



Republic of the Philippines
BATANGAS CITY

Office of the Sangguniang Panlungsod

Tel. No. 722-0304

ORDINANCE NO. 15 S. 2021

AN ORDINANCE OPERATIONALIZING FREEDOM OF INFORMATION IN THE CITY
GOVERNMENT OF BATANGAS AND PROVIDING GUIDELINES THEREOF

SPONSOR : COUN. KARLOS EMMANJUEL A. BUTED
CO-SPONSORS : VICE MAYOR EMILIO FRANCISCO A. BERBERABE, JR.
COUN. ALYSSA RENEE A. CRUZ
COUN. AILEEN GRACE A. MONTALBO
COUN. NESTOR E. DIMACUHA
COUN. GERARDO A. DELA ROCA
COUN. OLIVER Z. MACATANGAY
COUN. NELSON J. CHAVEZ
COUN. JULIAN B. VILLENA
COUN. MICHAEL THOMAS T. PASTOR
COUN. ISIDRA "CHED" M. ATIENZA
COUN. MARIA ALETH A. LAZARTE
COUN. LORENZO A. GAMBOA
COUN. ANGELITO DONDON A. DIMACUHA
COUN. MARJORIE A. MANALO

WHEREAS, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest pursuant to Section 28, Article II of the 1987 Constitution;

WHEREAS, Section 7 of The Bill of Rights recognizes the right of the people to information on matters of public concern including access to official 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, subject to such limitations as may be provided by law;

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 Public Disclosure and Transparency in the Public Service and Providing Guidelines Thereof";

WHEREAS, while the said Executive Order covers all government offices, departments, bureaus, and instrumentalities, under the Executive Branch, local government units are enjoined to observe and be guided by the Order. Hence, the Batangas City Government herein steps forward in an effort to pursue good and transparent governance;



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WHEREAS, the City Government of Batangas 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 Sangguniang Panlungsod that:

SECTION 1. Title. This ordinance shall be known as the "**Batangas City Transparency Ordinance of 2021.**"

SECTION 2. Declaration of Policy. The City of Batangas upholds that public office is a public trust thus, public officers and employees must be accountable to the people at all times. This Ordinance adopts the policy of transparency and public disclosure of all its transactions involving public interest as part of an effort to take effective measures toward good governance, public accountability, and people empowerment.

SECTION 3. Definition of Terms. For the purpose of this Ordinance, 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 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 government office under the City Government of Batangas pursuant to law, ordinance, executive order, and rules and regulations or in connection with the performance or transaction of official



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business by any city government office under the jurisdiction of Batangas 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 4. Coverage. This ordinance shall cover all government offices under the City Government of Batangas.

SECTION 5. Access to Information. Pursuant to Article III Section 7 of the 1987 Philippine Constitution, every person 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 City Government of Batangas or any of its offices.

SECTION 6. Presumption. The following are the application and interpretation of Freedom of Information:

(a) All information, public records and official records shall be presumed open and accessible to the public unless it clearly falls under any of the exceptions pursuant to the immediately succeeding section.

(b) Any ambiguity in this Ordinance shall be resolved in



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favor of the freedom of information and transparency in governance.

(c) The determination of the applicability of any of the exceptions to the request shall be the responsibility of the Head of the Office or the duly designated officer in custody or control of the information, public record, or official record.

(d) The Head of the Office or his 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 and official records if the denial is intended primarily to cover up a crime, wrongdoing, graft and corruption.

SECTION 7. Exceptions. Access to information shall be denied when the information falls under any of the exceptions enshrined in the Constitution, existing law, or jurisprudence.

SECTION 8. Availability of SALN. Subject to the provisions contained in Section 5 and 7 of this Ordinance, all public officials of the City Government of Batangas are reminded of their obligation to file and make available for scrutiny their Statement of Assets, Liabilities and Net Worth (SALN) in accordance with existing laws, rules and regulations, and the spirit and letter of this Ordinance.

SECTION 9. 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 the Data Privacy Act of 2012 (Republic Act No. 10173), as follows:



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(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 laws, 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.

SECTION 10. Request for Access to Information. All requests for access to information shall:

(a) be in writing and be accompanied using the prescribed form or manual to be formulated by the City Executive;

(b) provide the full name, contact information, affiliation, company or organization of the requesting party including one (1) valid government identification card with photograph and signature. For requesting persons who are 18 years old and below, a letter from a parent or a guardian must be written accompanied with the aforementioned requirements;

(c) reasonably describe the information requested; and



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(d) explain the reason for and the specific purpose of the request for information.

Any false information provided in the prescribed form and its accompanying required documents is a ground for denying the request, without prejudice to the filing of the appropriate criminal or civil action in court.

SECTION 11. Limitations. The right of access to information is without prejudice to the right of the office to determine whether there are grounds to believe that:

(a) the identity of the requesting party is fictitious or otherwise not legitimate based on the credentials provided;

(b) the request is prompted by sheer idle curiosity;

(c) the request is being made with a plainly discernible improper motive such as harassment;

(d) the purpose of the request is contrary to law, morals, good customs or public policy;

(e) the request is for any commercial purpose; and

(f) the request pertains to privileged documents or communications.

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 shall
(1) submit a written request to the government office concerned.



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(2) the request shall state the name and contact information of the requesting party, (3) provide valid proof of his identification or authorization, (4) reasonably describe the information requested, and (5) the reason for, or purpose of, the request for information: *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.

(b) The public official 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.

(c) The request shall be stamped by the concerned government office, indicating the date and time of receipt and the name, rank, title and position of the receiving officer with the corresponding signature, and a copy thereof furnished to the requesting party. Each government office shall establish a system to trace the status of all requests for information received by it.

(d) The concerned government office shall respond to a request fully compliant with requirements of sub-section (a) hereof as soon as practicable but not exceeding fifteen (15) working days from the receipt thereof.

(e) The period to respond may be extended whenever the information requested requires extensive search of the government office's records facilities, examination of voluminous records, the occurrence of fortuitous cases or other analogous cases. The concerned government office shall notify the person making the request of the extension, setting forth



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the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period.

(f) 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.

(g) The requesting party is responsible for the requested information. Wrongful and malicious use of the information obtained thru this Ordinance, such as but not limited to forgery, falsification, alteration, and other fraudulent machinations shall be penalized in accordance with pertinent laws and ordinances.

SECTION 13. 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, or within twenty (20) working days in case of extension, whichever is applicable, notify the requesting party 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. 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.

SECTION 14. Remedies in Cases of Denial of Request for Access to Information. A person whose request for access of information has been denied may avail himself of the remedies set forth below:



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- (a) Denial of any request for access to information may be appealed to the respective chief of office. 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.
- (b) The appeal shall be decided by the respective chief of office within thirty (30) working days from the filing of said written appeal. Failure of such office to decide within the afore-stated period shall be deemed a denial of the appeal.
- (c) Upon exhaustion of administrative appeal remedies, the requesting party may file an appropriate judicial remedy in accordance with the Rules of Court.

SECTION 15. 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 appropriate formats, and implement a records management system that facilitates easy identification, retrieval, and communication of information to the public.

SECTION 16. Administrative Liability. Failure to comply with the provisions of this Ordinance shall be a ground for administrative and disciplinary sanctions against any erring public officer or employee as provided under existing laws or regulations.

SECTION 17. Implementing Rules and Regulations. The City Mayor may issue Implementing Rules and Regulations that may be necessary for an effective enforcement of the Ordinance.



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SECTION 18. 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 or effect.

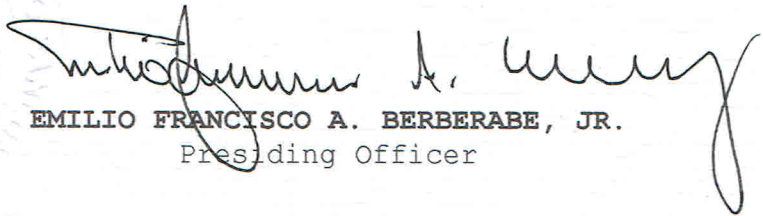
SECTION 19. Repealing Clause. All other ordinances, executive orders, administrative orders, issuances, rules and regulations, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 20. Effectivity. This Ordinance shall take effect fifteen (15) days after publication in a newspaper of general circulation in the cities and Province of Batangas.

ENACTED by the Sangguniang Panlungsod this 17th day of August, 2021.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

APPROVED:


BEVERLEY ROSE A. DIMACUBA
City Mayor

Date Approved:

AUG 24 2021

**REPUBLIC OF THE PHILIPPINES
BATANGAS CITY**

OFFICE OF THE SANGGUNIANG PANLUNGSOD

**EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE
MEMBERS OF THE SANGGUNIANG PANLUNGSOD OF BATANGAS CITY
ON AUGUST 17, 2021 VIA ZOOM APPLICATION**

PRESENT:

Hon. Emilio Francisco A. Berberabe Jr.,	Presiding Officer
Hon. Alyssa Renee A. Cruz,	Councilor
Hon. Aileen Grace A. Montalbo,	"
Hon. Nestor E. Dimacuha,	"
Hon. Karlos Emmanjuel A. Buted,	"
Hon. Gerardo A. Dela Roca,	"
Hon. Oliver Z. Macatangay,	"
Hon. Nelson J. Chavez,	"
Hon. Michael Thomas T. Pastor,	"
Hon. Isidra "Ched" M. Atienza,	"
Hon. Maria Aleth A. Lazarte,	"
Hon. Lorenzo A. Gamboa, Jr.,	"
Hon. Angelito "Dondon" A. Dimacuha,	ABC-Rep.
Hon. Marjorie A. Manalo,	SK-Fed. Pres.
 Hon. Julian B. Villena,	 Councilor

"On motion of Councilor Buted seconded by Councilor Nestor Dimacuha, the following Resolution was Adopted:

RESOLUTION NO. 231 S. 2021

**ADOPTING THE REPORT OF THE JOINT COMMITTEES ON PUBLIC INFORMATION
AND COMMUNICATIONS, AND LAWS, RULES AND REGULATIONS AND
APPROVING THE FREEDOM OF INFORMATION ORDINANCE**


RESOLVED, to adopt the report of the Joint Committees on Public Information and Communications, and Laws, Rules and Regulations and to approve on Second and Final Reading the ordinance entitled: "An Ordinance Operationalizing Freedom of Information in the City Government of Batangas and Providing Guidelines Thereof".

UNANIMOUSLY APPROVED. "

I hereby certify that the foregoing Resolution No. 231 S. 2021 was approved by the Sangguniang Panlungsod of Batangas City during its Regular Session held on August 17, 2021.


ATTY. OLIVA D. TELEGATOS
Secretary

ATTESTED:


EMILIO FRANCISCO A. BERBERABE, JR.
Presiding Officer

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Republic of the Philippines
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Tel. No. 723-2175



COMMITTEE REPORT

TO : HONORABLE PRESIDING OFFICER AND MEMBERS OF
THE SANGGUNIANG PANLUNGSOD

FROM : JOINT COMMITTEE ON PUBLIC INFORMATION AND
COMMUNICATIONS; AND COMMITTEE ON LAWS, RULES AND
REGULATIONS

SUBJECT :

Proposed ordinance entitled, “An Ordinance Operationalizing Freedom of Information in the City Government of Batangas and Providing Guidelines Thereof”

The committee hearing was held on August 10, 2021, 9 o’ clock in the morning via ZOOM and in attendance were the **City Vice Mayor, Hon. Emilio Francisco A. Berberabe, Committee Chairman on Public Information and Communications Coun. Karlos Emmanjuel A. Buted**, with its members **Coun. Julian B. Villena and Coun. Alyssa Renee A. Cruz**; **Committee Chairman on Laws, Rules, and Regulations Coun. Alyssa Renee A. Cruz** and its members **Coun. Gerardo A. dela Roca, Coun. Oliver Z. Macatangay, Coun. Nelson J. Chavez**; **Sanggunian Members Coun. Aileen Grace A. Montalbo, Coun. Nestor E. Dimacuha, Coun. Michael Thomas Pastor, Coun. Isidra Ched M. Atienza, Coun. Maria Aleth A. Lazarte, Coun. Lorenzo A. Gamboa, Coun. ABC Pres. Angelito “Dondon” A. Dimacuha, Coun. SK Federation Pres. Marjorie A. Manalo.**

Department heads and Division heads were also present during the committee hearing. (See attached file for the list of the names of other attendees.)

The proposed ordinance aims to make Batangas City Government to pursue good and transparent governance. In addition, these are the four (4) uses of the subject: 1) Transparency, 2) Accountability, 3) Academic Research, and 4) Innovation. This shall also lessen or eradicate the spread of fake news in and about the City Government of Batangas.

Moreover, this does not only concern one department, but it shall cover all departments and divisions of the City Government of Batangas.

Recommendations and Suggestions:

1. Include Article III Section 7 of the 1987 Philippine Constitution in the Section 5 of the proposed ordinance.
2. A subsection shall be added to Section 12 indicating that the requesting party is responsible for the requested information; and malicious use of the information obtained shall be penalized in accordance to pertinent laws and ordinances.
3. Adoption of the committee report.
4. Approval of the proposed ordinance for second and final reading hereto attached.

Respectfully submitted on August 13, 2021.

**JOINT COMMITTEE ON PUBLIC INFORMATION AND COMMUNICATIONS, AND
COMMITTEE ON LAWS, RULES AND REGULATIONS**

Committee on Public Information and Communications


COUN. KARLOS EMMANJUEL A. BUTED
Chairman


COUN. ALYSSA RENEE A. CRUZ
Member


COUN. JULIAN B. VILLENA
Member

Committee on Laws, Rules and Regulations


COUN. ALYSSA RENEE A. CRUZ
Chairman


COUN. GERARDO A. DELA ROCA
Member


COUN. JULIAN B. VILLENA
Member


COUN. OLIVER Z. MACATANGAY
Member


COUN. NELSON J. CHAVEZ
Member



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ATTENDANCE
COMMITTEE HEARING
Committee on Public Information and Communications
10 AUGUST 2021

NO.	NAME	OFFICE/ADDRESS	SIGNATURE
1	Hon. Emilio Francisco A. Berberabe, Jr.	Sangguniang Panlungsod	Online/Present
2	Hon. Alyssa Renee A. Cruz	Sangguniang Panlungsod (Committee Member)	Online/Present
3	Hon. Aileen Grace A. Montalbo	Sangguniang Panlungsod	Online/Present
4	Hon. Nestor E. Dimacuha	Sangguniang Panlungsod	Online/Present
5	Hon. Karlos Emmanjuel A. Buted	Sangguniang Panlungsod (Committee Chairman)	Online/Present
6	Hon. Gerardo A. Dela Roca	Sangguniang Panlungsod	Online/Present
7	Hon. Oliver Z. Macatangay	Sangguniang Panlungsod	Online/Present
8	Hon. Nelson J. Chavez	Sangguniang Panlungsod	Online/Present
9	Hon. Julian B. Villena	Sangguniang Panlungsod (Committee Member)	Online/Present
10	Hon. Michael Thomas Pastor	Sangguniang Panlungsod	Online/Present
11	Hon. Isidra "Ched" M. Atienza	Sangguniang Panlungsod	Online/Present
12	Hon. Maria Aleth A. Lazarte	Sangguniang Panlungsod	Online/Present
13	Hon. Lorenzo A. Gamboa	Sangguniang Panlungsod	Online/Present
14	Hon. Angelito Dondon A. Dimacuha	Sangguniang Panlungsod	Online/Present
15	Hon. Marjorie A. Manalo	Sangguniang Panlungsod	Online/Present
16	Ms. Evelyn Alcantara	Public Affairs & Assistance	Online/Present
17	Ms. Jo Ann Bantogon	City Fire	Online/Present
18	Ms. Judy Guadalupe	Batangas City Assessor	Online/Present
19	Ms. Aster Marasigan	City Treasurer	Online/Present
20	Representative for Sir Laylo	Batangas City Police Station	Online/Present
21	Engr. Dwight Arellano	CEO	Online/Present
22	Dr. Lorna Gappi	CLB	Online/Present
23	Ms. Marie Lualhati	PIO	Online/Present
24	Mr. Rod dela Roca	CDRRMO	Online/Present
25	Ms. Au Castillo	HR	Online/Present
26	Ms. Sherryl Bool	Accounting	Online/Present
27	Mr. Bryan Ebor	DSS	Online/Present
28	Ms. Amelia Reyes	City Market Office	Online/Present
29	Mary Vee Dimaano	BPLO	Online/Present
30	Pros. Reah Guerra	City Prosecutor's Office	Online/Present
31	Mr. Francisco Beredo	TDRO	Online/Present
32	Mr. Erick Sanohan	LEIPO	Online/Present
33	Mr. Raymond Sadiwa	ITSD	Online/Present
34	Ms. Josephine Maranan	Civil Registrar	Online/Present
35	Engr. Sonny Godoy	CPDO	Online/Present
36	Sir Manolo Perlada	City Budget	Online/Present
37	Engr. Ginalyn Mercado	GSD	Online/Present