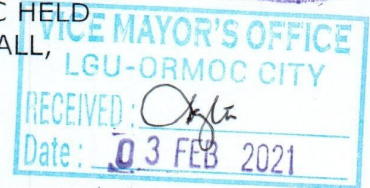


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON FEBRUARY 02, 2021



PRESENT:

Leo Carmelo L. Locsin, Jr.  
Benjamin S. Pongos, Jr.,  
Roiland H. Villasencio,  
Tomas R. Serafica,  
Nolito M. Quilang,  
Eusebio Gerardo S. Penserga,  
Jasper M. Lucero,  
Peter M. Rodriguez,  
Vincent L. Rama,  
Gregorio G. Yrastorza III,  
Lalaine A. Marcos,  
Esteban V. Laurente,

City Vice Mayor & Presiding Officer  
SP Member, Majority Floor Leader

SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member  
SP Member

Joan Marbie C. Simbajon,  
Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

Ex-Officio SP Member, Chapter President,  
Liga ng mga Barangay ng Ormoc  
Ex-Officio SP Member, Chapter President,

**PREFATORY STATEMENT**

"A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or, perhaps both. Knowledge will be forever govern ignorance. And people who mean to be their own Governors, must arm themselves with power which knowledge gives."- a quote on the importance of freedom of information from **James Madison, 1822, 4<sup>th</sup> US President.**

WHEREAS, on 23 July 2016, President Rodrigo R. Duterte issued Executive Order No. 2 entitled "Operationalizing in the Executive Branch the People's Right to Information and the State Policies to Full Public Disclosure and Transparency in the Public Service and Providing Guidelines Therefor";

WHEREAS, the said Executive Order is limited in scope to government offices under the Executive Branch, and merely encourages local government units to observe and be guided accordingly;

WHEREAS, recognizing the importance of the people's right to government information, and guided by the President's Executive Order, the City Government of Ormoc deems it necessary to provide a local mechanism for its offices where the people's right to information is respected and upheld, subject to exceptions provided by law and jurisprudence;

WHEREFORE, all foregoing premises considered on motion of SP Member Lalaine A. Marcos, Vice-Chairman, Committee on Communication, Information Technology and Public Information, severally seconded by SP Members Vincent L. Rama, Jasper M. Lucero, Benjamin S. Pongos, Jr., Roiland H. Villasencio, Tomas R. Serafica, Esteban V. Laurente, Gregorio G. Yrastorza, III and Nolito M. Quilang; be it

RESOLVED, to enact:



**ORDINANCE NO. 053  
(Series of 2021)**

**AN ORDINANCE OPERATIONALIZING THE FREEDOM OF  
INFORMATION IN THE CITY GOVERNMENT OF  
ORMOC AND PROVIDING GUIDELINES THEREFOR .**

BE IT ORDAINED, by the 15<sup>th</sup> Sangguniang Panlungsod ng Ormoc in session duly assembled that:

**SECTION 1. TITLE.** This ordinance shall be known as the "**Freedom of Information Ordinance of Ormoc City.**".

**SECTION 2. DEFINITION OF TERMS.** For the purpose of this Ordinance, the following terms shall mean:

- (a) "**Information**" shall mean any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored data, any other like or similar data 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 under the City Government of Ormoc pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by any government office under the City Government of Ormoc.
- (b) "**Official record**" shall refer to information produced or received by a public officer or employee, or by a government office in an official capacity or pursuant to a public function or duty.
- (c) "**Public record**" shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

**SECTION 3. COVERAGE.** This order shall cover all government offices under the City Government of Ormoc.

**SECTION 4. ACCESS TO INFORMATION.** Every Filipino resident of the City shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development, in the custody of the City Government of Ormoc or any of its offices.

**SECTION 5. EXCEPTIONS.** Freedom of Information (FOI) shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence.

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



Thereafter, the Sangguniang Panlungsod Secretary shall cause the publication of the local inventory of FOI exceptions for the guidance of all government offices covered by this ordinance. Said local inventory of FOI exceptions shall be periodically updated by the City Legal Officer and the Sangguniang Panlungsod.

**SECTION 6. AVAILABILITY OF SALN.** Subject to the provisions contained in Sections 4 and 5 of this ordinance, all public officials of the City Government of Ormoc 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 in the spirit and letter of this ordinance.

**SECTION 7. APPLICATION AND INTERPRETATION.** There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions in the inventory of FOI exceptions.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office, which is in custody or control of the information, public record or official record, or the responsible City government 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 8. PROTECTION OF PRIVACY.** While providing access to information, public records, and official records, responsible officials shall afford full protection to the right to privacy of the individual, pursuant to the Data Privacy Act of 2012 (Republic Act No. 10173), as follows:

- (a) Each government office shall ensure that personal information in its custody 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 ordinance or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure, which unduly exposes the individual to vilification, harassment or any other wrongful acts.
- (c) Any employee, official or director of a government office who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this ordinance or pursuant to existing laws, rules or regulation.

**SECTION 9. FOI FOCAL OFFICE AND THE FOI RECEIVING OFFICERS**

- (a) The Public Affairs and Information Assistance Office (PAIAO), acting thru its head, is designated to be the FOI Focal Agency. It is tasked to oversee the implementation of the FOI Ordinance. The focal office shall also develop the standard forms for the submission of requests and for the proper acknowledgement of such request.



- (b) The FOI Focal Office shall monitor the status of all requests for access of information filed in the City Government of Ormoc and its officers. Thus, the FOI Focal Office shall establish a system to trace the status of all requests for information in the LGU.
- (c) Each of the offices under the LGU shall also designate an FOI Receiving Officer who will accommodate requests for access of information filed through their office and coordinate the same to the PAIAO for proper recording and monitoring.
- (d) The name, position, office and contact information of the FOI Receiving Officer designated in each office shall be furnished to the PAIAO.

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

- (a) Any person who requests access to information shall submit a written request to **Public Affairs and Information Assistance Office** or the government office concerned. The request shall:
  - I. State name and contact information of the requesting party;
  - II. Provide valid proof of his identification, and in addition, authorization if the requesting party is other than the concerned party himself;
  - III. 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.*

- (b) The designated FOI Receiving Officer shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- (c) The request shall be stamped by the **PAIAO** or the concerned government office, indicating the date and time of receipt and the name, rank, title and position of the FOI receiving officer 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 **PAIAO** or the concerned government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof.
- (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 cases or other analogous cases. The **PAIAO** or the concerned government office shall notify the person making the request of the extension, setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- (f) Once a decision is made to grant or deny the request, the person making the request shall be notified of such decision and directed to pay any applicable fees, if such request is granted.



**SECTION 11. FEES.**

(a) Government offices shall not charge any fee for accepting requests for access to information. Likewise, there shall be no charge for obtaining information in digital format (i.e. PDF, JPEG, etc.). However, the following schedule of fees is imposed for printing, photocopying, and certification services rendered by a government office:

- Certification of Official Records - P50.00/page for the 1<sup>st</sup> copy  
and P10.00/page for succeeding  
copies.
- Printing - P10.00/page
- Photocopying
  - Long - P5.00/page
  - Short/A4 - P3.00/page

(b) The fee shall be paid to the City Treasurer if the request is granted, upon presentation of the FOI Approval and Assessment form. The Official Receipt shall be presented to the PAIAO or to the government office concerned to facilitate the release of the requested information.

The **PAIAO** or the concerned government office may exempt any requesting party from payment of fees on the following grounds:

- i. Indigency, through the presentation of an Indigent Certificate;
- ii. Government agency or Office for official use thereof;
- iii. City Government Officials and Employees for official use thereof;

**SECTION 12. NOTICE OF DENIAL.** If the **PAIAO** or the concerned government office decides to deny the request, in whole or in part, they shall notify the requesting party of the denial in writing, preferably within 15 working days but not to exceed 20 working days. 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 stipulated shall be deemed a denial of the request for access to information.*

**SECTION 13. REMEDIES IN CASES OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION.**

- (a) Denial of any request for access to information may be appealed to the **Office of the City Mayor**, following the procedure mentioned in Section 11 of this ordinance. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) working days from the notice of denial or from the lapse of the relevant period to respond to the request.
- (b) The appeal shall be decided by the Office of the City Mayor within thirty (30) working days from the filing of said written appeal. Failure of the Office of the City Mayor to decide within the aforesated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

**SECTION 14. KEEPING OF RECORDS.** Subject to existing laws, rules and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in appropriate formats, and implement a records management system that facilitates easy identification, retrieval and communication of information to the public.



**SECTION 15. PENALTIES.** Failure of any government officer to comply with the provisions of this ordinance shall be a ground for the following penalties:

- 1<sup>st</sup> Offense - Reprimand;
- 2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days; and
- 3<sup>rd</sup> Offense - Dismissal from the service.

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

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

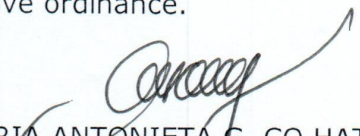
**SECTION 18. EFFECTIVITY.** This ordinance shall take effect fifteen (15) days after publication.

ENACTED, February 02, 2021.

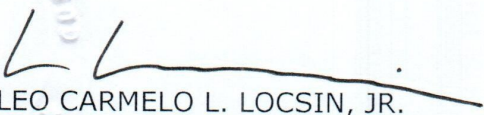
RESOLVED, FURTHER, to furnish copies of this Ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the City Treasurer; PAIAO; all government offices under the City Government of Ormoc; the City Local Government Operations Officer-DILG; and other offices concerned;

CARRIED by Eleven (11) Affirmative Votes. SP Member Vincent L. Rama encountered technical problem with his internet connection during the voting.

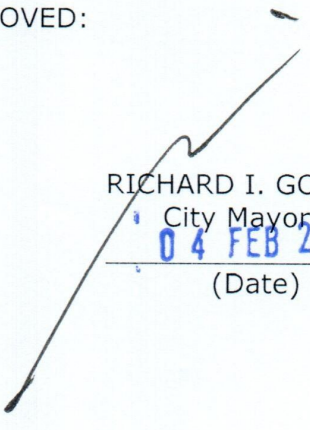
I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
Secretary to the  
Sangguniang Parlunsod

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
City Vice Mayor & Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor  
04 FEB 2021  
(Date)