



Republic of the Philippines  
**QUEZON CITY COUNCIL**  
Quezon City  
21<sup>st</sup> City Council

PO21CC-018

11<sup>th</sup> Regular Session

ORDINANCE NO. SP- 2863, S-2019

**AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN THE QUEZON CITY GOVERNMENT AND PROVIDING GUIDELINES THEREFOR.**

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*Introduced by Councilors IVY L. LAGMAN, LENA MARIE P. JUICO, ESTRELLA C. VALMOCINA and RESTY B. MALAÑGEN.*

*Co-Introduced by Councilors Bernard R. Herrera, Dorothy A. Delarmente, M.D., Tany Joe "TJ" L. Calalay, Nicole Ella V. Crisologo, Victor V. Ferrer, Jr., Winston "Winnie" T. Castelo, Atty. Bong Liban, Ramon P. Medalla, Mikey F. Belmonte, Franz S. Pumaren, Kate Galang-Coseteng, Matias John T. Defensor, Wencerom Benedict C. Lagumbay, Jorge L. Banal, Sr., Peachy V. De Leon, Imee A. Rillo, Marra C. Suntay, Irene R. Belmonte, Hero M. Bautista, Karl Castelo, Patrick Michael Vargas, Shaira L. Liban, Ram V. Medalla, Allan Butch T. Francisco, Marivic Co Pilar, Melencio "Bobby" T. Castelo, Jr., Rogelio "Roger" P. Juan, Diorella Maria G. Sotto-Antonio, Donato "Donny" C. Matias, Eric Z. Medina, Freddy S. Roxas and Noe Dela Fuente.*

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*WHEREAS, the Department of the Interior and Local Government heeding the call of President Rodrigo R. Duterte to eliminate corruption in the government launches the Bantay Korapsyon Program that encourages the involvement and participation of various stakeholders in the fight against corruption in the National down to the Local Government Units;*

*WHEREAS, according to a study conducted by Transparency International, an International Non-Governmental Organization based in Berlin, Germany, the Philippines in 2017 got a score of 34 and was ranked 111 out of 180 countries on the Corruption Perception Index which uses a scale of 0 to 100, where 0 is highly corrupt and 100 as clean;*

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 interest 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 entitled "Operationalizing in the Executive Branch the People's Right to Information and the State Policies to Full Disclosure and Transparency in the Public Service and Providing Guidelines Therefor";

WHEREAS, the said Executive Order is limited in scope to government offices under the Executive Branch and merely enjoins local government units to observe and be guided accordingly;

WHEREAS, the Department of the Interior and Local Government and the Presidential Communications Operations Office issued Joint Memorandum Circular No. 2018-01 on October 9, 2018 to encourage provinces, cities and municipalities to enact an ordinance, or issue a local Chief Executive's Order, in support of freedom of information;

WHEREAS, recognizing the importance of the people's right to government information, and guided by the President's Executive Order, the Quezon City Government deems it necessary to provide a local mechanism for its offices where the people's right to information is respected and upheld, subject to exceptions provided by law and jurisprudence.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE - This Ordinance shall be known as the "Quezon City Freedom of Information Ordinance of 2019".

SECTION 2. DEFINITION OF TERMS - For the purpose of this Ordinance, the following terms shall mean:



a) "Information" shall mean any record, 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 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 any department of the Quezon City Government pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official business by any department under the Quezon City Government.

b) "Official Record" shall refer to information produced or received by a public officer or employee, or by a 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 3. COVERAGE - This ordinance shall cover all offices under the Quezon City Government.

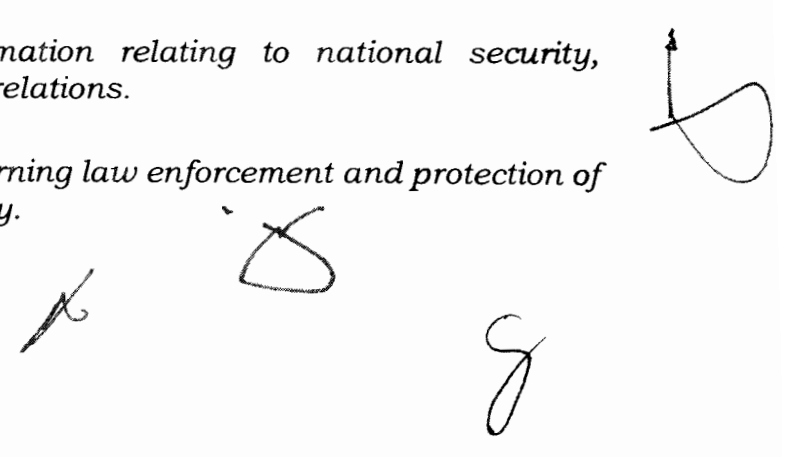
SECTION 4. ACCESS TO INFORMATION - Every Filipino shall have access to information, official acts, transactions or decisions, as well as to government research data used as basis for policy development, in the custody of the Quezon City Government or any of its offices.

SECTION 5. EXCEPTIONS - Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence.

a) Information covered by Executive privilege.

b) Privileged information relating to national security, defense, or international relations.

c) Information concerning law enforcement and protection of public and personal safety.



d) Information deemed confidential for the protection of the privacy of persons and certain individuals such as minors, victims of crimes, or the accused.

e) 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.

f) Prejudicial premature disclosure.

g) Records of proceedings or information from proceedings which, pursuant to law or relevant rules and regulations, are treated as confidential or privileged.

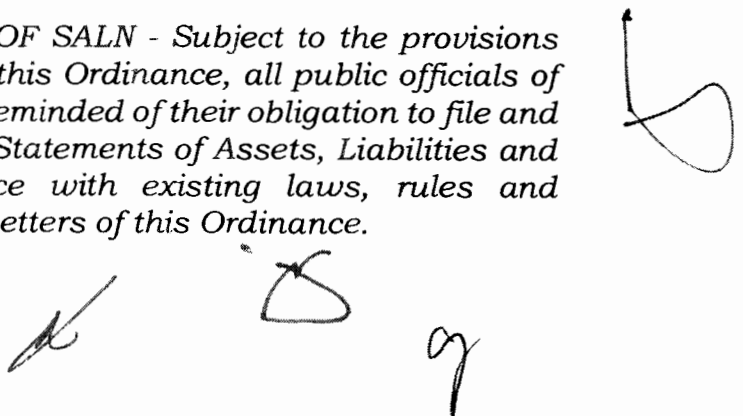
h) Matters considered confidential under banking and finance laws, and their amendatory laws.

i) Other exceptions to the right of information under laws, jurisprudence, rules and regulations.

Pursuant to this, the Sangguniang Panlungsod shall approve the Comprehensive List of Local Inventory of Exceptions to be prepared and submitted by the City Legal Officer after the effectivity of this Ordinance.

Thereafter, the Secretary to the Sangguniang Panlungsod shall cause the publication of the local inventory of FOI exceptions for the guidance of all government offices covered by this Ordinance. Said local inventory FOI exceptions shall be periodically updated by the City Legal Officer and the Sangguniang Panlungsod.

SECTION 6. AVAILABILITY OF SALN - Subject to the provisions contained in Sections 4 and 5 of this Ordinance, all public officials of the Quezon City Government 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, and in the spirit and letters of this Ordinance.

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**SECTION 7. 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 in the inventory of FOI exceptions. The Quezon City Government shall adopt the "Disclose to One, Disclose to All" policy for the information requested through this Ordinance 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 shall be the responsibility of the Head of Office, which is in custody or control of the information, public records or official records, or the responsible City or field officer duly designated by him/her in writing.

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 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, pursuant to Republic Act No. 10173, otherwise known as the "Data Privacy Act of 2012", as follows:

a) Each government 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 this Ordinance or existing law, rules or regulations;

b) Each government 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 vilification, harassment or any other wrongful acts;

c) Any employee, official, or director of a government office 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 Ordinance or pursuant to existing laws, rules or regulation.

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**SECTION 9. CREATION OF FREEDOM OF INFORMATION COMMITTEE** - *The Freedom of Information Committee is hereby created to oversee the implementation of this Ordinance. The FOI Committee shall be composed of the following:*

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|------------------|--|
| a. Chairman      | - City Administrator   |
| b. Vice-Chairman | - City Vice Mayor  |
| c. Members       | - City Council Majority Floor Leader                                 |
|                  | - City Council Minority Floor Leader                                 |
|                  | - Representative, DILG QC  |
|                  | - Representative, City Legal Department                              |
|                  | - Representative, Human Resource and Management Department           |
|                  | - Representative, Public Affairs and Information Services Department |
|                  | - CDC Sectoral Representative  |

**SECTION 10. POWERS AND FUNCTIONS**

a) *Develop the standard forms for the submission of requests and for the proper acknowledgment of such requests.*

b) *The Committee shall monitor the status of all requests for access to information filed in the Quezon City Government and its offices. Thus, the FOI Committee shall establish a system to trace the status of all requests for information in the City.*

**SECTION 11. FOI RECEIVING OFFICERS AND FOI DECISION-MAKERS**

*Each of the offices under the Quezon City Government shall designate an FOI Receiving Officer who will accommodate requests for access to information filed through their office.*

*The FOI decision-maker who shall render the decision for granting or denying the request for access to information/ documents shall be the Head of Office of the concerned office: Provided, that no request shall be denied or refused acceptance unless the reason for the request is contrary to law, existing rules and regulations or it is one of the exceptions contained in the inventory or updated inventory of exception as hereinabove provided.*



*SECTION 12. 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 City's FOI Committee to identify the concerned office who keeps the information being requested. 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 of the City. The request shall state the name and contact information of the requesting party, provide valid proof of identification or authorization, reasonably describe the information requested, and the reason for, or purpose of, the request for information.*

*c) The FOI Receiving Officer receiving the request shall provide reasonable assistance, free of charge, 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 name, rank, title and position 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 request for information received by it.*

*e) The concerned office shall respond to a request fully compliant with the requirements of subsection (b) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof. The response mentioned above 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 facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The concerned office shall notify the person making the request of the extension, setting forth the reasons for such 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 13. E-PORTAL - The City government website shall also feature a webpage through which a request for information may be coursed through.

SECTION 14. FEES

a) Government offices shall not charge any fee 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, the following schedule of fees is imposed for printing, photocopying, and certification services rendered by a government office:

- Certification of Official Records - P50.00/ page for the 1<sup>st</sup> copy and  
- P5.00/ page for the succeeding copies
- Printing - P5.00/ page
- Photocopying
  - Long - P3.00/ page
  - Short - P2.00/ page

b) The fees shall be paid in the City Treasurer's Office at the time of the request, whether written or verbal. The Official Receipt number, the amount of the total fees, and the date of payment shall be indicated at the bottom of the certificate.

c) The concerned office may exempt any requesting party from payment of fees, upon request stating valid reason why such party should not pay the fee.

SECTION 15. NOTICE OF DENIAL - If the concerned government office decides to deny the request in whole or in part, it shall as soon as practicable, in any case within fifteen (15) working days from the receipt of the request, notify the requesting party the denial in writing. The notice shall clearly set forth the grounds or grounds for denial or circumstances on which the denial is based. Failure to notify the requesting party of the action taken on the request within the period herein stipulated shall be deemed a denial of the request for access to information.

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**SECTION 16. REMEDIES IN CASES OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION**

a) 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.

b) The appeal shall be decided by the Local Chief Executive within fifteen (15) working days from the filing of said written appeal. Failure of the Local Chief Executive to decide within the aforesated period shall be deemed a denial of the appeal.

c) Upon exhaustion of administrative appeal remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court.

**SECTION 17. KEEPING OF RECORDS** - Subject to existing laws, rules, and regulations, government offices shall create and/or maintain accurate and reasonably complete records of important information in retrieval and communication of information to the public.

**SECTION 18. PENALTIES** - Failure of any government officer to comply with the provisions of this Ordinance shall be a ground for the following penalties:

1<sup>st</sup> Offense - Reprimand

2<sup>nd</sup> Offense - Suspension of one (1) to thirty (30) days

3<sup>rd</sup> Offense - Dismissal from Service

The FOI Committee shall submit the list of government officers who fail to comply with the provisions of this Ordinance to the Local Chief Executive, who shall decide on the appropriate administrative and disciplinary sanctions.

**SECTION 19. SEPARABILITY CLAUSE** - If any section or part of this Ordinance is held unconstitutional or invalid, the other sections or provisions not otherwise affected shall remain in full force and effect.

**SECTION 20. IMPLEMENTING RULES AND REGULATIONS** - The City Legal Department shall, within sixty (60) days after the effectivity of this Ordinance, formulate the necessary rules and regulations for its effective implementation.

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11<sup>th</sup> Regular Session

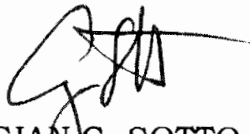
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*SECTION 21. REPEALING CLAUSE - All other ordinances, orders, issuances, and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.*

*SECTION 22. EFFECTIVITY - This Ordinance shall take effect fifteen (15) days after its publication.*


ENACTED: September 24, 2019.

  
GIAN G. SOTTO  
City Vice Mayor  
Presiding Officer

ATTESTED:

  
Atty. JOHN THOMAS S. ALFEROS III  
City Government Dept. Head III

APPROVED: 09 OCT 2019

  
MA. JOSEFINA G. BELMONTE  
City Mayor

CERTIFICATION

*This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 24, 2019 and was PASSED on Third/Final Reading on September 30, 2019.*

  
Atty. JOHN THOMAS S. ALFEROS III  
City Government Dept. Head III

