



DISTRICT I

HON. MIGUEL N. BAUTISTA
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

SICK LEAVE

HON. ROWENA BAUTISTA-MENDIOLA
City Councilor

HON. ADRIELITO G. GAWARAN
City Councilor

ABSENT

HON. VICTORIO L. GUERRERO, JR.
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

DISTRICT II

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HON. HERNANDO C. GUTIERREZ
City Councilor

HON. GAUDENCIO P. NOLASCO
City Councilor

HON. LEANDRO A. DE LEON
City Councilor

HON. ALDE JOSELITO F. PAGULAYAN
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. REYNALDO D. PALABRICA
City Councilor - Liga ng Brgy. President

HON. MAC RAVEN ESPIRITU
City Councilor - SK FEDERATION PRESIDENT

Attested by:

ATTY. KHALIDA ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Approved by:

HON. LANI MESCADO - REVILLA
City Mayor

CITY ORDINANCE NO. CO 158-2021

Series of 2021

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN THE CITY OF BACOR, CAVITE AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Sponsored by:

Hon. Reynaldo D. Palabrica

Co-Sponsored by:

Hon. Roberto L. Advincula, Hon. Miguel N. Bautista, Hon. Leandro A. De Leon, Hon. Mac Raven Espiritu, Hon. Adrielito G. Gawaran, Hon. Alejandro F. Gutierrez, Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, Hon. Alde Joselito F. Pagulayan and Hon. Michael E. Solis.

WHEREAS, Article II, Section 28 of the 1987 Constitution provides that: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

WHEREAS, Article III, Section 7 of the Constitution further provides that: "The right of the people to information on matters of public concern shall be recognized. Access to official 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, shall be afforded the citizen, subject to such limitations as may be provided by law."

WHEREAS, the sacrosanct right of the people to have unfettered access to information related to matters of public concern is a vital component of any democracy as it deters corruption and abuse of power and enables the people to become effective partners of the government in nation-building. Guided by these principle and by Executive Order No. 2 issued by President Rodrigo R. Duterte (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**"), the Sangguniang Panlungsod formulated the instant ordinance that aims to provide the necessary guidelines that will help in operationalizing the people's right to information on matters of public concern.



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HON. LANI MERCADO - REVILLA
City Mayor

NOW THEREFORE, be it ordained by the 4th Sangguniang Panlungsod of the City of Bacoor, Cavite THAT:

Section 1. Title. This Ordinance shall be known and referred to as the "**2021 FOI (Freedom of Information) Ordinance of the City of Bacoor**".

Section 2. Definition of Terms. As used in this Ordinance, the following terms shall mean:

2.1. **Information:** any record, document, report, letter, contract, minute and transcript of meetings, map, book, photograph, data, research or research material, film, sound or video recording, magnetic or any other type of recording tape, electronic data, computer stored data, any other analogous data stored or archived whether online or offline, which are made, received, or kept in the custody and/or under the control of any department, office, or person under the employ of the local government of the City of Bacoor, Cavite including all of its barangays pursuant to law, ordinance, executive order, government rules and regulations or in connection with a transaction of official business by any government office under the city government of the City of Bacoor, Cavite.

2.2. **Official Record:** information produced or received by a public officer or employee or by a government office in an official capacity pursuant to a public function or duty.

2.3. **Public Record:** information required by law, executive order, ordinance, rules or regulations of the government to be entered, kept, and made publicly available by a government office.

Section 3. Coverage. This Ordinance shall apply to all city government offices and to all city government officials and employees in the City of Bacoor, Cavite.

Section 4. Access to Information. Every Filipino shall have access to all information, official record, and/or public record pertaining to official acts, transactions, or decisions, including government research data used as basis for policy development in the custody of the local governments in the City of Bacoor, Cavite.

Section 5. Exceptions. Requests for access to information shall be denied when the information requested is among the exceptions to the aforementioned general principles as enshrined in the Constitution, existing law, or jurisprudence.

The City Legal Officer, or his/her duly authorized representative, shall submit a **Local Inventory of FOI Exceptions** to the Sangguniang Panlungsod within thirty



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City Mayor

calendar days from the date of effectivity of this Ordinance. The said inventory shall include a short explanation of the legal basis for the said exception.

Upon receipt thereof, the Sangguniang Panlungsod Secretary shall cause the publication of the **Local Inventory of FOI Exceptions** in a newspaper of general circulation within the Province of Cavite and in the official website of the Sangguniang Panlungsod (www.bacoorcitysp.com) for the guidance of all government officers/offices covered by this Ordinance. The said **Local Inventory of FOI Exceptions** shall be updated every year by the City Legal Officer and shall be approved by the Sangguniang Panlungsod by way of a city resolution.

Section 6. Availability of SALN. All officials and employees of the city government and all its barangays are obliged to make their Statements of Assets, Liabilities, and Net Worth readily available for public scrutiny pursuant to Sections 4 and 5 hereof in keeping with the spirit of this Ordinance and the pertinent provisions of the Constitution cited above.

Section 7. Interpretation and Application. 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 the information, public record, or official record clearly falls within the Local Inventory of FOI Exceptions. In the implementation of this Ordinance, the city government shall adopt a "disclose to one, disclose to all" policy regarding the information or record requested which means that any Filipino shall have equal access to all information or record that is not among the exceptions in the Local Inventory of FOI Exceptions.

If the information, public record, or official record requested is not among the exceptions listed in the Local Inventory of FOI Exceptions, the head of the office/department where the request was submitted shall ensure the release of the said information or record within the periods provided under Republic Act No. 10132 (also known as the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018").

Section 8. Protection of Privacy. All city government officials and employees covered by this Ordinance shall actively protect the right to privacy of individuals whose personal data are in the custody of the various departments and offices that received a request for access to information, public record, or official record. The said officials and employees should be guided by the pertinent provisions of the Data Privacy Act of 2012



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(Republic Act No. 10173) in the release of the information or record requested and by the following policies:

8.1. No personal information shall be disclosed unless the request for its release is material or relevant to the subject matter of the request and only if such disclosure is allowed under an existing ordinance, law, or government regulation;

8.2. All departments/offices covered by this Ordinance shall make reasonable security arrangements against leaks or premature disclosure of personal information, which unduly exposes the person whose personal information is requested to vilification, harassment, coercion, and any other wrongful acts; and

8.3. Any employee or official covered by this Ordinance must not disclose any information or record in his/her control or custody except when authorized under this Ordinance or pursuant to existing laws, or government rules or regulations.

Section 9. FOI Focal Person and FOI Receiving Officers. The head of the City Public Information Office is designated to be the FOI Focal Person of the City of Bacoor, Cavite. He/she is hereby empowered to oversee the implementation of this Ordinance and shall develop the standard forms for the submission of the request and for the proper acknowledgment of such requests. He/she shall also develop a system that will allow members of the public to make requests for information, public records, or official records online as well as receive the information or record requested via email or other similar electronic means.

The FOI Focal Person shall monitor the status of all requests for access to information filed with any office or department under the City Government and/or its officers or employees. Consequently, the FOI Focal Person shall develop a system to trace the status of all requests for information within the City of Bacoor, Cavite.

All departments/units/offices under the City Government including all the barangays of the City of Bacoor, Cavite shall designate FOI Receiving Officers who will receive and accommodate requests for access to information filed through their office.

Section 10. Digital Archives. All departments and offices covered by this Ordinance are hereby directed to develop and maintain a digital archiving system within



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one year from the date of effectivity of this Ordinance that will enable easy and expeditious access thereto by the public. The heads of the said departments or offices shall ensure compliance to this provision by his/her subordinates.

Section 11. Procedure. The following procedure shall govern the filing and processing of requests for access to information under this Ordinance:

11.1. Requests for information may be submitted to the FOI Focal Person at the City Public Information Office or directly to the department/office that has custody of the information, public record, or official record being requested. In case the request is coursed through the FOI Focal Person, he/she shall assist the requestor in identifying the office/department that has custody of the information or record subject of the request.

11.2. The requestor shall make the request in writing using the standard request form to be developed by the FOI Focal Person. The request shall state the name/contact details of the requestor and his/her valid proof of identification or authorization. The request must also reasonably describe the information/record being requested as well as the reason or purpose of the request.

11.3. The FOI Receiving Officer on duty receiving the request shall provide courteous and expeditious assistance to the requestor - free of charge.

11.4. The request form shall be stamped and signed by the FOI Receiving Officer indicating thereon the date and time when it was received, as well as his name, rank, and position at the office/department concerned.

11.5. The release of the information or record requested shall comply with the applicable periods and procedures specified under RA 11032 and its implementing rules.

11.6. In case the request is not granted, the head of the department/office concerned shall notify the requestor in writing within the periods specified under RA 11032 why the request was disapproved.



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Section 12. Fees. No department or office covered by this Ordinance shall charge fees for accepting requests for information or for releasing the information requested. This prohibition shall also apply if the request is for a digital format (i.e., PDF, JPEG, etc) of the information or record. However, the said departments and offices are hereby authorized to charge the following schedule of fees for the printing, photocopying, and/or certification services rendered in favor of the requestor:

Service Provided	Fees
Certification of official records	P50.00 for the 1 st copy P5.00/page for the succeeding copies
Printing	P5.00/page
Photocopying	P3.00/page (long) P2.00/page (short/A4)

The fees shall be paid directly to the Office of the City Treasurer. The total amount of fees paid, the official receipt number, and the date when the fees were paid shall be indicated at the bottom of the certificate. Indigents shall be exempted from paying the said fees.

Section 13. Remedies in case of Denial of Request for Access to Information.

13.1. The denial of a request for access to information shall be appealed to the City Mayor or with the City Vice Mayor if the request pertains to records or information under the custody of either the Office of the Vice Mayor or the Sangguniang Panlungsod.

13.2. The appeal shall be in writing and must be filed within fifteen (15) days after receipt of the letter of denial or from the lapse of the relevant period to respond to the request under RA 11032. The appeal may be filed in person, via registered mail, or via email. If the appeal is filed via registered mail, it shall be deemed to have been filed on the date when the mail was actually received by the City Mayor or City Vice Mayor.

13.3. The Mayor or Vice Mayor, as the case may be, shall decide the appeal within twenty (20) calendar days from the date of filing of the same. The failure of the Mayor or Vice Mayor to resolve the appeal within the period mentioned above shall be deemed a denial of the appeal.



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Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

13.4. Upon exhaustion of administrative appeal remedies, the requestor may file the appropriate case in the proper courts in accordance with the Rules of Court.

Section 14. Penalties. The following penalties shall be imposed against any official or employee of the City Government who violates this Ordinance:

First Offense

Written reprimand

2nd Offense

Suspension of one (1) to thirty (30) days without pay

3rd Offense

Dismissal from service

The FOI Focal Person shall submit the list of City Government officials and employees who fail to comply with the provisions of this Ordinance to the Mayor or the Vice Mayor, as the case may be, who shall decide on the appropriate disciplinary and administrative sanctions to impose.

Section 15. Repeal. All ordinances in conflict with this Ordinance are hereby repealed or modified.

Section 16. Separability. In case a court of law declares any provision of this Ordinance void or unconstitutional, the validity or enforceability of any other provisions of this Ordinance not affected by such declaration shall not be affected.

Section 17. Effectivity. This ordinance shall take effect ten (10) days from the date a copy hereof is posted in a bulletin board at the entrance of the City Hall of Bacoor and in at least two (2) conspicuous places in the City of Bacoor not later than five (5) days after approval thereof. A copy of this Ordinance shall also be published once in a newspaper of general circulation in the Province of Cavite.

Section 18. Dissemination. The Sangguniang Panlungsod Secretariat is hereby directed to furnish the Office of the City Mayor, the University of the Philippines-Office of the National Administrative Register (UP-ONAR), and all government agencies and offices concerned with copies of this ordinance.

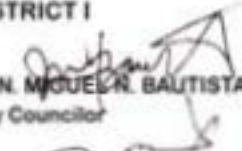
UNANIMOUSLY APPROVED by the 4th Sangguniang Panlungsod of the City of Bacoor, Cavite this 31st day of May 2021 during its 56th regular online session duly assembled.




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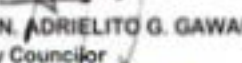
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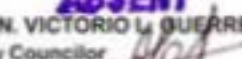

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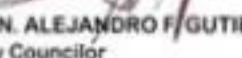
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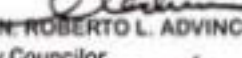

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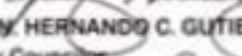
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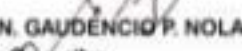

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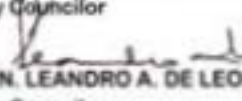

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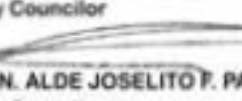
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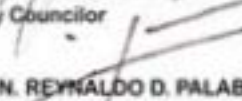

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HON. LANI MERCADO - REVILLA
City Mayor

I hereby certify the truth and correctness of the above-quoted Ordinance.

Certified by:


HON. CATHERINE SARINO-EVARISTO
City Vice Mayor/ Presiding Officer

Attested by:


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Sangguniang Panlungsod Secretary

Approved by:


HON. LANI MERCADO-REVILLA
City Mayor

Date Approved: 19 JUL 2021