



WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

PEOPLE’S FREEDOM OF INFORMATION MANUAL

PURSUANT TO EXECUTIVE ORDER NO. 02, SERIES OF 2016
OPERATIONALIZING IN THE EXECUTIVE BRANCH THE PEOPLE’S CONSTITUTIONAL
RIGHT TO INFORMATION AND THE STATE POLICIES TO FULL PUBLIC DISCLOSURE
AND TRANSPARENCY IN THE PUBLIC SERVICE AND PROVIDING GUIDELINES
THEREFOR

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1. INTRODUCTION

1.1 The WWD Organization

The Wao Water District was created by the Local Government Unit of Wao sometime in year 1991 to address the looming problems on its existing water system under the supervision of the Wao Municipal Waterworks System. It was in 1993 thru Mayor Remedios G. Guiab that the Wao Water District was officially created thru the issuance of the Conditional Conformance Certificate No. 519 last May 26, 1993 by the Local Water Utilities Administration (LWUA).

With its official creation, the Wao Water District then availed a financial loan from LWUA amounting to 4.24M and a grant from Sen. Alberto Romulo amounting to 3M to start the construction of a new water system. The construction started in March of 1998 and was operational in January of 1999 serving four (4) barangays and 790 service connections covering 15% of the total barangays of the municipality of Wao.

In 2005, the Government of Japan thru JICA extended financial grant amounting to 5 million pesos for its physical improvement which increases its service area by 24% covering a total of nine (9) barangays and increased its service connections to 2,090. The JICA-LWUA Small Water District Improvement Project construction was officially undertaken in November of 2008 and was accomplished in February of 2009.

1.2. PURPOSE

The purpose of this People's Freedom of Information (FOI) Manual of the Wao Water District (WWD) is to provide, prescribe and specify the set of procedures to be observed by the public in requesting information, data, records and documents from WWD, pursuant to Executive Order No. 2, series of 2016, entitled "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," issued by President Rodrigo Roa Duterte on July 13, 2016.

1.3. STRUCTURE OF THE MANUAL

This Manual shall set out the rules and procedures to be followed by the Wao Water District when a request for access to information is received. The General Manager is responsible for all actions carried out under this manual and may delegate this responsibility to the Section Head of the Administrative/Finance Section and Technical/Commercial Section. The General Manager may delegate a specific officer to act as the Decision Maker (DM), who shall have overall responsibility for the initial decision on FOI requests, (i.e. to decide whether to release all the records, partially release the records or deny access).

1.4. COVERAGE OF THE MANUAL

The manual shall cover all requests for information directed to Wao Water District.

1.5. FOI Receiving Officer

There should be an **FOI Receiving Officer (FRO)** designated at WWD. The FRO will be the **Public Assistance and Complaint Desk (PACD) Officer of the Day** who holds office at:

Public Assistance and Complaint Desk
Wao Water District
Brgy. Western, Wao, Lanao del Sur

The functions of the FRO shall include receiving on behalf of WWD all requests for information and forward the same to the appropriate office who has custody of the records; monitor all FOI requests and appeals; provide assistance to the FOI Decision Maker; provide assistance and support to the public and staff with regard to FOI; compile statistical information as required; and conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the FOI Decision Maker for further evaluation, or deny the request based on:

- a. That the form is incomplete; or
- b. That the information is already disclosed in the agency's Official Website, foi.gov.ph or at data.gov.ph

1.6. FOI Decision Maker

There shall be an **FOI Decision Maker (FDM)**, designated by the General Manager, in this case the Section Head of Administrative/Finance Section and Technical/Commercial Section, who shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:

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

Further decision makers may be appointed depending on the requirements of the FOI request.

1.7. CENTRAL APPEALS AND REVIEW COMMITTEE

There shall be a Central Appeals and Review Committee (CARC) composed of two (2) officials, designated by the General Manager, to review and analyze the grant or denial of request of information. In this case appoints the two (2) section heads of the Administrative/Finance Section and Technical/Commercial Section

The Committee shall also provide expert advice to the agency head on the denial of such request.

1.8. APPROVAL AND DENIAL OF REQUEST OF 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 the Industrial Relations Management Aide.

SECTION 2: DEFINITION OF TERMS

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 disclosability of the records before any final determination is made. This process is called a “consultation.”

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.

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.

EXCEPTIONS. Information that should not be released and disclosed in response to a request FOI request because they are protected by the Constitution, laws or jurisprudence.

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. This right is 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.

FOI CONTACT. The name, address and phone number at each government office where you can make a FOI request.

FOI REQUEST. A written request submitted to a government office personally or by email asking for records on any topic. A FOI request can generally be made by any Filipino to any government office.

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.

FREQUENTLY REQUESTED INFORMATION. Info released in response to a FOI request that the agency determines have become or likely to become the subject of subsequent requests for substantially the same records.

FULL DENIAL. When the agency or any of its office, bureau or agency 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.

FULL GRANT. When a government office is able to disclose all records in full in response to a FOI request.

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 and 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 or official business by any government office.

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.

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.

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.

OPEN DATA. Refers to publicly available data structured in a way that enables the data to be fully discoverable and usable by end users.

PARTIAL GRANT/PARTIAL DENIAL. When a government office is able to disclose portions of the records in response to a FOI request, but must deny other portions of the request.

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.

PERFECTED REQUEST. A FOI request, which reasonably describes the records, sought and is made in accordance with the government office's regulations.

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

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.

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.

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.

RECEIVED REQUEST OR RECEIVED APPEAL. An FOI request or administrative appeal that an agency has received within a fiscal year.

REFERRAL. When a government office locates a record that originated with, or is of otherwise primary interest to another agency, it will forward the record to the other agency to process the record and to provide the final determination directly to the requester.

SENSITIVE PERSONAL INFORMATION. As defined in the Data Privacy Act of 2012, shall refer to personal information:

- 1) About an individual race, ethnic origin, marital status, age, color, and religious philosophical or political affiliations;
- 2) 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;
- 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.

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

SECTION 3: PROTECTION OF PRIVACY

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

- a. MFWD 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. MFWD 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, or any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of MFWD, shall not disclose that information except as authorized by existing laws.

SECTION 4: STANDARD PROCEDURE

(See Annex "B, B-1" for flowchart)

1. Receipt of Request for Information

- 1.1** The FOI Receiving Officer (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 state 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 purpose of, the request for information. (See **Annex "A"** for request form).

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.

- 1.2 In case the requesting party is unable to make a written request, because of illiteracy or due to being a person with disability, he or she may make an oral request, and the FRO shall reduce it in writing.
- 1.3 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. In case of email requests, the email shall be printed out and shall follow the procedure mentioned above, and be acknowledged by electronic mail. The FRO shall input the details of the request on the Request Tracking System and allocate a reference number.
- 1.4 The agency must respond to requests promptly, within the fifteenth (15) working days following the date of receipt of the request. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday in the Philippines. In computing for the period, Article 13 of the New Civil Code shall be observed.

The date of receipt of the request will be either:

- a. The day on which the request is physically or electronically delivered to the government office, or directly into the email inbox of a member of staff; or
- b. If the government 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 member of 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 the receipt will be the day the request arrives in the inbox of the contact.

Should the requested information need further details to identify or locate, then the 15 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 (60) calendar days, the request shall be closed.

2. Initial Evaluation. After receipt of the request for information, the FRO shall evaluate the contents of the request.

2.1. Request relating to more than one office under WWD: If a request for information is received which requires to be complied with, of different offices, the FRO shall forward such request to the said office concerned and ensure that it is well coordinated and monitor its compliance. The FRO shall also clear with the respective FROs of such offices that they will only provide the specific information that relates to their offices.

2.2 Requested information is not in the custody of WWD or any of its offices: if the requested information is not in the custody of the agency or any of its offices, following referral and discussions with the FDM, the FRO shall undertake the following steps:

- If the records requested refer to another agency, the request will be immediately transferred to such appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the 15 working day limit. The 15 working day requirement for the receiving office commences the day after it receives the request.
- If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly and provided with the contact details of that office, if known.

2.3 Requested information is already posted and available on-line: Should the information being requested is already posted and publicly available in the agency website, the FRO shall inform the requesting party of the said fact and provide them the website link where the information is posted.

2.4 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 FRO shall inform the applicant of the reason of such denial.

3. Transmittal of Request by the FRO to the FDM: After receipt of the request for information, the FRO shall evaluate the information being requested, and notify the FDM of such request. 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 acknowledgment of receipt of the request.

4. Role of FDM in Processing the 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 ensure that the complete information requested be submitted to the FRO within 10 days upon receipt of such request.

The FRO shall note the date and time of receipt of the information from the FDM and report to the agency head or the designated officer, in case the submission is beyond the 10-day period.

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

If the FDM determines that a record contains information of interest to another office, the FDM shall consult with the agency concerned on the disclosability of the records before making any final determination.

5. Role of FRO to transmit the information to the requesting party: Upon receipt of the requested information from the FDM, the FRO shall collate and ensure that the information is complete. He shall attach a cover/transmittal letter signed by the agency head or the designated officer and ensure the transmittal of such to the requesting party within 15 working days upon receipt of the request for information.

6. Request for an Extension of Time: If the information requested requires extensive search of the government's office records 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 requesting party of the extension, setting forth the reasons for such extension. 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. Notice to the Requesting party of the Approval/Denial of the Request: Once the DM approved or denied the request, he shall immediately notify the FRO who shall prepare the response to the requesting party either in writing or by email. All actions on FOI requests, whether approval or denial, shall pass through the agency head or his designated officer for final approval.

8. Approval of 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 or email informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.

9. Denial of Request: 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 set forth the ground or grounds for denial and 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 agency head or its designated officer.

SECTION 5: REMEDIES IN CASE OF DENIAL

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

1. Administrative FOI Appeal to the Agency Central Appeals and Review Committee: Provided, that the written appeal must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

- a. Denial of request may be appealed by filing a written appeal to the agency Central Appeals and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - b. The appeal shall be decided by the agency head upon the recommendation of the Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

SECTION 6: REQUEST TRACKING SYSTEM

The agency 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 7: FEES

1. **No Request Fee:** The agency shall not charge any fee for accepting requests for access to information.
2. **Reasonable Cost of Reproduction, Copying, and/or Delivery of the Information:** The FRO shall immediately notify the requesting party in case there shall be a reproduction, copying and/or delivery fee in order to provide the information. Such fee shall be the actual amount spent by the agency in providing the information to the requesting party. The schedule of fees shall be posted by the agency.
3. **Exemption from Fees:** The agency may exempt any requesting party from payment of fees, upon request stating the valid reason why such requesting party shall not pay the fee.

SECTION 8: ADMINISTRATIVE LIABILITY

1. Non-compliance with FOI.

Failure to comply with the provisions of this Manual shall be a ground for the administrative and disciplinary sanctions or penalties against any erring public officer or employee as provided under existing laws and jurisprudence, as follows:

- a. 1st Offense - Reprimand;
- b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
- 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.

4. **Provisions for More Stringent Laws, Rules and Regulations.** Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by anybody or agency, which provides for more stringent penalties.

SECTION 9: EFFECTIVITY

This Order takes effect immediately.

Signed on the ____ day of _____ year 2018.

Engr. TOMAS C. CARUMBA, JR.
General Manager

Annex A

FOI Request Form

WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

**KAGAWASAN SA IMPORMASYON (FOI)
Request Form**

TITULO SA DOKUMENTO (Title of the Document): _____

MGA TUIG (Year): _____

KATUYOAN (Purpose): _____

PANGALAN (Name): _____ **CONTACT No./s:** _____

PIRMA (Signature): _____ **PETSA** (Date): _____

KUMPLETONG ADRES : _____

Gipakita nga ID: Passport No: _____

Driver's License: _____

School / Company ID: _____

Uban pa, palihog paghingalan: _____

Paagi sa pagdawat sa impormasyon (How would you like to receive the information?):

Pls. check:

E-mail (E-mail address): _____

Fax (Fax No. : _____

Mail (Mailing address: _____

Kuhaon (Pick-up):

Adlaw nga gusto kuhaon panahon sa ting-opisina (Preferred time within office hours): _____

Gisumiter kay (Submitted to): _____

(Signature over Printed Name)

Petsa/Oras Gisumite (Date/Time of Submission): _____

Sertipikado ni (Certified by) : _____

(Signature over Printed Name)

Tipo sa aksyon nga gihimo (Type of action conducted): _____

Nadawat ni (Received by): _____

FOI Receiving Officer

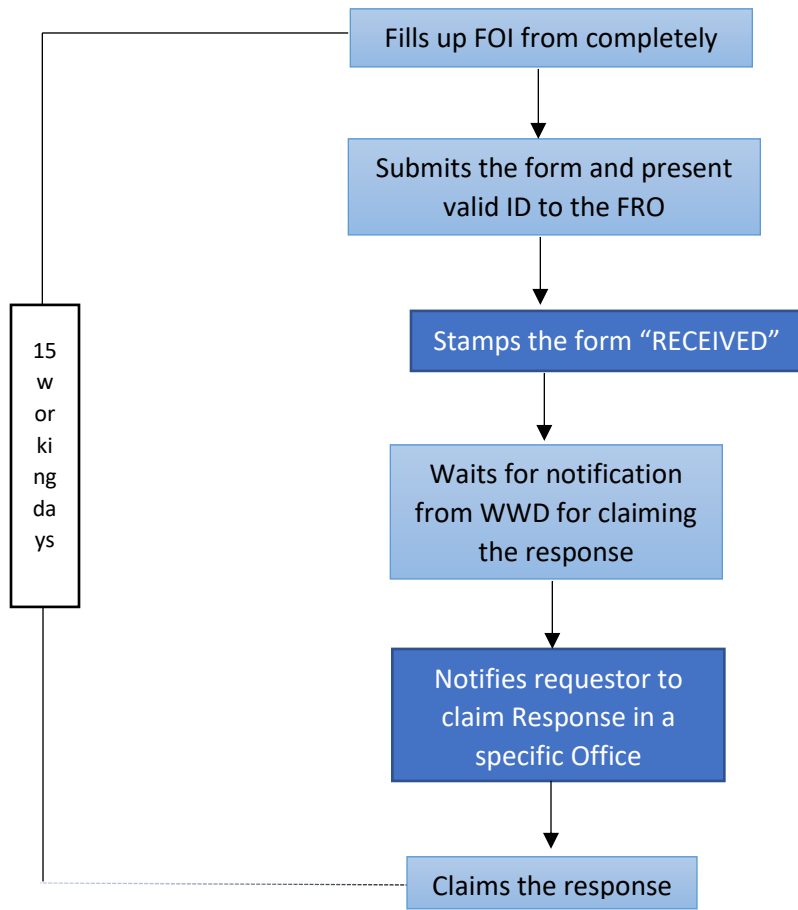
Remarks: _____

Annex B

WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

FOI Request Flow Chart

(Start Here)



Legend:

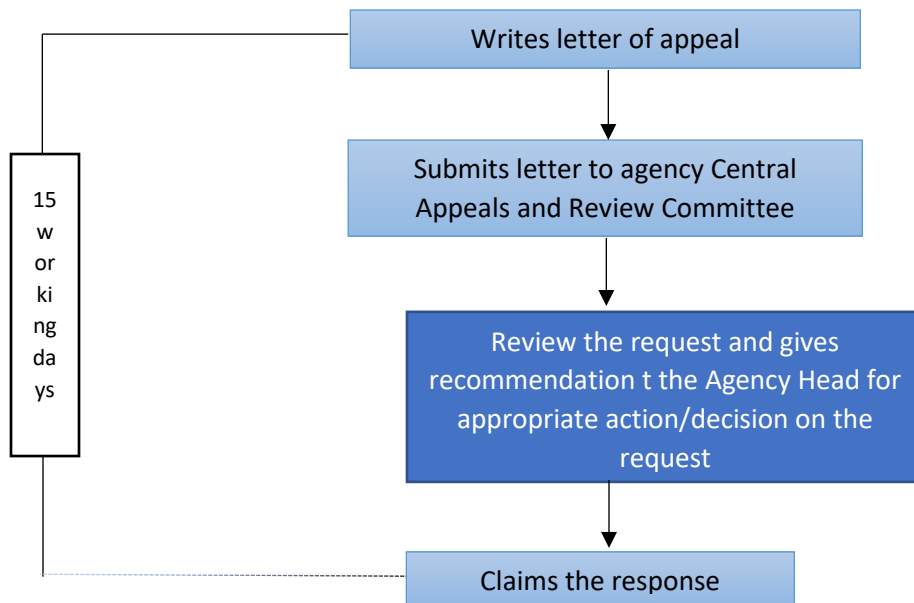
- Requesting Party
- FOI Receiving

Annex B-1

WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

Appeal on FOI Request Flow Chart
(In case of denied FOI Request)

(Start Here)



Legend:

- Requesting Party
- FOI Receiving

Annex C

FOI Response

WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

FOI Response

Date:

Dear _____

Greetings!

Thank you for your request dated (insert date) under Executive Order No. 2, s. 2016 on Freedom of Information.

Your Request:

You asked for (quote requests exactly):

Thank you.

Respectfully,

FOI Division Maker

Annex C-1

FOI RESPONSE-DOCUMENT NOT AVAILABLE

WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

FOI RESPONSE-DOCUMENT NOT AVAILABLE

Date: _____

Dear _____

Greetings!

Thank you for your request dated *(insert date)* under Executive Order No. 2, s. 2016 on Freedom of Information.

Your Request:

Response to your Request:

While our aim is to provide information whenever possible, in this instance WWD does not have the information you requested. However, you may wish to contact *(insert appropriate agency)*. We have accordingly forwarded them your request.

Your Right to request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: Appeals Committee c/o Office of the General Manager, Wao Water District, Brgy. Western, Wao, Lanao del Sur. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from your date of receipt of this letter. WWD shall complete the review and respond to you within 30 days from receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to the appeal to the office of the General Manager.

Thank you.

FOI Division Maker

FOI RESPONSE-DOCUMENT AVAILABLE ONLINE

WAO WATER DISTRICT
Brgy. Western, Wao, Lanao del Sur

FOI RESPONSE-DOCUMENT AVAILABLE ONLINE

Dear _____

Greetings!

Thank you for your request dated (insert date) under Executive Order No. 2, s. 2016 on Freedom of Information.

Your Request:

You asked for (*quote requests exactly*): _____

Response to your Request:

Some/most/all of the information you have requested is already available online at www.waowaterdistrict.com.

Your Right to request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: Appeals Committee c/o Office of the General Manager, Wao Water District, Brgy. Western, Wao, Lanao del Sur. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from your date of receipt of this letter. WWD shall complete the review and respond to you within 30 days from receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to the appeal to the office of the General Manager.

Thank you.

Respectfully,

FOI Division Maker

FOI RESPONSE-UNDER EXCEPTIONS

WAO WATER DISTRICT

Brgy. Western, Wao, Lanao del Sur

FOI RESPONSE-UNDER EXCEPTIONS

Dear _____

Information.

Your Request:

You asked for (*quote requests exactly*): _____

Response to your Request:

While our aim is to provide information whenever possible, in this instance we are unable to provide the information you have requested because an exception under section 3 of the manual stating thereto lists of exceptions applies to that information.

Your Right to request a Review:

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response in writing to: Appeals Committee c/o Office of the General Manager, Wao Water District, Brgy. Western, Wao, Lanao del Sur. Your review request should explain why you are dissatisfied with this response, and should be made within 15 calendar days from your date of receipt of this letter. WWD shall complete the review and respond to you within 30 days from receipt of your appeal.

If you will not be satisfied with the results of the review, you then have the right to appeal to the office of the General Manager.

Thank you.

FOI Division Maker