



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 124TH REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 10 JANUARY 2022, 11:00 A.M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Vice Mayor Gualberto V. Magno	- Presiding Officer
Councilor Jerwin S. Dimapilis	- Member
Councilor David D. De La Cruz	- Member
Councilor John John S. Yason	- Member
Councilor Robert S. Quiatchon	- Member
Councilor Lucille T. Bacay	- Sick Leave
Councilor Juan Rafael M. Talens	- Member
Councilor Ronel S. Sescar	- Member
Councilor Veil Charleio B. Cusi	- Member
Councilor Celso M. Dimapilis	- President, Liga ng Barangay
Councilor Elmira May V. Tarac	- Member, MSKF President

Absent: NONE

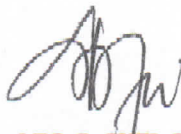
MUNICIPAL ORDINANCE NO. 36
Series of 2022

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN THE MUNICIPAL GOVERNMENT OF ROXAS, ORIENTAL MINDORO AND PROVIDING GUIDELINES THEREFOR.

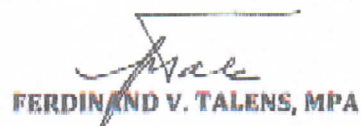
Author:

Councilor **JUAN RAFAEL M. TALENS**

- WHEREAS**, pursuant to Section 28, Article II of 1987 Constitution, the State adopts a policy of full disclosure of all its transactions involving public interests subject to reasonable conditions prescribed by law;
- WHEREAS**, Section 7, Article III of 1987 Constitution guarantees the right of the people to information on matters of public concern;
- 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 Municipal Government of Roxas 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;
- NOW THEREFORE**, be it ordained by the Sangguniang Bayan of Roxas in session assembled that:


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SECTION 1. SHORT TITLE. This ordinance shall be known as the "*FOI Ordinance of 2021 of the Municipality of Roxas.*"

SECTION 2. DEFINITION OF TERMS. For the purpose of this Ordinance, the following terms are hereby defined.

- (a) *Information* refers to 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 department, unit, and office under the Municipal Government of Roxas pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by department, unit, and office under the Municipal Government of Roxas.
- (b) *Official record* refers to information produced or received by a public officer or employee, or by a department, unit, and office in an official capacity or pursuant to a public function or duty.
- (c) *Public record* refers to 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 ordinance shall cover all departments, units, and offices under the Municipal Government of Roxas.

SECTION 4. ACCESS TO INFORMATION. Every Filipino resident of the Municipality of Roxas 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 Municipal Government of Roxas or any of its offices.

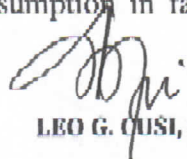
SECTION 5. EXCEPTIONS. Freedom of information (FOI) shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence.

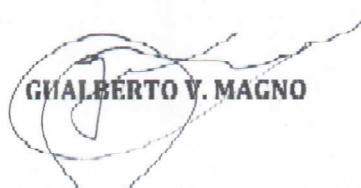
Pursuant to this, the Municipal Administrator is directed to prepare a local inventory of FOI exceptions and submit the same to the Sangguniang Bayan within thirty (30) calendar days from the date of the effectivity of this ordinance, for its approval.

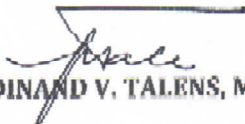
Thereafter, the Sangguniang Bayan Secretary shall cause the publication of the local inventory of FOI exceptions for the guidance of all municipal offices covered by this ordinance. Said local inventory of FOI exceptions shall be periodically updated by the Municipal Administrator and the Sangguniang Bayan.

SECTION 6. AVAILABILITY OF SALN. Subject to the provisions contained in Sections 4 and 5 of this ordinance, all public officials of the Municipal Government of Roxas 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 ordinance.

SECTION 7. APPLICATION AND INTERPRETATION. There shall be a legal presumption in favor of access to information, public records and official records. No


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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 municipal or field officer duly designated by her/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, and graft and 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 municipal 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 municipal 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.

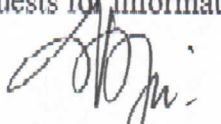
(c) Any employee, official or head of a municipal office who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this ordinance or pursuant to existing laws, rules and regulation.

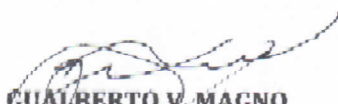
SECTION 9. PROCEDURE. The following procedure shall govern the filing and processing of request for access to information:

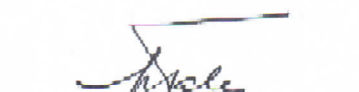
(a) Any person who requests access to information shall submit a written request to the Municipal Public Information Office (MPIO) or the concerned municipal office. The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, 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.

(b) The municipal official receiving the request shall be designated as the FOI Receiving Officer and 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 MPIO or the concerned municipal 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 municipal office shall establish a system to trace the status of all requests for information received by it.


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(d) The MPIO or the concerned municipal 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 municipal office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The MPIO or the concerned municipal 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 the request, the person making the request shall be notified of such decision and directed to pay any applicable fees.

SECTION 10. FEES.

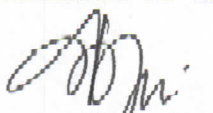
(a) The Municipal offices shall not charge any fee for accepting requests for access to information. Likewise, there shall be no charge for obtaining information in digital format (e. PDF, JPEG, etc.). However, the following schedule of fees is imposed for printing, photocopying, and certification services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

NATURE OF SERVICE	FEES
1. Certification of Official Records	P50.00/page for the 14 copy and P5.00/page for succeeding copies
2. Printing	P5.00/page
3. Photocopying	
a) Long	P3.00/page
b) Short/A4	P2.00/page

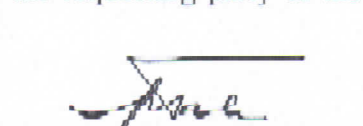
(b) The fee shall be paid to the Municipal Treasurer at the time of the request, whether written or verbal. The Official Receipt number, the amount of the total fees, and the date of payment shall be indicated at the bottom of the certificate.

(c) The MPIO or the concerned municipal office may exempt any requesting party from fees, upon request stating the valid reason why such party should not pay the fee.

SECTION 11. NOTICE OF DENIAL. If the MPIO or the concerned municipal office decides to deny the request, in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, or within twenty (20) working days in case of extension, whichever is applicable, notify the requesting party 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


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action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

SECTION 12. 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 Mayor, following the procedure mentioned in Section 9 of this ordinance: 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 Office of the Mayor within thirty (30) working days from the filing of said written appeal. Failure of the Office of the Mayor 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 case in the proper courts in accordance with the Rules of Court.

SECTION 13. KEEPING OF RECORDS. Subject to existing laws, rules, and regulations, the municipal 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.

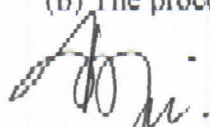
SECTION 14. PENALTIES. Failure of any municipal officer to comply with the provisions of this ordinance shall be a ground for the following penalties:

<i>PERIOD OF OFFENSE</i>	<i>PENALTY</i>
1. 1 ST OFFENSE	Reprimand
2. 2 ND OFFENSE AND SUCCEEDING OFFENSES	Suspension of one (1) to thirty (30) days

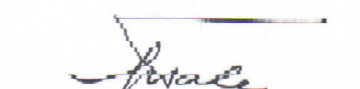
SECTION 15. FREEDOM OF INFORMATION (FOI) OFFICE. The Municipal Public Information Office (MPIO) is designated to be the FOI Office tasked to oversee the implementation of this ordinance. The MPIO is further directed to formulate the implementing rules and regulations (IRR), which shall include, among others the following provisions:

(a) The name, location, and contact information of FOI receiving officers;

(b) The procedure for the filing and processing of the request,


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- (c) The standard forms for the submission of requests;
- (d) The process for the disposition of requests;
- (e) The procedure for the administrative appeal of any denial;

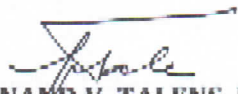
SECTION 16. SEPARABILITY CLAUSE. If any section or part of this ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

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 CLAUSE. This ordinance shall take effect upon its approval.

Adopted : 10 January 2022

CERTIFIED TRUE AND CORRECT:


FERDINAND V. TALENS, MPA
Secretary to the Sangguniang Bayan

ATTESTED:


GUALBERTO V. MAGNO
Presiding Officer

APPROVED:


LEO G. QUI, SR.
Municipal Mayor
Date Signed: 01-24-22

mjc/011022


COLETTA G. MATIG
Jep, B. 712-2

received by:
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FERNANDO T. MERA
Jan. 13, 2022