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BAYAWAN WATER DISTRICT PEOPLE'S FREEDOM OF INFORMATION (FOI) MANUAL

This People's Freedom of Information Manual of the Bayawan Water District (B.A.W.A.D.) provides the process to guide both the agency and the public in dealing with requests of information received under Executive Order No. 02 s. 2016 on Freedom of Information.

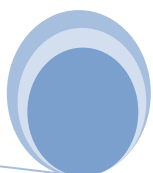
"Access to public records gives citizens the opportunity to participate in public life, help set priorities, and hold their governments accountable. A free flow of information can be an important tool for building trust between a government and its citizens. It also improves communication within government to make the public administration more efficient and more effective in delivering services to its constituency. But, perhaps most importantly, access to information is a fundamental human right and can be used to help people exercise other critical human rights, such as clean water, healthcare, and education. Access to information has been more recently recognized as an instrument that can be utilized to fight poverty in developing nations." The Carter Center, Americas program, http://cartercenter.org/peace/americas/nav_question4.html, accessed 11 May 2009."



Bayawan Water District People's Freedom of Information Manual

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SECTION I: OVERVIEW

1. PURPOSE OF THE MANUAL

The purpose of this People's Freedom to Information (FOI) Manual is for Bayawan Water District (BAWAD) to efficiently address all requests that are covered under Executive Order No. 2, series 2016 issued by the President of the Philippines (Annex B). This guarantees the right of the people to information on matters of public concern. It is a recognition of the fundamental role of free and open exchange of information in a democracy to enhance transparency and accountability in government official acts, transactions, or decisions.

2. STRUCTURE OF THE MANUAL

This Manual shall set out the forms, rules and procedures to be followed when a request for access to information is received by BAWAD. The General Manager (GM) is responsible for all actions carried out under this manual and may delegate this responsibility to the next-in-rank down to the level of the Division Manager who in return shall have possessed overall responsibility for the initial decision (Decision Maker) on BAWAD FOI requests. The GM shall have overall responsibility for the final decision on FOI requests (i.e., to decide whether to release all the records, partially release the records or deny access).

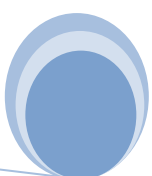
3. COVERAGE OF THE MANUAL

The BAWAD FOI Manual shall include all requests for information directed to BAWAD. Requests for certified true copies of official documents shall be treated on a case-to-case basis.

4. RESPONSIBLE OFFICERS

For purposes of the Manual, there shall be the following FOI officers:

4.1. **FOI Focal Person (FFP)** is the head of the agency who gives the final approval or denial of all FOI requests lodged to the agency.





4.2. **FOI Decision Maker (FDM)** (Approval and Denial of Request to Information) is designated by BAWAD's General Manager, with a rank of not lower than a Division Manager or its equivalent. The FDM evaluates and approves or denies all request of information based on the following:

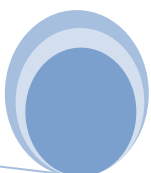
- a. BAWAD does not have the information requested;
- b. the information requested contains sensitive personal information protected by the Data Privacy Act of 2012;
- c. the information requested falls under the list of exceptions to FOI; or
- d. the request is an unreasonable subsequent identical or substantially similar request from the same requesting party (RP) whose request has already been previously granted or denied by BAWAD.

4.3. **FOI Receiving Officer (FRO)** is also designated by the BAWAD General Manager and carries out the following functions:

- a. receiving all requests for information and forward the same to the appropriate office who has custody of the records;
- b. monitors all FOI requests and appeals;
- c. provide assistance to the FDM;
- d. provides assistance and support to the public and staff with regard to FOI;
- e. compiles statistical information as required; and
- f. conducts initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FDM for further evaluation, or deny the request based on:
 - that the form is incomplete; or
 - that the information is already disclosed in BAWAD's Official website, foi.gov.ph, or at data.gov.ph.

5. CENTRAL APPEALS AND REVIEW COMMITTEE

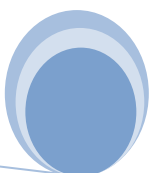
Central Appeals and Review Committee (CARC) is the personnel designated by the General Manager to review and analyze the grant or denial of request of information. The Committee shall also provide expert advice to the General Manager on the denial of such request.





6. APPROVAL AND DENIAL OF REQUEST TO INFORMATION

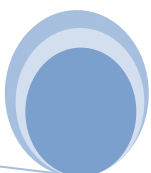
The Decision Maker shall approve or deny all request of information. In case where the Decision Maker is on official leave, the General Manager may delegate such authority to his Chief of Staff or any office-in-charge of the unit.





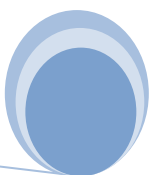
SECTION II: DEFINITION OF TERMS

- 1. CONSULTATION.** When a government office locates a record that contains information of interest to another office, it will ask for the views of that other agency on the disclosing of the records before any final determination is made. This process is called a “consultation.”
- 2. 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.
- 3. FOI.gov.ph.** The website that serves as the government’s comprehensive FOI website for all information on the FOI. Among many other features, FOI.gov.ph provides a central resource for the public to understand the FOI, to locate records that are already available online, and to learn how to make a request for information that is not yet publicly available. FOI.gov.ph also promotes agency accountability for the administration of the FOI by graphically displaying the detailed statistics contained in annual FOI Reports, so that they can be compared by agency and over time.
- 4. EXCEPTIONS.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Constitution, laws or jurisprudence.
- 5. FREEDOM OF INFORMATION (FOI).** The Executive Branch recognizes the right of the people to information on matters of public concern, and adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to the procedures and limitations provided in Executive Order No. 2. indispensable to the exercise of the right of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making.
- 6. FOI CONTACT.** The name, address and phone number of the Bayawan Water District where you can make a FOI request.
- 7. FOI REQUEST.** A written request submitted to Bayawan Water District personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.





- 8. FOI RECEIVING OFFICE.** The primary contact at each agency where the requesting party can call and ask questions about the FOI process or the pending FOI request.
- 9. FREQUENT OR OVERLAPPING REQUEST.** This occurs when a RP submits a correspondence involving the same issue frequently, or submits the same request over a period of time before the office can have the opportunity to address the earlier request. However, there is no frequent or overlapping request when the information that was previously released has been updated or has already changed.
- 10. FREQUENTLY REQUESTED INFORMATION.** Information released in response to a FOI request that the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records.
- 11. FULL DENIAL.** When Bayawan Water District cannot release any records in response to a FOI request, because, for example, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.
- 12. FULL GRANT.** When Bayawan Water District is able to disclose all records in full in response to a FOI request.
- 13. 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 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.
- 14. 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 operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of





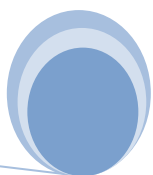
information can already be posted to government websites, such as data.gov.ph, without need for written requests from the public.

- 15. MULTI-TRACK PROCESSING.** A system that divides incoming FOI requests according to their complexity so that simple requests requiring relatively minimal review are placed in one processing track and more complex requests are placed in one or more other tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
- 16. OFFICIAL RECORD/S.** 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.
- 17. ONE-PAGE FOI MANUAL.** A shorter reference version of the FOI manual. It is an easily comprehensible one-page manual that is more accessible to the public.
- 18. OPEN DATA.** Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.
- 19. PARTIAL GRANT/PARTIAL DENIAL.** When Bayawan Water District is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.
- 20. PENDING REQUEST OR PENDING APPEAL.** An FOI request or administrative appeal for which a government office has not yet taken final action in all respects. It captures anything that is open at a given time including requests that are well within the statutory response time.
- 21. PERFECTED REQUEST.** A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.
- 22. PERSONAL GRUDGES.** This occurs when the requesting party submits a correspondence on a particular government official or employee against whom he/she has some personal enmity; or the said request is made to express hatred to a particular official or employee.





- 23. 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.
- 24. PREMATURE REQUEST.** Information that is yet to be processed or will soon be published or the disclosure of which would be premature in relation to a planned announcement or publication.
- 25. PROACTIVE DISCLOSURE.** Information made publicly available by government agencies without waiting for a specific FOI request. Government agencies now post on their websites a vast amount of material concerning their functions and mission.
- 26. PROCESSED REQUEST OR PROCESSED APPEAL.** The number of requests or appeals where the agency has completed its work and sent a final response to the requester.
- 27. 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.
- 28. RECEIVED REQUEST OR RECEIVED APPEAL.** An FOI request or administrative appeal that an agency has received within a fiscal year.
- 29. REFERRAL.** When a 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.”
- 30. REPROCESSED DATA.** Request for information that will require the agency to re-process the data. Re-processed data means that the data was already proactively disclosed or the data was requested and was previously disclosed.
- 31. SENSITIVE PERSONAL INFORMATION.** As defined in the Data Privacy Act of 2012, shall refer to personal information:
- a. About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;

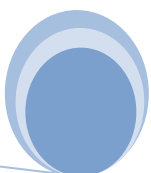




- b. About an individual health, education, genetic or sexual life of a person, or to any proceedings for any offense committed or alleged to have committed by such person, the disposal of such proceedings or the sentence of any court in such proceedings;
- c. Issued by government agencies peculiar to 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
- d. Specifically established by an executive order or an act of Congress to be kept classified.

32. SIMPLE REQUEST. A FOI request that an agency anticipates will involve a small volume of material or which will be able to be processed relatively quickly.

33. UNFOUNDED ACCUSATIONS. This occurs when the request makes completely unsubstantiated accusations against the public authority or specific employees.

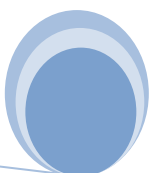




SECTION III. PROTECTION OF PRIVACY

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

- a. BAWAD shall ensure that personal information, particularly sensitive personal information, in its custody or under its control is disclosed only as permitted by existing laws;
- b. BAWAD shall protect personal information in its custody or under its control by making reasonable security arrangements against unauthorized access, leaks or premature disclosure;
- c. The FRO, FDM, FFP or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of BAWAD, shall not disclose that information except as authorized by existing laws.
- d. BAWAD shall exercise reasonable diligence in protecting the personal information disclosed in the FOI application form of the RP.





SECTION IV. OPERATING STANDARD PROCEDURE

A. Standard or E-mailed Mode of Request (Annex D)

1. Filing of Request of Information

The Requesting Party (RP) shall submit all the requirements to the FOI Receiving Officer (FRO) at Bayawan Water District, Lot 1, Block N, DGV Subdivision, Brgy. Villareal, Bayawan City, Negros Oriental which is open from 8:00 AM – 5:00 PM, Mondays to Fridays except holidays.

1.1 The FRO shall receive the request for information from the requesting party and check compliance of the following requirements:

- The request must be in writing;
- The request shall include the name and contact information of the requesting party, as well as provide valid proof of identification or authorization; and
- The request shall reasonably describe the information requested, and the reason for, or the purpose of, the request for information. (Annex H).

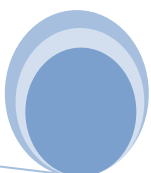
1.2 The request can be made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI request form, and a copy of a duly recognized government ID with photo.

1.3 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 put it in writing.

2. Receipt of Request for Information

2.1 The FRO shall receive the request for information from the RP and check compliance of the request based on the submitted requirements.

2.2 The request shall be stamped “RECEIVED” by the FRO, indicating the date and time of the receipt of the written request, and the name, rank, title, and position of the public officer who actually received it, with a corresponding signature and a copy, furnished to the requesting party. The officer shall also provide contact information where the RP may follow-up the request. The FRO shall input the details of the request on the Request Tracking System and allocate a reference





number. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail.

2.3 The BAWAD must respond to requests promptly, within fifteen (15) working days following the date of receipt of the request. A working day is any day other than Saturday, Sunday or a day which is declared as a non-working or public holiday in the Philippines. In computing for the period, Article 13 of the New Civil Code shall be observed, thus:

Article 13: “When the laws speak of years, months, days or night.

It shall be understood that the years are of three hundred sixty-five days each; months, of thirty days; days, of twenty-four hours; and nights from sunset to sunrise.

If months are designated by their name, they shall be computed by the number of days which they respectively have.

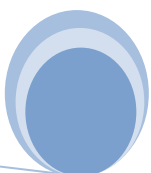
In computing a period, the first day shall be excluded, and the last day included.”

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to Bayawan Water District office, or directly into the email inbox of Bayawan FRO; or
- b. If Bayawan Water District office has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.

An exception to this will be where the request has been emailed to an absent employee or staff, and this has generated an ‘out of office’ message with instructions on how to re-direct the message to another contact. Where this is the case, the date of receipt will be the day the request arrives in the inbox of that contact.

Should the requested information need further details to identify or locate, then the fifteen working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty calendar days, the request shall be closed.





3. Initial Evaluation

After receipt of the request for information, the FRO shall evaluate the contents of the request. The FRO shall conduct initial evaluation of the request and advise the requesting party (RP) whether the request will be forwarded to the FDM for further evaluation; or deny request based on any of the following:

- That the form is incomplete,
- That the information is already disclosed in the BAWAD's official website: bayawanwd.gov.ph

4. Transmittal of request by the FRO to the FDM

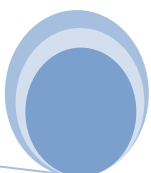
The FRO shall log the request in the logbook. The copy of the request shall be forwarded to such FDM within one (1) day from receipt of the written request. The FRO shall record the date, time and name of the FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.

5. Role of the FDM in processing request

Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall identify whether the requested information is simple or complex or if it needs additional details.

For simple requests, the FDM shall direct the FRO to retrieve the information requested within 10 days upon receipt of request.

For complex requests, the FDM shall inform the FRO that the requested information is a complex request and would require extension. The FDM shall then direct the FRO to retrieve the information requested within 20 days from receipt of request. The FRO shall inform the RP for the needed extension through phone call and formal communication signed by the FPP.





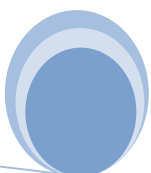
5.1 Request relating to more than one unit under BAWAD

If a request for information is received which requires to be complied with by different units, the FDM shall forward such request to the units concerned and ensure that it is well coordinated and monitor its compliance. The FDM shall also clear with the respective units that they will only provide the specific information that relates to their offices.

5.2 Requested information is not under the custody of BAWAD

If the requested information is not in custody of BAWAD, following referral and discussion with the FPP, the FDM shall direct the FRO to undertake the following steps:

- a. If the records requested is not in the possession of the government agency (GA1) but available to another agency (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 apply. 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. 2, 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 (GA3) under the same procedure for GA2. This shall be considered as the second referral and another fresh period shall apply. Referrals shall be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred. The RP shall be notified of the referral and must be provided with the reason and rationale thereof, and contact details of the government office where the request was referred. If GA3, after the second referral, still cannot provide





the information requested, it shall deny the said request and properly notify the RP. In all phases of the referral, the RP shall be informed in writing, email, and/or through the eFOI of the status of his/her request;

- b. If the records refer to an office not within the coverage of EO No. 2, the RP shall be advised accordingly and provided with the contact details of that office, if known. The FRO shall secure a transmittal signed by the FPP.

5.3 Requested information is already posted and available online

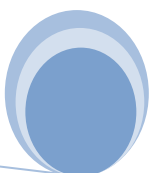
Should the information being requested is already posted and publicly available in BAWAD's website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

5.4 Requested information is substantially similar or identical to the previous request.

Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the Bayawan FRO shall inform the applicant of the reason of such denial.

When additional details are needed, the FDM shall inform the FRO that the requested information requires additional details. The FRO shall inform the RP for the needed additional details through phone call and formal communication signed by the FC. Once additional details are received, the FRO shall endorse said details to the FDM. The running of the fifteen (15) working day period shall stop and will commence after it receives the additional details or clarification from the RP.

The FDM shall evaluate if the request is recommended to be approved or denied based on the list of exceptions in EO 2, s. 2016, and other existing laws and jurisprudence.





6. Request for an Extension of Time

If the information requested requires extensive search of BAWAD's officer record facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the RP of the extension, explaining the reasons for doing so. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

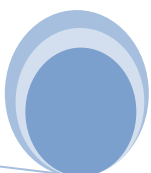
7. Approving or Denying of Request

After evaluation, the FPP shall give his final approval or denial of the request. The FPP shall sign the transmittal and the FDM shall give feedback to the FRO whether to approve the release of all the records, partially release the records or deny access. The FRO shall update the FOI logbook.

8. Notice to the Requesting Party of the Approval/Denial of the Request

In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter for email informing the requesting party within the prescribed period that the request was granted and is ready for release and be directed to pay the applicable fees, if any. For sensitive information, the FRO shall advise the RP to personally claim the information along with other needed documents to attest the identity and/or intent of the RP.

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly state the ground or 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 provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the office of the General Manager or the designated officer.





B. Through eFOI Portal Mode of Request (Annex E)

1. Filing of Request of Information

1.1 The RP shall access the eFOI portal through www.foi.gov.ph. The RP then creates an account and submits a scanned copy of his valid ID as proof of identification. Once account has been created, the RP access the request window by clicking on the “Make a Request” button. The RP shall fill out all needed information and submits the request.

1.2 The FRO fills-out the FOI request form using the details given by the RP in the eFOI portal and emails the copy of the form to the RP. The FRO contacts the RP and instructs the RP to sign and return the FOI request form to bayawanwaterdistrict@gmail.com because it would be needed before the release of the requested information.

2. Receipt of Request for Information

An eFOI automated reply will be sent to the RP.

3. Transmittal of request by the FRO to the FDM.

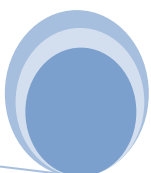
The FRO shall log the request in the logbook and endorse it to the FDM within one (1) day from the receipt of the request. The FDM accepts the request through the eFOI portal and signs the logbook to acknowledge receipt of request.

4. Role of the FDM in processing request

Upon receipt of the request for information from the FRO, the FDM shall assess and clarify the request if necessary. He or she shall make all necessary steps to locate and retrieve the information requested. The FDM shall identify whether the requested information is simple or complex or if it needs additional details.

For simple requests, the FDM shall direct the FRO to retrieve the information requested within 10 days upon receipt of request.

For complex requests, the FDM shall inform the FRO that the requested information is a complex request and would require extension. The FDM shall then direct the FRO to





retrieve the information requested within 20 days from receipt of request. The FRO shall inform the RP for the needed extension through phone call and formal communication signed by the FPP.

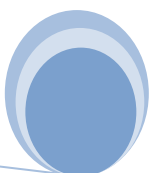
4.1 Request relating to more than one unit under BAWAD

If a request for information is received which requires to be complied with by different units, the FDM shall forward such request to the units concerned and ensure that it is well coordinated and monitor its compliance. The FDM shall also clear with the respective units that they will only provide the specific information that relates to their offices.

4.2 Requested information is not under the custody of BAWAD

If the requested information is not in custody of BAWAD, following referral and discussion with the FPP, the FDM shall direct the FRO to undertake the following steps:

- a. If the records requested is not in the possession of the government agency (GA1) but available to another agency (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 apply. 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. 2, 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 (GA3) under the same procedure for GA2. This shall be considered as the second referral and another fresh period shall apply. Referrals shall be limited to two (2) subsequent transfers of request. A written or email acknowledgement of the referral shall be made by the FRO of the government agency where it was referred. The RP





shall be notified of the referral and must be provided with the reason and rationale thereof, and contact details of the government office where the request was referred. If GA3, after the second referral, still cannot provide the information requested, it shall deny the said request and properly notify the RP. In all phases of the referral, the RP shall be informed in writing, email, and/or through the eFOI of the status of his/her request;

- b. If the records refer to an office not within the coverage of EO No. 2, the RP shall be advised accordingly and provided with the contact details of that office, if known. The FRO shall secure a transmittal signed by the FPP.

4.3 Requested information is already posted and available online

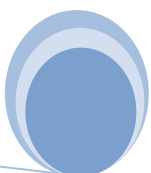
Should the information being requested is already posted and publicly available in BAWAD's website, data.gov.ph or foi.gov.ph, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

4.4 Requested information is substantially similar or identical to the previous request

Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the Bayawan FRO shall inform the applicant of the reason of such denial.

When additional details are needed, the FDM shall inform the FRO that the requested information requires additional details. The FRO shall inform the RP for the needed additional details through phone call and formal communication signed by the FC. Once additional details are received, the FRO shall endorse said details to the FDM. The running of the fifteen (15) working day period shall stop and will commence after it receives the additional details or clarification from the RP.

The FDM shall evaluate if the request is recommended to be approved or denied based on the list of exceptions in EO 2, s. 2016, and other existing laws and jurisprudence.





5. Request for an Extension of Time

If the information requested requires extensive search of BAWAD's officer record facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the FDM should inform the FRO.

The FRO shall inform the RP of the extension, explaining the reasons for doing so. In no case shall the extension exceed twenty (20) working days on top of the mandated fifteen (15) working days to act on the request, unless exceptional circumstances warrant a longer period.

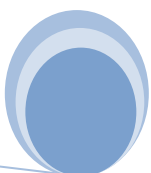
6. Approving or Denying of Request

After evaluation, the FPP shall give his final approval or denial of the request. The FPP shall sign the transmittal and the FDM shall give feedback to the FRO whether to approve the release of all the records, partially release the records or deny access. The FRO shall update the FOI logbook.

7. Releasing and/or Notifying the RP of the Approval/Denial of the Request

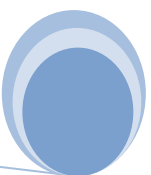
In case of approval, the FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The FRO shall prepare the letter for email informing the requesting party within the prescribed period that the request was granted and is ready for release and be directed to pay the applicable fees, if any. For sensitive information, the FRO shall advise the RP to personally claim the information along with other needed documents to attest the identity and/or intent of the RP.

In case of denial of the request wholly or partially, the FRO shall, within the prescribed period, notify the requesting party of the denial in writing. The notice shall clearly state the ground or 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 provided shall be deemed a denial of the request to information. All denials on FOI requests shall pass through the office of the General Manager or the designated





officer. The FDM updates the progress of the request in the eFOI portal and informs the FRO.

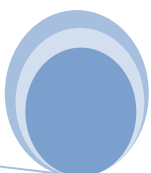




SECTION V. PERIOD OF ACTION TO RESPOND A REQUEST

The period of action in responding to the request will depend on the nature of the information requested and the approval or denial of such.

1. **Simple Requests:** Within fifteen (15) working days from receipt of the request;
2. **Complex Requests:** Within the thirty (35) working days from receipt of the request which constitutes the initial fifteen (15) working days upon request and additional twenty (20) working days for extension.
3. **Requests Needing Additional Details:** The FRO should inform the RP of the requested additional details and period of extension within fifteen (15) working days after the receipt of the request. Once the FRO has notified the RP of the needed additional details, the counting for the fifteen (15) working days will pause and will only commence the day after the requested additional details from the RP has been received. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.
4. **Denied Requests:** the RP shall be notified in writing within fifteen (15) working days of the denial of the requests whether in part or as a whole. Failure to notify the RP of the action taken on the request within the period shall be deemed a denial of the request for access to information.
5. **Referred Requests:** the request shall be referred and the RP shall be notified in writing within three (3) days from receipt of request.





SECTION VI. RETENTION PERIOD OF PERSONAL AND SENSITIVE PERSONAL INFORMATION

The FRO shall retain personal and sensitive personal information only for the fulfillment of the purpose for which request for information were obtained in order to secure the privacy of personal information and sensitive personal information of the RP. Said information may include but are not limited to:

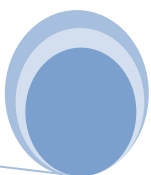
- a. FOI request forms containing personal and sensitive personal information;
- b. Valid proof of identification;
- c. Personal address; and
- d. Personal contact numbers.

The period to retain these information shall be two (2) years. For standard mode request, retention period shall be counted after the transaction has been closed or denied. For request made at the eFOI portal, the retention period shall be counted from the last login of the RP. The eFOI system will send a notification to the RP via their registered mail. The RP has the option whether to retain or delete their account permanently. They may retain their credentials by logging in within thirty (30) calendar days, however, failure to do so will prompt the system to delete their personal information with their IDs permanently.

The FOI-PMO is the one responsible in handling and retaining personal and sensitive personal information uploaded and processed in the eFOI because it is the manager and controller of the said portal.

BAWAD shall discard and dispose all personal and sensitive information in a secure manner that shall prevent further processing, unauthorized access or disclosure to any other party or the public, or prejudice the interests of the RP.

For paper-based documents, it may be discarded by mode of redaction and shredding pursuant to National Archives of the Philippines laws, rules and regulations on Records Disposal.





SECTION VII. LIST OF EXCEPTIONS

A memorandum from the Office of the President updated the Inventory of Exceptions to the Right to Access of Information under Executive Order No. 2 (S. 2016) was circularized on September 13, 2021 for the guidance of all government offices and instrumentalities covered by EO 2, S. 2016, and the general public.

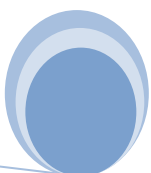
The foregoing list of exception shall be without prejudice to existing laws, jurisprudence, rules or regulations authorizing the disclosure of the excepted information upon satisfaction of certain conditions in certain cases, such as the consent of the concerned party or as may be ordered by the court:

1. Information covered by executive privilege:

- a. Presidential conversations, correspondences, and discussions in closeddoor Cabinet meetings; and
- b. Matters covered by deliberative process privilege, namely:
 - i. advisory opinions, recommendations, resolutions, minutes of meetings, and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-agency or inter-agency recommendations or communications during the stage when common assertions are still in the process of being formulated or are in the exploratory stage; or information pertaining to the decision-making of executive officials; and
 - ii. information, record or document comprising drafts of decisions, orders, rulings, policy decisions, memoranda, etc.;

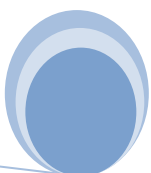
2. Privileged information relating to national security, defense, or international relations:

- a. Information, record, or document that must be kept secret in the interest of national defense or security;
- b. Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs; and
- c. Patent applications, the publication of which would prejudice national security and interests;





3. Information concerning law enforcement and protection of public and personal safety:
 - a. Investigation records compiled for law enforcement purposes or information which if written would be contained in such records, but only to the extent that the production of such records or information would –
 - i. interfere with enforcement proceedings;
 - ii. deprive a person of a right to a fair trial or an impartial adjudication;
 - iii. disclose the identity of a confidential source and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source; or
 - iv. unjustifiably disclose investigative techniques and procedures;
 - b. Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish information of violations of law to officers charged with the enforcement of law;
 - c. When disclosure of information would put the life and safety of an individual in imminent danger;
 - d. Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping; and
 - e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused. These include:
 - a. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy, personal information or records, including sensitive personal information, birth records, school records, or medical or health records;





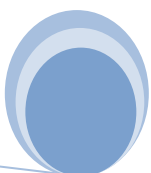
Sensitive personal information as defined under the Data Privacy Act of 2012 refers to personal information:

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 proceeding for any offense committed or alleged to have been 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.

However, personal information may be disclosed to the extent that the requested information is shown to be a matter of public concern or interest, shall not meddle with or disturb the private life or family relations of the individual and is not prohibited by any law or regulation. Any disclosure of personal information shall be in accordance with the principles of transparency, legitimate purpose and proportionality.

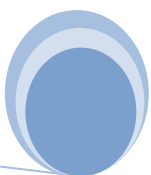
Disclosure of personal information about any individual who is or was an officer or employee of a government institution shall be allowed, provided that such information relates to the position or functions of the individual, including:

1. the fact that the individual is or was an officer or employee of the government institution;
2. the title, business address and office telephone number of the individual;
3. the classification, salary range and responsibilities of the position held by the individual; and
4. the name of the individual on a document prepared by the individual in the course of employment with the government;



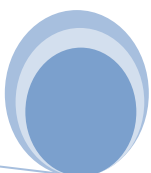


- b. Source of any news report or information appearing in newspapers, magazines or periodicals of general circulation obtained in confidence; and
- c. Records of proceedings and processes deemed confidential by law for the privacy and/or protection of certain individuals, such as children, victims of crime, witnesses to a crime or rehabilitated drug offenders, including those pertaining to the following:
 1. records of child and family cases;
 2. children in conflict with the law from initial contact until final disposition of the case;
 3. a child who is a victim of any offense under the Anti-Child Pornography Act of 2009, including the name and personal circumstances of the child, or the child's immediate family, or any other information tending to establish the child's identity;
 4. a child witness, who is a victim of a crime, an accused of a crime, or a witness to a crime, including the name, address, telephone number, school, or other identifying information of a child or an immediate family of the child;
 5. cases involving violence against women and their children, including the name, address, telephone number, school, business, address, employer, or other identifying information of a victim or an immediate family member;
 6. trafficked persons, including their names and personal circumstances, or any other information tending to establish the identity of the trafficked person;
 7. names of victims of child abuse, exploitation or discrimination;
 8. cases of gender-based streets and public spaces sexual harassment, including information on the victim and the accused who is a minor;
 9. disclosure which would result in undue and sensationalized publicity of any case involving a child in conflict with the law, child abuse, or violation of anti-trafficking of persons;



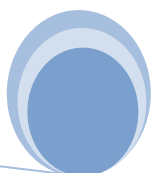


10. records, documents, and communications of proceedings involving domestic, inter-country, and administrative, adoptions, including the identity of the child, natural parents and adoptive parents;
 11. names of students who committed acts of bullying or retaliation;
 12. children in situations of armed conflict;
 13. first time minor (drug) offenders under suspended sentence who comply with applicable rules and regulations of the Dangerous Drugs Board and who are subsequently discharged; judicial and medical records of drug dependents under the voluntary submission program; and records of a drug dependent who was rehabilitated and discharged from treatment and rehabilitation centers under the compulsory submission program, or who was charged for violation of Section 15 (use of dangerous drugs) of the Comprehensive Dangerous Drugs Act of 2002, as amended; and
 14. identity, status and medical records of individuals with Human Immunodeficiency Virus (HIV), as well as results of HIV/Acquired Immune Deficiency Syndrome (AIDS) testing;
5. Information, documents, or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquires or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers such as but not limited to the following:
- a. Trade secrets, intellectual property, business, commercial, financial and other proprietary information;
 - b. Data furnished to statistical inquiries, surveys and censuses of the Philippine Statistics Authority;
 - c. Records and reports submitted to the Social Security System by the employer or member;
 - d. Information of registered persons with the Philippine Identification System;
 - e. Information gathered for the HIV and AIDS monitoring and evaluation program under RA No. 11166 and all other related health intelligence activities;



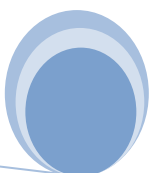


- f. Confidential information submitted to the Philippine Competition Commission prohibited from disclosure by law, including the identity of the person who provided the information under condition of anonymity;
- g. Applications and supporting documents filed pursuant to the Omnibus Investments Code of 1987;
- h. Documents submitted through the Government Electronic Procurement System;
- i. Information obtained from accessing any electronic key, electronic data message, or electronic document, book, register, correspondence, information or other material pursuant to any powers conferred under the Electronic Commerce Act of 2000;
- j. Any confidential information supplied by the contractors in mineral agreements, and financial or technical assistance agreements pursuant to the Philippine Mining Act of 1995 and its Implementing Rules and Regulations (IRR), during the term of the project to which it relates;
- k. Information received by the Department of Tourism (DOT) in relation to the accreditation of accommodation establishments (such as hotels and resorts) and travel and tour agencies;
- l. The fact that a covered transaction report to the Anti-Money Laundering Council (AMLC) has been made, the contents thereof, or any information in relation thereto;
- m. Information submitted to the Tariff Commission which is by nature confidential or submitted on a confidential basis;
- n. Certain information and reports submitted to the Insurance Commissioner pursuant to the Insurance Code;
- o. Information on registered cultural properties owned by private individuals;
- p. Data submitted by a higher education institution to the Commission on Higher Education (CHED);
- q. Any secret, valuable or proprietary information of a confidential character known to a public officer, or secrets of private individuals;
- r. Records or information in connection with any investigation conducted by the Presidential Anti-Corruption Commission (PACC) when such disclosure will deprive the respondent of the right to a fair and impartial investigation; and



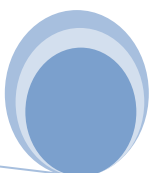


- s. Records of surveillance of suspects and interception and recording of communications acquired by a law enforcement agent or military personnel pursuant to the Anti- Terrorism Act of 2020.5
6. Prejudicial premature disclosure. Information of which a premature disclosure would:
- a. in the case of a department, office or agency which agency regulates currencies, securities, commodities, or financial institutions, be likely to lead to significant financial speculation in currencies, securities, or commodities, or significantly endanger the stability of any financial institution; or
 - b. be likely or significantly frustrate implementation of a proposed official action, except such department, office or agency has already disclosed to the public the content or nature of its proposed action, or where the department, office or agency is required by law to make such disclosure on its own initiative prior to taking final official action on such proposal.
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged, including but not limited to the following:
- a. Mediation and domestic or international arbitration proceedings, including records, evidence and the arbitral awards, pursuant to the Alternative Dispute Resolution Act of 2004;
 - b. Matters involved in an Investor-State mediation;
 - c. Information and statements made at conciliation proceedings under the Labor Code;
 - d. Arbitration proceedings before the Construction Industry Arbitration Commission (CIAC);
 - e. Results of examinations made by the Securities and Exchange Commission (SEC) on the operations, books and records of any corporation, and all interrogatories propounded by it and the answers thereto;
 - f. Information related to investigations which are deemed confidential under the Securities Regulations Code;



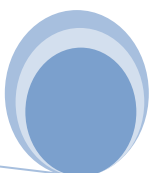


- g. All proceedings prior to the issuance of a cease and desist order against pre-need companies by the Insurance Commission;
 - h. Information related to the assignment of the cases to the reviewing prosecutors or the undersecretaries in cases involving violations of the Comprehensive Dangerous Drugs Act of 2002;
 - i. Investigation report and the supervision history of a probationer;
 - j. Those matters classified as confidential under the Anti-Terrorism Act of 2020 and its IRR;
 - k. Preliminary investigation proceedings before the committee on decorum and investigation of government agencies; and
 - l. Those information deemed confidential or privileged pursuant to pertinent rules and regulations issued by the Supreme Court, such as information on disbarment proceedings, DNA profiles and results, or those ordered by courts to be kept confidential;
8. Matters considered confidential under banking and finance laws, and their amendatory laws, such as:
- a. RA No. 1405 (Law on Secrecy of Bank Deposits);
 - b. RA No. 6426 (Foreign Currency Deposit Act of the Philippines) and relevant regulations;
 - c. RA No. 8791 (The General Banking Law of 2000);
 - d. RA No. 9160 (Anti-Money Laundering Act of 2001);
 - e. RA No. 9510 (Credit Information System Act); and
 - f. RA No. 245, as amended by Presidential Decree No. 1878; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations, such as:
- a. Those deemed confidential pursuant to treaties, executive agreements, other international agreements, or international proceedings, such as:





1. When the disclosure would prejudice legitimate commercial interest or competitive position of investor-states pursuant to investment agreements;
 2. Those deemed confidential or protected information pursuant to United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (UNCITRAL Transparency Rules); and
 3. Refugee proceedings and documents under the 1951 Convention Relating to the Status of Refugees, as implemented by DOJ Circular No. 58 (s. 2012);
- b. Testimony from a government official, unless pursuant to a court or legal order;
- c. When the purpose for the request of Statement of Assets, Liabilities and Net Worth is any of the following:
1. any purpose contrary to morals or public policy; or
 2. any commercial purpose other than by news and communications media for dissemination to the general public;
- d. Lists, abstracts, summaries of information requested when such lists, abstracts or summaries are not part of the duties of the government office requested;
- e. Those information and proceedings deemed confidential under rules and regulations issued by relevant government agencies or as decided by the courts;
- f. Requested information pertains to comments and disclosures on pending cases in judicial proceedings; and
- g. Attorney-client privilege existing between government lawyers and their client.





SECTION VIII. IDENTICAL OR SUBSTANTIALLY SIMILAR REQUESTS

The BAWAD shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same RP whose request has already been previously granted or denied by BAWAD.





SECTION IX. VEXATIOUS REQUESTS

According to FOI – MC No. 5, S. 2020 dated December 15, 2020 with the subject: “Guidelines on Vexatious Freedom of Information Requests and abuse of Rights Thereunder”, a request is considered vexatious if it is frivolous, malicious, made in bad faith, intends to harass, vilify or embarrass, or if it possesses an actual or imminent danger to the office, its officials or employees.

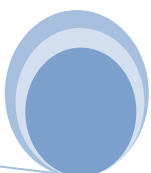
The BAWAD shall consider all relevant circumstances in determining whether or not a request is vexatious. The following may be taken into consideration in evaluating requests:

1. Language of the request;
2. Burden on the concerned government agency;
3. Purpose, motive or intention for making the request;
4. Value of the requested information; or
5. History and context of the request.

A request is presumed to be vexatious if it involves:

1. Frequent or overlapping request;
2. Personal grudges;
3. Unfounded accusations;
4. Unreasonably complex request;
5. Reprocessed data;
6. All other requests that are meant to harass, embarrass or put into actual or imminent danger the life or property of BAWAD, its officials and employees.

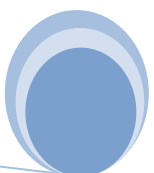
The BAWAD is not precluded from seeking clarification from the RPs. In case of doubt as to the nature of the request, the BAWAD may grant the RP the opportunity to clarify and/or modify the request, the BAWAD shall not immediately deny the same, but shall instead extend advice or assistance so that a valid request may be filed.





Despite clarification and extension of reasonable assistance to the RP the request still falls under Section 4 of FOI – MC No. 5, S. 2020, the proper authority may deny the request clearly stating forth the ground/s for denial and the circumstance/s on which the denial is based.

Denial of request on the ground that request is vexatious may be appealed in accordance with the appeals process.





SECTION X. REMEDIES IN CASE OF DENIAL OF REQUEST

A person whose request for access to information has been denied may file an appeal to the BAWAD Central Appeals and Review Committee (CARC).

The RP may also file its appeal to the Local Water Utilities Administration, Katipunan Road, Balara, Quezon City. In case the decision of the department is unfavorable, the RP may file its appeal to the Office of the President.

1. **Administrative FOI appeal to the BAWAD Central Appeal 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.

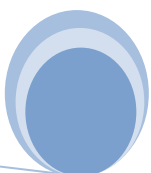
1.1 The BAWAD CARC shall receive, review, analyze and evaluate the appeal on the grant or denial of request for information as well as determine if the appeal was filed within the period provided under E.O. No. 2, S. 2016.

1.2 The BAWAD CARC shall recommend actions on the said appeal.

1.3 The BAWAD CARC shall ensure that the appeal shall be decided within thirty (30) working days from the filing of said written appeal. Failure to decide within the afore-stated period shall be deemed a denial of the appeal.

1.4 The BAWAD CARC shall ensure implementation of the decision of the appeal.

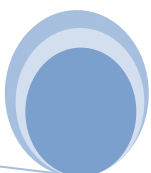
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.





SECTION XI. REQUEST TRACKING SYSTEM

The BAWAD shall establish a system to trace the status of all requests for information received by it, which may be paper-based, on-line or both.



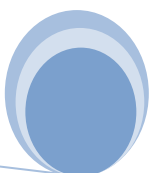


SECTION XII. FEES

1. **No Request Fee.** The BAWAD shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction and Copying of the Information.** The BAWAD may charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction, copying, and digitization of the information required. The FRO shall immediately notify the requesting party. The schedule of fees shall be as follows:

Schedule of Fees	
Service	Fees
Delivery Charge (in case of registered mail)	₱ 200.00
Appeal of Notice of Denial (covers for administrative expenses and research fee)	₱ 2,000.00

3. **Exemption from Fees.** The BAWAD FDM may exempt any requesting party from payment of fees, upon submission of a written request stating valid reason.





SECTION XIII. 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:
 - a. 1st Offense – Reprimand
 - b. 2nd Offense - Suspension of one day to thirty days
 - c. 3rd Offense - Dismissal from the service

2. **Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

3. **Provision for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law or rules or regulations prescribed by the Civil Service Commission which provide for more stringent penalties.





SECTION XIV. POSTING AND EFFECTIVITY

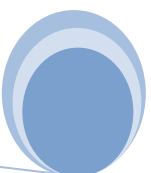
This Manual shall take effect immediately after the approval of the BAWAD Board of Directors and shall be posted on the Bayawan Water District's Official Website. Approved as per Board Resolution No. 44 series of 2022 (Annex J).

This is to certify that the above information is true and correct.

Certified by:

A handwritten signature in blue ink, appearing to read "Alma L. Abrasaldo", is written over the printed name.

ALMA L. ABRASALDO
General Manager





ANNEX A - FOI FREQUENTLY ASKED QUESTIONS

Introduction to FOI

1. What is FOI?

Freedom of Information (FOI) is the government's response to the call for transparency and full public disclosure of information. FOI is a government mechanism which allows Filipino citizens to request any information about the government transactions and operations, provided that it shall not put into jeopardy privacy and matters of national security.

The FOI mechanism for the Executive Branch is enabled via Executive Order No. 2, series of 2016.

2. What is Executive Order No. 2 s. 2016?

Executive Order No. 2 is the enabling order for FOI. EO 2 operationalizes in the Executive Branch the People's Constitutional right to information. EO 2 also provides the State policies to full public disclosure and transparency in the public service. EO No. 2 was signed by President Rodrigo Roa Duterte on July 23, 2016.

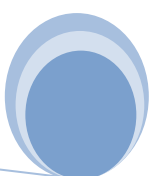
3. Who oversees the implementation of EO 2?

The Presidential Communications Operations Office (PCOO) oversees the operation of the FOI program. PCOO serves as the coordinator of all government agencies to ensure that the FOI program is properly implemented.

MAKING A REQUEST

4. Who can make an FOI request?

Any Filipino citizen can make an FOI Request. As a matter of policy, requestors are required to present proof of identification.





5. What can I ask for under EO on FOI?

Information, official 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.

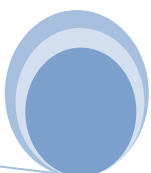
6. What agencies can we ask information?

An FOI request under EO No. 2 can be made before all government offices under the Executive Branch, including government owned or controlled corporations (GOCCs) and state universities and colleges (SUCs).

FOI requests must be sent to the specific agency of interest, to be received by its respective Receiving Officer.

7. How do I make an FOI request?

- a. The requestor is to fill out a request form and submits to the agency's Receiving Officer. The Receiving Officer shall validate the request and logs it accordingly on the FOI tracker.
- b. If deemed necessary, the Receiving Officer may clarify the request on the same day it was filed, such as specifying the information requested, and providing other assistance needed by the Requestor.
- c. The request is forwarded to the Decision Maker for proper assessment. The Decision Maker shall check if the agency holds the information requested, if it is already accessible, or if the request is a repeat of any previous request.
- d. The request shall be forwarded to the officials involved to locate the requested information.
- e. Once all relevant information is retrieved, officials will check if any exemptions apply, and will recommend appropriate response to the request.





- f. If necessary, the head of the agency shall provide clearance to the response.
- g. The agency shall prepare the information for release, based on the desired format of the Requestor. It shall be sent to the Requestor depending on the receipt preference.

8. How much does it cost to make an FOI request?

There are no fees to make a request. But the agency may charge a reasonable fee for necessary costs, including costs of printing, reproduction and/or photocopying.

9. What will I receive in response to an FOI request?

You will be receiving a response either granting or denying your request. If the request is granted, the information requested will be attached, using a format that you specified. Otherwise, the agency will explain why the request was denied.

10. How long will it take before I get a response?

It is mandated that all replies shall be sent fifteen (15) working days after the receipt of the request. The agency will be sending a response, informing of an extension of processing period no longer than twenty (20) working days, should the need arise.

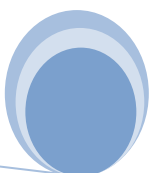
11. What if I never get a response?

If the agency fails to provide a response within the required fifteen (15) working days, the Requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.

If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rule of Court.

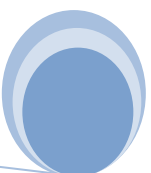
12. What will happen if my request is not granted?

If you are not satisfied with the response, the Requestor may write an appeal letter to the Central appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central appeals and Review Committee.





If all administrative remedies are exhausted and no resolution is provided, requestors may file the appropriate case in the proper courts in accordance with the Rules of Court.





ANNEX B – EXECUTIVE ORDER NO. 2, S. 2016



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 02

OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE'S CONSTITUTIONAL RIGHT TO INFORMATION AND THE STATE POLICIES OF FULL PUBLIC DISCLOSURE AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES THEREFOR

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

WHEREAS, the incorporation of this right in the Constitution is a recognition of the fundamental role of free and open exchange of information in a democracy, meant to enhance transparency and accountability in government official acts, transactions, or decisions;

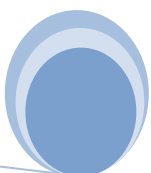
WHEREAS, the Executive Branch recognizes the urgent need to operationalize these Constitutional provisions;

WHEREAS, the President, under Section 17, Article VII of the Constitution, has control over all executive departments, bureaus and offices, and the duty to ensure that the laws be faithfully executed;

WHEREAS, the Data Privacy Act of 2012 (R.A. 10173), including its Implementing Rules and Regulations, strengthens the fundamental human right of privacy and of communication while ensuring the free flow of information to promote innovation and growth;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

THE PRESIDENT OF THE PHILIPPINES





SECTION 1. Definition. For the purpose of this Executive Order, 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, or 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.
- (b) "Official record/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.
- (c) "Public record/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 2. Coverage. This order shall cover all government offices under the Executive Branch, including but not limited to the national government and all its offices, departments, bureaus, and instrumentalities, including government-owned or -controlled corporations, and state universities and colleges. Local government units (LGUs) are enjoined to observe and be guided by this Order.

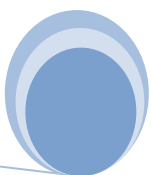
SECTION 3. Access to Information. Every Filipino shall have access to information, official records, public records, and documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development.

SECTION 4. Exception. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing laws or jurisprudence.

The Department of Justice and the Office of the Solicitor General are hereby directed to prepare an inventory of such exceptions and submit the same to the Office of the President within thirty (30) calendar days from the date of effectivity of this Order.

The Office of the President shall thereafter immediately circularize the inventory of exceptions for the guidance of all government offices and instrumentalities covered by this Order and the general public.

Said inventory of exceptions shall periodically be updated to properly reflect any change in existing law and jurisprudence and the Department of Justice and the Office of the Solicitor General are directed to update the inventory of exceptions as





the need to do so arises, for circularization as hereinabove stated.

SECTION 5. Availability of SALN. Subject to the provisions contained in Sections 3 and 4 of this Order, all public officials 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 Order.

SECTION 6. 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 listed in the inventory or updated inventory of exceptions circularized by the Office of the President as provided in Section 4 hereof.

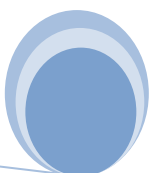
The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office which has custody or control of the information, public record or official record, or of the responsible central or field officer duly designated by him in writing.

In making such determination, the Head of the Office or his 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 7. Protection of Privacy. While providing access to information, public records, and official records, responsible officials shall afford full protection to an individual's right to privacy as follows:

- (a) Each government office per Section 2 hereof shall ensure that personal information in its custody or 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 Order or existing laws, 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 or official of a government office per Section 2 hereof 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 Order or pursuant to existing laws, rules or regulations.

SECTION 8. People's Freedom of Information (FOI) Manual. For the effective implementation of this Order, every government office is directed to prepare within one hundred twenty (120) calendar days from the effectivity of this Order, its



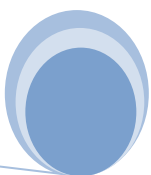


own People's FOI Manual, which shall include, among others, the following information:

- (a) The location and contact information of the head, regional, provincial, and field offices, and other established places where the public can submit requests to obtain information;
- (b) The person or officer responsible for receiving requests for information;
- (c) The procedure for the filing and processing of the request, as provided in the succeeding Section 9 of this Order;
- (d) The standard forms for the submission of requests and for the proper acknowledgment of such requests;
- (e) The process for the disposition of requests;
- (f) The procedure for administrative appeal of any denial of request for access to information; and
- (g) The schedule of applicable fees.

SECTION 9. Procedure. The following procedure shall govern the filing and processing of requests for access to information:

- (a) Any person who requests access to information shall submit a written request to the government office concerned. The request shall state the name and contact information of the requesting party, 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*, 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 of exceptions as hereinabove provided.
- (b) The public official receiving the request shall provide reasonable assistance, free of charge, to enable all requesting parties, particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the government office, indicating the date and time of receipt and the name, rank, title or position of the receiving public officer or employee with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.
- (d) The government office shall respond to a request fully compliant with the requirements of sub-section (a) 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 office concerned to grant or deny access to the information requested.
- (e) The period to respond 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 events or other analogous cases. The government office shall



notify the person making the request of such extension, setting forth the reasons for the extension. In no case shall the extension go beyond twenty (20) working days counted from the end of the original period, unless exceptional circumstances warrant a longer period.

- (f) 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 10. Fees. Government offices shall not charge any fee for accepting requests for access to information. They may, however, charge a reasonable fee to reimburse necessary costs, including actual costs of reproduction and copying of the information requested, subject to existing rules and regulations. In no case shall the applicable fees be so onerous as to defeat the purpose of this Order.

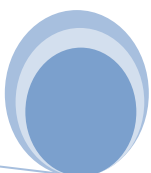
SECTION 11. Identical or Substantially Similar Requests. The government office shall not be required to act upon an unreasonable subsequent identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the same government office.

SECTION 12. Notice of Denial. If the government office decides to deny the request wholly or partially, it shall, as soon as practicable and within fifteen (15) working days from the receipt of the request, notify the requesting party of the denial in writing. The notice shall clearly set forth the ground or 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 provided shall be deemed a denial of the request for access to information.

SECTION 13. Remedies in Case of Denial of Request for Access to Information. A person whose request for access to information has been denied may avail himself of the remedies set forth below:

- (a) Denial of any request for access to information may be appealed to the person or office next higher in authority, following the procedure mentioned in Section 8 (f) of this Order: 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 person or office next higher in authority within thirty (30) working days from the filing of said written appeal. Failure of such person or office 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 judicial action 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. Administrative Liability. Failure to comply with the provisions of this Order may be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 16. Implementing Details. All government offices in the Executive Branch are directed to formulate their respective implementing details taking into consideration their mandates and the nature of information in their custody or control, within one hundred twenty (120) days from the effectivity of this Order.

SECTION 17. 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 and effect.

SECTION 18. Repealing Clause. All orders, rules and regulations, issuances or any part thereof inconsistent with the provisions of this Executive Order are hereby repealed, amended or modified accordingly: *Provided*, that the provisions of Memorandum Circular No. 78 (s. 1964), as amended, shall not be deemed repealed pending further review.

SECTION 19. Effectivity. This Order shall take effect immediately upon publication in a newspaper of general circulation.

Done, in the City of Manila, this 23rd day of July in the year of our Lord Two Thousand and Sixteen.

By the President:

R Duterte



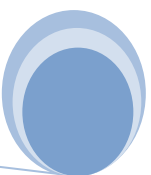
SALVADOR C. MEDIALDEA
SALVADOR C. MEDIALDEA
Executive Secretary



CERTIFIED COPY:

MARIANITO M. DIMAANDAL
DIRECTOR IV
MALACANANG RECORDS OFFICE

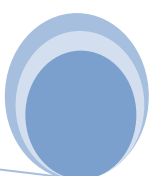
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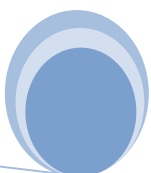
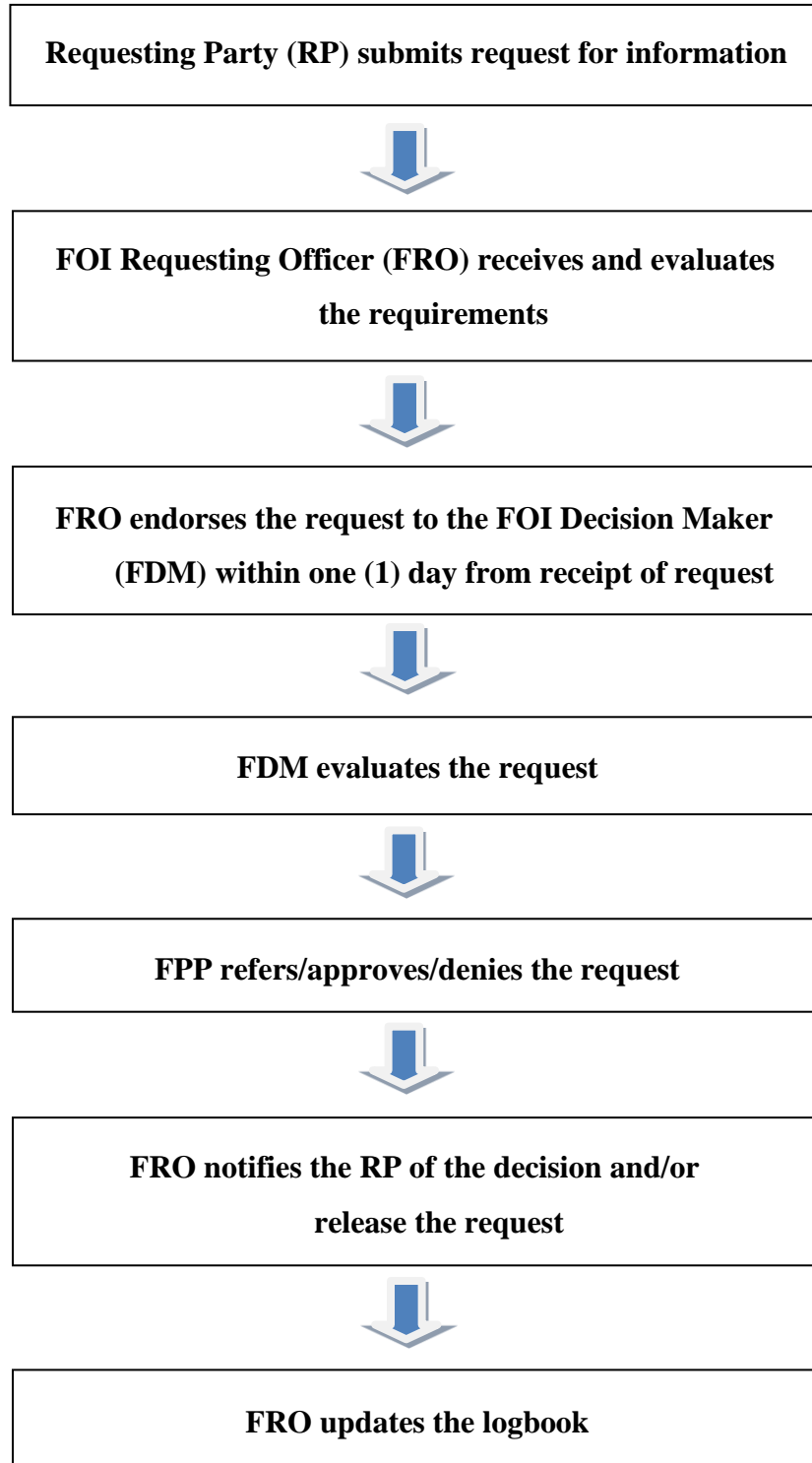


ANNEX C – FOI OFFICERS OF BAYAWAN WATER DISTRICT

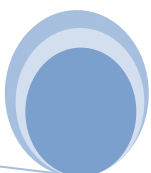
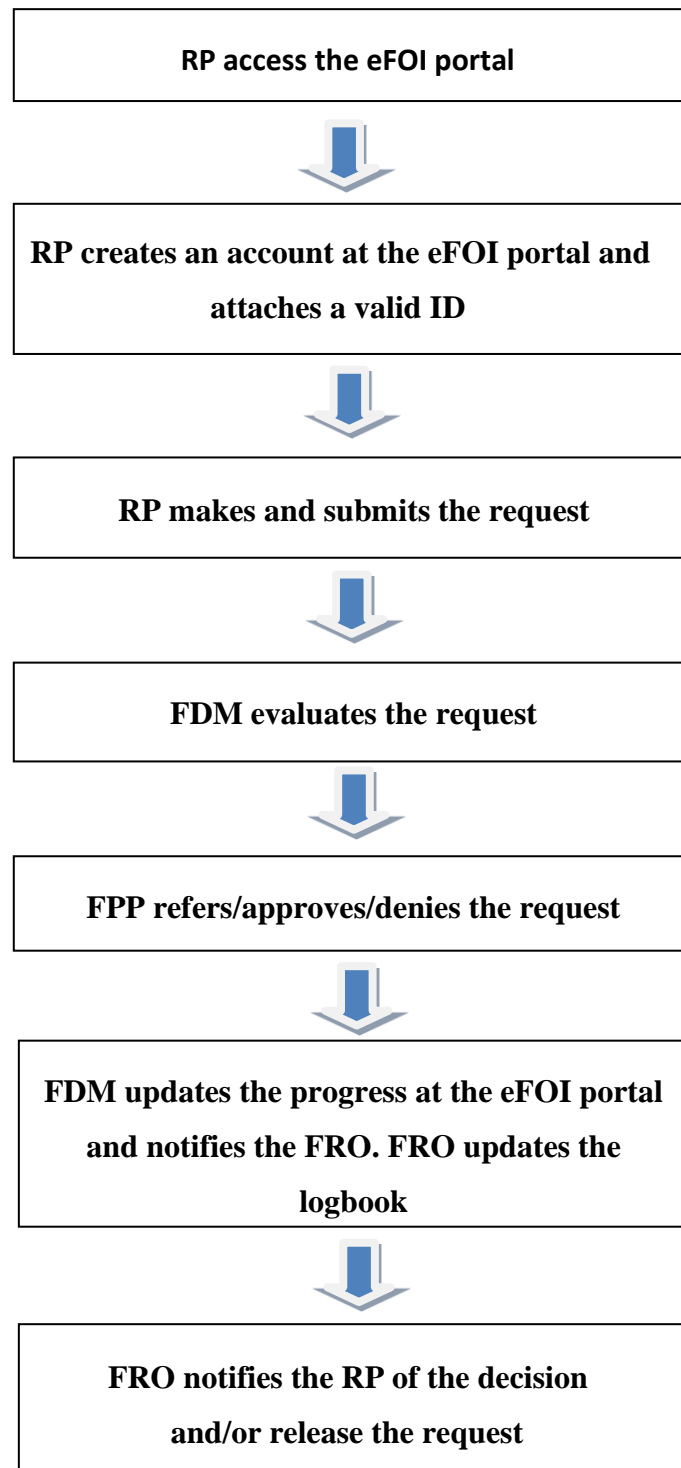
Designation	Name	Contact Number	E-mail Address
FOI Focal Person / General Manager	Alma L. Abrasaldo	+63 917 701 6128	gmalma_bawad@yahoo.com
FOI Decision Maker	Ginalyn P. Piosca	+63 917 325 8450	cashier_browneyes@yahoo.com
FOI Receiving Officer	Mary Grace F. Lumactao	+63 917 305 9233	bayawanwaterdistrict@ymail.com
BAWAD Central Appeals and Review Committee	Engr. Reno John S. Tuale	+63 917 584 3722	bayawanwaterdistrict@ymail.com
	Engr. Romulo R. Concepcion, Jr.	+63 997 166 0613	bayawanwaterdistrict@ymail.com
	Rogielou Jane T. Tayo	+63 917 317 6023	bayawanwaterdistrict@ymail.com
	Mary Fel S. Hibionada	+63 917 414 5149	bayawanwaterdistrict@ymail.com



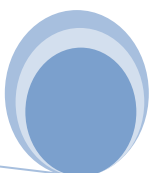
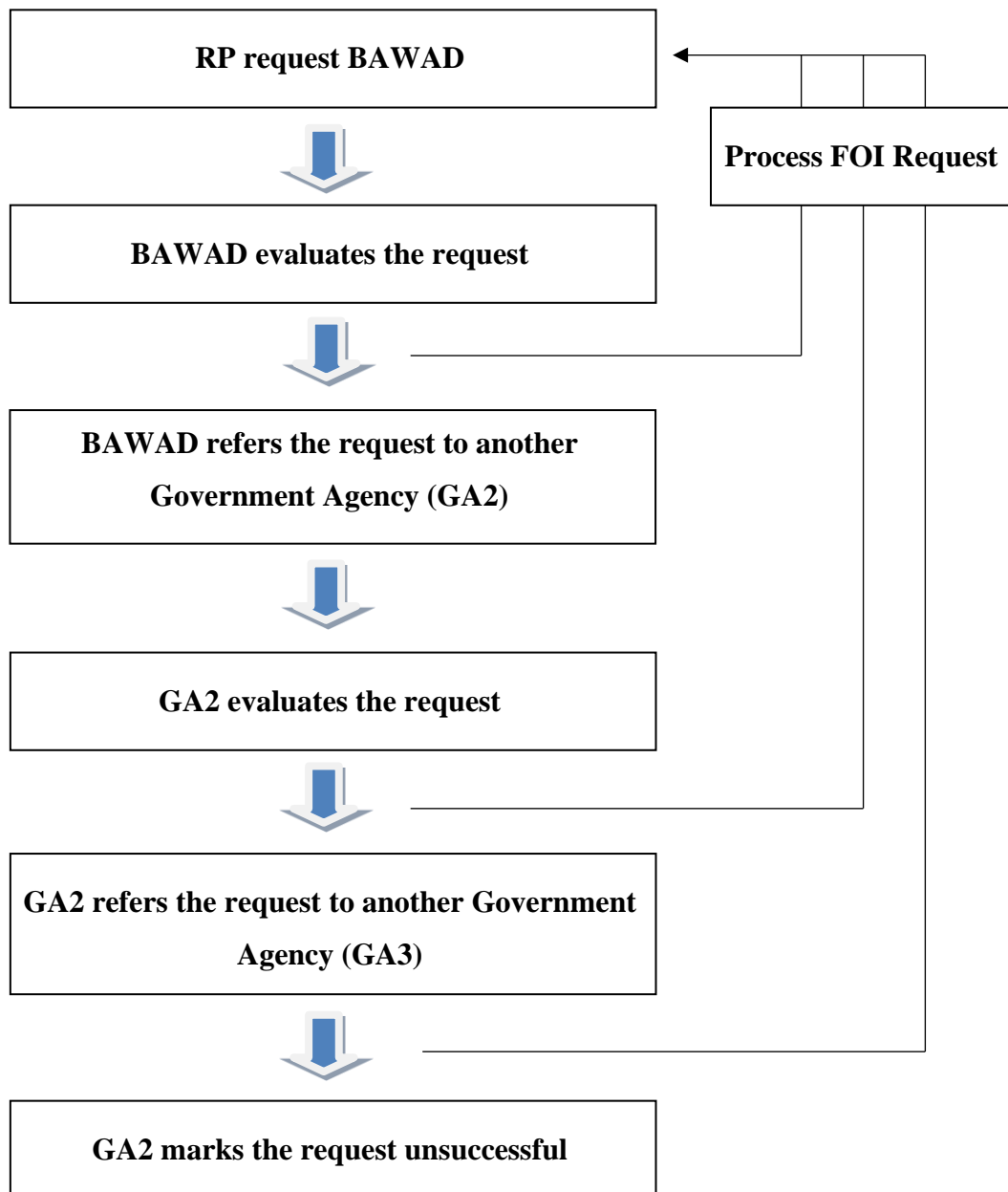
ANNEX D - STANDARD OR EMAILED REQUEST FOR INFORMATION



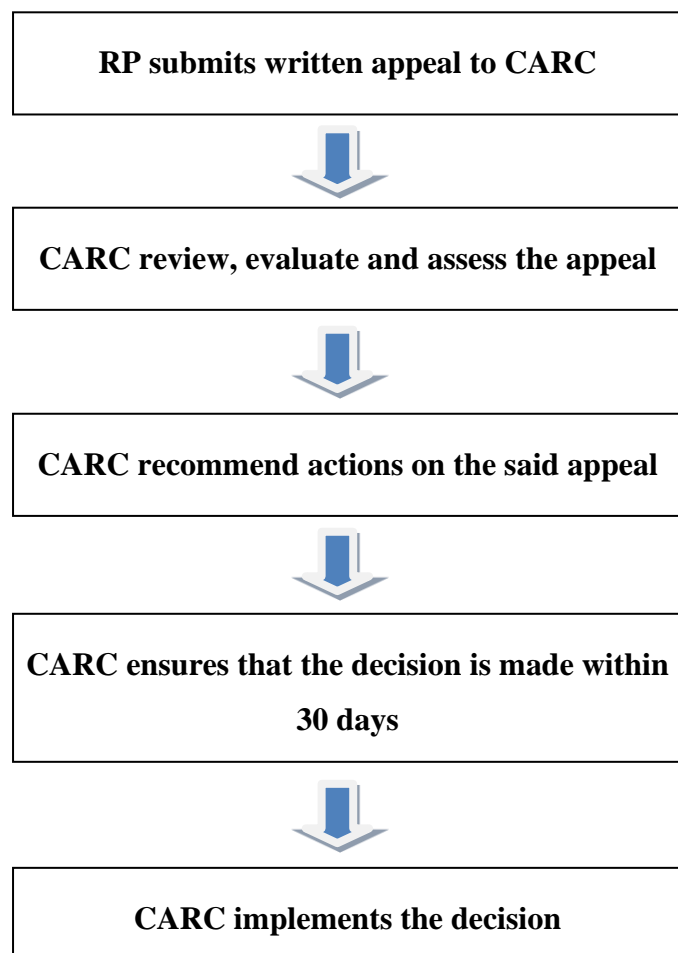
ANNEX E - THROUGH eFOI PORTAL REQUEST FOR INFORMATION



ANNEX F – NO WRONG DOOR POLICY



ANNEX G – FILING AN APPEAL






ANNEX H – FOI REQUEST FORM

This document may be reproduced and is NOT FOR SALE

FOI Tracking Number:



FREEDOM OF INFORMATION REQUEST FORM
(Pursuant to Executive Order No. 2, s. 2016)
(as of November 2016)

Please read the following information carefully before proceeding with your application. Use blue or black ink. Write neatly and in BLOCK letters. Improper or incorrectly-filled out forms will not be acted upon. Tick or mark boxes with "X" where necessary. Note: (◀) denotes a MANDATORY field.

A. Requesting Party

You are required to supply your name and address for correspondence. Additional contact details will help us deal with your application and correspond with you in the manner you prefer.

1. Title (e.g. Mr, Mrs, Ms, Miss) 2. Given Name/s (including M.I.) 3. Surname

_____ ▶ ▶ _____ ▶ _____

4. Complete Address (Apt/House Number, Street, City/Municipality, Province)

▶ _____

5. Landline/Fax 6. Mobile 7. Email

_____ ▶ _____ _____

8. Preferred Mode of Communication Landline Mobile Number Email Postal Address
(If your request is successful, we will be sending the documents to you in this manner.)

9. Preferred Mode of Reply Email Fax Postal Address Pick-Up at Agency

10. Type of ID Given (Please ensure your IDs contain your photo and signature) Passport Driver's License SSS ID Postal ID Voter's ID
 School ID Company ID Others _____

B. Requested Information

11. Agency - Connecting Agency (if applicable) ▶ _____ ▶ _____

12. Title of Document/Record Requested (Please be as detailed as possible) ▶ _____

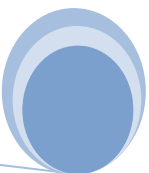
13. Date or Period (DD/MM/YY) ▶ _____

14. Purpose ▶ _____

15. Document Type ▶ _____

16. Reference Numbers (if known) ▶ _____

17. Any other Relevant Information ▶ _____





C. Declaration

Privacy Notice: Once deemed valid, your information from your application will be used by the agency you have applied to, to deal with your application as set out in the Freedom of Information Executive Order No. 2. If the Department or Agency gives you access to a document, and if the document contains no personal information about you, the document will be published online in the Department's or Agency's disclosure log, along with your name and the date you applied, and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body.

I declare that:
• The information provided in the form is complete and correct;
• I have read the Privacy notice;
• I have presented at least one (1) government-issued ID to establish proof of my identity

I understand that it is an offense to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature ◀ _____

Date Accomplished (DD/MM/YYYY) ◀ _____

D. FOI Receiving Officer [INTERNAL USE ONLY]

Name (Print name) ◀ _____

Agency - Connecting Agency (if applicable, otherwise N/A) ◀ _____ ◀ _____

Date entered on eFOI (if applicable, otherwise N/A) ◀ _____

Proof of ID Presented (Photocopies of original should be attached) Passport Driver's License SSS ID Postal ID Voter's ID School ID Company ID Others _____

The request is recommended to be: Approved Denied
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online

Second Receiving Officer Assigned (print name) ◀ _____

Decision Maker Assigned to Application (print name) ◀ _____

Decision on Application Successful Partially Successful Denied Cost
If Denied, please tick the Reason for the Denial Invalid Request Incomplete Data already available online Exception Which Exception? _____

Date Request Finished (DD/MM/YYYY) ◀ _____

Date Documents (if any) Sent (DD/MM/YYYY) ◀ _____

FOI Registry Accomplished Yes No

RO Signature ◀ _____

Date (DD/MM/YYYY) ◀ _____





ANNEX I – ONE-PAGE FOI MANUAL

FREEDOM OF INFORMATION PROGRAM

AGENCY: BAYAWAN WATER DISTRICT

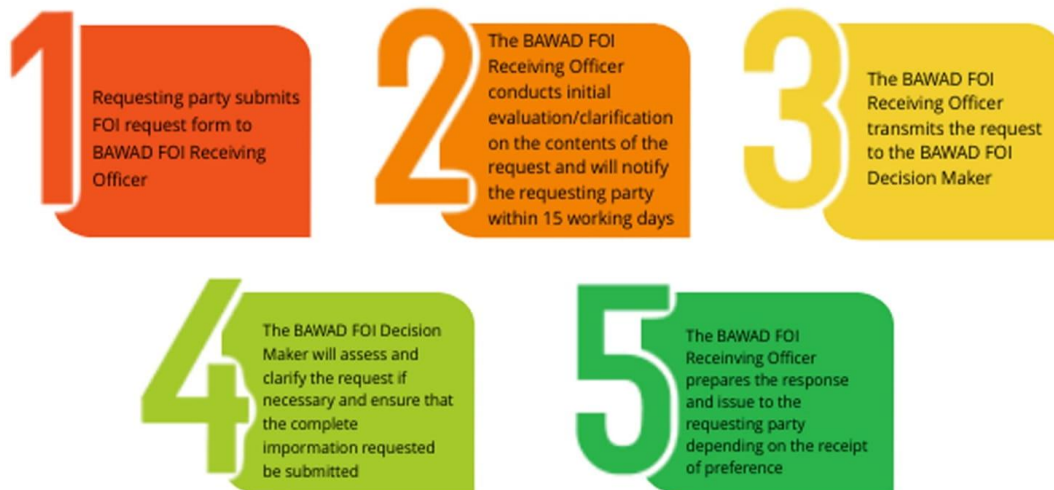
ADDRESS: LOT 1 BLOCK N, DON GASPAR VICENTE SUBDIVISION,
BRGY. VILLAREAL BAYAWAN CITY, NEGROS ORIENTAL, PHILIPPINES.

RECEIVING OFFICER: MARY GRACE F. LUMACTAO

CONTACT NOS: (035)430-0361

EMAIL: bayawanwaterdistrict@ymail.com

WEBSITE: www.bayawanwd.gov.ph



FOI Appeals

If the agency fails to provide a response within the required fifteen (15) working days, the requestor may write an appeal letter to the Central Appeals and Review Committee within fifteen (15) calendar days from the lapse of required response period. The appeal shall be decided within thirty (30) working days by the Central Appeals and Review Committee.



BAYAWAN WATER DISTRICT

safe water for all!

