



OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE JOURNAL OF PROCEEDINGS OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ISABELA, PROVINCE OF BASILAN, HELD AT THE SANGGUNIANG PANLUNGSOD SESSION HALL, ISABELA CITY, BASILAN, ON SEPTEMBER 4, 2019.

PRESENT:

Hon. Jashim I. Tiplani	Temporary Presiding Officer
Hon. Candu I. Muarip	Majority Floor Leader
Hon. Sara S. Ismael	Member
Hon. Alan Ritchie Luis B. Biel	Member
Hon. Nida P. Dans	Member
Hon. Ma. Jennesa S. Tubongbanua	Member
Hon. Khaleedsher M. Asarul	Member
Hon. Karel Annjaiza R. Sakkalahul	Member
Hon. Abdulkuddus A. Salihin	IP Representative (Ex-Officio Member)
Hon. Haizer A. Salain	SK Fed. President (Ex-Officio Member)
Hon. Tammy M. Ismael	ABC Fed. President (Ex-Officio Member)

ABSENT:

Hon. Ar-Jhemar K. Ajibon	Member
Hon. Yusop I. Abubakar	Member

OFFICIAL TIME:

Hon. Jhul Kifli L. Salliman	City Vice Mayor and Presiding Officer
-----------------------------	---------------------------------------

ORDINANCE NO. 19-536

ENACTED: September 4, 2019

SPONSORED BY: HONORABLE NIDA P. DANS

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION AND PROVIDING FOR A MECHANISM FOR THE DISCLOSURE OF PUBLIC RECORDS IN ISABELA CITY, BASILAN PROVINCE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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 only limited in scope and merely provides guidance for local government units, the City Government of Isabela herein takes steps toward the freedom of information in an effort to pursue good and transparent governance;

WHEREAS, recognizing the importance of the people's right to information, and guided by the President's Executive Order, the City Government of Isabela deems it necessary to provide a local mechanism for its offices where the people's right to information is upheld;

Sp. Sec. Hatama

NOW THEREFORE, on motion of Councilor Nida P. Dans, unanimously seconded by all members present **BE IT**:

Ordained by the Sangguniang Panlungsod ng Isabela City, that:

Section 1. Title. This ordinance shall be known as the "Isabela City Transparency Ordinance".

Section 2. Declaration of Policy. The City of Isabela 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 people of Isabela City

SECTION 3. Definiyon of Terms. for the purposes of this ordinance , the following terms shall be defined as follows:

- (1) "CITY" or "city government" are used interchangeable in reference to the local government unit of the city of Isabela 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.
- (5) "Manual" refers to the People's Right to Information Manual as provided for in Section 16.
- (6) "Official Record" shall refer to documents or pieces of information produced or received by a public officer or employee, or by the city government or any government office in an official capacity or pursuant to a public function or duty.

Spina Hufame

- (7) "Public record" shall include all information, stored or preserved in any medium, under the custody of the city 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.
- (8) "Website" means a page or collection of pages that is readily and publicly accessible over the internet. For the purposes of this ordinance, the access and use of a website shall be unlimited and free of charge.
- (9) "Other Social Media Platforms such as Facebook, Tweeter, and Instagram" means a platform that gives an avenue to more accessibility on information especially to the youngster.

SECTION 4. Coverage. This ordinance shall cover all offices under the city government of Isabela, and all city offices, departments, instrumentalities, boards, and other bodies, and all city officials and employees, that fall within its legal authority.

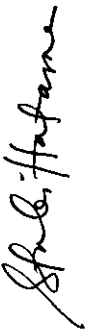
SECTION 5. Right to access to information.

- (1) Every person shall have the right to access, examine, and copy public records, and documents and papers pertaining to official acts, transactions or decisions, as well as to the local government research data used as basis for local policy development. This right shall include the right to publish or otherwise disseminate a public record or the information contained in a public record and indicating therein the office where the source of information was obtained. The right to copy a public record shall include the right to take photographs, video or sound recordings, or to make physical copies through printing, photocopying, or other similar means.
- (2) No party requesting for information shall be required to provide any personal information other than the requesting party's name and address, nor shall any person be required to make a personal appearance.
- (3) The purpose of the request or reason for their request or interest in the subject matter should be written in accomplishing the request form.
- (4) A government office shall not prevent the examination or copying of a public record by contracting with a non-government body to perform any of its duties or functions.

SECTION 6. City Information Officer.

The City Information Officer shall have the different duties and responsibilities, to include but not limited to:

- (1) Prepare a People's Right to information Manual pursuant to section 16 of this ordinance;
- (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 Requests Log;
- (7) Maintenance of a public and official email address by which requests for information may be sent;
- (8) Designate a temporary Public 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 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 the 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 Office, said officer must notify the City Information Officer within two (2) working days.

Section 8. Automatic Disclosure of Public Records. The City government is hereby mandated to disclose the following public records within seven to twelve (7 to 12) working days upon approval:

- (1) Annual budget report;
- (2) Annual statement of indebtedness, payments, and balances (SIPB);
- (3) Annual procurement plan;
- (4) Supplemental procurement plan, if applicable;
- (5) Utilization of 20% component of the internal revenue allotment (IRA);
- (6) Utilization of the Special Education Fund (SEF);
- (7) Utilization of the local disaster risk reduction and management fund (LDRRMF);
- (8) Utilization of local development fund (LDF);
- (9) Utilization of the gender and development (GAD) fund;
- (10) Annual financial statements;
- (11) Bidding documents, approved budget for the contract (ABC), and bid results on civil works, goods and services, and consulting services;
- (12) Abstract of bids as calculated;
- (13) Sangguniang Kabataan related files such as Local Youth Development Plan and other related files;
- (14) Statement of Assets, Liabilities and Networth (SALN) of all City Officials;
- (15) All other public records provided for by law , ordinance, executive order, memorandum, and other rules and regulations.

Subj: Information

SECTION 11. 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 12. 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 student , 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;
- (6) Security and emergency plans and procedures concerning public buildings, activities, and participants;
- (7) Identify 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. Ordinances or other record deemed classified as confidential.

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 13. 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 14. 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.

Sub: Halama

SECTION 15. 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;
- (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 16. 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) Certification of Official Records:
 - a. Php 50.00 per page for the first copy and Php 10.00 per page for succeeding copies.
 - b. Printing (colored ink) Php 10.00 page
 - c. Printing (black ink) Php 5.00 page
 - d. Photocopying Php 5.00 page
 - e. 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 17. 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.

Subifutana

- (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 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 18. 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 19. 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 20. 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 21. Effectivity. This ordinance shall take effect fifteen (15) days after publication.

APPROVED UNANIMOUSLY.

X-----X

CERTIFIED TRUE AND CORRECT:



RODELA AMORES-NUÑAL
Secretary to the Sanggunian

ATTESTED:



JASHIM I. TIPLAN
City Councilor
Temporary Presiding Officer

APPROVED: This 11th day of Sept, 2019



SITI DJALIA TURABIN-HATAMAN
City Mayor