



Republic of the Philippines
Province of Tarlac
MUNICIPALITY OF PANIQUI

OFFICE OF THE MUNICIPAL MAYOR

EXECUTIVE ORDER NO. 21, s.2022

**AN ORDER TO OPERATIONALIZE FREEDOM OF INFORMATION IN THE
MUNICIPAL GOVERNMENT OF PANIQUI.**

WHEREAS, Section 28, Article II of the 1987 Philippine Constitution declares that *the State adopts and implements a policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law;*

WHEREAS, Section 7, Article III of the 1987 Philippine 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. 02 entitled *"Operationalizing in the Executive Branch the People's Right to Information and the State Policies to Full Public Disclosure and Transparency in Public Service and Providing Guidelines Therefor";*

WHEREAS, the afore-stated Executive Order recognizes the urgent need to operationalize constitutional right of the people to information on public concern;

WHEREAS, the Presidential Communications Operation Office and Department of the Interior of Local Government issued Joint Memorandum Circular No. 2018-01, dated 09 October 2018 entitled *"Reiteration of Executive Order No. 2, s.2016 – Operationalizing the People's Right to Information and the State Policies of Full Public Disclosure and Transparency in the public Service";*

WHEREAS, the said Joint Memorandum Circular No. 2018-01 states the Local Government Units (LGUs) are highly encouraged to operationalize, at the local level, the people's right to information and state policies of full public disclosure and transparency in public service by enacting an ordinance, or issuing an executive order from the office of the governor or mayor, supporting the Freedom of Information (FOI); and

WHEREAS, the Municipal Government of Paniqui, Tarlac believes that the Freedom of Information, as a constitutional right of the people should be respected and uphold.

NOW, THEREFORE, I, LEONARDO M. ROXAS, Municipal Mayor, Paniqui, Tarlac, by virtue of the powers vested in me, do hereby order to operationalize Freedom of Information in the Municipal Government of Paniqui, Tarlac.

SECTION 1. Definition of Terms.

For the purpose of this Order, the following terms shall mean:

- a) **"Information"** shall mean 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 stores data, any other like similar data or materials recorded, stored or archived in

control and custody of any government office under the Municipal Government of Paniqui, Tarlac pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by the Municipal Government of Paniqui, Tarlac.

- b) **"Official record"** shall refer to information produced or received by a public officer or employee, or by government office in an official capacity or pursuant to a public function or duty.
- c) **"Public record"** shall include information required by laws, executive orders, rules, or regulations to be entered, kept and made publicly available by a government office.

SECTION 2. Coverage.

This order shall cover all offices of the Municipal Government of Paniqui, Tarlac.

SECTION 3. Access to Information.

Every Filipino shall have 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 for policy development, in the custody of the Municipal Government of Paniqui, Tarlac.

SECTION 4. Exceptions.

Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence, such as those listed in the Memorandum from the Executive Secretary, Office of the President dated 24 November 2016. Among others:

1. Privileged information relating to national security, defense, or international relation.
2. Information concerning law enforcement and protection of public and personal safety.
3. Information deemed confidential for the protection of the privacy and certain individuals such as minors, victims of crimes or the accused.
4. 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 and boards or officers, in relation to the performance of their functions or to inquires or investigation conducted by them in the exercise of their administrative, regulatory or quasi-judicial powers.
5. Prejudicial, premature disclosure.
6. Records of proceedings or information from proceedings which pursuant to law or relevant rules and regulations are treated as confidential or privileged.
7. Matters considered confidential under banking and finance laws and their amendatory laws.

SECTION 5. Availability of Statement of Assets, Liabilities and Net worth (SALN).

Subject to the provisions contained in Section 3 and 4 of this Order, officials and employees of the Municipal Government of Paniqui, Tarlac are reminded of their obligation to file and make available for scrutiny their Statements of Assets, Liabilities and Net worth (SALN) in accordance with existing laws, rules and regulations.

SECTION 6. 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 listed in the inventory of FOI exceptions. The Municipal Government of Paniqui, Tarlac

shall adopt the “disclose to one, disclose to all” policy for the information requested through this Order 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 of any citizen shall be the responsibility of the head of very office, who is in custody or control of the information, public record or official record.

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

SECTION 7. Protection of Privacy.

Responsible officials and employees of the Municipal Government of Paniqui, Tarlac who are providing access to information, public records and official records shall consider the right to privacy of any individual pursuant to Republic Act No. 10172 otherwise known as the “Data Privacy Act of 2012”, which are as follows:

- a) Each 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 existing laws, rules or regulations and this Ordinance;
- b) Each 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, whose personal information is requested, to abuse, harassment or any other wrongful acts.
- c) Any employee or official of the Municipal Government of Paniqui, Tarlac who has access, authorized or unauthorized, to personal information in the custody of their office, must not disclose that information except when authorized under this ordinance or pursuant to existing laws, rules or regulation.

SECTION 8. FOI Focal Person and FOI Receiving Officers.

- a) The head of the Public Information Office is designated to be the FOI Focal Person. He/she is tasked to oversee the implementation of this FOI Order. The focal person shall also develop the standard forms for the submission of requests and for the proper acknowledgement of such requests.
- b) The FOI Focal Person shall monitor the status of all requests for access to information filed in the Municipal Government of Paniqui, Tarlac. Thus, the FOI Focal Person shall establish a system to trace the status of all requests for information in the Municipal Government of Paniqui, Tarlac.
- c) Every Office under the Municipal Government of Paniqui, Tarlac shall also designate an FOI Receiving Officer who will accommodate requests for access to information filed through their office.

SECTION 9. Procedure.

The following procedure shall govern the filing and processing of request for access to information:

- a) Any person who requests access to information may consult the FOI Focal Person to identify the concerned office that keeps the information being requested. However, the requestor may also go directly to the concerned office which he/she thinks has the information being requested.
- b) The requestor shall submit a written request to the FOI Receiving Officer of the concerned office using the standard form. The requestor shall state his/her name and contact information, provide valid proof of identification or authorization, reasonably describe the information requested, and the reason for, or purpose of the request. Provided, that no request shall be denied or refused acceptance, unless the reason for the request is contract to law, existing rules and regulations or it is one of the exceptions contained in the inventory of the FOI exceptions as hereinabove provided.
- c) The FOI Receiving Officer receiving the request shall provide reasonable assistance to enable all requesting parties and particularly those with special needs, to comply with the request requirements under this Section.
- d) The Request shall be stamped by the concerned office, indicating the date and time of receipt and the full name of the FOI Receiving Officer with the corresponding signature, and a copy thereof furnished to the requesting party. Each office shall establish a system to trace the status of all requests for information received by it.
- e) The concerned office shall respond to a request fully compliant with requirements of subsection (b) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned herein refers to the decision of the concerned office to grant or deny access to the information requested.
- f) 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 the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.
- g) 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.

SECTION 10. Fees.

No fee shall be charged for accepting requests for access to information. Likewise, there shall be no charge for obtaining information in digital format (i.e. PDF, JPEG, etc.). However, fees can be imposed for printing, photocopying, and certification services rendered by any office of the Municipal Government of Paniqui, Tarlac.

The fee shall be paid to the Municipal Treasurer's Office at the time of the request. The Official Receipt number, the amount of the total fees, and the date of payment shall be indicated at the button of the document/s requested.

SECTION 11. Remedies in Cases of Denial of Request for Access to Information.

Denial of any request for access to information may be appealed to the Local Chief Executive. Provided, that the written appeal must be filed by the same person making the request within fifteen (15) calendar days from the notice of denial or from the lapse of the relevant period to respond to the request.

The appeal shall be decided by the Local Chief Executive within thirty (30) working days from the filing of said written appeal. Failure of the person or office next higher in the authority to decide within the afore-stated period shall be deemed a denial of the appeal.

Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts.

SECTION 12. Keeping of Records.

Every office in the Municipal Government of Paniqui, Tarlac 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 13. Separability Clause.

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


SECTION 14. Repealing Clause

Any/all issuances inconsistent with the foregoing are hereby repealed and/or modified accordingly.

SECTION 15. Effectivity.

This Executive Order shall take effect immediately.

Done this day of 28th October 2022, Paniqui, Tarlac.


HON. LEONARDO M. ROXAS
Municipal Mayor