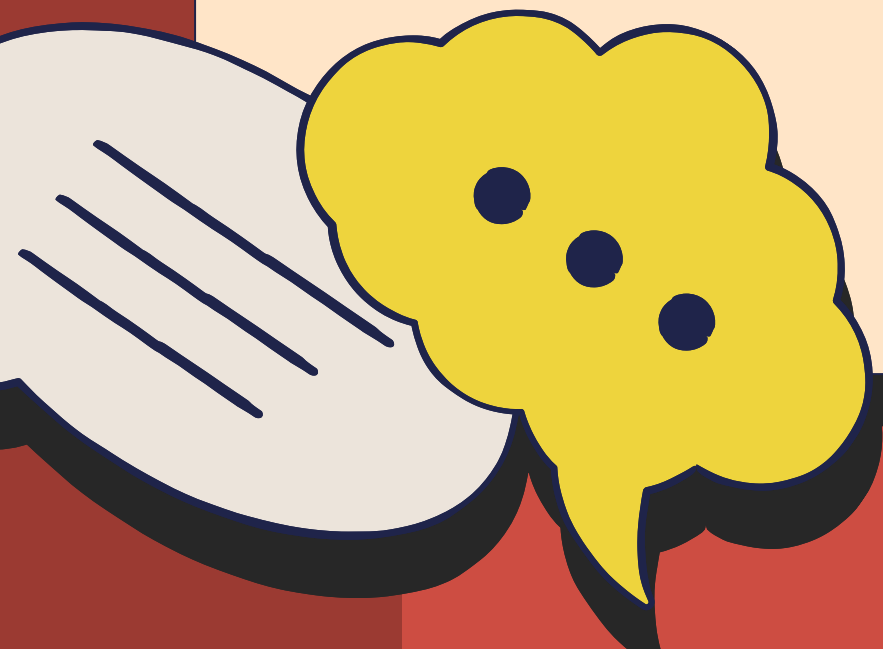
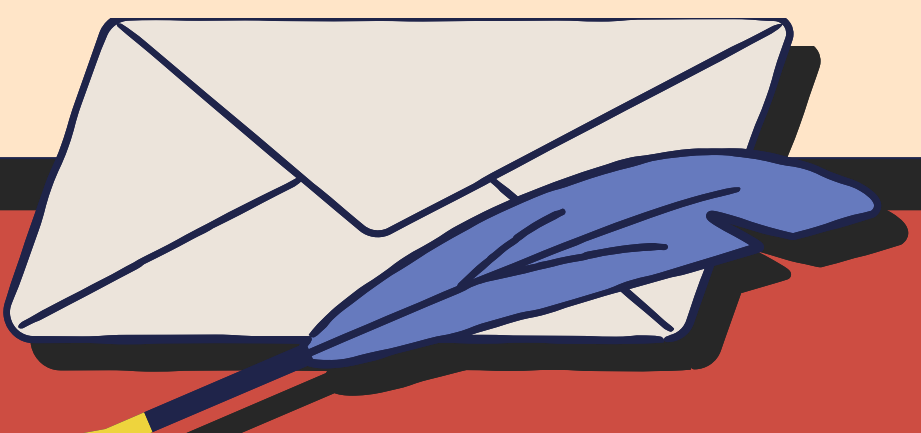


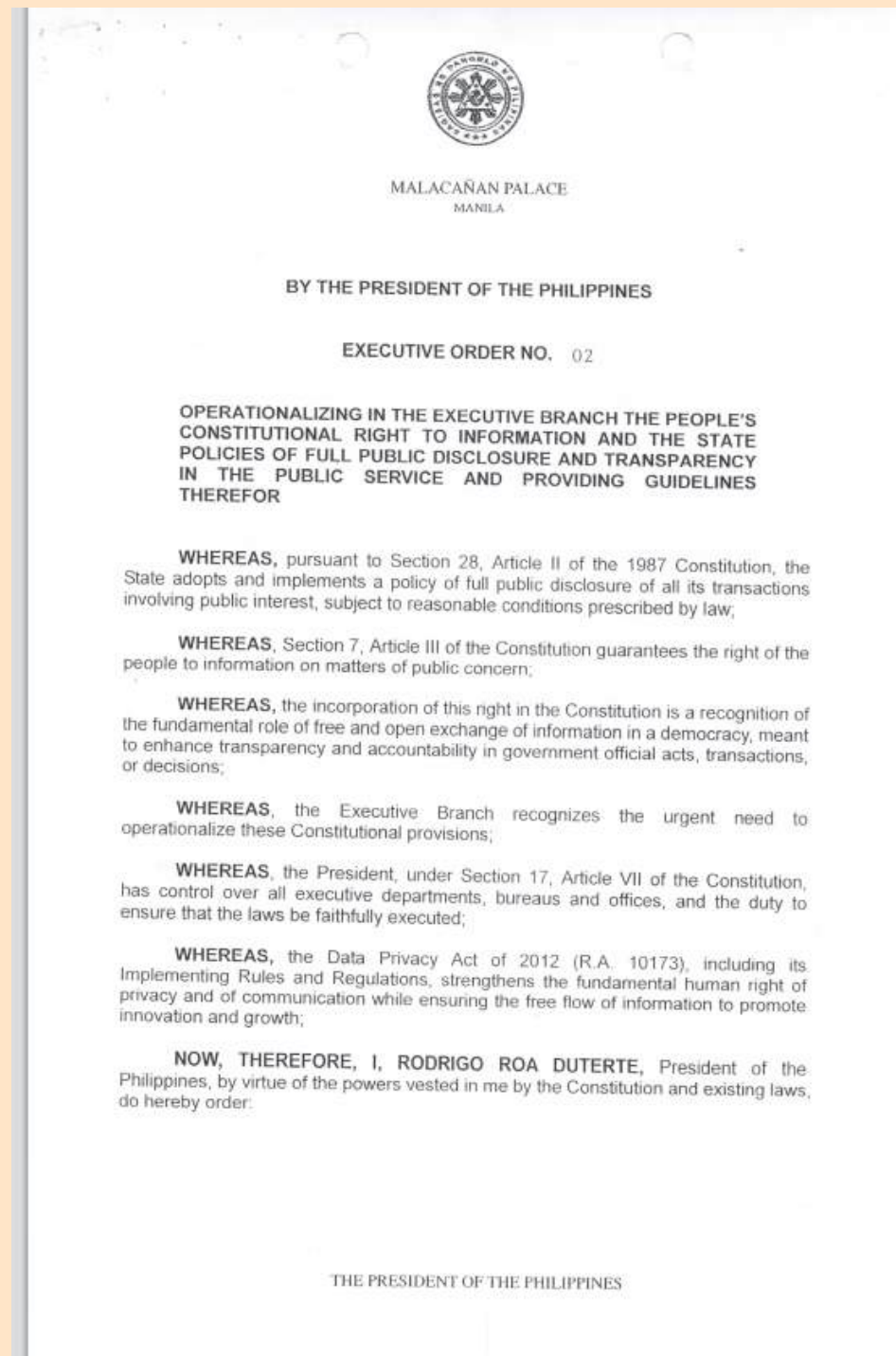


Ordinance No. 06 Series of 2020

**Operationalizing the Freedom of Information
(FOI) in the Provincial Government of South
Cotabato and providing guidelines therefor**



Executive Order No. 2, series of 2016



OPERATIONALIZING IN THE EXECUTIVE
BRANCH THE PEOPLE'S CONSTITUTIONAL
RIGHT TO INFORMATION AND THE STATE
POLICIES TO FULL PUBLIC DISCLOSURE AND
TRANSPARENCY IN THE PUBLIC SERVICE
AND PROVIDING GUIDELINES THEREFOR

JULY 23, 2016





**Executive Order 10, series
of 2015, an executive
order creating the South
Cotabato Integrity Circle**

EXECUTIVE ORDER NO. 61
Series of 2020

RECONSTITUTING THE DANGAL NG SOUTH COTABATO COUNCIL ON INTEGRITY AWARDS AND SELECTION COMMITTEE ON EMPLOYEE INTEGRITY AWARD AND ENTERPRISE INTEGRITY AWARD

WHEREAS, through Ordinance no. 23, series of 2017, the Dangal ng South Cotabato: Employee Integrity Award and Enterprise Integrity Award was established in the province to promote and institutionalize integrity and exemplary service in the Provincial Government of South Cotabato and in private business enterprises; and

WHEREAS, the South Cotabato Council on Integrity Awards shall serve as the over-all supervisory body of this Integrity Award System and the Selection Committees shall serve as the supervisory body of the Employee and Enterprise Integrity Awards;

WHEREAS, there is a need to reconstitute the composition of the Dangal ng South Cotabato Employees Integrity Award Selection Committee in view of the retirement and change of representative of other member agencies;

NOW THEREFORE, I, REYNALDO S. TAMAYO, JR., by virtue of the powers vested in me by law as the Provincial Governor of South Cotabato, do hereby order the creation of the South Cotabato Council on Integrity Awards and Selection Committee on Employee Integrity Award and Enterprise Integrity Award, with the following provisions:

Section 1. Composition. The South Cotabato Council on Integrity Awards and Selection Committees on Employee Integrity Award and Enterprise Integrity Award shall be composed of the following:

South Cotabato Council on Integrity Awards

Chairperson: Hon. Reynaldo S. Tamayo, J. Provincial Governor

Vice-Chairperson: Arch. Carlo Y. Uy, South Cotabato Integrity Circle Chairperson

Members:

Ms. Teresita R. Antolin, Director II, Civil Service Commission – South Cotabato Field Office

Atty. Rochelle D. Mahinay-Sero, LGOO VIII/Provincial Director, Department of the Interior and Local Government (DILG) - South Cotabato

Mr. Rictoriel T. Reginio, Chief Trade and Industry Development Specialist – Department of Trade Industry (DTI) South Cotabato

Sr. Susan O. Bolanio, OND, Executive Director, OND Hesed Foundation, Inc. – Civil Society Organization

Mr. Paquito S. Rubio, President, Mango Industry Development Council, Inc. (MIDC) South Cotabato – Business Sector

Selection Committee on Employee Integrity Award

Ms. Maria Theresa D. Bautista, LGOO IV - DILG South Cotabato

Ms. Myzyrhil A. Lastimosa, Registrar I - DepEd South Cotabato

Three (3) members from the accredited CSOs in the province

1. Ms. Belen S. Fecundo, Executive Director, South Cotabato Foundation, Inc.

2. Ms. Gloria C. Ledesma, President, South Cotabato Retired Public School Teachers Association

3. Fr. Jerome M. Millan, Director, Social Action Center- Marbel

Selection Committee on Enterprise Integrity Award

Mr. Rictoriel T. Reginio, Chief Trade and Industry Development Specialist – DTI South Cotabato

Ms. Marlene N. Zaragoza, Administrative Assistant III - Department of Labor and Employment (DOLE)

Ms. Agnes Castañares, Environment Management Specialist II - Provincial Environment Management Office (PEMO)



South Cotabato **OPEN GOVERNMENT PARTNERSHIP**



South Cotabato-OGP



To achieve more in delivering tangible outcomes directly to the people!



OPEN INFORMATION

Increasing Inclusivity in Public Access to Government Information for Inclusive Growth



OPEN MONITORING AND EVALUATION

Open and Participatory Monitoring Towards Quality Infrastructure for Increased Urban-Rural Integration



OPEN CONTRACTING

Enhancing Efficiency and Transparency of the Public Procurement Process



OPEN MINING INFORMATION

Developing and Integrating Transparency Standards and Systems for Increased Accountability and Social Responsibility in the Extractive Industries of South Cotabato



OPEN LEGISLATION

Broadening Civic Engagement Towards Relevant Local Legislation



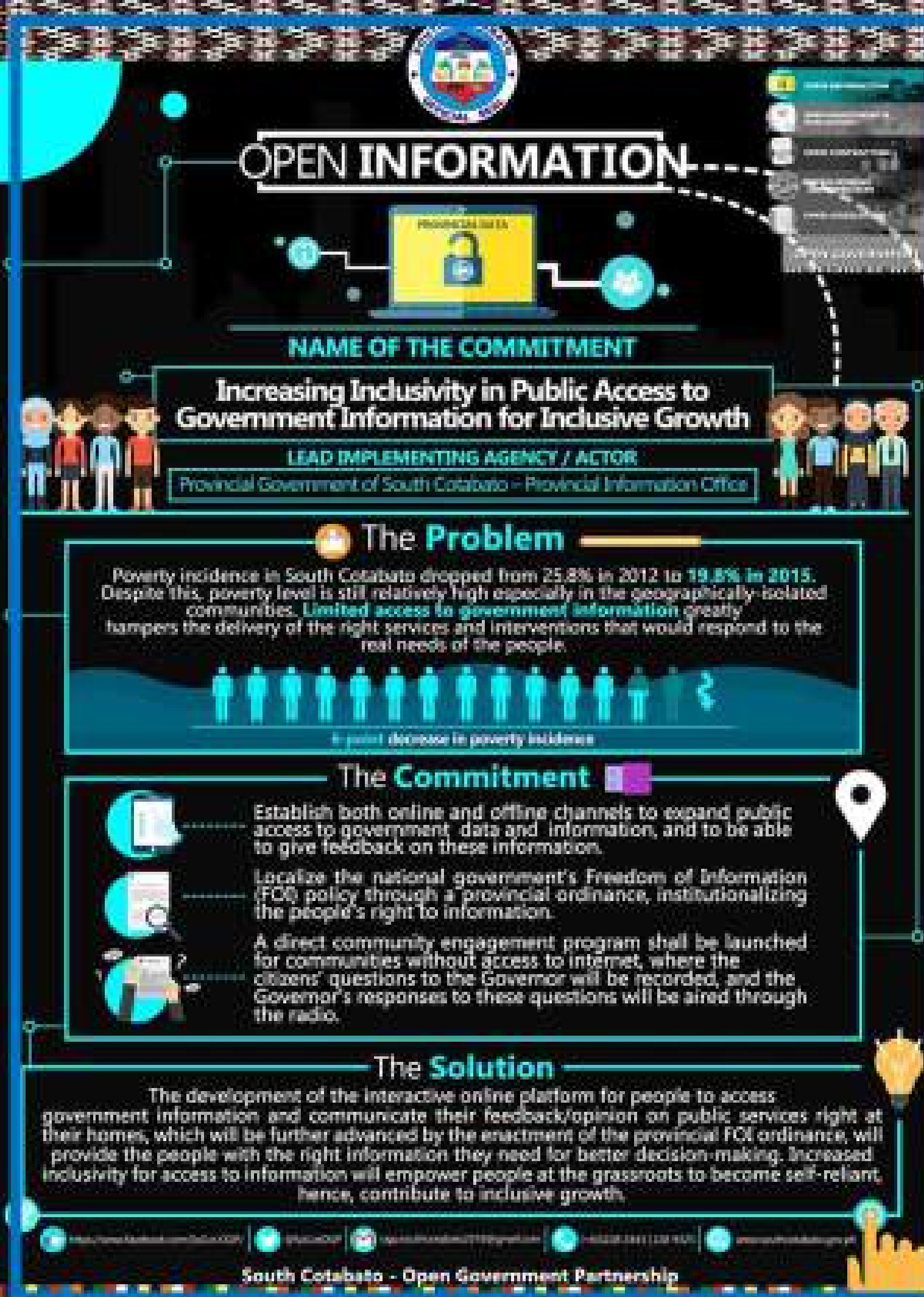
OPEN GOVERNMENT

OPEN INFORMATION

Increasing Inclusivity in Public Access to Government Information

PROBLEM: Poverty level is still high especially in isolated communities of indigenous peoples. How can the government respond to what people really need when citizens have limited access to government information?

SOLUTION: The public will be better able to access government data and provide feedback both online and offline. They can view and save info on programs and services anywhere with Internet. If they have no Internet, a direct community engagement program will record what citizens want to ask the Governor. They will then air the Governor's response over radio.





Republic of the Philippines
Province of South Cotabato

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Capital: Tacurogan, Marikina, City of Tacurogan
Tacurogan, Marikina, City of Tacurogan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLALAWIGAN OF SOUTH COTABATO, HELD IN ITS SESSION
HALL, CITY OF KORONADAL, ON MONDAY, MARCH 09, 2020

PRESENT:

Hon. Vicente R. de Jesus,	Vice Governor- Presiding Officer
Hon. Jinky P. Avance,	SP Member
Hon. Ma. Ester Marin-Catorce,	SP Member
Hon. Dardanillo N. Dar,	SP Member
Hon. Hilario G. de Pedro VI,	SP Member
Hon. Noel J. Escobillo,	SP Member
Hon. Antonio B. Fungar,	SP Member
Hon. Henry L. Ladot,	SP Member
Hon. Glezal D. Mariano-Trabado,	SP Member
Hon. Eamon Gabriel V. Matti,	SP Member
Hon. Ellen Grace N. Subera-Albios,	SP Member
Hon. Alyssa Marie L. Fale,	SP Member-Ex-Officio Member
	SK President
Hon. Rolando D. Malabuyoc,	SP Member-Ex-Officio Member
	LiB President
Hon. Wilson G. Pacibar,	SP Member-Ex-Officio Member
	PCI President
Hon. Edgar G. Sambog,	SP Member-Ex-Officio Member
	Indigenous Peoples Mandatory Representative

ABSENT:

None

RESOLUTION NO. 115

Series of 2020

Authors:

Hon. Hilario G. de Pedro VI Hon. Ma. Ester Marin-Catorce

Co-authors:

Hon. Vicente R. de Jesus

Hon. Jinky P. Avance Hon. Dardanillo N. Dar Hon. Noel J. Escobillo Hon. Antonio B. Fungar
Hon. Glezal D. Mariano-Trabado Hon. Alyssa Marie L. Fale Hon. Rolando D. Malabuyoc Hon. Ellen Grace N. Subera-Albios

A RESOLUTION ENACTING ORDINANCE NO. 06, SERIES OF 2020, ENTITLED, "AN
ORDINANCE OPERATIONALIZING THE FREEDOM OF INFORMATION IN THE
PROVINCIAL GOVERNMENT OF SOUTH COTABATO" AND PROVIDING GUIDELINES
THEREFOR

WHEREAS, President Rodrigo R. Duterte issued Executive Order (E.O.)
No. 2, dated July 23, 2016, 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";



Provincial Government of

South Cotabato

28th LGU with an FOI Ordinance



FREEDOM OF INFORMATION
Philippines

Photo by Lonely Travelogue

www.foi.gov.ph inquiry@foi.gov.ph

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SECTION 1. Title

This ordinance shall be known as the
“FOI Ordinance of the
Province of South Cotabato”.

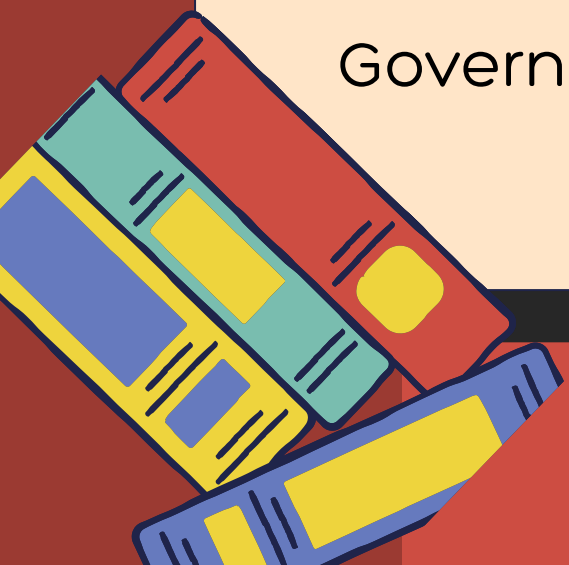


Section 2. Definition of Terms



(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, computers stores data, any other like or similar data or materials recorded, stored or archived in whatever format, whether offline, which are made, received, or kept in or **under the control and custody of any government office under the Provincial Government of South Cotabato** pursuant to law, ordinance, executive order, and rules and regulations or in **connection with the performance or transaction of official business by any government office** under the Provincial Government of South Cotabato.



Meiw 1
7

 
Republic of the Philippines
Province of South Cotabato
PROVINCIAL GOVERNOR'S OFFICE
City of Koronadal

MEMORANDUM

TO: ALL DEPARTMENTS
This Province

SUBJECT: FLEXIBLE WORKING HOURS FOR MUSLIM EMPLOYEES IN THE PERIOD OF
RAMADAN

DATE: March 3, 2025

OFFICIAL

Pursuant to Presidential Decree no. 291 as amended by P.D.No. 322 and Civil Service Commission Resolution No. 81-1277 dated November 13, 1981 which was further clarified by CSC Resolution No. 00-0227 dated 26 January 2000, the following are the guidelines for Muslim officials and employees in the agency who will observe the fasting month in the period of Ramadan:

1. The provision shall only apply to Muslim officials and employees who will observe fasting during the Ramadan Period from March 2, 2025 until the declaration of **Eid al-Fitr** which marks the end of Ramadan.
2. Other Muslim employees who are not practicing shall not be allowed to the avail of the flexible working hours;
3. The Flexible working hours from 7:30 am to 3:30 pm, with no noon break, shall only be allowed for the above cited period;
4. There shall be no diminution in the 40-hour work week required under the Civil Service Law and Rules under the prescribed flexi-time;
5. After the declaration of **Eid al-Fitr**, subject employee/s shall revert to the prescribed agency regular working hours;
6. The PHRMO and the respective Administrative Officers shall monitor the implementation of this provision;
7. A report on the list of officials and employees who will avail the flexi-time shall be submitted to the PHRMO for reference.

For guidance and compliance.


REYNALDO S. TAMAYO, JR.
Provincial Governor



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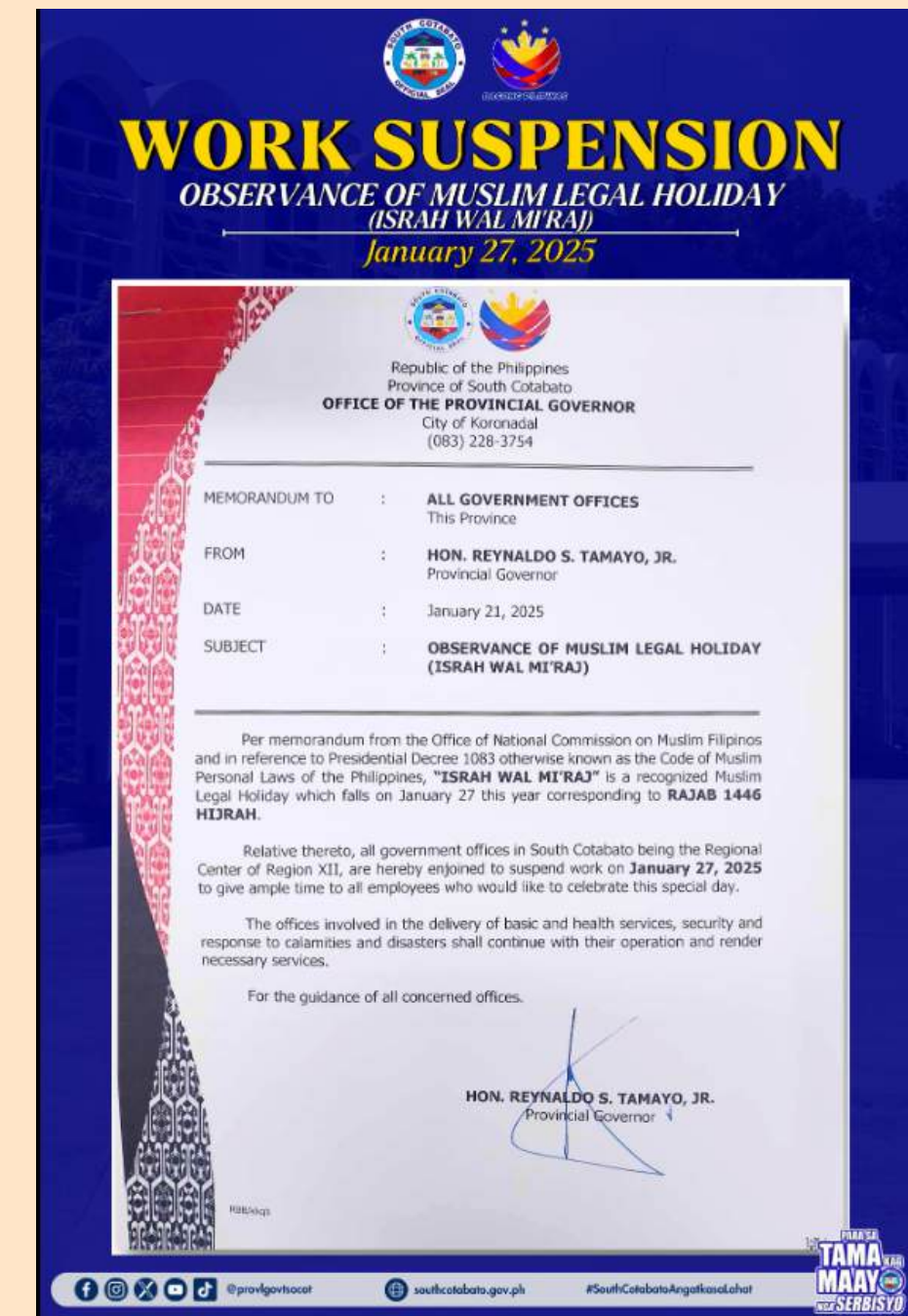
(b) Official Record

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.



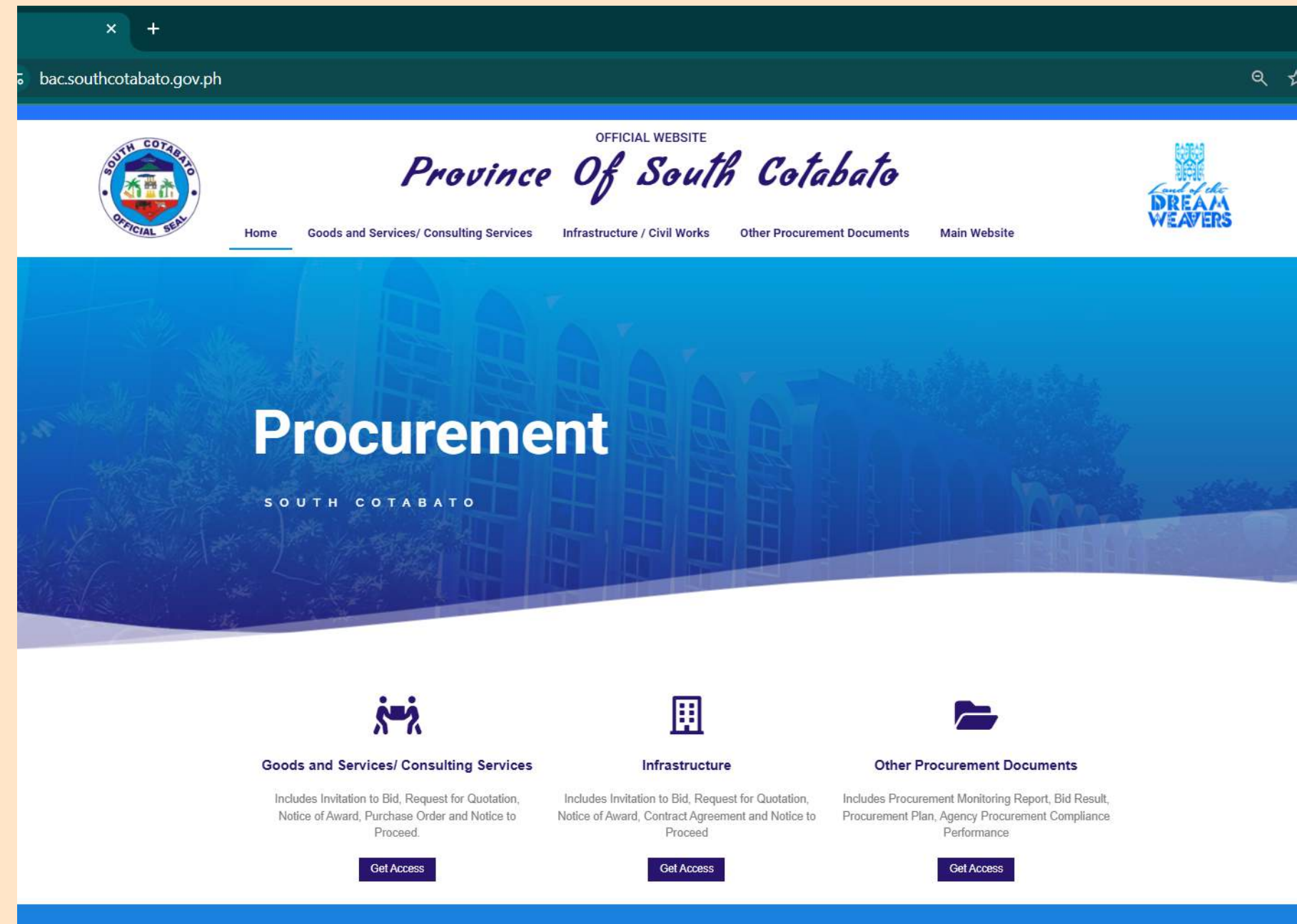
(c) Public Record

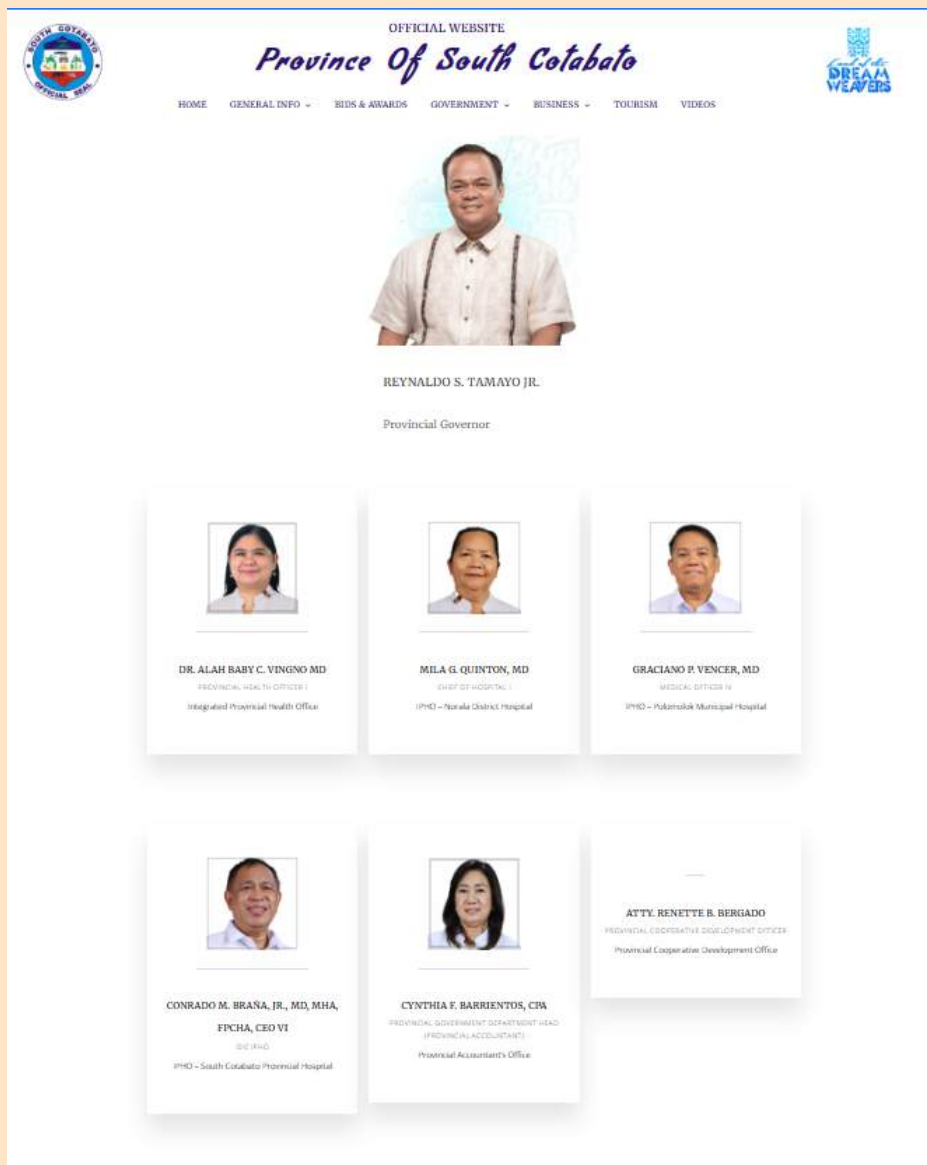
Shall include information required by laws, executive orders, rules, or regulations to be entered, kept and **made publicly available** by a government office.



(d) Open Contracting

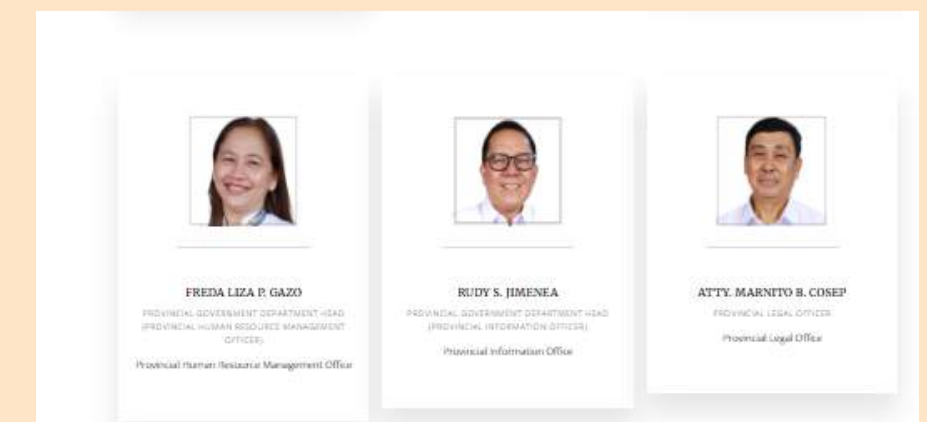
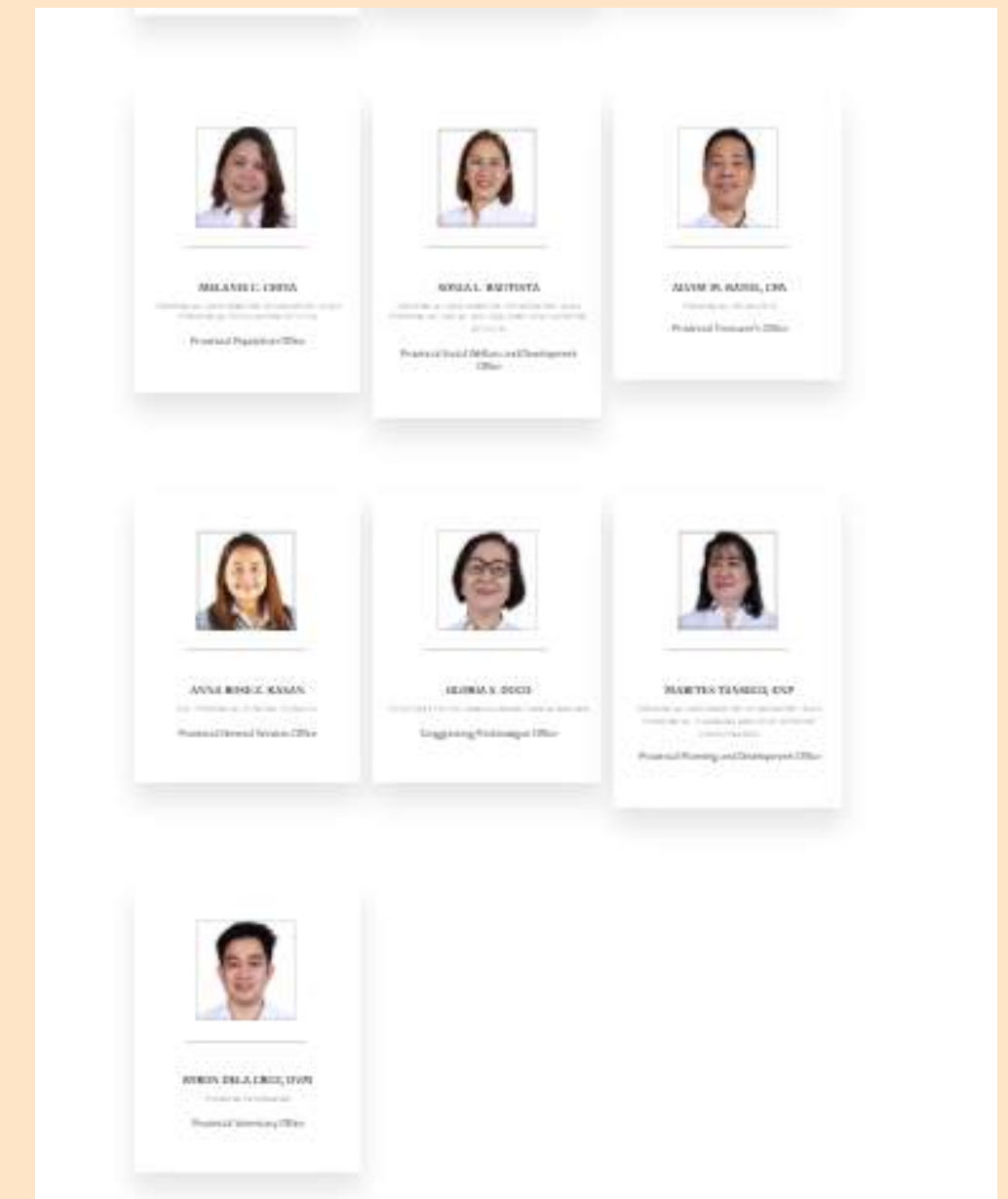
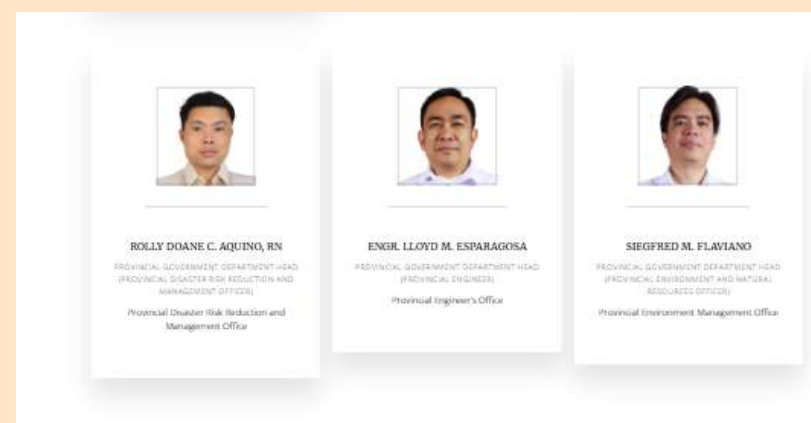
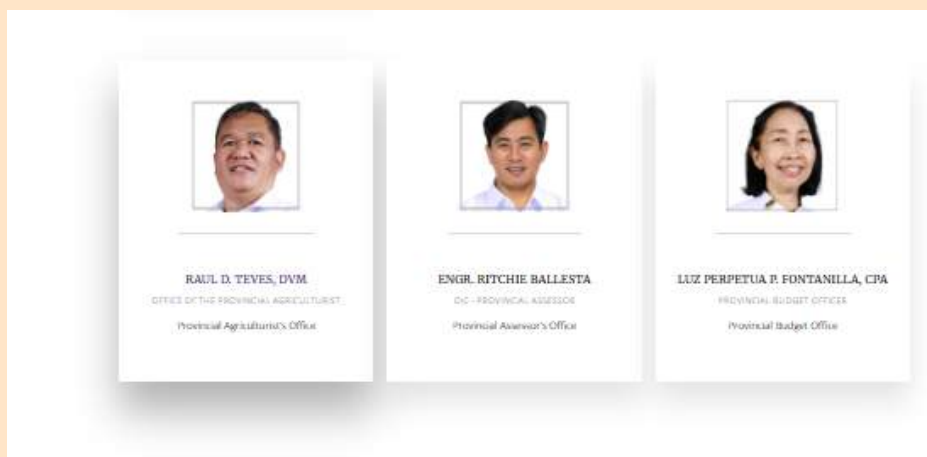
Shall involve the **full chain of government deal-making**, from concession of natural resources to procurement of goods, works, and services for citizens. It starts at the planning stage, and covers tenders, awarding, and implementation of all public contracts.





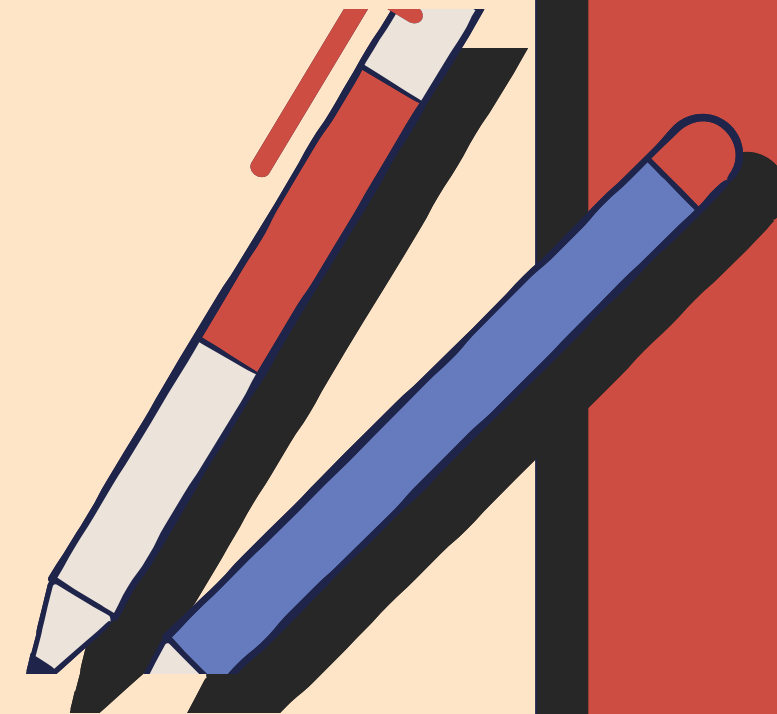
(e) Government Offices

Shall include **all offices**
under the Provincial
Government of South
Cotabato.



Section 3. Coverage

This ordinance shall cover all government offices under the Provincial Government of South Cotabato.



Section 4.

Access to Information



Every Filipino resident of South Cotabato shall have access to information, official records, and public records and to documents papers pertaining to official acts, transactions or decisions, as well as to government research data used as bases for policy development, in the custody of the Provincial Government of South Cotabato or any of its offices.





Section 5. Exceptions

- 1. Information covered by executive privilege;**
- 2. Privileged information relating to national security, defense or international relations;**
- 3. Information concerning law enforcement and protection of public and personal safety;**
- 4. Information deemed confidential for the protection of the privacy of and certain individuals such as minors, victims of crimes or the accused;**



Section 5. Exceptions

5. Information, documents or records known by the 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;

6. Prejudicial premature disclosure;



Section 5. Exceptions

- 7. Record of proceedings or information from proceeding which pursuant to law or relevant rules and regulations, are treated as confidential or privileged;**
- 8. Matters considered confidential under banking and finance laws, and their amendatory laws; and**
- 9. Other exemptions to the right to information under laws, jurisprudence, rules and regulations**



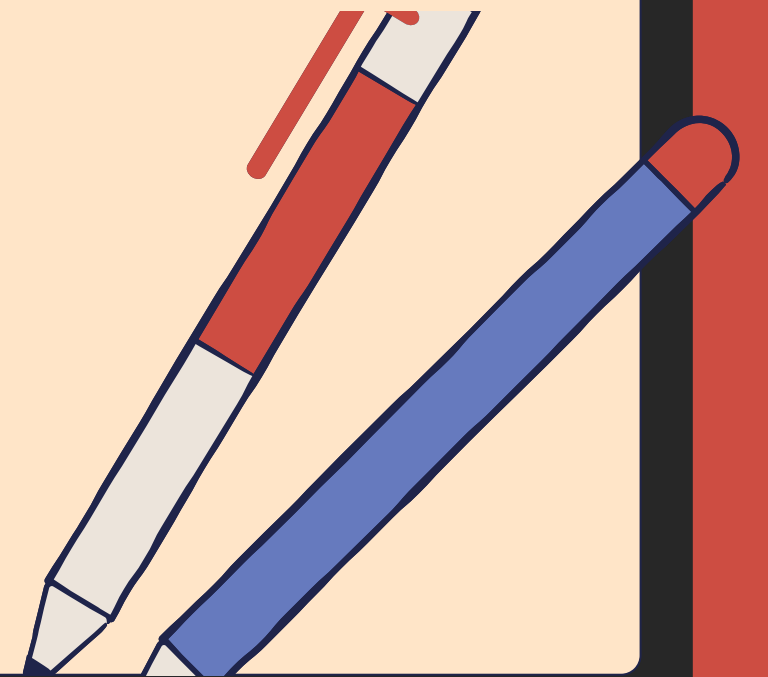
Section 5. Exceptions

The Sangguniang Panlalawigan Secretary 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 of FOI exceptions shall be annually or as often as deemed necessary updated by the Provincial Legal Officer and the Sanggunian Panlalawigan.



Section 6.

Availability of Statement of
Assets, Liabilities and Net Worth
(SALN) of **ALL PGSC Officials and
Employees**



Section 7.

Proactive Disclosure

Applicability and adoption of principles such as:

- “disclose to one, disclose to all”
- Open Contracting



Section 8.

Application and Interpretation

General Rule:

There shall be a legal presumption **in favor of access on 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 the FOI exceptions



Section 8.

Application and Interpretation

Exception:

The determination of the applicability of any of the exceptions to the request shall be the responsibility of the **Head of the Office**, which is in custody or control of the information, public record or official record, or the responsible provincial or field officer duly designated by him in writing.

*Due diligence should be exercised



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 Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012

Section 9. Protection of Privacy



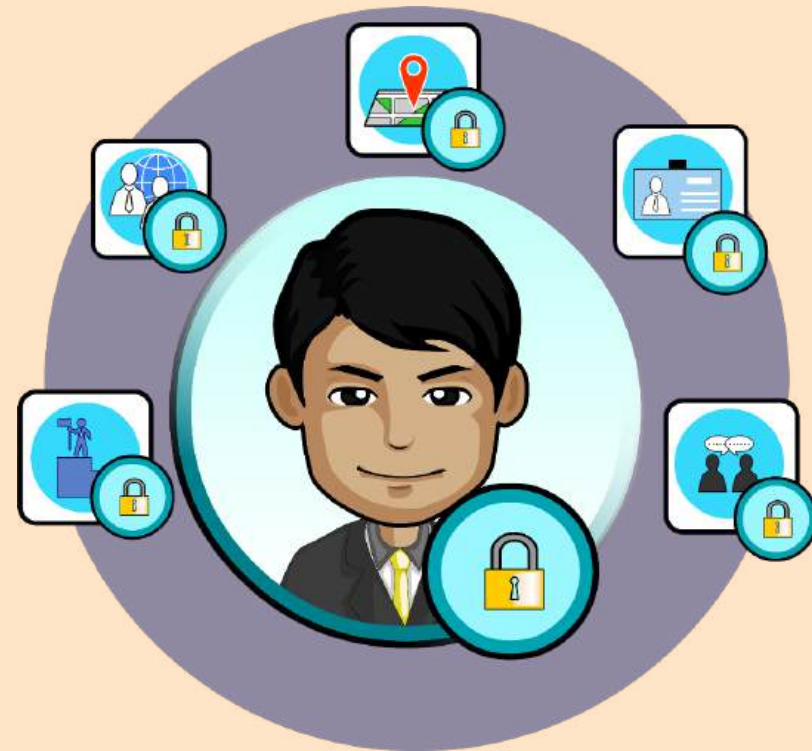
(a) Each government office shall ensure that personal information in its custody or under its control is disclosed or released only if it is a **material or relevant to the subject matter** of the request and its disclosure is **permissible** under this ordinance or existing law, rules or regulations

Section 9. Protection of Privacy



(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;

Section 9. Protection of Privacy



(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 regulations.**

Section 10. Procedure

(a) Any person who requests access to information shall submit a **written request** to Provincial Information Office (PIO). The request shall state the name and contact information of the requesting party, provide valid proof of his identification or authorization, reasonably describe the information requested, and 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 in the local inventory of FOI exceptions;



Section 10. Procedure



(b) The PIO shall provide reasonable assistance, 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 PIO, 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 government office shall establish a system to trace the status of all requests for information received by it:

Section 10. Procedure



(d) The PIO shall respond to a request fully compliant 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 PIO shall notify the person making the request of the extension. setting forth the reasons for such extension. In no case shall the extension go beyond twenty (20) working days unless exceptional circumstances warrant a longer period;

Section 10. Procedure

(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;



Section 11. 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

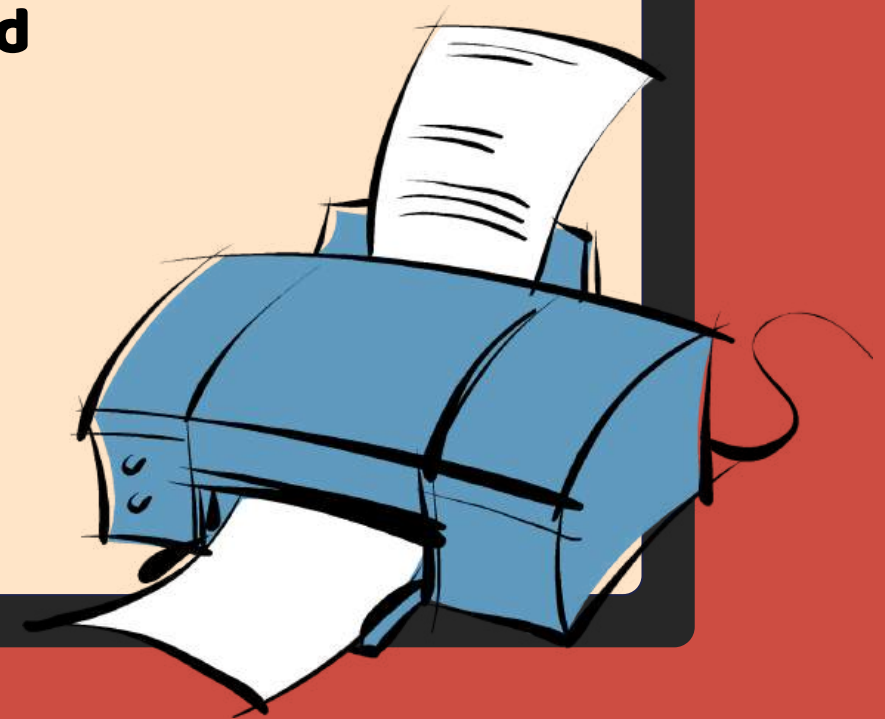
- **P100 for the first three pages and**
- **P5.00 for each succeeding page**

Printing

- **P5.00/page**

Photocopying

- **LONG - P3.00/page**
- **SHORT/A4 - P2.00/page**



SECTION 12. Notice of Denial

If the PIO 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 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 13. 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 Office of the Governor**, following the procedure mentioned in Section 9 of this ordinance: 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;



Section 13. Remedies in Cases of Denial of Request for Access to Information

- a. The appeal shall be decided by the Office of the Governor within thirty (30) working days from the filing of said written appeal. Failure of the Office of Governor to decide within the afore-stated period shall be deemed approved;
- b. Upon exhaustion of administrative remedies, the requesting party may file the appropriate case in the proper courts in accordance with the Rules of Court:



Process Flow

START

REQUEST

written request to the
Provincial Information Office
(PIO)

The request must include:

- Name and contact details of the requesting party.
- Valid proof of identification or authorization.
- A reasonable description of the information requested.
- The purpose or reason for the request.

REQUEST

RECEIVED

Acknowledge receipt

Indicating:

- Date and time of receipt.
- Name, rank, title, and position of the FOI receiving officer.
- Officer's signature.

A copy of the stamped request is furnished to the requesting party.

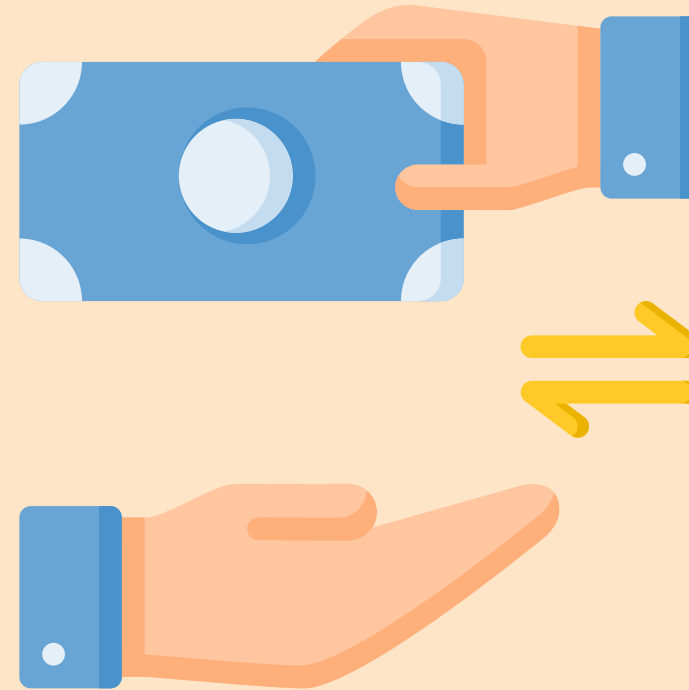
Process Flow



Respond/ Extension to
Respond

responds to fully compliant
requests **within 15 working
days** from receipt.

extension may be granted, not
exceed 20 working days, unless
exceptional circumstances
warrant a longer period



Notification of decision/
Payment of fees

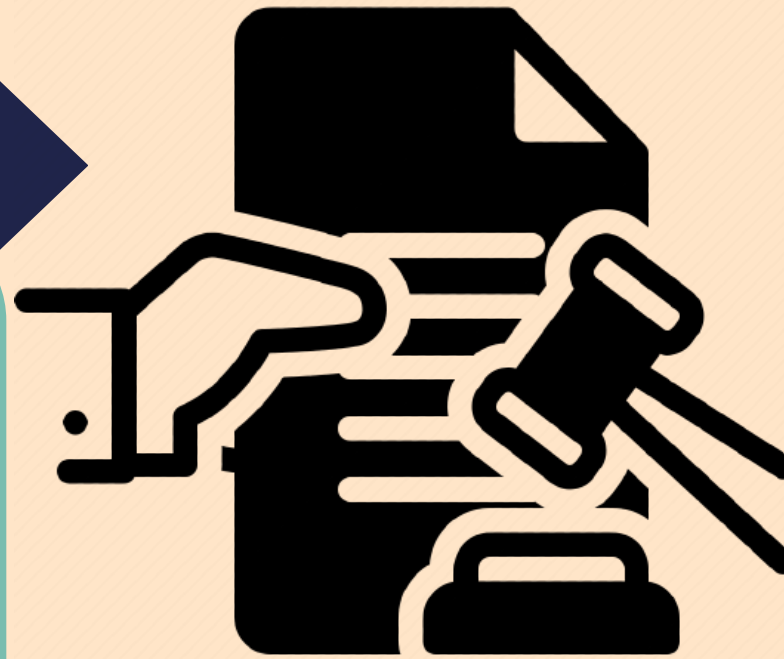
if the request is **granted**, the
requester may be directed
to **pay any applicable fees**

Process Flow



Denied

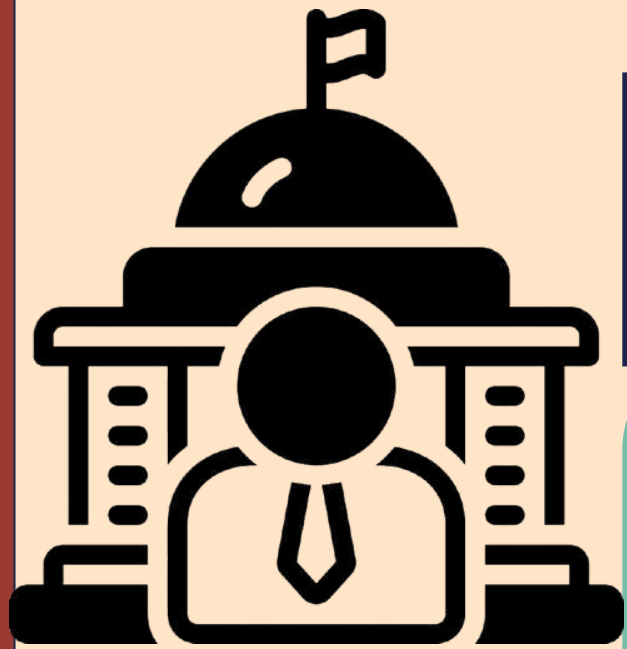
If denied, the PIO shall within fifteen (15) working days from the receipt of the request, or within twenty (20) working days in case of extension, whichever is applicable, **notify the requesting party the denial in writing**



Appeal of denial

within 15 days from receipt of denial, the requestor may appeal to the **Office of the Governor**

Process Flow



Action of the Governor

The appeal shall be decided by the Office of the Governor **within thirty (30) working days from the filing of said written appeal.** Failure of the Office of Governor to decide within the afore-stated period shall be deemed approved;



Court Proceedings

Upon exhaustion of administrative remedies, the **requesting party may file the appropriate case in the proper courts** in accordance with the Rules of Court:

SECTION 14. 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 access of information to the public.



Section 16. FOI Office

The Provincial Information Office (PIO) is designated to be the FOI Office tasked to oversee the implementation of this ordinance. The PIO is further directed to formulate the implementing rules and regulations (IRR) approved by the Provincial Governor, which shall include, among others the following provisions:

- a. The name, location, and contact information of FOI receiving officers;
- b. The procedure of the filing and processing of the request;
- c. The standard forms for the submission of requests;
- d. The process for the disposition of requests;
- e. The procedure for the administrative appeal of any denial.



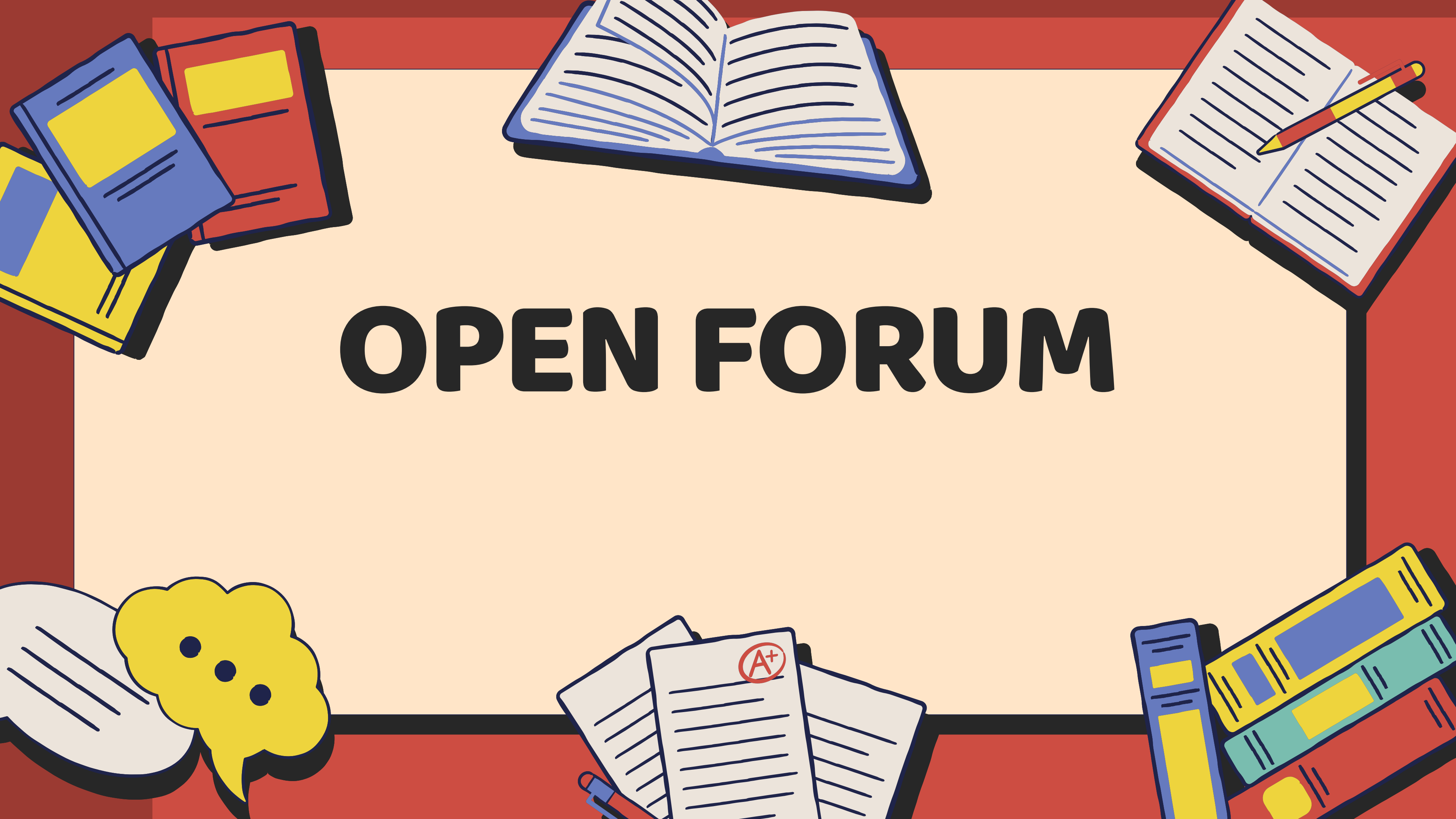
**Thank you for
attentive listening!**



References



- South Cotabato Ordinance No. 06, series of 2020
- South Cotabato Executive Order No. 56, s. 2020
- www.facebook.com/provlgovtsocot/photos_by
- www.southcotabato.gov.ph
- Memorandum from Executive Secretary, re: Inventory of Exceptions to Executive Order No. 2 (s. 2016), dated November 24, 2016



OPEN FORUM