



Republic of the Philippines
SANGGUNIANG BAYAN
Taytay, Rizal

DO No. 2207-002

ORDINANCE NO. 749 series of 2022

**AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION AND
PROVIDING FOR A MECHANISM FOR THE DISCLOSURE OF PUBLIC
RECORDS IN TAYTAY, RIZAL, AND PROVIDING PENALTIES FOR THE
VIOLATION THEREOF**

Introduced & Sponsored by: Coun. John Tobit E. Cruz
Co-Authored by: Vice Mayor Sophia Priscilla L. Cabral

WHEREAS, Section 28, Article II of the 1987 Constitution, declares that the State adopts and implements a policy of full public disclosure of all its transactions involving public interest to subject 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 adopt a similar policy;

WHEREAS, recognizing the importance of the people's right to government information and guided by the President's Executive Order, it is necessary to provide a local mechanism for offices at the Municipal Government of Taytay, Rizal where the people's right to information is respected and upheld;

NOW THEREFORE, be it Ordained by the Sangguniang Bayan of Taytay, Rizal that:

Section 1. Short Title - This Ordinance shall be known as the "Taytay Transparency Ordinance of 2022".

Section 2. Declaration of Policy - The Municipality of Taytay, Rizal recognizes the importance of transparency in ensuring that its people maintain trust and confidence towards its government, and shall hold all its public officers accountable. This ordinance shall pave the way to a municipal government that values and upholds good governance by introducing mechanisms that shall promote transparency, public disclosure, higher level of public accountability, and the empowerment of every Taytayeno.

Section 3. Definition of Terms - For the purpose of this Ordinance, the following terms shall mean:

- (a) "Municipality" or "Municipal government" - are used interchangeably in reference to the local government unit of the Municipality of Taytay and all municipal offices, departments, instrumentalities, boards, and other bodies, and all municipal officials and employees, that fall within its legal authority.
- (b) "Government office" - refers to any office, department, agency, instrumentality, board, or any other public body within the legal authority of the municipal government, including the barangays.
- (c) "Public officials" - refers to elected and appointed officials in the municipal and barangay level, including the Sangguniang Kabataan.
- (d) "Information" - 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 restored 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 on or under the control and custody of any government office under the Municipal Government of Taytay, Rizal pursuant to law, ordinance, executive order and rules and regulations or in connection with the performance or transaction of official business by any government office under the Municipal Government of Taytay, Rizal.
- (e) "Manual" - refers to the People's Right to Information Manual as provided for in Section 19.
- (f) "Official record" - shall refer to documents or pieces of information produced or received by a public officer or employee, or by the municipal government or any government office in an official capacity or pursuant to a public function or duty.
- (g) "Public record" - shall include all information, stored or preserved in any medium, under the custody of the municipal government. This shall include incomplete or partial records, or any piece of information found therein. This shall also include, but is not limited to, official records as defined in this section.

Section 4. Coverage - This Ordinance shall cover all offices of the Municipality of Taytay, Rizal, including all the barangays.

Section 5. Access to Information - Every person shall have the right to 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 of policy development, in the official custody of the Municipal Government, all the Sangguniang Barangay and its Sangguniang Kabataan, and/or any of its offices. However, minors will be required to provide authorization from their parents or legal guardian before given access to the information being requested.

5.1 Terms and Conditions - Upon request, clients shall signify their consent or agreement to the terms and condition for obtaining the information, whether on paper or virtually through the website, signifying that the documents will not be used for purposes that may violate existing laws.

Section 6. Exceptions - The municipal government may only deny a request for information if a public record is deemed confidential under one or more of the following categories:

- (a) Personal medical records, unless the release is necessary to protect the life and health of the subject of the information or another person, and the data subject is not legally or physically able to express his or her consent prior to the processing;
- (b) Personal information of students, including grades and disciplinary records, but not including information on public scholarships and benefits that the student may have received from the municipal government;
- (c) Information falling under intellectual property rights and trade secrets pursuant to existing laws;
- (d) Communications or documents related to litigation during the pendency of legal proceedings, including communications falling under attorney-client privilege;
- (e) Law enforcement records when the release would jeopardize an ongoing investigation or pose an imminent danger to an individual or public safety;
- (f) Other confidential information pursuant to the Constitution and other existing laws, and those that may be recommended by the Municipal Legal Officer as identified by the respective offices, which shall be submitted to the Sangguniang Bayan within thirty (30) calendar days from the date of effectivity of this Ordinance, for its approval;
- (g) Communications or documents related to any on-going case being heard by the *Lupon Tagapamayapa* of the Barangays.

Thereafter, any additional exception as recommended by the departments and as reviewed by the Legal Services Office, shall be published by the Sangguniang Bayan Secretary for the guidance of all government offices covered by this Ordinance. Said list of FOI exceptions shall be periodically updated by the Legal Services Office and subject to the approval of the Sangguniang Bayan.

Section 7. Availability of SALN - Subject to the provisions contained in Section 5 and 6 of this Ordinance, all public officials of the Municipal Government of Taytay, Rizal are reminded of their obligation to file and make available for scrutiny their Statements of Assessments, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations and this Ordinance.

Section 8. Official Transparency Boards - All public documents under the Full-Disclosure Policy of the Department of the Interior and Local Government (DILG), including Ordinances shall be posted on the following conspicuous areas within the municipality which shall now be the official transparency boards of Taytay:

- (a) Within the Municipal Hall
- (b) All Barangay Halls and its Satellite Offices excluding Purok Offices
- (c) All public markets within the jurisdiction of Taytay
- (d) Within the premises of Kalayaan Park
- (e) Within the premises of the Municipal Sports Complex
- (f) Within the premises of San Juan Gym
- (g) At the official Municipal website

8.1 The Sangguniang Bayan Secretariat, with the assistance of the Sangguniang Barangays, shall be in charge of the regular updating of the transparency boards on a quarterly basis.

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 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 laws, 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, who's personal information is requested, to vilification, harassment or any other wrongful acts.
- (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 regulation.

9.1 Data Privacy Training - The Municipal Government of Taytay, through its Legal Office shall hold an annual Data Privacy Seminar to all Local Government Officials and Employees to ensure that all civil servants in this municipality are cognizant of the provisions of the Data Privacy Act and avoid any possible violations.

Section 10. 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, or those protected by the Data Privacy and other existing Laws. The Municipal Government shall adopt the "disclose to one, disclose to all" policy for the information requested through this Ordinance and 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 in custody or control of the information, public record or official record, or the responsible Municipal, Barangay or field officer duly designated in writing.

In making such determination, the Head of 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 the public records or official records if the denial is intended primarily and purposely to cover up a crime, wrongdoing, graft or corruption.

Section 11. Municipal and Barangay FOI Focal Persons - The Municipal Government shall appoint a Municipal FOI Focal Person, *Provided*, that the said focal person shall be a permanent employee of the municipal government and shall not have been a candidate in a national, municipal, or barangay election, whether regular or special, for a period of one (1) year immediately preceding the appointment.

Likewise, each Sangguniang Barangay shall designate a Barangay FOI Focal Person from its employees, whose name shall be submitted to the Municipal PIO for proper recognition and for coordination purposes.

Section 12. Duties of the Municipal and Barangay FOI Focal Person

12.1. The Municipal FOI Focal Person shall, with the assistance of the Municipal Public Information Office and the FOI Receiving Officers, perform the following duties:

- (a) Prepare the Right to Information Manual pursuant to Section 19 of this Ordinance;

- (b) Provide assistance to requestors of information, as needed;
- (c) Receive requests for information and conduct an initial evaluation of the same;
- (d) Refer requests for information to the appropriate FOI Receiving Officer(s);
- (e) Record all incoming requests and actions taken by the municipal government through an Information Request Log;
- (f) Maintain a public email address by which requests for information may be sent; and
- (g) Designate a temporary Municipal FOI Focal Person, in case of official leave.

Provided, that the Municipal FOI Focal Person shall not have discretionary authority and shall only approve or deny requests for information on the basis of the provisions of this Ordinance.

12.2. The Barangay FOI Focal Person shall perform the following duties:

- (a) Provide assistance to requestors of information, as needed;
- (b) Receive requests for information and conduct an initial evaluation of the same;
- (c) Record all incoming requests and actions taken by the Sangguniang Barangay through an Information Request Log;
- (d) Maintain a public email address by which requests for information may be sent; and
- (e) Designate a temporary Barangay FOI Focal Person, in case of official leave.

Section 13. FOI Receiving Officers - Each municipal government office shall designate an FOI Receiving Officer who shall be responsible for coordinating with the Municipal FOI Focal Person and shall be responsible for providing public records when their office is the custodian, *Provided*, that the FOI Receiving Officers shall not have discretionary authority and shall only approve or deny requests for information on the basis of the provisions of this Ordinance.

An FOI Receiving Officer may also receive requests for information directly. In such a case where the requestor files a request directly with the FOI Receiving Officer, said officer must notify the Municipal FOI Focal Person within two (2) working days.

Section 14. Procedure for Requests for Information - The following procedure shall govern the filing and processing of requests for access to information:

- (a) Any person, as provided for in Section 5, may formally file a request for information with either the Municipal or Barangay FOI Focal Person or an FOI Receiving Officer of the custodian of the public record or information sought. A request may be submitted through a written letter, either through personal delivery, postal mail, or electronically, *Provided*, that the request clearly identifies the public records requested, and how the same may be sent to the requestor, *Provided Further*, that the Municipal FOI Focal Person may provide a template form for requests that can be both printed or downloaded through the municipal website.
- (b) Upon request for information, the municipal and the barangay government shall have ten (10) working days to take action on the same. The period to respond may be extended whenever the information requested requires extensive search of the office's records facilities, examination of 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.

- (c) 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.

14.1 A valid Identification Card (ID) will be required upon submission of request to check the age of the client. For minors, an authorization letter from the parent or guardian will also be required.

Section 15. Fees - Local 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.).

- (a) However, the following schedule of fees is imposed for printing, photocopying and certification services rendered by a government office:

a.1 Municipal-level requests:

Certification of Official Records	P 150.00
Certified True Copy	P 3.00/page
Printing	P 5.00/page
Photocopying	
Long	P 3.00/page
Short/A4	P 2.00/page

a.2 Barangay/SK-level requests:

Fees to be charged by the barangay shall be in accordance with the existing Tax and Revenue Code of the respective barangays.

- (b) Request submitted at the Municipal and Barangay level shall be paid to the Municipal and Barangay Treasurers respectively. 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 head of office may exempt any requesting party from payment of fees, upon the latter's submission of a written request stating the reason/s thereof. Valid reasons for exemption of fees include indigency; student research; social case study; and other purposes of similar nature.

Section 16. Remedies in case of Denial of Request for Information - A denial for any Request for Information may be appealed to the Municipal Mayor or to the Punong Barangay if the request is at the barangay level.

- (a) The appeal must be made in writing within thirty (30) calendar days from the receipt of 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 Mayor or the Punong Barangay within ten (10) working days from the filing of said written appeal. Failure of the Mayor or the Punong Barangay to decide within the aforementioned period shall be deemed a denial of the request.
- (c) Upon exhaustion of the administrative remedies provided for in this Ordinance, the appropriate case may be filed in the proper court in accordance with the Rules of Court.

Section 17. Administrative Penalties - Failure of any government official or government employee to comply with the provisions of this Ordinance shall be a ground for the following penalties provided under Rule X and XI of Republic Act No. 6713 otherwise known as

the Code of Conduct and Ethical Standards for Public Officials and Employees, subject to proper filing of action to the local government unit.

Section 18. Criminal and Civil Liabilities - The Municipal and the Barangay FOI Focal Persons shall pursue the appropriate legal action against any persons that provide or gather information through this Ordinance in a way contrary to law, morals, good customs, public order or public policy and any persons that commit acts in relation to this Ordinance which are punishable under the Revised Penal Code and other special laws.

Section 19. People's Right to Information Manual - The Municipal FOI Focal Person, with guidance and assistance from the Public Information Office, FOI Receiving Officers, and the Municipal Legal Office, shall prepare a People's Right to Information Manual (Manual) for the municipality within sixty (60) calendar days from the date of effectivity of this Ordinance. The manual shall be readily available to the public at no charge and shall be published on the official website of the municipal government. The said manual shall contain the following:

- (1) Name, location, and official contact information, including email addresses, of the Municipal FOI Focal Person and all the FOI Receiving Officers;
- (2) Procedures for filing and processing of the Request for Information;
- (3) Remedies available and procedures for the same in case of denial;
- (4) A list of administrative and disciplinary sanctions provided for municipal officials in violation of this Ordinance;
- (5) Standard forms for the submission of requests;
- (6) Applicable fees;
- (7) Inventory of exceptions as provided for in Section 6; and
- (8) A complete copy of the text of this Ordinance.

Section 20. Keeping of Records - Subject to existing laws, rules and regulations government 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.

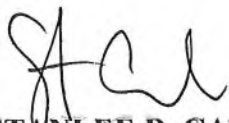
Section 21. Separability Clause - If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

Section 22. 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 23. Effectivity - This Ordinance shall take effect after ten (10) days upon posting on conspicuous places within the municipality, in compliance with posting requirements.

ENACTED, this 21st day of September, 2022, 2:31 PM at Tagaytay Highlands, Tagaytay City, Cavite.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on September 14, 2022 and was passed on third and final reading on September 21, 2022, during the 12th Regular Session held on the 21st day of September, 2022.


ATTY. STANLEE D. CALMA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR



HON. SOPHIA PRISCILLA L. CABRAL
Municipal Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR
DATE 11 3 OCT 2022



HON. ALLAN MARTINE S. DE LEON
Municipal Mayor