



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPTS FROM THE MINUTES OF THE 5TH SANGGUNIANG PANLUNGSOD
OF THE CITY OF BATAC, ILOCOS NORTE ON ITS 39TH REGULAR SESSION DULY
HELD ON MAY 11, 2020 AT 2:00 O'CLOCK IN THE AFTERNOON
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL**

Members Present:

Hon. Windell D. Chua	Vice Mayor/Presiding Officer
Hon. Bismark Angelo A. Quidang	Sangguniang Panlungsod Member
Hon. Giancarlo Angelo S. Crisostomo	-do-
Hon. Kichel Jomarie G. Pungtilan	-do-
Hon. MacArthur A. Aguinaldo	-do-
Hon. Jaime S. Tanagon, Sr.	-do-
Hon. Bernardo K. Marders	-do-
Hon. Eugenia Violeta Daradar-Nalupta	-do-
Hon. Christopher B. Lagmay	-do-
Hon. Lucky Rene G. Bunye	-do-
Hon. Joseph P. Ulit, ABC Representative	-do-
Hon. John Gabrielle Dominique M. Daguo, SK Representative	-do-

Absent:

Hon. Ramon M. Gaoat	-do- [On Sick Leave]
---------------------	----------------------

ORDINANCE NO. 5SP 2020 – 27

**AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN THE
CITY GOVERNMENT OF BATAC AND PROVIDING GUIDELINE THEREFOR**

WHEREAS, pursuant to Section 28, Article II of the 1987 Constitution, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest subject to reasonable conditions prescribed by law;

WHEREAS, Section 7, Article III of the 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 enjoins local government units to observe and be guided accordingly;

WHEREAS, recognizing the importance of the people's right to government information, and guided by the President's Executive Order, the City Government 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;



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Ordinance No. 5SP 2020 – 27 cont'd.
5th Sangguniang Panlungsod of Batac
39th Regular Session, May 11, 2020
Page 2 of seven pages

-----XX

NOW, THEREFORE,

BE IT ORDAINED, by the Sangguniang Panlungsod of the City of Batac, Ilocos Norte in session duly assembled, **THAT:**

SECTION 1. Title. This ordinance shall be known as the **“Freedom of Information Ordinance in the City of Batac of 2020”**

SECTION 2. Definition of Terms. For the purpose of this Ordinance, the following terms shall means:

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

SECTION 3. Coverage. This order shall cover all government offices under the City Government of Batac.

SECTION 4. Access to Information. 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, in the custody of the City Government of Batac or any of its offices.

SECTION 5. Exceptions. Access to information shall be denied when the information falls under any of the exception enshrined in the Constitution, existing law or jurisprudence.

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



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIAN PANLUNGSOD

Ordinance No. 5SP 2020 – 27 cont'd.
5th Sangguniang Panlungsod of Batac
39th Regular Session, May 11, 2020
Page 3 of seven pages

-----xx

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

SECTION 6. Availability of SALN. Subject to the provisions contained in the Section 4 and 5 of this Ordinance, all public officials of the City Government of Batac 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 law, 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 request for information shall be denied unless it clearly falls under any of the exceptions in the inventory of FOI exceptions. The City Government of Batac shall adopt the “disclose to one, disclose to all” policy for the information requested through this Ordinance shall exercise proactive disclosure of information not subject to the exceptions.

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of Office, which is custody or control of the information, public record or official record, or the responsible City or field officer duly designated by him/her in writing.

In making such determination, the Head of Office or his/her designated officer shall exercise reasonable diligence to ensure that no exception shall be used or availed of to deny any request for information or access to public records, or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

SECTION 8. Protection of Privacy. While providing access to information, public records and official records, responsible officials shall afford full protection to the right to privacy of the individual, pursuant to the Data Privacy Act of 2012 (Republic Act No. 10173), as follows:

- (a) Each government office shall ensure that personal information in its custody or under its control is disclosed or released only if it is material or relevant to the subject matter of the request and its disclosure is permissible under this Ordinance or existing law, rules or regulations;
- (b) Each government office must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the individual, whose personal information is requested, to vilification, harassment or any other wrongful acts.



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIAN PANLUNGSOD

Ordinance No. 5SP 2020 – 27 cont'd.
5th Sangguniang Panlungsod of Batac
39th Regular Session, May 11, 2020
Page 4 of seven pages

-----XX

- (c) Any employee, official or director of a government office who has access, authorized or unauthorized, to personal information in the custody of the office, must not disclose that information except when authorized under this Ordinance or pursuant to existing laws, rules or regulations.

SECTION 9. FOI Focal Person and FOI Receiving Officers.

- (a) The City Mayor shall designate the FOI Focal Person. He/she is tasked to oversee the implementation of the FOI Ordinance. The focal person shall also develop the standard forms for the submission of requests and for the proper acknowledgment of such requests.
- (b) The FOI Focal Person shall monitor the status of all requests for access to information filed in the City Government of Batac and its offices. Thus, the FOI Focal Person shall establish a system to trace the status of all requests for information in the LGU.
- (c) Each of the offices under the LGU shall also designate an FOI Receiving Officer who will accommodate requests for access to information filed through their office.

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

- (a) Any person who requests access to information may consult the LGU's FOI Focal Person to identify the concerned office who keeps the information being requested.
- (b) The requestor shall submit a written request to the FOI Receiving Officer of the concerned office using the standard form of the LGU. 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 contained in the inventory or updated inventory of exception as hereinabove provided.
- (c) The FOI Receiving Officer receiving the request 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.
- (d) The request shall be stamped by the concerned 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 office shall establish a system to trace the status of all requests for information received by it.



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAK

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Ordinance No. 5SP 2020 – 27 cont'd.
5th Sangguniang Panlungsod of Batak
39th Regular Session, May 11, 2020
Page 5 of seven pages

-----XX

- (e) The concerned office shall respond to a request fully complaint with requirements of sub-section (b) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above refers to the decision of the concerned office to grant or deny access to the information requested.
- (f) The period to respond may be extended whenever the information requested requires extensive search of the office's records facilities, examination and voluminous records, the occurrence of fortuitous cases or other analogous cases. The concerned 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.
- (g) Once a decision is made to grant the request, the person making the request shall be notified of such decisions and directed to pay any applicable fees.

SECTION 11. Fees. (a) Government offices shall not charge any fee for accepting requests for access to information. Likewise, there shall be no charge for obtaining information in digital format (i.e. PDF, JPEG, etc.). However, the following schedule of fees is imposed for printing, photocopying, and certification services rendered by a government office:

Certification of Official Records	-	P50.00/page for the 1 st copy and
	-	P5.00 /page for succeeding copies.
Printing	-	P5.00/page
Photocopying		
Long	-	P3.00/page
Short/A4	-	P2.00/page

- (b) The fee shall be paid to the City 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 concerned office may exempt any requesting party from payment of fees, upon request stating the valid reason why such party should not pay the fee.

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 Local Chief Executive. 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.



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Ordinance No. 5SP 2020 – 27 cont'd.
5th Sangguniang Panlungsod of Batac
39th Regular Session, May 11, 2020
Page 6 of seven pages

-----XX

(b) The appeal shall be decided by the Local Chief Executive within thirty (30) working days from the filing of said written appeal. Failure of the person or office next to higher in the authority 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, government offices shall create and/or maintain accurate and reasonably complete records of important 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 government officer to comply with the provisions of this Ordinance shall be a ground for the following penalties:

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

The FOI Focal Person shall submit the list of government officers who fail to comply with the provisions of this Ordinance to the Local Chief Executive who shall decide on the appropriate administrative and disciplinary sanctions.

SECTION 15. 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 16. 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 17. Effectivity. This Ordinance shall take effect in accordance with the provisions of the Local Government Code of 1991, its Implementing Rules and Regulations and other pertinent laws as maybe applicable accordingly.

ENACTED THIS 11th day of May, 2020 on motion of Honorable Giancarlo Angelo S. Crisostomo, Chairman, Committee on Laws, Rules, Ethics & Privileges.



Republic of the Philippines
Province of Ilocos Norte
CITY OF BATAC

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Ordinance No. 5SP 2020 – 27 cont'd.
5th Sangguniang Panlungsod of Batac
39th Regular Session, May 11, 2020
Page 7 of seven pages

-----XX

AUTHORED BY: SP Members Giancarlo Angelo S. Crisostomo, Bismark Angelo A. Quidang, Ramon M. Gaoat, Kichel Jomarie G. Pungtilan, MacArthur A. Aguinaldo, Jaime S. Tanagon, Sr., Bernardo K. Marders, Eugenia Violeta Daradar-Nalupta, Christopher B. Lagmay, Lucky Rene G. Bunye, Joseph P. Ulit, John Gabrielle Dominique M. Daguo and Vice Mayor Windell D. Chua

VOTING PROFILE:

**AYES : HONS. QUIDANG, CRISOSTOMO, PUNGILAN, AGUINALDO,
TANAGON, MARDERS, DARADAR-NALUPTA, LAGMAY, BUNYE, ULIT
& DAGUIO**

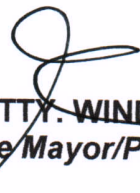
NAYS : N O N E

ABSTENTION : N O N E

I HEREBY CERTIFY that this Ordinance was finally passed on its Third and Final Reading by the Sangguniang Panlungsod of Batac, Ilocos Norte on its 39th Regular Session dated May 11, 2020.


GLADYS R. LAGURA
SP Secretary

ATTESTED:


ATTY. WINDELL D. CHUA
Vice Mayor/Presiding Officer

APPROVED:


HON. ALBERT D. CHUA
City Mayor
Approved on 05-12-2020

Published in ILOCOS TIMES **MAY 04, 2020** ISSUE

Posted on: **MAY 13, 2020**

Forwarded to the Sangguniang Panlalawigan on: **MAY 13, 2020**

Action Taken by the Sangguniang Panlalawigan: **VALID [R2021-4222 – JANUARY 25, 2021]**



Republic of the Philippines
OFFICE OF THE SANGGUNIANG PANLUNGSOD

Washington St, Valdez, City of Batac
Ilocos Norte

Tel. No. (077) 792-3237 (077) 670-7091 (077) 670-7129 Fax No. (077) 600-0916
Email: spbatac@yahoo.com

CERTIFICATION

This is to certify that the undersigned, in compliance with the mandate of RA 7160, otherwise known as the Local Government Code of 1991, has caused the posting of *Ordinance No. 5SP 2020-27 "An Ordinance Operationalizing Freedom of Information in the City Government of Batac and Providing Guideline Therefor,"* this day onwards, for a minimum period of three (3) consecutive weeks in pursuance of Section 511 of the same Code on the Posting and Publication of Ordinances with Penal Sanctions.

Issued this 13th day of May, 2020.

GLADYS R. LAGURA
SP Secretary