



Republic of the Philippines  
Province of Laguna  
Municipality of Lumban  
**OFFICE OF THE SANGGUNIANG BAYAN**



**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE HON. SANGGUNIANG BAYAN OF LUMBAN, LAGUNA HELD ON OCTOBER 10, 2022 AT ATTY. BENJAMIN E. AGARAO SR. MEMORIAL HALL AT EXACTLY 10:24 IN THE MORNING.**

**PRESENT:**

HON. BELEN B. RAGA	-----	Vice Mayor/ Presiding Officer
HON. MODESTO B. ABADIER	-----	SB Member
HON. MARK ANTHONY L. LAGROSA	-----	SB Member
HON. IRENEO R. BALDOVINO	-----	SB Member
HON. ROSE ANN R. AÑONUEVO	-----	SB Member
HON. JOHN DEMBER A. DELOS REYES	-----	SB Member
HON. ATTY. JEROMME D. LACBAY	-----	SB Member
HON. GERONIMO P. SAMONTE JR.	-----	SB Member
HON. ARIEL D. AÑONUEVO	-----	President-LNB
HON. DONNIE L. DE VENECIA	-----	President-SKF

**ABSENT:**

HON. MA. ROMA R. TABLICO	-----	SB Member (On Official Business)
--------------------------	-------	-------------------------------------

**RESOLUTION NO. 66 S. 2022**

**A RESOLUTION OPERATIONALIZING FREEDOM OF INFORMATION AND PROVIDING FOR A MECHANISM FOR THE DISCLOSURE OF PUBLIC RECORDS IN THE MUNICIPAL GOVERNMENT OF LUMBAN, LAGUNA AND PROVIDING GUIDELINES THEREOF OR OTHERWISE KNOWN AS “LUMBAN TRANSPARENCY MECHANISM AND ACCOUNTABILITY ORDINANCE OF 2022”**

**Introduced by: Councilor Atty. Jeromme D. Lacbay**

**Co-Introducers: Hon. Ma. Roma R. Tablico, Hon. Mark Anthony L. Lagrosa, Hon. Ireneo R. Baldovino and Hon. John Dember A. Delos Reyes**

**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**, 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 and Perception Index which uses a scale of 0 to 100, where 0 is highly corrupt and 100 as clean;

**WHEREAS**, on 23 July 2016, President Rodrigo 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**, the said Executive Order is limited in scope to government offices under the Executive Branch and merely enjoins local government units to observed and be guided accordingly;

**WHEREAS**, the Department of Interior and Local Government and the Presidential Communications Operations Office issued Joint Memorandum Circular No. 2018-01 on October 19, 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 Municipal Government of Lumban Laguna deems it necessary to improve the local mechanism wherein the people's right to information is upheld;

**NOW THEREFORE**, on the motion of Hon. Mark Anthony L. Lagrosa duly seconded by Hon. Rose Ann R. Añonuevo, Hon. Atty. Jeromme D. Lacbay, Hon. John Dember A. Delos Reyes and with the concurrence of all members present it was;

**RESOLVED**, as it is hereby **RESOLVED** to approve the resolution operationalizing freedom of information and providing for a mechanism for the disclosure of public records in the Municipal Government of Lumban Laguna and providing guidelines thereof or otherwise known as "*Lumban Transparency Mechanism and Accountability Ordinance of 2022*"

**RESOLVED FURTHER**, to enact the municipal ordinance relative thereto to wit:

**MUNICIPAL ORDINANCE NO. 09 S. 2022**

**AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION AND PROVIDING FOR A MECHANISM FOR THE DISCLOSURE OF PUBLIC RECORDS IN THE MUNICIPAL GOVERNMENT OF LUMBAN, LAGUNA AND PROVIDING GUIDELINES THEREOF OR OTHERWISE KNOWN AS "*LUMBAN TRANSPARENCY MECHANISM AND ACCOUNTABILITY ORDINANCE OF 2022*"**

*Be it ordained by the Sangguniang Bayan of Lumban, Laguna in Session duly assembled that:*

**Section 1. TITLE** - This Ordinance shall be known as the "**LUMBAN TRANSPARENCY MECHANISM AND ACCOUNTABILITY ORDINANCE OF 2022**".

**Section 2. DECLARATION OF POLICY** - The Municipal Government of Lumban, Laguna recognizes and uphold 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 Municipal Government of Lumban, Laguna 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 Lumbeños.

**Section 3. DEFINITION OF TERMS**- For the purposes of this Ordinance, the following terms shall mean:

a. Municipal Government - refers to the local government unit of Lumban, Laguna and all Municipal Offices, departments, instrumentalities, boards, and other bodies, and all municipal officials and employees that fall within its legal authority.

b. Government Office - refers to any office, department, agency, instrumentality, boards, or any other public body within the legal authority of the Municipal Government.

c. Information - shall include all records, documents, papers, reports, letters, contract, minutes, and transcripts of meetings, maps, books, photographs, data, research materials, films, sound and video recording, magnetic or other tapes, electronic data, computer stored, 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 municipal 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 municipal government office.

d. Custodian - 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 municipal government is the municipal 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 record 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.

e. Official Record - refer to documents or pieces of information produced or received by a public officer or employee, or by the municipal government or any government office in an official capacity or pursuant to a public function or duty.

f. Public Record - include all information, stored or preserved in any medium, under the custody of the municipal government. This shall include incomplete or partial records, or any piece of information found therein. This shall also include, but not limited to, official records as defined in this section.

**SECTION 4. COVERAGE** – This Ordinance shall cover all offices under the Municipal Government of Lumban, Laguna.

**SECTION 5. RIGHT TO ACCESS 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 Municipal Government of Lumban, Laguna or any of its offices.

(a). No party requesting for information shall be required to provide any personal information, except as is reasonably needed to send either the information sought or a notice for the denial of the request, nor shall any person be required to make personal appearance.

(b). No party shall be asked to explain the reason for their request or interest in the subject matter of the request.

**SECTION 6. 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, defenses, 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). Matters considered confidential under banking and finance laws, and their amendatory Laws.

(h). Other exceptions to the right of information under law, jurisprudence, rules and regulations.

**SECTION 7. AVAILABILITY OF SALN** – Subject to the provisions contained in Sections 5 and 6 of this Ordinance, all public officials of the Municipal Government of Lumban, Laguna 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.

**SECTION 8. AUTOMATIC DISCLOSURE OF PUBLIC RECORDS** – The Municipal Government shall continue to post all documents as required pursuant to Department of Interior and Local Government Memorandum Circular 2010-83 (Full Disclosure of Budget and Finances. And Bids and Public Offerings), to wit;

- a. Annual Budget Report
- b. Annual Procurement Plan or Procurement List;
- c. Special Education Fund Income and Expenditures Estimates;
- d. Statement of Debt Services;
- e. Annual Gender and Development Fund Utilization;
- f. Statement of Receipts and Expenditures;
- g. Quarterly Statement of Cash Flow;
- h. Items to Bid;
- i. Report of Special Education Fund Utilization;
- j. Bid Results on Civil Works, Goods and Services, and Consulting Services;
- k. Abstract of Bids as Calculated;
- l. Supplemental Procurement Plan, if any;
- m. Local Disaster Risk Reduction and Management Fund Utilization; and
- n. National Tax Allotment Utilization

**SECTION 9. 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 exceptions in list of FOI exceptions. The Municipal Government of Lumban shall adopt “Disclose to One, Disclose to All” policy for the information requested through this Ordinance and shall exercise proactive disclosure of information not subject to exceptions.

The determination of the applicability of any of the exceptions to request shall be responsibility of the Head of the Office, which is in custody or control of the information, public records or official records, or responsible Municipal Officer duly designated by him/her in writing.

In making such determination, Head of the 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 and corruption.

**SECTION 10. 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 other wrongful acts;
- c. Any employee, official or director of a government office who has access, authorized or unauthorized, to a 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;

**SECTION 11. 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:

- a. Chairman - Municipal Vice Mayor
- b. Vice Chairman - Sangguniang Bayan Chairperson, Committee on Good Governance
- c. Members - Sangguniang Bayan Chairperson, Committee on Finance  
- MLGOO, DILG  
- Representative, Human Resource Department  
-atleast two (2) Sectoral Representative from Accredited/Recognized CSO of the Municipality
- d. Ex-Officio Chairman – Executive Assistant, Office of the Mayor

**SECTION 12. POWERS AND FUNCTIONS**

a) Develop the Standard forms for the submission of request and for the proper acknowledgement of such request.

b) The Committee shall monitor the status of all request for access to information filed in the Municipal Government of Lumban, Laguna and its offices. Thus, the FOI Committee shall establish to trace the status of all request for information in the Municipality.

**SECTION 13. FOI RECEIVING OFFICERS AND FOI DECISION-MAKERS**

Each of the offices under the Municipal Government of Lumban 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 the Office of the concerned office: Provided, that no request shall be denied or refuse 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 list of exception as herein above provided.

**SECTION 14. 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 Municipality’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 Municipality. The request shall state reasonably describe the information requested.

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 the receipt and the name, rank, title and position of the FOI receiving officer with 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 twenty (20) 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 the fortuitous cases to 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 15. 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	- P100.00/page for the 1st 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 Municipal Treasurer's Office at the time of the request, whether written or verbal. The Official Receipt number, the amount total of the 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 16. 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 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 the access to information.

## **SECTION 17. 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) days from the filing of the said written appeal. Failure of the Local Chief Executive to decide within the aforesaid period shall be deemed a denial of the appeal.

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

**SECTION 18. 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 19. PENALTIES** - Failure of any of the government officer to comply with the provisions of this Ordinance shall be a ground for the following penalties:

- 1st Offense - Reprimand
- 2nd Offense - Suspension of one (1) to thirty (30) days
- 3rd 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 or disciplinary sanctions.

**SECTION 20. 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 21. REPEALING CLAUSE** - All other ordinances, orders, issuances and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, modified or amended accordingly.

**SECTION 23. EFFECTIVITY** - This Ordinance shall take effect fifteen (15) days after its publication.

**ORDERED**, the Sangguniang Bayan Secretary to transmit copy of this ordinance to concerned offices for their information and appropriate action.

**ENACTED**, this 10<sup>th</sup> day of October, 2022.

**I HEREBY CERTIFY** as to the correctness of the foregoing resolution.

  
**CORAZON B. PADUA**  
*SB Secretary*

**ATTESTED:**

  
**BELÉN B. RAGA**  
*Municipal Vice Mayor /Presiding Officer*

**APPROVED:**

  
**ROLANDO G. UBATAY**  
*Municipal Mayor*

Xcerpt101022res66MO09