



PEOPLE'S
FREEDOM OF INFORMATION
(FOI) Manual
(Updated April 2022)

PREFACE

The Mabalacat City Water District (MCWD) Peoples' Freedom of Information (PFOI) Manual is intended to assure free access to information. That right, relevant and truthful information should be provided to any interested parties such as government agencies, private institutions, non-government organizations (NGOs), community associations, the academe, researchers or by individuals who have particular concerns and inquiries about the DISTRICT when requested. It recognizes and upholds the constitutional right of every Filipino to information on matters of public concern.

The Manual contains the procedural detail on how to get access to information through existing mechanism for the provision of needed and preferred information and the processes, timeliness and accountability.

Definition of Terms is included to augment clarity and unabridged understanding of key words/ terms used incessantly and liberally in this Manual. The Administrative Provisions are similarly included to guide the public on accountabilities in compliance with the Freedom of Information (FOI). This Manual sets out rules and procedures to be followed by the MCWD in complying request for information.

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BRIEF HISTORY OF THE MABALACAT CITY WATER DISTRICT

The history of Mabalacat Water District (MWD) dates back to 1963 when it was constructed by then Bureau of Public Works. Its operation and management have been transferred from one government agency to another; until 1972 when the defunct NAWASA turned over the system to the municipal government of Mabalacat.

On April 29, 1978, the Sanguniang Bayan of Mabalacat through resolution no. 78-17 created the MWD that also gave way for the expansion of its coverage area that included the whole town of Mabalacat. Until 1973, the water distribution firm was serving only four (4) barangays namely: San Francisco, Sta. Ines, Poblacion, Mamatitang and San Joaquin.

In accordance with Presidential Decree No. 198, otherwise known as the Provincial Water Utilities Act of 1973, management and ownership was turned over to the MWD.

Following a resolution filed with the Local Water Utilities Administration (LWUA) on June 2, 1978, a Conditional Certificate of Conformance (CCC No. 061) was subsequently issued on August 10 of the same year that also finalized the complete takeover by the MWD.

As mandated by law, the MWD has been operating on self-supporting basis while increasing its revenue generating capabilities to meet the growing need for capital requirements to improve its facilities.

Subject to Supreme Court en banc decision on September 13, 1991 local water districts were declared as Government Owned and/or Controlled Corporation (GOCC) with original charter. By virtue of the decision, Mabalacat Water District was accordingly declared as GOCC.

Upon the enactment and passage of Republic Act No. 10164 otherwise known as "An Act converting the Municipality of Mabalacat in the Province of Pampanga into a Component City" the Board of Directors, through Board Resolution No. 010-067 series of 2012, resolved to adopt the new name "Mabalacat City Water District (MCWD)" for the District effective January 1, 2013.

INTRODUCTION

Pursuant to the provision of the Philippine 1987 Constitution, the state shall adopt and implement policy of full public disclosure of all its transactions involving public interest. To guarantee the right of the people to information on matters of public concern the Executive Order (EO) No. 2, s. 2016 entitled "Operationalizing in the executive branch the people's constitutional right to information and the state policies to full public disclosure and transparency in the public service and providing guidelines therefor" was issued that covers all government offices including government-owned-and-controlled-corporations. It requires all agencies to make public records, contracts, transactions and any information requested by a member of the public, except for sensitive information and matters affecting national security.

EO No. 2 aims to promote transparency in the government by providing clear, uniform and prompt procedure for access of information. Its mandate includes the preparation of agency's People's FOI Manual for the implementation of the executive order.

In compliance, thereof, the MCWD Management presents this Manual to be used as guidelines and procedures on the implementation of EO No. 2.

Section 1: OBJECTIVES

The MCWD believes in the greater transparency, accountability and citizen participation in democratic governance. MCWD People's FOI Manual guarantees to uphold the fundamental right of its concessionaires and other interested individual

or group of people to free and open access to information on the agency's official transactions.

This Manual provides helpful detailed information on the procedural structures to be followed by the DISTRICT when a request for access to information is received. It covers all requests for information directed to all Departmental Offices: Administrative Services, Commercial Services, Finance Services, Engineering Services, Office of the General Manager and the Office of the Board of Directors.

Section 2: DEFINITION OF TERMS

Definitions of the following repeatedly used terms are hereby provided for common understanding and clarity:

- a) **Agency.** The MCWD as a governmental institution with the capacity to act independently or choose to contract other party to act, work, build, establish or accomplish any work, project, research, program, or study for the District.
- b) **District.** The MCWD with the administrative, managerial and operational function in general.
- c) **Document.** Any written item (as a letter, booklet or book) in paper, in electronic (readable and manipulable by computer) or in photographic form specially of factual or informative nature.
- d) **Exceptions.** Information that should not be released and disclosed in response to a FOI request because they are protected by the Philippine Constitution, laws or jurisprudence.
- e) **FOI.** Freedom of Information.
- f) **FOI Request Form.** The prescribed form to be filled up by a requester for request of information.

- g) **Information.** Any knowledge communicated or received via written, photographed or computerized that are made, filed or kept in or under the control and custody of the MCWD in pursuant to existing laws, executive orders, rules and regulations or in connection with the performance or transactions of official business by the MCWD.
- h) **Information for Disclosure.** Information promoting the awareness and understanding of policies, programs, activities, rules or revisions affecting the public, government agencies and the community and economy. It also includes information encouraging familiarity with the general operations, thrusts, and programs of the government. In line with the concept of proactive disclosure and open data, these types of information can already be posted to government websites, such as data.gov.ph, without need for written request from the public.
- i) **MCWD.** The Mabalacat City Water District
- j) **MCWD FOI Receiving Officer (MFRO).** The employee assigned to receive and record request and ensure requested information is received by the requesting party.
- k) **MDM.** MCWD Decision Maker
- l) **Official Records.** Information produced or received by the MCWD or its employee in an official capacity or pursuant to a public function or duty.
- m) **Personal Information.** Any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual.
- n) **Public Records.** Information required by laws, executive orders, rules, or regulations to be entered, kept, and made publicly available by the MCWD. May refer also, to record or classes of records, in any form, in whole or in part, created or received by the MCWD in the conduct of its affairs and have been

retained by the Agency as evidence or because of the information contained therein.

- o) **Sensitive Personal Information.** As defined in the Data Privacy Act of 2012, shall refer to personal information and other information issued by government agencies.

Section 3: MCWD FOI OFFICERS

1. MCWD FRO (MFRO) – EDUARDO T. DEL ROSARIO

Contact No.: 045-405-0501 loc. 109

e-mail: hr.mcwd@gmail.com

- 1.1 An employee who is familiar or has full knowledge of the MCWD's operations. The MFRO, designated as FOI Officer shall receive request for information from requesting party on a no noon-break policy.

1.2 Functions of the MFRO

- Receives on behalf of the District all requests for information;
- Conducts initial evaluation of the request;
- Provides assistance and support to the public and staff with regard to FOI; and;
- Logs all transmittals for documentation and monitoring.

2. MCWD Decision Maker (MDM) – Engr. HECTOR V. AGUILAR

- 2.1 The Head of the Agency, is responsible for all actions carried out under the MCWD People's FOI Manual, henceforth, be called the MCWD Decision Maker (MDM).
- 2.2 However, he/she may delegate this responsibility to an executive officer with a rank not lower than a Division Manager, who shall conduct evaluation of

the request for information and has the authority to decide whether to grant or deny the request for information.

3. MCWD Central Appeal and Review Committee –

- JESS P. SANCHEZ – Water/Sewerage Maint. Gen. FMan, Engineering Services
- AMMYLET Y. DE LEON – Chief Corporate Accountant B, Finance Services
- RICHARD Q. RIVERA – Executive Assistant (III) A, Office of the General Manager

3.1 Shall compose of three (3) officials with ranks not lower than a Division Manager A.

3.2 Designated by the Head of the Agency to review and analyze the grant or denial of request of information; and

3.3 Shall provide expert advice to the MCWD General Manager on the denial of such request.

4. In case where the MDM is on official leave, the GM may delegate the authority to approve or deny a request for information to other officer of equal rank of the MDM or higher.

Section 4: METHODS OF REQUEST, PRESCRIBED FORMS & MONITORING SYSTEM

A. Written Request

1. Written Request

Request may be placed in writing (formal or informal form of letter). Requester is required to sign the document and to state and provide the following information:

- Full/complete name and address;
- Contact Information;
- Copies of any two (2) valid government-issued IDs as proof of identification;
- Detailed description of the documents requested;

- Preferred mode of communication in order to be alerted about the status of the request; and
- Preferred mode of receiving the documents requested, should the request be granted.
- Authorization may be allowed, provided:
 - Proof of incapacity or inability of the requester is valid;
 - Proof of identity is presented by both parties: the requester and the authorized representative); and
 - Letter of Authority is signed/ acknowledged by the requester.

B. Prescribed Request Form

The MCWD FOI Request Form

1. The prescribed form (available at the PACD) to be used for the filing of request for information. MFRO shall check and make sure the filled-up FOI Request Form (see Annex "A") complied with the following requirements:
 - Fill out all required information on the Request Form:
 - Full name and address;
 - Contact information
 - Valid proof of identification; and
 - Reasonable description of the information requested; and
 - The reason for, or purpose of, the request for information.
 - Authorization may be allowed, provided:
 - Proof of incapacity or inability of the requester is valid;
 - Proof of identity is presented by both parties: the requester and the authorized representative); and
 - Letter of Authority is signed/ acknowledged by the requester.
 - In case the requesting party is unable to make a written request due to illiteracy or disability, he or she may make an oral entreaty and the MFRO shall reduce it in writing.

- MCWD Request Form may be sent by Mail and addressed to MCWD Main Office at:

**Mabalacat City Water District
#0255 MacArthur Highway
Brgy. Mabiga, Mabalacat City, Pampanga 2010**

- Filled-up FOI Request Form shall be stamped received by the MFRO, indicating the date and time of the receipt of the written request, and the name and position title of the MFRO who actually received it, with a corresponding signature.

2. Proof of Receipt

Slip (Annex "C") shall be furnished to the requesting party as a proof of receipt of the request indicating the date and time, name and address of the requester, title of the document/ record requested, reference number and the name and signature of the MFRO.

3. Online Request

1. Electronic FOI Request Form

Request for information can be made on-line with the following procedures and requirements:

- At MCWD website, www.mwd.com.ph, a downloadable FOI Request Form is provided;
- Designated button is available specifically for the purpose;
- Once pressed, a "Excel" formatted Form will appear on the computer monitor prompting the user/ requester to fill up all necessary information for the transaction to be valid;

- Completely filled-up Form will require the requester to attach or send his or her copy of duly recognized government ID with photo. (list comes within the Electronic FOI Request Form);
- The requester shall be given the option to print the completely filled-up form once the request was made valid or confirmed electronically; and
- Internal logging mechanism shall allocate a reference or tracking number after each electronic transaction.

C. Monitoring System

1. Electronic Monitoring

Designated personnel shall be responsible in the monitoring of requests received electronically. His/ her duties shall include the following:

- Monitors the traffic of requests;
- Evaluates the content of received request;
- Endorses the printed Request to the Head of Agency reminding further on the prescribed timeliness;
- Follows through of all endorsed requests; and
- Sends on-line, through MCWD website, all replies, clarifications, comments, approval or denial and request for additional requirements to the concern party.

2. Log Book

1. Log book shall be provided and used by the MFRO for monitoring and tracking of written requests.
2. Separate Log Book shall be implemented for tracking and monitoring of all electronically send FOI Request.

Section 5: PROCESSING AND EVALUATION OF REQUEST

A. Filing/ Accepting Request

1. Any person who requests access to information shall submit a written request or by using the MCWD prescribed FOI Request Form to the MFRO during office hours.
2. Request send on-line (electronically via e-mail) requires the use of the FOI Request Form embedded in the MCWD Website with written instructions and user-friendly assistance.

B. Processing Request

1. After receipt of the request for information, the MFRO shall proceed with initial evaluation of the contents of the request.
2. If the requested information is readily available, the MFRO shall immediately inform the requesting party and provide him/her the needed information and make sure the written request is forwarded to the Office of the MDM and a duplicate copy must be retained by the MFRO for recording and reference.
3. If a received request for information requires to be complied with, the MFRO shall forward the filled-up Form to the office of the MDM. Upon the verbal or written instruction from the Office of the MDM, the MFRO shall provide a copy of the request or photo-machine copy to every office concerned if the request for information requires documents or records from different offices and ensure that it is well coordinated and shall also clear the offices that they will only provide the specific information that relates to their mandates.
4. If the requested information is not in the custody of the MCWD or any of its offices the MFRO shall undertake the following steps (*FOI-MC No. 21-05, No Wrong Door Policy, Annex G*):

- The request will be immediately referred or transferred to the appropriate agency through the most expeditious manner and the MCWD through the MFRO must inform the requesting party via telephone or email of the action taken; and
 - The requester shall be informed immediately and provided with the contact details of that office, if known.
5. If the records refer to an office not within the coverage of E.O. No. 2, the requesting party shall be advised accordingly
 6. If after an initial scan or immediate evaluation of the request, the MFRO found and surmised inconsistency or irrelevance in the request, he/ she shall immediately inform the requesting party of the matter.
 7. Should the information being requested is already posted and publicly available in the District website, central bulletin board, official newsletter ("*Danum Agus ning Bie*") or in any District's medium of public communication, the MFRO shall inform the requesting party of the said fact and provide them the means where the information is posted or available.
 8. Should the requested information be substantially similar or identical to a previous request by the same requester, the request shall be denied. However, the MFRO shall inform the requesting party of the reason of such denial.
 9. For repeated and unreasonable request by the same person, the MCWD shall not be obliged to act upon the same.

C. Transmittal of Request.

- a) After receipt of the request for information and the immediate evaluation, the MFRO shall notify the MDM of such request and a copy of the request shall be forwarded to the same office within one (1) day from receipt of the written or electronically send request;

- b) The MFRO who received the request shall record the date, time and name of the Head of the Department/ Section/ Unit who received the submitted request in the Log Book with corresponding signature of acknowledgement of receipt of the request.
- c) If the MDM needs further details to identify or locate information, he/ she shall through the MFRO, seek clarification from the requesting party.
- d) The MDM shall act within the prescribed timeline upon the requested information.
- e) The MDM shall closely coordinate verbal or written instructions, comments, approval or denial to the MFRO for immediate attention and appropriate actions.
- f) **Approved Request.** In case of approval, the MFRO shall prepare the letter informing the requesting party within the prescribed period that the request was granted and be directed to pay the applicable fees, if any.
- g) **Denied request.** In case of denial of the request, wholly or partially, the MFRO shall within the prescribed period, notify the requesting party of 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.
- h) **Extension of Time.**
- If the information requested requires extensive search of MCWD's office records facilities, examination of voluminous records, the occurrence of fortuitous events or other analogous cases, the MDM shall inform the MFRO.
 - The MFRO shall inform the requesting party of the extension, setting forth the reason for the extension.
 - The MFRO shall take care of all electronically received request for information:
 - Tracking;
 - Transmittal to the MDM;

- Collecting of replies;
 - Ensuring completeness of information; and
 - Electronic replies to the requesting party.
- j) Upon receipt of the requested information from the MDM, the MFRO shall collate and ensure that the information is complete. A cover/ transmittal letter signed by the MDM shall be attached.
- k) The MFRO shall keep track of the request for timeliness.

Section 6: TIMELINE

1. As provided under EO No. 2, the MCWD shall respond to a request fully compliant with requirements as soon as practicable or within fifteen (15) working days from receipt or following the date of receipt of the request.
2. A working day is any day other than a Saturday, Sunday or a day which is declared a national public holiday or a locally declared non-working holiday.
3. The date of receipt of the request will be either:
 - a. The day on which the request is physically or electronically delivered to the MCWD, or directly into the email inbox of the MCWD website; or
 - b. If further details are needed to identify and locate the requested information is asked, then the fifteen (15) working days will commence the day after it receives the required clarification from the requesting party. If no clarification is received from the requesting party after sixty (60) calendar days, the request shall be closed.
 - c. The period may be extended but not to exceed twenty (20) working days whenever the information requested requires extensive search of office facilities, examination of voluminous records, or the occurrence of fortuitous events or other analogous cases.

d. Transmittal Timeline (from receipt of the request):

- One (1) day period – copy of request to be forwarded to the Head of Agency or MDM;
- Fifteen (15) day period – letter and complete documents to be forwarded to the requesting party; and
- Twenty (20) day period – if extension is necessary.

Section 7: DENIAL OF REQUEST

1. **Denial after Initial Evaluation.** When the Agency, through the MDM cannot release any records in response to a FOI request may be due to the following:
 - a. The Form is incomplete;
 - b. The information is already disclosed in the MCWD's official website; and
 - c. The requested information is not in the custody of the District or any of its offices.
2. If requested information falls under the category of **Sensitive Personal Information** as defined in the Data Privacy Act of 2012:
 1. About an individual race, ethnic origin, marital status, age, color and religious philosophical or political affiliations;
 2. About an individual health, education, genetic or sexual life of a person,
 3. About any proceedings from any offense committed or alleged to have committed by an officer or employee, the disposal of such proceedings or the sentence of any court in such proceedings;
 4. Issued by government agencies peculiar to an individual which includes, but not limited to, social security numbers, previous or current health records, licenses or its denials, suspension or revocation, and tax returns; and
 5. Specifically established by an executive order or an act of Congress to be kept classified.

3. Exempted Access to Information:

Access to information shall be denied when the information being requested falls under any of the exceptions enshrined in the 1987 Philippine Constitution, existing law or jurisprudence, such as, but not limited to the following:

1. Information covered by Executive privilege;
2. Privileged information relating to national security, defense or international relations;
3. Information concerning law enforcement and protection of public and personal safety;
4. Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused;
5. Information, documents or records known by reason of official capacity and are deemed as confidential, including those submitted or disclosed by entities to government agencies, tribunals, boards, or officers, in relation to the performance of their functions, or to inquiries or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers;
6. Prejudicial Premature Disclosure. Constitutes privileged communication;
7. Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged;
8. Matters considered confidential under banking and finance laws, and their amendatory laws; and
9. Other exceptions to the right to information under laws, jurisprudence, rules and regulations.

Section 8: 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 as follows:

- a. The MCWD hereof shall (per Section 2 of EO No. 2) ensure that personal information in its custody or under its control is disclosed or released only if it

material or relevant to the subject-matter of the request and its disclosure is permissible under this order or existing law, rules and regulations;

- b. The MCWD must protect personal information in its custody or control by making reasonable security arrangements against leaks or premature disclosure or personal information which unduly exposes the individual whose personal information is requested, to vilification, harassment or any other wrongful acts;
- c. Any officer, employee or Director 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 order or pursuant to existing laws, rules and regulations.

Section 9: REMEDIES IN CASE OF DENIAL

A person whose request for access to information has been denied may avail himself/herself of the remedy set forth:

1. Administrative Appeal to the District's Central Appeals and Review Committee:
 - 1.1. Written appeal or by the use of the MCWD prescribed Appeal Form (Annex "C") must be filed by the same requesting party within fifteen (15) calendar days from the notice of denial;
 - 1.2. Appeal shall be decided by the Head of the Agency upon the recommendation of the MCWD Central Appeals and Review Committee within thirty (30) working days from the filing of said written appeal; and
 - 1.3. Failure to decide within the 30-day period shall be deemed a denial of the appeal.
2. Upon exhaustion of administrative FOI appeal remedies, the requesting party may file the appropriate judicial action in accordance with the Rules of Court.

Section 10: FEES AND OTHER REASONABLE CHARGES

1. **No Request Fee.** As stipulated under the FOI Law, MCWD shall not charge any fees for accepting incoming and releasing of requests for access to information.
2. **Reasonable Cost of Reproduction, Copying, and/ or Delivery of the Requested Information.** Under Office Memorandum Circular No. ____ dated _____ service fees shall be collected for the following requests:
 - a. Certified True Copies – Php25.00 per page
 - b. Certification (in MCWD Official Letter Head) – Php50.00
 - c. Reproduction – Php5.00 per page
3. **Exemption from Fees.** The District may exempt any requesting party from payment of fees and/ or other charges, upon request stating the valid reason why such requesting party shall not pay the fee.

Section 11: ADMINISTRATIVE PROVISIONS

It is herein stated that penalties both for MCWD officials and employees who fail to act on request for information, as well as, the sanctions imposed for who may access and request for information.

- A. Administrative Liability.** MCWD officer or employee who fail to comply with the provisions of this Manual shall be ground for the following administrative penalties:
 - a. 1st Offense - Reprimand;
 - b. 2nd Offense - Suspension of one (1) to thirty (30) days; and
 - c. 3rd Offense - Dismissal from the service
- B. Procedure.** The Revised Rules on Administrative Cases in the Civil Service shall be applicable in the disposition of cases under this Manual.

C. Provisions for More Stringent Laws, Rules and Regulations. Nothing in this Manual shall be construed to derogate from any law, any rules, or regulation prescribed by any body or agency, which provides for more stringent penalties.

D. Sanctions

1. **Illegal/ Unauthorized Use.** A Fine of not lower than Twenty Thousand Pesos (Php20,000.00) shall be imposed on any person (including MCWD officers and employees and requesting party) shall use the information for purpose other than those expressed in the objectives of this Manual, particularly:
 - a. **Illegal Reproduction (Photo-copy or Zerox Machine)**
 - b. **Falsification** – any person who shall deliberately changes or falsify the content of any documents received from the District and disseminate the same in any manner with intent to mislead and cause damage.
 - c. **Theft** – taking of the District’s information without authorization or consent from the District (which is done without violence nor force upon things).
 - d. **Misuse and alteration of information requested or generated from the District** – information was used to malign or mislead a person.

The imposition of the fine is without prejudice to any administrative and/ or criminal sanctions.

E. Other Clauses

1. Repealing Clause

All circulars, orders, rules and regulations, issuance or any part thereof inconsistent with the provision of this Manual are hereby repealed, amended or modified accordingly consistent with Executive Order NO. 2, series of 2016.

2. Separability Clause

If any section or part of this Manual is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force or effect.

3. Revision/ Updates

This Manual or part hereof may be revised or updated as the need arises.

4. Effectivity

This Manual shall take effect upon posting in the MCWD website and at the MCWD Central Bulletin Board.



ENGR. HECTOR V. AGUILAR
General Manager