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Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF BULALACAO

OFFICE OF THE SANGGUNIANG BAYAN

Municipal Building, Poblacion, Bulalacao, 5214, Oriental Mindoro
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EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE
11TH SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO
HELD ON MARCH 04, 2024 AT THE SANGGUNIANG BAYAN SESSION
HALL

PRESENT:

| | |
|-------------------------------|--|
| Hon. Ramon G. Magbanua | Municipal Vice Mayor/Presiding Officer |
| Hon. Ederlino C. Aceron | Sangguniang Bayan Member |
| Hon. Edezer F. Aceron | Sangguniang Bayan Member |
| Hon. Jess V. Sapungan | Sangguniang Bayan Member |
| Hon. Felix John C. Templanza | Sangguniang Bayan Member |
| Hon. Kieven E. Cantos | Sangguniang Bayan Member |
| Hon. Elpidio N. Contreras, Jr | Sangguniang Bayan Member |
| Hon. Guillermo G. Salas, Jr. | Sangguniang Bayan Member |
| Hon. Joejie R. Narciso | Sangguniang Bayan Member |
| Hon. Aceron U. Calinog, Jr. | IPM Representative |

ABSENT:

| | |
|-----------------------------|----------------------------------|
| Hon. Enrico C. Villas | Pangulo, Liga ng mga Brgy. -O.B. |
| Hon. Francis Dave C. Cantos | SK Federation President -O.B. |

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MUNICIPAL ORDINANCE NO. 24-03-382

**AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN
THE LOCAL GOVERNMENT UNIT OF BULALACAO, ORIENTAL
MINDORO AND PROVIDING GUIDELINES THEREOF**

Author and Sponsor:

Sangguniang Bayan Member EDEZER F. ACERON

Chairperson, Committee on Rules, Privileges, Ordinances and Legal Matters

Sponsor:

Sangguniang Bayan Member GUILLERMO G. SALAS, JR.

Chairperson, Committee on Good Government, Public Ethics and Accountability

WHEREAS, the Republic Act No. 10173 also known as Data Privacy Act of 2012 includes to its Implementing Rules and Regulations to strengthens the fundamental human right of privacy and of communication while ensuring the free flow of information to promote innovation and growth;

WHEREAS, Section 24, Article II of the 1987 Constitution provides that the State recognizes the vital role of communication and information in nation-building;



HON. RAMON G. MAGBANUA
HON. EDERLINO C. ACERON
HON. EDEZER F. ACERON
HON. JESS V. SAPUNGAN
HON. FELIX JOHN C. TEMPLANZA
HON. KIEVEN E. CANTOS
HON. ELPIDIO N. CONTRERAS, JR.
HON. GUILLERMO G. SALAS, JR.
HON. JOEJIE R. NARCISO
HON. ACERON U. CALINOG, JR.
HON. FRANCIS DAVE C. CANTOS
HON. ENRICO C. VILLAS

WHEREAS, Section 7, Article III of the same Constitution declares 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;


HON. KIESTE CANTOS

HON. PEÑALVA L. PAZ

WHEREAS, Section 6 of the Republic Act No. 11032 otherwise known as Ease of Doing Business and Efficient Government Service Delivery Act of 2018 imposed that all government agencies including departments, bureaus, offices, instrumentalities, or government-owned controlled corporations, or LGUs shall set up their respective most current and updated service standards to be known as the Citizen's Charter;


HON. FEAX JOHN C. TEMPLANZA

HON. ACERON D. BALINOG

WHEREAS, on July 23, 2016, former 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;"


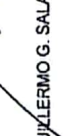
WHEREAS, the said Executive Order is limited in scope to government offices under the Executive Branch, and merely encourages local government units to observe and be guided accordingly;


HON. JESSA SAPUNHAN

HON. JOEJER NARCISO

WHEREAS, Section 447 of the Republic Act No. 7160 otherwise known as the Local Government Code of 1991 states that the Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants;

WHEREAS, the Municipality of Bulalacao consists of 15 barangays, has a municipal government that provides efficient, reliable and adequate communication facilities and services;


HON. EDLER ACERON

HON. GUILLERMO G. SALAS, JR.

WHEREAS, recognizing the importance of the citizen's right to government information which is guided by the abovementioned laws and executive order, the Local Government Unit of Bulalacao believes that it is fundamental to provide a local mechanism for its offices where the citizen's right to information is respected and upheld, subject to exceptions provided by law and jurisprudence;

NOW, THEREFORE, BE IT ORDAINED, as it is hereby ordained by the Sangguniang Bayan of Bulalacao, Oriental Mindoro, that:


HON. EDELINO C. ACERON

HON. ELPIDIO COMARERAS, SR.

Section 1. Statement of Policy. It is the policy of the Local Government Unit of Bulalacao to adhere the vital role of free, democratic and open exchange of information between its offices and public or private clients which is to augment transparency and accountability in different local government official activities, transactions and decisions.


HON. PANTONG MAGSANUA

HON. ERLITO C. VILLAS

Section 2. Title. This Ordinance is entitled as stated and shall be also known as the "2024 Freedom of Information (FOI) Ordinance of Bulalacao".

Section 3. Definition of Terms. As used in this ordinance, the following terms shall mean:

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 or archived in whatever format, whether offline or online, which are made, received, or kept in or under the control and custody of all the offices under the Local Government Unit of Bulalacao pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by any offices under the Local Government Unit of Bulalacao, Oriental Mindoro.

HON. KIEBENE CRANTOS
PERITA L. RIZ

b. **Official record** shall refer to information produced or received by a public officer or employee, or by a Local Government Unit of Bulalacao office in an official capacity or pursuant to a public function or duty.

HON. FELIX JOHN C. TEMPLANZA
HON. ACERON G. CALINOG

c. **Public record** shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by the offices of the Local Government Unit of Bulalacao.

HON. JESSA V. SAPUNGGAN
HON. JOEJIE R. NARCISO

Section 4. Coverage. This Ordinance shall cover all the offices of the Local Government Unit of Bulalacao, Oriental Mindoro.

Section 5. Access to Information. Any person or representative of national and local government agencies 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 Local Government Unit of Bulalacao or any of its offices.

HON. EDEZER F. ACERON
HON. GUILLERMO G. SALAS, JR.

Section 6. Purposes. The following are the allowed purposes in requesting information to different LGU offices:

- a. Academic Research – individuals requesting information for inputs of their academic research thesis, dissertation and research paper.
- b. Institutional Research – individuals requesting information for inputs of theirs reports, plans and other official records.
- c. Legislation – individuals requesting legislative documents such as ordinances and resolutions. Likewise, legislative officials and employees needing information from other offices for inputs in drafting ordinances and resolutions.
- d. Intervention – offices requesting certain information from other offices for inputs into their programs, projects and other assistances. These information shall be limited only into information that the Republic Act No. 10173 otherwise known as Data Privacy Act of 2012 allows.

HON. EDERLINO C. ACERON
HON. ELPIDIO N. CONTRERAS, JR.

HON. ANISSA G. MAGRANUA
HON. ERNILDO C. VILLAS

Section 7. Exceptions. The following are the exemptions in the implementation of this ordinance:

- a. Information covered by Executive privilege.
 - i. Municipal Mayor's conversations, correspondence, and in closed-door meetings.
 - ii. Matters covered by deliberative process privilege, namely:
 - 1. Advisory opinions, recommendations and deliberations comprising part of a process by which governmental decisions and policies are formulated; intra-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 officers.
 - 2. Information, record or document comprising drafts of decisions, orders, rulings, policy decisions and memoranda.
- b. Privileged information relating to national security, defense, or international relations.
- c. Information concerning law enforcement and protection of public and personal safety.
- d. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused.
- e. Information, documents, or records known by reason of official capacity and are deemed as confidential.
- f. Prejudicial premature disclosure.
- g. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged.
- h. Matters considered confidential under banking and finance laws, and their amendatory laws.
- i. Other exceptions to the right to information under laws, jurisprudence, rules, and regulations.
- j. Documents that are covered under the Republic Act No. 10173 otherwise known as Data Privacy Act of 2012.

Section 8. 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 stated in Section 7 of this Ordinance.

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 him/her in writing.

HON. KRISTINE CORTOS
PERLITA L. P. Z.

HON. FELIX JOHN C. TEMPANZA
HON. ACERON CALINOG

HON. JESSY SAPUNGAN
HON. JOE JIE R. NARCISO

HON. EDZER F. ACEBON
HON. GUILLERMO G. SALAS, JR.

HON. EDERINO C. ACEBON
HON. ELEMIO C. BARRERA, JR.

HON. EDUARDINO M. MANGBANUA
HON. BRUNO C. VILLAS

In making such determination, the Head of the 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 9. 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 LGU 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 LGU 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 LGU 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 regulation.

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 shall fill up the required request form from the Municipal Public Information Office (MPIO) or its equivalent officer in any LGU office concerned. Each LGU office shall provide a form stating the name and contact information of the requesting party, 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. The Office of the Secretary to the Sanggunian shall provide a generic form to be used by all the LGU offices which can be edited depending on the additional information needed by the LGU office concerned. All LGU offices shall indicate in its official request form its contact information for the purpose of following up by the requesting party.
- b. The request form shall be stamped by the MPIO or the concerned LGU 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 LGU office shall establish a system to trace the status of all requests for information received by it.

HON. KESAVE CARTOS
PERITA L. PAZ

HON. FELIX JOHN C. TEMPLANZA
HON. ACERON Y. CALINOG

HON. JESSE V. SAPUNJAY
HON. JOEJIE R. NARCISO

HON. EDZEE F. ACEBON
HON. GUILLERMO G. SALAS, JR.

HON. EDERLINO C. ACERON
HON. ELPIDIO L. CUNTIERRAS, JR.

HON. DAMONG MAGERANUA
HON. ERNEO C. VILLAS

- c. The MPIO or the concerned LGU 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 based on the approved Citizen Charter of every LGU office.
- d. The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The MPIO or the concerned LGU 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.
- e. The request form shall be approved by the Department Head of LGU office concerned, however, the Department Head concerned may consult the Municipal Mayor when he or she is in doubt to approve or disapprove the request.
- 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 in the Municipal Treasury Office.
- g. The fee shall be paid to the Municipal Treasury Office at the time of the request. The Official Receipt number, the amount of the total fees, and the date of payment shall be indicated at the bottom of the certificate or attached in the documents requested or in the form.
- h. The MPIO or the concerned LGU office may exempt any requesting party from payment of fees, upon request stating the valid reason why such party should not pay the fee.
- i. If the document or information is already not available, the MPIO or the concerned LGU office shall release a certification stating that the requested document or information is not available or does not exist at all.
- j. These procedures shall not be applied to national or local government agencies requesting information for official transactions only.

Section 11. Fees. This Ordinance shall have the following imposition of fees and manner of payment:

- a. LGU 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:

HON. KIERRE CANTOS
 PERJITA LAZ
 HON. FELIX JOHN C. TEMPLANZA
 HON. ACERON
 HON. JESS V. SAPUNGA
 HON. JOEJIE R. NARCISO
 HON. EDEZER F. ACERON
 HON. GUILLERMO G. SALAS, JR.
 HON. EDEZINO C. ACERON
 HON. RAULSON G. MABBANUA
 HON. ERMILO C. VILLAS

Certification of Official Records - PhP50.00/page for the 1st copy and PhP5.00/page for succeeding copies.

Printing - PhP8.00/page

Photocopying:

Long - PhP3.00/page

Short/A4 - PhP2.00/page

b. These fees are exclusive to other payment required by other agencies such as Bureau of Internal Revenue (BIR).

Section 12. Notice of Denial. If the MPIO or the concerned government 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 action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

Section 13. 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 Municipal Mayor or its duly authorized representative, following the procedure mentioned in Section 10 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 Municipal Mayor or its duly authorized representative 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 part may file the appropriate case in the proper courts in accordance with the Rules of Court.

Section 14. Keeping of Records. Subject to existing laws, rules, and regulations, LGU 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.


HON. KEYENE CORTES



HON. PERLA L. PAZ



HON. FELIMON C. TEMPLANZA

HON. ACERDY CALINOS


HON. JESSY SAPROSAN

HON. JOEJIE R. NARCISO


HON. EDEZER F. ACERON

HON. GUILLERMO G. SALAS, JR.


HON. EDERSINO C. ACERON

HON. EDMUNDO MONTENEGRO


HON. BAMBANG MACABUNAN

HON. ERLINDA C. VILLAS

Section 15. Penalties. Failure of any LGU officer/employee to comply with the provisions of this ordinance shall be a ground for the following penalties:

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

Section 16. Repealing Clause. Any ordinance inconsistent with the provisions of this Ordinance is hereby repealed or modified accordingly.

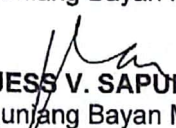
Section 17. Separability Clause. If any provision of this Ordinance is declared invalid, the remainder or any provision hereof not affected thereby shall remain in force and effect. Higher laws or policies inconsistent with the provisions of this Ordinance shall prevail.

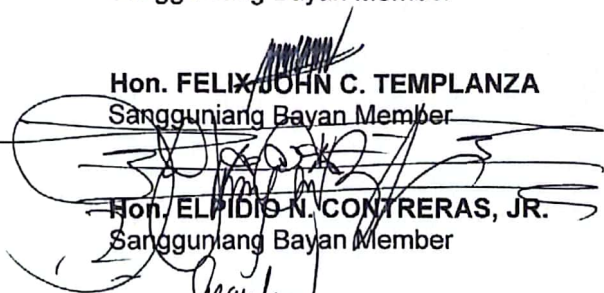
Section 18. Effectivity. This Ordinance shall take effect immediately after fifteen (15) days of posting in bulletin board at the entrance of the municipal hall and in at least two (2) other conspicuous places in the Local Government Unit of Bulalacao.

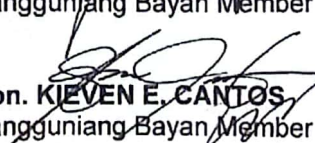
ENACTED this 4th day of March 2024 Bulalacao, Oriental Mindoro.

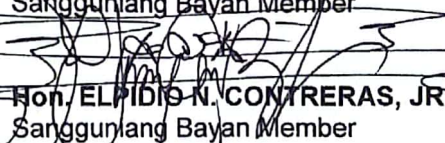

Hon. EDERLINO C. ACERON
Sangguniang Bayan Member


Hon. EDEZER F. ACERON
Sangguniang Bayan Member

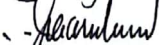

Hon. JESS V. SAPUNGAN
Sangguniang Bayan Member


Hon. FELIX JOHN C. TEMPLANZA
Sangguniang Bayan Member


Hon. KIEVEN E. CANTOS
Sangguniang Bayan Member


Hon. ELPIDIO N. CONTRERAS, JR.
Sangguniang Bayan Member


Hon. GUILLERMO G. SALAS, JR.
Sangguniang Bayan Member

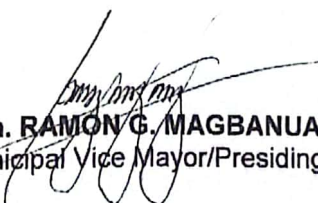

Hon. JOEJIE R. NARCISO
Sangguniang Bayan Member


HON. ACERON U. CALINOG, JR.
Indigenous People Mandatory Representative


CERTIFIED TRUE AND CORRECT:


PERILITA L. PAZ
Secretary to the Sanggunian

ATTESTED:


Hon. RAMON G. MAGBANUA
Municipal Vice Mayor/Presiding Officer

APPROVED:


Hon. ERNILO C. VILLAS
Municipal Mayor
Date Signed: March 15, 2024