



Republic of the Philippines
BAYAWAN WATER DISTRICT
Lot 1, Blk N, Don Gaspar Vicente Subd., Villareal,
Bayawan City, Negros Oriental
TeleFax # (035) 430-0361, 228-3349
[website:www.bawad.gov.ph](http://www.bawad.gov.ph)

PEOPLE'S FREEDOM OF INFORMATION MANUAL

"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."

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SECTION I. OVERVIEW

1. The PURPOSE. This BAWAD FOI manual serves as a guide to the public in exercising their constitutional right to information on matters of public concern pursuant to Section 7, Article III of the 1987 Constitution. It also seeks to implement the State policy of public disclosure pursuant to Article 28, Article II of the 1987 Philippine Constitution and Executive Order No. 2, series of 2016.
2. Structure of the MANUAL. This BAWAD FOI Manual embarks the procedures to be followed by Bayawan Water District (BAWAD) upon receipt of request for access to information. It is the responsibility of the AGENCY HEAD that all actions be carried out under this manual. The responsibility may also be delegated to the BAWAD FOI Receiving Officer of Bayawan Water District. Likewise, the Head of Agency may also delegate a specific officer to act as the Decision Maker, who in return shall have possessed overall responsibility for the initial decision on BAWAD FOI requests (i.e. approve, disapprove, put on hold such request).
3. Coverage of the Manual. The BAWAD FOI manual shall include all requests for information directed to Bayawan Water District.
4. BAWAD FOI Receiving Officer. Bayawan Water District shall have a designated BAWAD FOI Receiving Officer (BAWAD FRO) which preferably comes from the Public Assistance and Complaints Office or Information Office or its equivalent. The BAWAD FRO shall hold office at Customer Service Section of Bayawan Water District.

The functions of the BAWAD FRO shall include receiving all requests for information and forward the same to the appropriate office who has custody of the records, monitoring of all requests and appeals, providing assistance to the BAWAD FOI Decision Maker, providing support to the public and staff in relation to BAWAD FOI; gathering statistical information as required; and, conduct initial evaluation of the request and advise the requesting party whether the request will be forwarded to the BAWAD FOI Decision Maker for further evaluation, or deny the request based on the following:

- a. Incomplete form
 - b. Information being requested is already disclosed in Bayawan Water District's official website, foi.fov.ph or at data.gov.ph.
5. FOI Decision Maker. The BAWAD FOI Decision Maker (BAWAD FDM), designated by the Head of Agency, with a rank of not lower than a Division Chief or its equivalent, shall conduct evaluation of the request for information and has the authority to grant the request, or deny it based on the following:
- a. Bayawan Water District does not possessed the information requested;
 - b. The information requested includes sensitive personal information that is protected by the Data Privacy Act of 2012;
 - c. The information requested is included under the list of exceptions to FOI; or

- d. The requests is an excessive successive identical or substantially similar request from the same requesting party whose request has already been previously granted or denied by the agency.
6. Central Appeals and Review Committee. The Board of Directors chaired by the BOD Chairperson shall compose the Central Appeals and Review Committee. In case where any three (3) regular members are absent, any of the remaining Directors shall sit in the Committee.
7. 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 Agency Head may delegate such authority to his Chief of Staff or any officer not below the rank of a Director.

SECTION 2. DEFINITION OF TERMS

CONSULTATION. When a government office locates a record that includes information of interest to another office, it will seek for the opinion of that other agency on divulging of the records before any final determination is made. This process is called “consultation”.

data.gov.ph. The open Data Website that operates as the government’s comprehensive portal for all public government data that is searchable, understandable and accessible.

FOI.gov.ph. The website that operates as the government’s comprehensive FOI website for all information on the FOI. Among many other aspects, 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 which are not bound to be released and divulged in response to FOI request because it is 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 of Bayawan Water District 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. 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.

FULL DENIAL. When Bayawan Water District cannot release records in response to a FOI request, because, for instance, the requested information is exempt from disclosure in its entirety or no records responsive to the request could be located.

FULL GRANT. When Bayawan Water District is able to divulge all records in full response to a FOI request.

INFORMATION. Shall pertain to 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 achieved 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.

INFORMATION FOR DISCLOSURE. Information promoting 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 the need for written requests from the public/.

OFFICIAL RECORDS. Shall pertain to information produced or received by a public officer or employee, or by any 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/DENIAL. When Bayawan Water District is able to divulge portions of the records in response to FOI request, but must deny other portions of the requests.

PENDING REQUEST OR PENDING APPEAL. A BAWAD FOI 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 statutory response time.

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.

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

SENSITIVE PERSONAL INFORMATION. AS DEFINED IN THE data Privacy Act of 2012, personal information refers to the following:

- 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 is 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.

SIMPLE REQUEST. A FOI that an 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, Bayawan Water District shall afford full protection to a person's right to privacy, as follows:

- a. Bayawan Water District 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. Bayawan Water District 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 Bayawan

Water District shall not divulge that information except as authorized by existing laws.

SECTION 4. STANDARD PROCEDURE (see ANNEX A for flowchart)

1. Receipt of request for Information.

1.1. The BAWAD FOI Receiving Officer (BAWAD-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. (See Annex B for the 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 put it in writing.

1.3. The request shall be stamped "BAWAD RECEIVED" by the BAWAD 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. Bayawan Water District 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, Art. 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 Bayawan Water District, or directly into the email inbox of BAWAD FRO; or

- b. If Bayawan Water District has asked the requesting party for further details to identify and locate the requested information, the date on which the necessary clarification is received.
- c.

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.

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

2.1. Request relating to more than one office under Bayawan Water District. If a request for information is received which requires to be complied with, of different offices, the BAWAD FRO shall forward such request to the said concerned office and ensure that it is well coordinated and monitor its compliance. The BAWAD 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 under the custody of Bayawan Water District. If the requested information is not in the custody of Bayawan Water District, following referral and discussions with the BAWAD FDM, the BAWAD FRO shall undertake the following steps:

- If the requested records refer to another agency, the request will be immediately transferred to the appropriate agency through the most expeditious manner and the transferring office must inform the requesting party that the information is not held within the fifteen working day limit. The fifteen working day requirement for the receiving office commences the day after it received the request
- If the records refer to an office not within the coverage of EO 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 BAWAD website, data.gov.ph or foi.gov.ph, the BAWAD 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 requester. Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be

denied. However, the BAWAD FRO shall inform the applicant of the reason of such denial.

3. **Transmittal of request by the BAWAD FRO to the BAWAD FDM.** After receipt of the request for information, the BAWAD FRO shall evaluate the information being requested, and notify the BAWAD FDM of such request. The copy of the request shall be forwarded to such BAWAD FDM within one day from receipt of the written request. The BAWAD FRO shall record the date, time and name of the BAWAD FDM who received the request in a record book with the corresponding signature of acknowledgement of receipt of the request.
4. **Role of the BAWAD FDM in processing request.** Upon receipt of the request for information from the BAWAD FRO, the BAWAD 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 BAWAD FDM shall ensure that the complete information requested be submitted to the BAWAD FRO within 10 days upon receipt of such request.

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

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

5. **Role of BAWAD FRO to transmit the information to the requesting party.** Upon receipt of the requested information from the BAWAD FDM, the BAWAD FRO shall collate and ensure that the information is complete. He or she shall attach a cover/transmittal letter signed by the Head of Agency or the designated officer and ensure the transmittal of such to the requesting party within 5 working days upon receipt of the request for information.
6. **Request for time extension.** 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 BAWAD FDM should inform the BAWAD FRO.

The BAWAD FRO shall inform the Requesting Party of the extension, explaining the reasons for doing so. In no case shall the extension exceed 20 working days on top of the mandated fifteen 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 BAWAD FDM approved or denied the request, he or she shall immediately notify the BAWAD 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 BAWAD's Agency Head or the designated officer for final approval.

8. **Approval of request.** In case of approval, the BAWAD FRO shall ensure that all records that have been retrieved and considered be checked for possible exemptions, prior to actual release. The BAWAD FRO shall prepare the letter for 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 BAWAD 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 Agency Head or the 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 stated below:

1. Administrative FOI appeal to the Agency Central Appeal and Review Committee: Provided; that the written appeal must be filed by the same requesting party within fifteen calendar days from the notice of denial or from the lapse of the period to respond to the request.
 - a. Denial of a request may be appealed by filing a written appeal to the Agency Central Appeals and Review Committee within fifteen 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 thirty 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

Bayawan Water District 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. Bayawan Water District 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 BAWAD FRO shall immediately notify the requesting party in case there be reproduction, copying and or delivery fee in order to provide the information. Such fee shall be the actual amount spent by Bayawan Water District in providing the information to the requesting party. The schedule of fees shall be as follows:

SCHEDULE OF FEES

SERVICE	Cost
Reproduction or photocopy	Php 5.00 per page (short/long)
Retrieval fee	a. For documents retrievable within one day – Php 100.00 b. For documents retrievable for more than one day to one week – Php 300.00 c. For documents requiring more than one week – Php 500.00
Delivery Charge (in case of registered mail)	Php 200.00
Appeal of Notice of Denial (covers for administrative expenses and research fee)	Php 2,000.00

3. Exemption from fees. Bayawan Water District 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

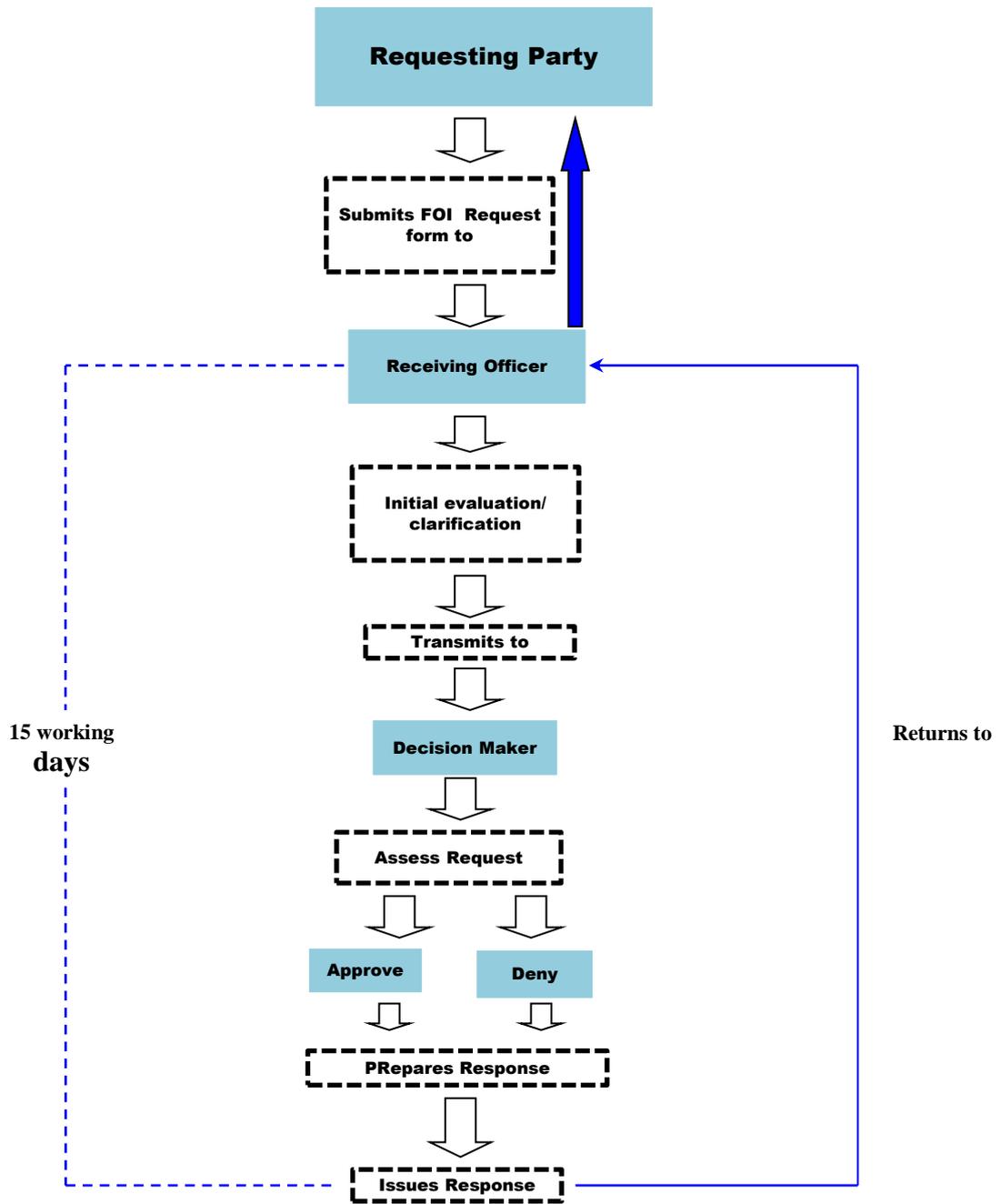
1. Non-compliance with BAWAD FOI. Failure to comply with the provisions of this manual shall be a ground for the following administrative penalties”
 - a. 1st Offense - Reprimand
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service
2. Procedure. The revised rules on administrative cases in the Civil Service commission shall be applicable in the disposition of cases under this manual.
3. 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 any body or agency, which provides for more stringent penalties.

SECTION 9. APPROVAL

This FOI Manual is hereby approved and adopted per Board Resolution No. 049 Series of 2017 dated September 01, 2017 at BAWAD Office, Bayawan City, Negros Oriental, Philippines.

ANNEX A

Flow Chart



ANNEX B



BAYAWAN WATER DISTRICT
Lot 1, Block N, Don Gaspar Subdivision, Villareal,
Bayawan City, Negros Oriental, Philippines
CCC-221

FOI REQUEST FORM

Title of the Document: _____ Year: _____

Purpose: _____

Name: _____

Signature: _____ Date: _____

Address: _____

Email: _____ Contact Nos. _____

Proof of Identity: Passport No. _____
(must be Filipino citizen) Driver's License _____
 Others, please specify _____

How would you like to receive the information:

- Email _____
- Postal Address _____
- Pick-up (office hours) _____

TO BE COMPLETED WHEN FOI REQUEST IS SUBMITTED TO FRO

Submitted to: _____
(Name and Signature of designated FRO)

Date/Time of Submission: _____ Certified by: _____

Type of Action/Remarks:

- Info requested is available online/publicly at _____
- Request is similar to an earlier request acted on by BAWAD
- Info requested is under services of _____ and will be referred to that office/agency
- Request will be endorsed to the appropriate BAWAD division/section

Received by: _____

FOI Receiving Officer

Undertaking:

The requesting party undertakes to pay necessary expenses incurred in producing the information, record or document required. Failure of the requesting party to pay the necessary expenses incurred in producing the information, record or document authorizes that FRO withhold the release of the information. Further, the requesting party undertakes not to use the information requested for a purpose different from the reason (s) stated in the request.

A copy for the requesting party as proof of receipt