



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City Government of Pasig

37

Ordinance No. 37
Series of 2018

AN ORDINANCE STRENGTHENING THE OPERATIONALIZATION OF FREEDOM OF INFORMATION AND PROVIDING FOR A MECHANISM FOR THE DISCLOSURE OF PUBLIC RECORDS IN PASIG CITY, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Authored by: Councilor Victor Ma. Regis N. Sotto
Co-Authored by: Councilors Rodrigo B. Asilo, Ferdinand A. Avis, Regino S. Balderrama, Orlando R. Benito, Rhichie Gerard T. Brown, Mario C. Concepcion, Jr., Rosalio D. Martires, Corazon M. Raymundo, Gregorio P. Rupisan, Jr., Alejandro E. Santiago, Wilfredo F. Sityar, LIGA Pres. Rigor J. Enriquez and SK Fed. President Georgia Lynne P. Clemente

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 interests 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, "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, while the said Executive Order is limited in scope and merely provides guidance for local government units, the City Government of Pasig herein takes steps toward the freedom of information in an effort to pursue good and transparent governance;

WHEREAS, the City Government of Pasig has made efforts in making its public records readily available and the City has twice received the Seal of Good Local Governance;

WHEREAS, recognizing the importance of the people's right to information, and guided by the President's Executive Order, the City Government of Pasig deems it necessary to improve the local mechanism wherein the people's right to information is upheld;

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD THAT:

Section 1. Short Title. This Ordinance shall be known as the "Pasig Transparency Mechanism Ordinance of 2018".

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[Handwritten signatures and notes on the right margin, including '37', 'Rodrigo B. Asilo', 'Ferdinand A. Avis', 'Regino S. Balderrama', 'Orlando R. Benito', 'Rhichie Gerard T. Brown', 'Mario C. Concepcion, Jr.', 'Rosalio D. Martires', 'Corazon M. Raymundo', 'Gregorio P. Rupisan, Jr.', 'Alejandro E. Santiago', 'Wilfredo F. Sityar', 'LIGA Pres. Rigor J. Enriquez', 'SK Fed. President Georgia Lynne P. Clemente', and 'Pasig']



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Section 2. Declaration of Policy. The City of Pasig recognizes and upholds public office as a public trust. As such, public officers and employees must at all times be accountable to the people. Through this Ordinance, the City adopts a policy of transparency, public disclosure, and open records, as part of an effort to take effective measures toward good governance, a higher level of public accountability, and the empowerment of the Pasigueño.

Section 3. Definition of Terms. For the purposes of this Ordinance, the following terms shall be defined as follows:

- (1) **"City"** or **"city government"** are used interchangeably in reference to the local government unit of the City of Pasig and all city offices, departments, instrumentalities, boards, and other bodies, and all city officials and employees, that fall within its legal authority.
- (2) **"Government office"** refers to any office, department, agency, instrumentality, board, or any other public body within the legal authority of the city government.
- (3) **"Information"** shall include all records, documents, papers, reports, letters, contracts, minutes, and transcripts of 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 the city government pursuant to law, ordinance, executive order, procedure, or rules and regulations, or in connection with the performance or transaction of official business by any city government office.
- (4) **"Custodian"** means the government office currently in physical possession of the public record. The custodian of a public record in the physical possession of persons or places outside the city government is the city government office owning that record. The records relating to the investment of public funds are the property of the government office responsible for the public funds. "Custodian" does not mean an automated data processing unit of a public body if the data processing unit holds the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.



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(4) A government office shall not prevent the examination or copying of a public record by contracting with a non-governmental body to perform any of its duties or functions.

Section 6. City Information Officer. The City Mayor shall appoint a City Information Officer within thirty (30) days upon effectivity of this ordinance. The said City Information Officer shall fill the plantilla position of Information Officer V.

Provided, that if no person is qualified for the said position, a City Information Officer shall be assigned to serve concurrently as Officer In Charge (OIC).

Provided, further, that the said City Information Officer shall be a permanent employee of the city government and shall not have been a candidate in a national, city, or barangay election, whether regular or special, for a period of one (1) year immediately preceding the appointment.

Section 7. Deputy Information Officers. Each city government office shall designate a Deputy Information Officer who shall be responsible for coordinating with the City Information Officer and shall be responsible for providing public records when their office is the custodian.

Provided, that Deputy Information Officers shall not have discretionary authority and shall only approve or deny requests for information on the basis of the provisions of this Ordinance.

A Deputy Information Officer may also receive requests for information directly. In such a case where the requestor files a request directly with the Deputy Information Officer, said officer must notify the City Information Officer within two (2) working days.

Section 8. Duties of the Information Officers. The City Information Officer shall, with the assistance of the city Public Information Office and the Deputy Information Officers perform the following duties:

(1) Prepare a People's Right to Information Manual pursuant to Section 16 of this Ordinance;

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- (2) Provide assistance to all city government offices in matters of public access to information and the processes as required by this Ordinance and other applicable laws, ordinances, executive orders, memoranda, and rules and regulations;
- (3) Provide assistance to requestors of information, as needed;
- (4) Receive requests for information and conduct an initial evaluation of the same;
- (5) Refer requests for information to the appropriate Deputy Information Officer;
- (6) Record all incoming requests and actions taken by the city government through an Information Request Log;
- (7) Maintenance of a public email address by which requests for information may be sent;
- (8) Designate a temporary City Information Officer, in case of official leave.

Provided, that the City Information Officer shall not have discretionary authority and shall only approve or deny requests for information on the basis of the provisions of this Ordinance.

Section 9. Automatic Disclosure of Public Records. The city government shall continue to post all documents, as required pursuant to Department of the Interior and Local Government Memorandum Circular 2010-83 (Full Disclosure of Budget and Finances, and Bids and Public Offerings), to wit:

- (1) Annual Budget Report;
- (2) Annual Procurement Plan or Procurement List;
- (3) Special Education Fund Income and Expenditure Estimates;
- (4) Statement of Debt Services;
- (5) Annual Gender and Development Fund Utilization;



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- (6) Statement of Receipts and Expenditures;
- (7) Quarterly Statement of Cash Flow;
- (8) Items to Bid;
- (9) Report of Special Education Fund Utilization;
- (10) Bid Results on Civil Works, Goods and Services, and Consulting Services;
- (11) Abstract of Bids as Calculated;
- (12) 20% Component of the Internal Revenue Allotment Utilization;
- (13) Supplemental Procurement Plan, if any;
- (14) Local Disaster Risk Reduction and Management Fund Utilization.

Section 10. Method of Automatic Disclosure. In addition to posting requirements as required under the preceding section and all other applicable laws, memorandums, circulars, and other regulations, the records listed in the immediately preceding section shall be posted on the "FULL DISCLOSURE POLICY" section of the official city website. There shall be a clearly discernible hyperlink on the home page and the main menu leading to the said section.

Provided, that the city government, or any of its offices, are not limited to the aforementioned locations for posting, and shall post the said public records in other conspicuous places, both physically and through the Internet, including social media, as it has the capacity to do so.

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

- (1) Any person, as provided for in Section 5, may formally file a request for information with either the City Information Officer or a Deputy Information Officer of the custodian of the public record or information sought. A request may be submitted through a written letter, including through personal delivery, postal mail, or electronically.

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Provided, that the request clearly identifies the public records requested, and how the same may be sent to the requestor.

Provided, further, that the City Information Officer may provide an optional form that may be used instead of a letter.

(2) Upon request for information, the city government shall have ten (10) working days to take action on the same.

Section 12. Presumption of Freedom of Information. All official records, public records, and information shall be presumed open and accessible to the public, unless they are deemed confidential pursuant to the immediately succeeding section. Any ambiguity in this Ordinance shall be resolved in the favor of freedom of information and transparency in governance.

Section 13. Exceptions for Confidential Records. The city may only deny a request for information if a public record is deemed confidential under one or more of the following categories:

- (1) 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;
- (2) 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 city government;
- (3) Information falling under intellectual property rights and trade secrets pursuant to existing law;
- (4) Communications related to litigation during the pendency of legal proceedings, including communications falling under attorney-client privilege;
- (5) Law enforcement records when the release would jeopardize an ongoing investigation or pose an imminent danger to an individual or public safety;

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- (6) Security and emergency plans and procedures concerning public buildings, activities, and participants;
- (7) Identity and personal information of any person who furnishes information of violations of law;
- (8) Personal contact information not used for official business and home addresses;
- (9) Other information considered confidential pursuant to national law or jurisprudence.

Provided, that the subject of such public records or information may waive their rights to confidentiality, and allow for the release of the same.

Section 14. Redactions from Public Records. When only a part or several parts of the requested public record falls under the confidentiality exceptions under the immediately preceding section, only those parts shall be withheld and the rest of the public record shall be released.

Section 15. Information Disclosure Platform. The city shall, as soon as practicable, establish an online platform wherein any person can request for information through a website. The use of such platform shall be free of charge. The platform shall provide for a mechanism for anonymous requests.

Section 16. People's Right to Information Manual. The City Information Officer, with guidance and assistance from the Public Information Office, Deputy Information Officers, and the City Legal Office, shall prepare a People's Right to Information Manual (Manual) for the city 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 city government. The said manual shall contain the following:

- (1) Name, location, and official contact information, including email addresses, of the City Information Officer and all the Deputy Information Officers;
- (2) Procedure for filing and processing of the Request for Information;

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- (3) Remedies available and procedure for the same in case of denial
- (4) A list of administrative and disciplinary sanctions provided for city 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 13; and
- (8) A complete copy of the text of this Ordinance;

Section 17. Fees. The acceptance and processing of requests for information shall be free of cost to the public. Access to websites, and requests for copies in the form of digital or computer files to be retrieved in person, through email, or other similar means, shall be completely free of charge.

Provided, that, the city government may charge for the recovery of costs for certification, printing, and photocopying rendered by a government office, to wit:

- | | |
|----------------------------|----------------------|
| (1) Printing (colored ink) | Php 5.00/page |
| (2) Printing (black ink) | Php 2.00/page |
| (3) Photocopying | Php 1.00/page |
| (4) Mail | Actual postage rates |

A city government office may require that the assessed fee be paid to the City Treasurer before copies are released.

Provided, further, that a city government office may exempt any requestor from payment of fees, upon stating the valid reason why such a party should not pay the fee.

Section 18. Remedies in Case of Denial of Request for Information. A denial for any Request for Information may be appealed to the City Mayor.

- (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.

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(b) The appeal shall be decided by the Mayor within ten (10) working days from the filing of said written appeal. Failure of the Mayor to decide within the aforesated 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 19. Penalties. Failure of any government official or employee to comply with the provisions of this Ordinance shall be a ground for the following penalties:

- 1st Offense: Reprimand;
- 2nd Offense: Suspension of five (5) to thirty (30) days; and
- 3rd Offense: Dismissal from the service.

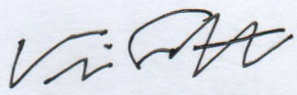
Provided, that subsequent acts related to the same Request for Information may constitute a second and third offense.

Section 20. Separability Clause. If any section or part of this Ordinance is held unconstitutional or invalid, all other sections or provisions not otherwise affected shall remain in full force and effect.

Section 21. Repealing Clause. All ordinances, executive orders, administrative orders, or other rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or amended accordingly.

Section 22. Effectivity. This Ordinance shall take effect fifteen (15) days after publication.

APPROVED, this 13th day of **September 2018** at Pasig City.


VICTOR MA. REGIS N. SOTTO
Councilor


RODRIGO B. ASILO
Councilor

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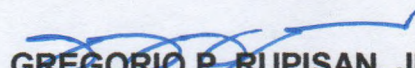


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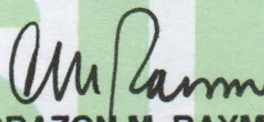

GREGORIO P. RUPISAN, JR.
Councilor

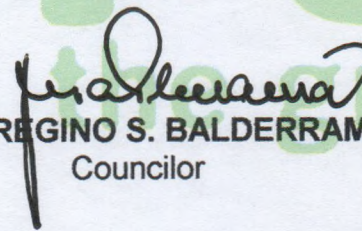

MARIO C. CONCEPCION, JR.
Councilor


RHICHIE GERARD T. BROWN
Councilor


ORLANDO R. BENITO
Councilor

ALEJANDRO E. SANTIAGO
Councilor


CORAZON M. RAYMUNDO
Councilor


REGINO S. BALDERRAMA
Councilor


ROSALIO D. MARTIRES
Councilor

RIGOR J. ENRIQUEZ
LIGA President


GEORGIA LYNNE P. CLEMENTE
SK Fed. President


FERDINAND A. AVIS
City Councilor
Minority Floor Leader


WILFREDO F. SITYAR
Councilor
Majority Floor Leader



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Attested by:

Iyo Christian C. Bernardo
IYO CHRISTIAN C. BERNARDO
City Vice Mayor
Presiding Officer

APPROVED:

Robert C. Eusebio
ROBERT C. EUSEBIO
City Mayor

Attested by:

Reynaldo R. San Buena Ventura III
REYNALDO R. SAN BUENAVENTURA III
Acting City Council Secretary

Amfmm

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Jan Pi. Barte
Oly Bonido

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Reynaldo R. San Buena Ventura III

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