 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.
- q. **Received Request or Received Appeal** - An FOI request or administrative appeal that the LWD has received within a fiscal year.
- r. **Sensitive Personal Information** - Shall refer to personal information:
 - (1) About an individual's race, ethnic origin, marital status, age, and religious, philosophical or political affiliations,
 - (2) About an individual's health education, genetics, or sexual life, or any proceedings for any offense committed or alleged to have been committed by such individual, or the disposition of such proceedings by any court;
 - (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



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(4) Specifically established by an executive order or an act of Congress to be kept classified.

- s. **Referral** – When the government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a “referral”.

C. PROMOTION OF OPENNESS IN GOVERNMENT

1. **Duty to Publish Information.** Lubao Water District shall regularly publish, print and disseminate at no cost to the public and in an accessible form, in conjunction with Republic Act No. 9485 or the Anti-Red Tape Act of 2007, and through its website, timely, true, accurate and updated key information including’ but not limited to;

- A description of its mandate, structure, powers, functions, duties and decision- making processes;
- A description of the frontline services it delivers and the procedure and length of time by which they may be availed of;
- The names of its key officials, their powers, functions and responsibilities, and their profiles and curriculum vitae;
- Work programs, development plans, investment plans, projects, performance targets and accomplishments, budgets, revenue allotments and expenditures;
- Important rules and regulations, orders or decisions;
- Current and important databases and the statistics that they generate;
- Bidding processes and requirements; and
- Mechanisms or procedures by which the public may participate in or otherwise influence the formulation of policy or the exercise of its powers.



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2. **Accessibility of Language and Form.** Lubao Water District shall endeavor to translate key information into major Filipino languages and present them in popular form and means.
3. **Keeping of Records.** Lubao Water District shall create and/or maintain in appropriate formats, accurate and reasonably complete documentation of records, policies, transactions, decisions, resolutions, enactments, actions, procedures, operations, activities, communications and documents received or filed with them and the data generated or collected.

D. PROTECTION OF PRIVACY

While providing for access to information, Lubao Water District shall afford full protection to a person's right to privacy, as follows:

- Lubao WD shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- Lubao WD shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- Any Lubao WD personnel or official who has access to personal information in the custody of the LWD shall not disclose such information except as authorized by existing laws.

E. STANDARD PROCEDURE *(See Annex A for the Flowchart)*

1. Receipt of Request for Information

- a. The FOI Receiving Officer (FRO) shall receive the request for information from the requesting party and check compliance with the following requirements:
 - The request must be in writing.



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- The request shall state the name and contact information of the requesting party; and
- The request shall reasonably describe the information requested and the reason for, or purpose of, the request for information.
- The request can be made through email sent to lubaowaterdistrict@yahoo.com, provided that the requesting party shall attach in the email a scanned copy of the FOI application request, and a copy of duly-recognized government ID with photo.

The FRO shall be any personnel assigned to the Office of the General Manager.

- b. In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 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 of the person who actually received it, with 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.
- d. Lubao Water District must respond to requests promptly within fifteen (15) working days following the date of the receipt of the request in relation to RA 6713. A working day is any day other than a declared national public holiday. In computing the period, Article 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- The day on which the request is physically or electronically delivered to the Lubao Water District Main Office, or directly into lubaowaterdistrict@yahoo.com.



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- If LWD has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

2. Initial Evaluation

- a. After receipt of the request for information, the FRO shall then forward the request to the FOI Document Owner (FDO) of the Office which has ownership over the documents containing the information within one (1) day from receipt of the written request. The FRO shall maintain a record of all transmitted requests to the concerned FDOs.
- b. If the requested Information is not in the custody of the LWD or office other than the LWD, the FRO, upon verification with the concerned FDO, shall transmit the request to such government agency or office through the most expeditious manner, informing the requesting party of such transmission and the reasons thereof.
- c. If the information requested is already posted and publicly available in the Lubao Water District website, lubaowaterdistrict.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. Transmittal of Request by the FRO to the FDM. Upon receipt of the request, the FDO shall assess and clarify the request if necessary, and transmit the request and the recommended action to the FOI Decision Maker (FDM), who is the Chairman of the Commission or his duly authorized representative, for final grant or denial.

4. Role of FDM in processing the request. Upon full grant of the request by the FDM, the FDO shall make all the necessary steps to locate and retrieve the information requested. Thereupon shall transmit the requested information to the FRO.

If the FDO needs further details to identify or locate the information, he shall, through the FRO, seek clarification from the requesting party. The clarification shall toll the running of the 15-working day period and will resume the day after it receives the



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required clarification from the requesting party. If the FDO determines that a record contains information of interest to another government agency or office other than the LWD the FDO shall consult with the Office or agency concerned regarding the legality of disclosing the information before making any determination.

The FDO of each Office of the Lubao Water District shall hold at least an ICO position.

- 5. Request for an Extension of Time.** If the information requested requires extensive search and examination of the LWD's official records or facilities, or if fortuitous events occur making timely release of the information impossible, the FDO shall inform the FRO of such circumstances and state that an extension of the 15-working day period is necessary. The FRO shall inform the requesting party of the extension, which in no case shall exceed twenty (20) working days in addition to the original 15- working day period, unless exceptional circumstances warrant a longer period.
- 6. Role of FRO to transmit the information to the requesting party.** Upon receipt of the requested information from the FDO, the FRO shall collate the same and ensure its completeness. He/She shall attach a cover transmittal letter signed by the FDM or his duly authorized representative, and ensure transmittal of said letter and the requested information to the requesting party within 15 working days from receipt of the request.
- 7. Denial of Request.** In case of partial or full denial by the Office of the General Manager of the request, the FRO shall, within the prescribed period, notify in writing the requesting party of such denial, setting forth the grounds thereof and the circumstances on which the denial is made. Denials can only be grounded on exceptions determined by the Department of Justice (DOJ), Office of the Solicitor General (OSG), or the Office of the President (OP). In case of partial denial, the release of such information not covered by the denial shall be governed by Items Nos. 6 and 8, Section E hereof. Upon receipt of the notice of denial, the requesting party may file a written appeal to the LWD Central Appeals and Review Committee for FOI Matters (Committee) within fifteen (15) calendar days from the notice of denial. The Committee shall evaluate the appeal and forward its recommendations to the LWD BOD Chairman and Directors, who shall decide on the appeal within thirty (30) working days from the date of filing of the written appeal. The FRO shall notify in writing the requesting party of the decision



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on the appeal, setting forth the grounds thereof and the circumstances on which the decision is made.

The Committee shall be composed of all FDOs of the Lubao Water District.

- 8. No Wrong Door Policy/Referral to other Agency.** When the requested information is not in the possession of a government agency (government agency no. 1 or GA1), but is available in another government agency (government agency no. 2 or GA2) under the Executive Branch, the request shall be immediately referred by GA1 to GA2 through the most expeditious manner but not exceeding three (3) working days from the receipt of the request. This shall be considered as the “First Referral” and a fresh period will apply.

Referral to the appropriate government agency shall mean that another government office is the proper repository or custodian of the requested information or records, or have control over the said information or records. If GA1 fails to refer the request within three (3) working days upon its receipt, the FRO shall act on it within the remaining period to respond pursuant to EO no. 02, s. 2016. No fresh period shall apply.

If GA1, in good faith, erroneously referred the request to GA2, the latter shall immediately notify the former as well as the requesting party, that the information requested is not available in their agency. GA2, to whom the request was referred under the First Referral may subsequently refer the request to another government agency (government agency no. 3 or GA3) under the procedure set forth. This shall be considered as the “Second Referral” and another fresh period shall apply.

Referrals under this Order shall only be limited to two (2) subsequent transfers of request. A written or email acknowledgment of the referral shall be made by the FRO of the government agency where it was referred.

The requesting party shall be notified at the referral and must be provided with the reason or rationale thereof, and contact details of the government office where the request was referred. *(See Annex B for flowchart)*

F. REMEDIES IN CASE OF DENIAL



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

1. **Administrative FOI Appeal to the FOI Appeals and Review Committee.** Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the LWD FOI Appeals 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. The appeal shall be decided by the General Manager upon the recommendation of the FOI Appeals and Review Committee within thirty (30) working days from filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action under the Rules of Court.

G. REQUEST TRACKING SYSTEM

The Lubao Water District shall establish a system to trace the status of all requests for information received by it.

FOI Receiving Officer (FRO)

- Sharon Rose P. Galan
Email: lubaowaterdistrict@yahoo.com
Cellphone No: 0998-549-2337

H. FEES

1. **FEES For Actual Expenses Incurred.** Lubao Water District shall not charge any fee for accepting requests for information. However, the water district may charge reasonable fees for actual expenses incurred for reproduction and copying of information. The FRO shall immediately inform the requesting party if such expenses have been incurred. The schedule of fees shall be posted by the LWD.



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- FREE - If the requested information consumed only five (5) pages or less for the print out.
- Php 2.00 per page – If the requested information consumed more than five (5) pages for the print out.

2. **Exemption from PAYMENT of FEES.** LWD may exempt any requesting party from payment of fees, stating the valid reasons for such exemption.

G. ADMINISTRATIVE LIABILITY

1. **Ground for Disciplinary Action.** Failure to comply with the provisions of this Manual shall be ground for disciplinary action under pertinent Administrative laws, Civil Service rules, and LWD issuances. However, nothing in this Manual shall be construed to derogate from any law, rule or regulation which provides for more stringent penalties, as prescribed by competent authority.

H. REPEALING CLAUSE

All other Lubao Water District orders, circulars, issuances, decisions, or parts of the foregoing which are inconsistent with this Manual are hereby repealed or modified accordingly.

I. EFFECTIVITY CLAUSE

This Manual shall take effect immediately.

Approved by: .


EVELINA S. GALICIA

General Manager B



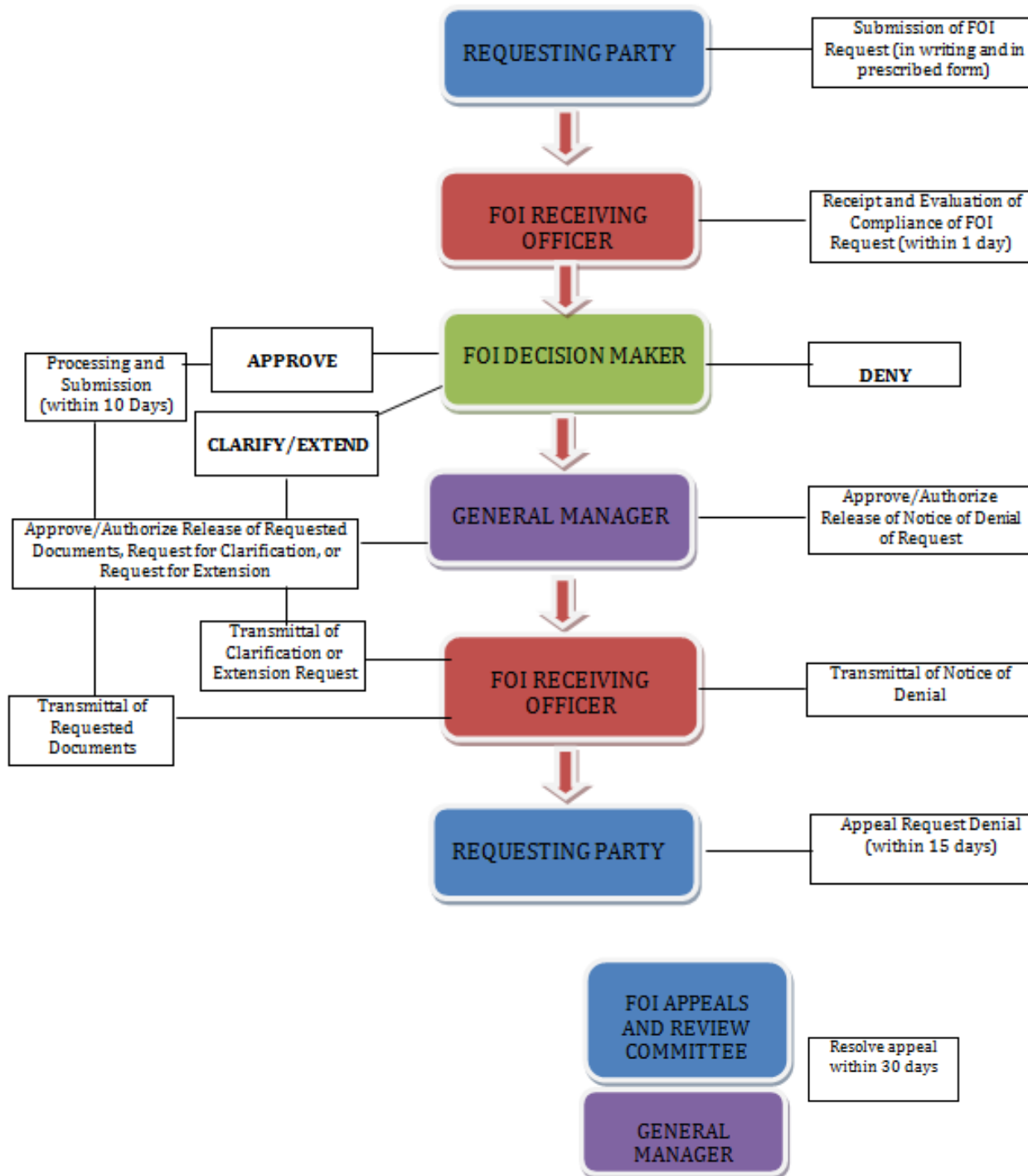
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ANNEX "A"

FOI REQUEST FLOWCHART





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ANNEX "B"

NO WRONG DOOR POLICY FLOWCHART

