

**SASMUAN WATER  
DISTRICT**

**FREEDOM OF INFORMATION  
AGENCY MANUAL**

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## INTRODUCTION

Pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law. So, in compliance with Executive Order No. 2, Series of 2016 entitled "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", the Sasmuan Water District, as a Government-Owned and Controlled Corporation covered by the Order, hereby prepared its own FOI Manual to guarantee the right of the people to information on matters of public concern.

The Sasmuan Water District FOI Manual contains the rules and procedures to be followed in the filing and processing of request for access to information. Under Section 3 of the Executive Order, every Filipino 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. But it is good to note that access to information shall be denied when the information falls under any of the exceptions provided in the Constitution, existing law or jurisprudence.

# SASMUAN WATER DISTRICT FOI OFFICERS

## ➤ FOI RECEIVING OFFICER

There shall be a FOI Receiving Officer (FRO) designated by the General Manager at the Main Office of the Sasmuan Water District. The functions of the FRO shall include the following:

- a. Receives for and in behalf of the District all requests for information;
- b. . Monitors all FOI requests and/or appeal;
- c. Provides assistance to the general public and SWD staff relative to FOI;
- d. Compiles statistical information as required;
- e. Conducts initial evaluation of the request and advise the requesting party whether the request will be forwarded to the General Manager for further evaluation;
- f. Denies the request due to the following reasons:
  - The form is incomplete. ☐
  - The information is already disclosed at the SWD Website.
  - Vexatious request- a request that is evidently without any legitimate purpose or aimed at disrupting the work in SWD units or harassing its employees, including identical or substantially similar requests.

➤ **PROCEDURE OF FOI**

**Request for Information.** (a) The SWD recognizes that every Filipino is entitled (i) to be informed in writing whether it holds a particular information described and specified in a proper request, and, (ii) if that is the case, to have that information communicated to him. In this regard, any Filipino applicant may request for an SWD information by accomplishing two copies of the request form available at the SWD Office

(b) The applicant must ensure that he shall state his name and contact information; a reasonable description of the information requested the specific reason/s for the request and present two valid pieces of evidence of his identity or authorization. All requests for information shall be addressed in the name of the Sasmuan Water District and must be made under oath in accordance with the 2004 Rules on Notarial Practice (A.M 02-8-13-SC).

**Receipt of the Request.** (a) The duly accomplished request may be submitted to the SWD by walk in or by electronic mail (email) [sasmuanwaterdistrict@yahoo.com](mailto:sasmuanwaterdistrict@yahoo.com). If the request is sent by email, the requesting party must submit a photostatic or electronically scanned copy of the evidence of identity. (b) In case of a proxy request, the duly accomplished request form must be accompanied by a letter of authority indicating that the applicant has authorized his representative to submit the request on his behalf, together with copies of two valid evidence of identities for both the applicant and his representative. (c) In case the applicant is disabled or illiterate, he may be assisted by a relative within the fourth civil degree of consanguinity or affinity or by a representative, who should be a person personally known to him, who is of legal

age and who belongs to the same household. In submitting the request, both the applicant and his representative must submit valid evidence of their identities.

Where the SWD

*Bill of Particulars* where the SWD reasonably requires added information in order to identify and locate the information requested, and (b) has informed the applicant of such requirement, then it is not obliged to comply with the applicant's request, unless such added information is supplied.

**Fees.** (a) The SWD may, within 15 days, give the applicant a fees notice stating the specific amount needed to defray the cost of copying and reproduction of the requested information, indicating that the applicant's request is granted. The applicant must from receipt of the fees notice pay the SWD within a reasonable period the amount specified. The SWD may reduce or waive any of its fees in case the applicant is an indigent, a student or a senior citizen. Provided: that the applicant satisfactorily proves his entitlement to such waiver or reduction of fees.

(c) The SWD reserves the right to deny the request if the applicant fails or refuses to pay the required fees.

**Time to act.** (a) The OGCC shall promptly act on the request not later than 15 working days, following the date of its receipt of the complete request. (b) Where the SWD gave a fees notice to the applicant, the 15-day period to comply is tolled and will begin to run anew once it receives the applicant's full payment in accordance with the preceding section. If the remaining period is only five working days or less, the SWD shall have a fresh 10 days from receipt of full payment, unless the requested information is voluminous in which case the SWD is authorized to act on the request on a longer but reasonable period it may

provide. (c) The SWD reserves the right to extend the period stated here when the information requested requires extensive research of official records under its control and custody, examination of voluminous records, the occurrence of fortuitous events and other analogous cases. In all these cases, the SWD shall notify the applicant in writing. (d) The SWD may defer action on an incomplete request, promptly giving the applicant a written notice about this

**Vexatious requests.** The SWD is not obliged to comply with an applicant's request for information if the request is vexatious. Where the SWD has previously complied with a request for information, which was made by any person, it is not obliged to comply with a subsequent identical or substantially similar request from that person. **Denial of request.** The SWD shall, within the time to act on a request, give the applicant a notice denying the request in whole or in part, specifying the ground or grounds for the denial and the circumstances upon which the denial is based.

➤ **□ FOI DECISION MAKER**

The Head of the Agency is the one responsible for all the actions carried out under this Manual and will be the FOI Decision Maker (DM). However, he may delegate his duties and responsibilities to an employee with a rank not lower than Division Manager or its equivalent from the Human Resources Department, who shall conduct evaluation of the request for information and have the authority to grant or deny the same.

➤ • **FOI APPEAL AND REVIEW COMMITTEE**

There shall be a SWD Appeal and Review Committee composed of three members of the Board of Directors since the agency has no Division Manager yet. They shall review and analyze the grant or denial of request of information. Additionally, they shall provide expert advice to the General Manager on the denial of such request.

## **SCOPE OF THE FOI MANUAL**

This FOI Manual will serve as the guide of the general public or the requesting party on how they will request in order to have the access to information and how will the Sasmuan Water District respond when the request is received. The following provisions are likewise included in the manual:

- a. The location and contact information of the Head of the Agency where the public can obtain information or submit requests;
- b. The person or office responsible for receiving requests for information;
- c. The procedure for the filing and processing of the request;
- d. The standard forms for the submission of requests and for the proper acknowledgment of requests;
- e. The process for the disposition of requests;
- f. The procedure for the administrative appeal of any denial for access to information; and
- g. The schedule of applicable fees



## EXEMPTED TO ACCESS TO INFORMATION

The Sasmuan Water District FOI Manual does not cover information which falls under the list of exceptions of Executive Order No. 2, Series of 2016 and Memorandum Circular 89 Updating the Inventory of Exceptions to the right to Access of Information Under Executive Order (EO) No 2 ( Inventory of Exceptions on November 24, 2016) . These exemptions are the following;

- as recognized by the Constitution, existing laws, or jurisprudence:
- Information covered by Executive privilege;
- Privileged information relating to national security, defense or international relations;
- Information concerning law enforcement and protection of public and personal safety.
- Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused:
- Information, documents or records known by reason of official capacity and are deemed as confidential, Including those submitted or disclosed by entities of government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
- Prejudicial premature disclosure; Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged; Matters considered confidential under banking and finance laws, and their amendatory laws; and For the implementation of the

exceptions to the right of access to information the following provide the salient details and legal bases that define the extent and application of the exceptions.

1. Information covered by Executive privilege:

a. Presidential conversations, correspondences, and discussions in closed-door 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. ,

- Privileged information relating to national security, defense or international relations: Other exceptions to the right to information under laws, jurisprudence, rules and regulations

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

7. 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
- 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 carjacked vehicles and apprehension of the persons charged with carjacking and,
- e. All proceedings involving application for admission into the Witness Protection Program and the action taken thereon

## PROTECTION OF PRIVACY

While providing access to information, the Sasmuan Water District shall commit to full protection to the right to privacy of individuals as follows;

1. The Sasmuan Water District shall protect personal information, particularly sensitive personal information, in its custody or under its control, disclosed only as permitted by the existing law;
2. The SWD shall protect personal information in its custody or under his control by making reasonable security arrangements against leak or premature disclosure;
3. Any employee or official who has access, whether authorized or unauthorized, to personal information in the custody of the agency, shall not disclose that information except as authorized by the existing laws.

## STANDARD PROCEDURE

### ➤ • WRITTEN REQUEST

Request of information may be in writing using the prescribed form which are readily available at the Public Assistance and Complaints Desk (PACD) and the requesting party shall comply with the following requirements

- a. Complete name and address of the requesting party;
- b. Contact information such as mobile/telephone number or email address;
- c. Two (2) copies of valid proof of identification or authorization letter and valid proof of identification of the authorized representative;

d. Detailed description of the document/s requested; and

e. Reason or purpose of the request of information.

➤ • **ONLINE/EMAIL REQUEST**

The request of information may also made through email, provided that the requesting party shall attach in the email a scanned copy of the FOI request form together with a copy of valid proof of identification with photo and signature at send to [sasmuanwaterdistrict@yahoo.com](mailto:sasmuanwaterdistrict@yahoo.com)

## **TIME AND PLACE OF FILING OF REQUEST**

For the written request, the schedule of filing of request is from 8:00am to 5:00pm, Monday to Friday except holidays and non-working days. Moreover, the requesting party shall submit all the requirements needed for the information requested at:

**The Office of the General Manager**

**Sasmuan Water District**

**Sta. Lucia, Sasmuan Pampanga**

Meanwhile, for online/email request, the requesting party may send all the requirement at the official email address of the agency. Attention the request to the FOI Decision Maker who is GM Beda M. Carlos and use the description of the request as the subject of the email

**Email address: [sasmuanwaterdistrict@yahoo.com](mailto:sasmuanwaterdistrict@yahoo.com)**

## **RECEIPT OF FOI REQUEST FORM**

The designated FOI Receiving Officer shall check for the completeness of the information required in the request form upon submission of the requesting party. Once verified, the request shall be stamped "RECEIVED", indicating the date and time of receipt and the name and signature of the FRO who actually received the form. The FRO shall copy furnished the requesting party with the request form and the original copy must be retained to the agency for filing. In case of email request, the FRO shall print the attached files of the email and then follow the same abovementioned procedure, the FRO shall also acknowledge the receipt hereof

## **PROCESSING OF REQUEST**

1. Upon receipt of the request for information, the FRO shall conduct initial evaluation on the contents of the request form.
2. In case that the requested information is readily available, the FRO shall inform the requesting party and provide him the needed information provided that the request is forwarded to the FDM and a duplicate copy of the requested document must be retained by the FRO for recording and reference purposes.
3. In case the requested information requires the approval of the FDM, the FRO shall forward the request to the former. Upon instruction of the FDM, the FRO shall provide a copy of the request to every division concerned if the request for information requires documents or records from different divisions to make sure that there is proper coordination among them.

4. Upon approval of the General Manager or the FDM, the FRO shall notify the requesting party within ten (10) working days from the date of the receipt of the request, unless extended in case of any valid event or reason. The notice shall be transmitted through telephone call, registered mail or electronic mail.

5. Release of the requested document shall be made only upon payment of the required fees.

## **FEES AND OTHER REASONABLE CHARGES**

No request fee. As stipulated in the law, the Sasmuan Water District shall not charge any fee for accepting requests for access to information.

## **REQUEST FOR AN EXTENSION OF TIME**

If the information requested requires an extensive research of the SWD's office records facilities, examination of a number of records or occurrence of any unwanted events, the person concerned shall inform the FRO. Then the FRO shall also inform the requesting party of the extension of time stating the reason/s for 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.

## REMEDIES IN CASE OF DENIAL OF REQUEST

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

1. Administrative Appeal to the FOI Appeal and Review Committee of the District.

a. Denial of the request may be appealed by filing a written request to the SWD's FOI Appeal and Review Committee within fifteen (15) calendar days from the notice of denial or from the lapse of the period to respond to the request.

b. The appeal shall be decided by the General Manager upon the recommendation of the SWD's FOI Appeal and Review

c. Committee within thirty (30) working days from the date of filing of the said written appeal. c. Failure to decide within the 30-day period shall be deemed a denial of the request.

## ADMINISTRATIVE LIABILITY

➤ **NON-COMPLIANCE WITH FOI.** Failure to comply with the provisions of this Manual shall be a ground for the following administrative penalties:

a. 1<sup>st</sup> Offense - Reprimand

b. 2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days; and

c. 3<sup>rd</sup> Offense - Dismissal from Service

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



## **AMENDMENTS**

This FOI Manual or part hereof may be revised or updated as the need arises.

## **EFFECTIVITY**

This Manual shall take effect upon posting in the Sasmuan Water District Official Website which is at [www.sasmuanwd.gov.ph](http://www.sasmuanwd.gov.ph) and the Bulletin Board of the Agency.