

Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF MANGALDAN

Office of the Sangguniang Bayan

EXCERPT FROM THE JOURNAL OF PROCEEDINGS OF THE REGULAR
SESSION OF THE SANGGUNANG BAYAN OF MANGALDAN,
PANGASINAN HELD AT THE SESSION HALL AT M.Y.D.C. ON JUNE 11,
2021.

Vice Mayor **Atty. Pedro A. Surdilla, Jr.** called the session to order at
exactly 4:20 P.M..

ROLL CALL

Present:

1. Hon. Pedro A. Surdilla, Jr. Vice Mayor/
Presiding Officer
2. Hon. Joseph Emmanuel B. Cera Councilor - P.O. Pro
Tempore
3. Hon. Maria Teresa M. Abalos Councilor
4. Hon. Joselito G. Quinto Councilor
5. Hon. Aldrin O. Soriano Councilor
6. Hon. Christopher G. Romero Councilor
7. Hon. Joel C. Meneses Councilor
8. Hon. Fernando Juan A. Cabrera Councilor - Floorleader
9. Hon. Juvy O. Frialde Councilor
10. Hon. Rolly G. Abalos Councilor - LIGA Pres.
11. Hon. Michael Ervin C. Lomibao Councilor - SKF Pres.

Absent:

N o n e

MUNICIPAL ORDINANCE NO. 2021 - 08

AN ORDINANCE MANDATING FREEDOM OF
INFORMATION IN THE LOCAL GOVERNMENT UNIT OF
MANGALDAN.

Be it ordained, as it is hereby ordained, by the Sangguniang Bayan of
Mangaldan, Pangasinan, in session duly assembled, that:

Section I. TITLE. This ordinance shall be known as "*An Ordinance
Mandating Freedom of Information in the Local Government Unit of
Mangaldan*".

Section II. DECLARATION OF POLICY.

A. This ordinance shall **adopt, observe and enforce** the existing Executive
Order No. 2, Series of 2016 issued by President Rodrigo R. Duterte
allowing freedom of information in all government offices under its
supervision and jurisdiction;

B. The 1987 Constitution states that Filipinos have the right to information
on matters of public concern. It also called for a policy of full public

disclosure of all state transactions involving public interest. The absence of an FOI law, however, has prevented the public from fully enjoying these constitutional guarantees.

Section III. ADMINISTRATIVE PROVISIONS.

- A. Every Filipino shall have access to information, official records public records and documents and papers pertaining to official acts, transactions and decision as well as government research data used as basis for public development.
- B. Information refers to "any records, documents, papers, reports, letters, contracts, minutes and transcripts of official meetings, police blotters, map, books, photos, data, research materials, films, sound and video recording (magnetic or other tapes), electronic data computer store data or similar data or materials recorded stored or archived.

Section IV. RULES AND REGULATIONS.

- A. Any person may request from Government Officials and Employees including Barangay Officials for needed information through a letter of request sent to the concerned office along with a valid proof of identity.
- B. Those who wish to request for information shall write a letter to the concerned authorities. The letter should state the name and contact information of the one making the request.
- C. Requesting parties should also present a valid proof of identification or authorization, describe the information being sought and state the reason for doing so.

Government officials receiving the request are required to provide free REASONABLE ASSISTANCE to all requesting parties;

Reasonable Assistance, the receiving officer shall provide reasonable assistance, free of charge, to enable all requesting parties and particularly those with special needs to comply with the request requirements, without prejudice to Section 13 of Freedom of Information Manual. In case the requesting party is unable to make a written request, he or she may make an oral request, and the attending receiving officer shall reduce it in writing. Reasonable Assistance shall not cover reproduction costs on the requesting party's copy of the FOI request and the supporting documents.

- D. Section 6 of EO No. 2, S, 2016 provides that 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 enshrined in the constitution, existing law or jurisprudence, with the exclusion of the following;
 - a. Minutes, Journal, Resolutions and Ordinances of the Sangguniang Bayan and Sangguniang Barangay.
 - b. Minutes, Resolutions and Ordinances of the Sangguniang Barangay.

- c. Contracts Awarded to Contractors and Bids submitted on proposed infrastructure projects after such biddings have been terminated;
- d. Status of infrastructure projects after contracts have been duly awarded.

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 field officer duly designated by him in writing.

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

- E. If the request clearly does not fall under the exceptions identified, the office concerned should grant and release the request within fifteen (15) working days starting from the date the request was received. The response refers to the decision of the office to grant or deny access to the information requested;
- F. However, the period to respond may be extended whenever the information requested "requires extensive search" of the government's office records or the examination of voluminous records. The response period may also be prolonged when unexpected or "fortuitous events" happen. Government offices will be required to notify the requesting party of the extension.
- G. Request shall be responded to within 15 working days from date of receipt. The response refers to advice, referral, approval or denial of the request. On its extension, the receiving officer/decision maker shall notify the requesting party, setting forth the reasons for extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- H. Failure to notify the requesting party of the action taken on the request within the 15-day period will be viewed as a denial of the request;
- I. The requested documents will not come for free. While government offices will not charge any fee for accepting requests for access to information, they may ask the requesting party to shoulder the costs incurred in reproducing the information sought in accordance with the provisions of Chapter IV of Municipal Ordinance No. 2017-104, otherwise known as the Revenue Code of the Municipality of Mangaldan, Pangasinan or the Barangay Revenue Ordinance as the case may be.
- J. Denial of any request for information may seek for a reconsideration to the person or office. The one who made the request should submit a written request for a reconsideration of the ruling within fifteen (15) calendar days from the notice of denial or from the lapse of the response period;

- K. The Head of the Department of the Local Government Unit of Mangaldan which has custody or control of the information being sought or his/her duly designated official will determine whether the exceptions are applicable to the request.
- L. Heads of Offices or their duly designated representatives shall exercise reasonable diligence to ensure that the exceptions or denials of requests would not be used to cover up a crime or any wrongdoing like graft or corruption.
- M. If the Office falls under the Office of the Mayor, the said approval shall have the imprimatur of the Mayor;
- N. If the office falls under the Office of the Vice Mayor and the Sangguniang Bayan, the said approval shall have the imprimatur of the Vice Mayor and the Councilor involved;
- O. The Barangay Official which has custody or control of the information being sought or his/her duly designated official will determine whether the exceptions are applicable to the request.
- P. The Barangay Official or his duly designated representative/s shall exercise reasonable diligence to ensure that the exceptions or denials of requests would not be used to cover up a crime or any wrongdoing like graft or corruption.
- Q. Heads of agencies and officers including Barangay Officials who fail to abide by the Ordinance will face administrative cases.
- R. There shall be a legal presumption in favor of access to information, public records and official records. No request for info shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions as provided by the Executive Order No. 02, series of 2016 or Executive Order of Freedom of Information signed by the President of the Philippines and other exceptions as stated in DILG-PCOO Joint Memorandum Circular No. 2018 - 01;
- S. While officials are directed to provide public access to information, they were also instructed to observe and protect the right to privacy of individuals;
- T. Personal information would only be released if relevant to the request and if the Ordinance or by-laws and regulations allow such disclosure;
- U. There shall reasonable security arrangements against leaks or premature disclosure of personal information that might subject one to harassment, vilification and other wrongful acts;

Section V. SUBSIDIARY PROVISIONS.

- A. The provisions of Section 3, par. (f) of R.A. 3019 otherwise known as Anti-Graft and Corrupt Practices Act which states that: Neglecting or refusing, after due demand or request, without sufficient justification, to

act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party" shall be applicable to this ordinance.

B. The provisions of Section 5, par. (a), (d), and (e) of R. A. 6713 shall also be applicable to this local statute, which states among others that: "In the performance of their duties, all public officials and employees are under obligation to:

(a) Act promptly on letters and requests. - All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

(b) x x x

(c) x x x

(d) Act immediately on the public's personal transactions. - All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

(e) Make documents accessible to the public. - All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours.

Section VI. PENALTY CLAUSE.

The aggrieved party may institute such administrative actions and disciplinary measures as may be warranted in accordance with law for the possible imposition of disciplinary sanctions, as follows:

- a. 1st offense - Reprimand
- b. 2nd offense - Suspension of one (1) day to thirty (30) days
- c. 3rd offense - Dismissal for Government Officials and Employees.
- Suspension of one (1) month to six (6) months for Barangay Officials.

Section VII. EFFECTIVITY CLAUSE.

This Ordinance shall take effect after fifteen (15) days following its publication in a newspaper of general circulation.

CERTIFIED CORRECT:


JUAN C. AQUINO
SB Secretary

referred

APPROVED UNANIMOUSLY:
June 11, 2021


ATTY. JOSEPH EMMANUEL B. CERA


DR. JOSE LITO G. QUINTO


CHRISTOPHER G. ROMERO


ATTY. FERNANDO JUAN A. CABRERA


ROLLY G. ABALOS


MARIA TERESA M. ABALOS

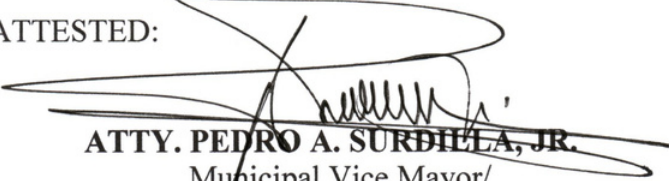

ALDRIN O. SORIANO


JOEL C. MENESES


JUVY O. FRIALDE


MICHAEL ERVIN C. LOMIBAO

ATTESTED:


ATTY. PEDRO A. SURBILLA, JR.
Municipal Vice Mayor/
Presiding Officer

APPROVED:


MARY MARILYN DG. LAMBINO
Municipal Mayor





Republic of the Philippines
PROVINCE OF PANGASINAN
Lingayen
www.pangasinan.gov.ph

OFFICE OF THE SANGGUNIANG PANLALAWIGAN SECRETARY

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on August 9, 2021 at Lingayen, Pangasinan, the following resolution was approved:

Sponsored by SP Members Jeremy Agerico B. Rosario and Liberato Z. Villegas and co-sponsored by SP Members Sheila Marie S. Perez-Galicia, Jerome Vic O. Espino and Jeanne Jinky C. Zaplan

RESOLUTION NO. 673-2021

DECLARING MUNICIPAL ORDINANCE NO. 2021-08 OF THE SANGGUNIANG BAYAN OF MANGALDAN, PANGASINAN, ENTITLED "AN ORDINANCE MANDATING FREEDOM OF INFORMATION IN THE LOCAL GOVERNMENT UNIT OF MANGALDAN" AS WITHIN THE CONFERRED POWERS OF THE SANGGUNIANG BAYAN TO ENACT

WHEREAS, the Sangguniang Bayan of Mangaldan, Pangasinan submitted its Municipal Ordinance No. 2021-08 to the Sangguniang Panlalawigan for review and evaluation pursuant to Section 56 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, the Committee on Laws and Ordinances of the Sangguniang Panlalawigan with the technical assistance of the Provincial Legal Officer have conducted initial review and study on said municipal ordinance and found out that the same was enacted pursuant to Section 7, Article III of the 1987 Constitution of the Philippines; Executive Order No. 02, S-2016 of the Office of the President; and Section 447 (a) (x) of RA 7160;

WHEREAS, subject ordinance shall take effect after the requirements of public hearing, posting and publication pursuant to Sections 187, 188, 59 and 511 of RA 7160 are complied with;

WHEREFORE, in view of the foregoing, on motion of SP Members Jeremy Agerico B. Rosario and Liberato Z. Villegas and co-sponsored by SP Members Sheila Marie S. Perez-Galicia, Jerome Vic O. Espino and Jeanne Jinky C. Zaplan, duly seconded,



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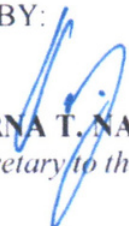
OFFICE OF THE SANGGUNIAN PANLALAWIGAN SECRETARY

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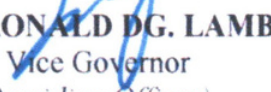
RESOLVED, by the Sangguniang Panlalawigan in session assembled, to declare Municipal Ordinance No. 2021-08 of the Sangguniang Bayan of Mangaldan, Pangasinan, entitled "An Ordinance Mandating Freedom of Information in the Local Government Unit of Mangaldan" as within the conferred powers of the Sangguniang Bayan to enact;

RESOLVED FURTHER, that a copy of this resolution be furnished the Office of the Sangguniang Bayan of Mangaldan, Pangasinan, for its information and guidance.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)