



GUIDELINES ON PUBLIC ACCESS TO STATEMENTS OF ASSETS, LIABILITIES AND NET WORTH (SALN/s) OF THE OFFICIALS AND EMPLOYEES OF THE ISABELA CITY WATER DISTRICT

OVERVIEW

Objective:

To establish guidelines on the access of the public to statements of assets, liabilities and net worth (SALN/s) of the officials and employees of the water district in line with existing laws, rules and regulations and with Section 5 of Executive Order No. 02 issued by President Rodrigo R. Duterte on July 23, 2016.

Scope:

The policies shall cover all officials and employees of the water district with SALN/s on file and in the custody of the water district and which record/s is/are being requested access to by the public.

Legal Basis:

It is provided under Section 7, Article III of the 1987 Constitution that the right of the people to information on matters of public concern and the right of each Filipino citizen to access official records in the custody of the government agencies/offices subject to limitations as may be provided by law.

Under R.A. 6713, all public officials and employees are obligated to file under oath their SALN/s and that these statements filed under the said Act shall be made available for inspection at reasonable hours and be made available for copying or reproduction after ten (10) working days from the time they are filed as required by law. Furthermore, any requesting party shall be required to pay the cost of reproduction, mailing, and certification. However, R.A. 6713 prohibits the use of SALN/s for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public.

In 2011, the Civil Service Commission issued specific guidelines to govern access to SALN/s of government officials and employees filed with the Honorable Commission under CSC Resolution No. 1100356 dated March 15, 2011. Similarly, the Office of the Ombudsman issued Memorandum Circular No. 03 dated September 11, 2012 repealing Memorandum Circular No. 01, S. 2009, providing guidelines on access to SALN/s filed with the Honorable Ombudsman.

The guidelines issued by the said offices are in consonance with the Supreme Court rulings under *Subido vs. Ozaeta*, 80 Phil 383 and *Teodoro Berdin, et. al. vs. Mayor Eufrazio A. Mascariñas, et. al., Municipality of Tubogon, Bohol*, G.R. No. 135928, July 6, 2007, that government offices having custody of public documents, like SALN/s, may prescribe reasonable rules and regulations relative to the manner with which the public

may examine/scrutinize/reproduce/copy/ the subject documents.

Thus, the water district being a similar repository agency of SALN/s as the CSC and the Office of the Ombudsman is likewise authorized to promulgate its own guidelines to govern access to the SALN/s in its custody in accordance with existing rules and regulations.

The herein guidelines is also in keeping with the current administration's mandate on freedom of information to include the availability of the SALN/s as provided under Section 5 of the Executive Order No. 2 issued by President Duterte directing the filing and making available for scrutiny the SALN/s of government officials and employees in accordance with existing laws, rules and regulations, and to the provisions on the access to information as guaranteed by the Constitution and the exceptions to be provided by the Department of Justice and the Office of the Solicitor General as contained in Sections 3 and 4 of the same Order.

POLICIES AND PROCEDURES

Rationale:

The Statements of Assets, Liabilities and Net Worth (SALN/s) filed with and in the custody of the water district shall be accessible and made available to the public for inspection/examination and/or reproduction during reasonable working hours/days, subject to the guidelines herein provided.

Accessibility:

The SALN/s shall be made available to the public for inspection/examination and/or reproduction after ten (10) working days from the time they are filed as required by law and for a period of ten (10) years after its filing. Any request for SALN/s of any official or employee of the water district beyond 10 years on the date a request for access is made shall no longer be granted.

Furthermore, any request for the SALN/s of any official or employee of the water district who has either resigned or retired from the service or has been separated for any other reason beyond 10 years from the date of the request shall be referred to the Civil Service Commission or the Office of the Ombudsman. In such cases, the requesting party shall be duly notified that his/her request has been redirected to the said offices for their appropriate action.

Procedures for Filing of Requests:

All requests for SALN/s shall be subject to the following procedures:

1. Any request for access to the SALN/s of any rank-and-file employee within the period prescribed in the preceding section shall be made through a letter-request addressed to the General Manager. Meanwhile, any request for access to the SALN/s of the General Manager, Division Managers and members of the Board of Directors shall be addressed to the Board Chairman.
2. In addition to the letter-request, the requesting party shall be required to accomplish in triplicate copies the attached SALN Request Form (Annex A) which shall clearly and legibly indicate his/her full name, address, contact

number, and other required information that will show that the requesting party is not fictitious and to be duly subscribed and sworn to before the designated administering officer of the water district. The request must be supported with photocopy of two (2) valid and competent evidences of identity with the photograph and signature of the requesting party as well as the signature of the issuing authority such as:

▪ GSIS/SSS ID / UMID CARD	▪ PRC ID
▪ TIN/HDMF/PHIC ID	▪ IBP ID
▪ Passport	▪ Voter's ID
▪ Driver's License	▪ Office ID
▪ Senior Citizen's ID	▪ School ID
▪ NBI ID	▪ Press ID

If the requesting party is a student, he/she shall be required to present his/her valid school ID and a government-issued ID together with an endorsement letter from the proper school authorities where the SALN/s shall be utilized for research purposes.

In case the purpose of the request is for dissemination to the general public by any member of the press, the requesting party shall be required to present his/her valid press ID and a government-issued ID with any proof of affiliation or accreditation as a legitimate media practitioner.

3. Upon receipt of the SALN Request Form together with the complete requirements, the General Manager/Board Chairman shall forward the request to the Human Resource Unit (HRU)/Board Secretary for the verification of the documents submitted and the evaluation of the request in accordance with the herein guidelines.
4. The declarant/s of the requested SALN/s shall likewise be notified in writing as to the request for access to his/her SALN for him/her to comment within three (3) days upon receipt thereof citing any reservations or circumstances for or against the release of all or specific information contained in his/her SALN, such as threat to security, or other valid or lawful grounds, for purposes of the evaluation to be done by the HRU/Board Secretary.
5. In ordinary cases, the HRU/Board Secretary shall submit within five (5) days a recommendation for approval/disapproval of the request to access the SALN/s to the General Manager/Board Chairman in accordance with the herein guidelines. If warranted, additional documents or information may be required from the requesting party through a written notice.

In exceptional cases, the HRU/Board Secretary may recommend that the request for access to SALN/s be forwarded to the Office of the Government Corporate Counsel whose legal advice shall be attached to the SALN Request Form. In such cases, the requesting party shall be duly notified of said action with a copy of the referral/endorsement letter to the OGCC.

6. The request for access to SALN/s shall be acted upon with the requesting party being notified in writing of the approval/disapproval of the request not later than fifteen (15) days after receipt of the request. The duplicate copy of the SALN Request Form indicating the condition/s for the approval/favorable action or ground/s for the disapproval/reasonable denial of the request, as the case may be, shall be returned to the requesting party attached to the notification.

7. For approved requests for inspection/examination of the SALN, the HRU/Board Secretary shall coordinate with the requesting party via the contact details provided in the SALN Request Form as to the schedule for the inspection/examination of the requested SALN/s within reasonable working hours without any costs to be charged. The requesting party shall, however, not be allowed to take photographs of the requested SALN/s during the scheduled inspection/examination.

Should any photograph/image copy of the SALN/s of any official/employee of the water district be made public without the certification by the authorized representative of the water district, the same shall not be recognized as official record/s released in accordance with the herein guidelines and may serve as ground/s for the declarant to initiate appropriate legal actions.

8. For approved requests for copies of the SALN/s, the requesting party shall be required to personally claim the requested SALN/s on a schedule to be specified in the notice and to pay the amount of Fifty Pesos (PhP50.00) for every copy of SALN Declaration requested to defray costs for reproduction, certification, and other administrative expenses incurred by the water district in the processing of the request.
9. Prior to the release of the requested copies of the SALN, the requesting party shall likewise be required to accomplish the Undertaking of Requesting Party Form (Annex B) to be subscribed and sworn to before the head of the HRU/ Board Secretary as the authorized administering officer of the water district for the purpose of the request for access to the SALN/s.

If the requesting party cannot personally claim the requested SALN/s, he/she should properly notify the water district of such circumstance and the reason/s thereto upon filing of the SALN Request Form or thereafter. The requesting party may thus designate a representative to claim the requested SALN/s on his/her behalf. The authorization letter together with two (2) valid and competent evidences of identity of the authorized representative as provided in these procedures must be brought upon claiming of the requested SALN/s. Likewise, the required undertaking by the requesting party must be subscribed and sworn to before a notary public to be attached to the authorization letter. The authorized representative is jointly liable with the requesting party and vice versa for any violation of the conditions in the sworn undertaking of the requesting party in relation to the request for access to the SALN/s.

10. Should any requesting party undertake the request to access the SALN/s via mail and request that the copies of the SALN/s if approved be mailed to him/her, the required undertaking by the requesting party shall be subscribed and sworn to before a notary public and to be attached to the SALN Request Form. An additional fee of One Hundred Pesos (PhP100.00) shall likewise be charged to cover costs for mailing of the requested SALN/s.
11. A letter-request for the issuance of a certification of non-filing of SALN/s shall still be considered as a request to access the SALN/s and shall be covered by the procedures outlined herein. The requesting party shall thus be informed of which and any outcome of the request shall be indicated in the duplicate copy of the SALN Request Form to be returned to him/her.
12. All requests for access to SALN/s to include the sworn undertaking and all documents submitted in relation to the request shall form part of the public records and can be accessed by the declarant whose SALN/s was requested

for access or any concerned public official/employee of the water district and the general public on reasonable grounds.

13. In case there is a showing of violation of the requesting party's undertaking in his/her request for access to the SALN/s or an encroachment on the official or employee's rights that is attributable to the requesting party following the request for access to the SALN/s, the declarant may request for a copy of the all the documents pertaining to the request for SALN/s made by the specific requesting party and all documents related to the request for purpose of availing legal remedies.
14. The procedures outlined herein shall be set aside in case of a subpoena issued by a competent authority in a pending case or a request personally signed by the head or authorized officer of either a quasi-judicial agency in a pending case or a duly constituted investigative body of the government or its authorized agencies.

Exceptions to the Access to SALN:

All requests for access to the SALN/s shall be granted except where:

1. The requested SALN/s is not on file with or in actual possession of the water district;
2. The period for accessibility the SALN/s has already lapsed on the date a request for access to SALN/s is made;
3. The purpose/s of the request to access the SALN/s is/are contrary to law, morals or public policy;
4. The request is for any commercial purpose other than by news and communications media for dissemination to the general public by legitimate practitioners;
5. The request is prompted by sheer idle curiosity;
6. The identity of the requesting party appears to be fictitious;
7. The requesting party has a derogatory record of having misused any information previously furnished; and
8. There are grounds to believe that the request is being made with a plain discernible improper motive (e.g. harassment) or other analogous circumstances.

In the grant of the request for access to the SALN/S, all personal information of the declarant except for his/her name shall be blackened. This exception is in line with the right of the declarant to confidentiality of his/her personal information in the custody of the government agency in accordance with R.A. 10173 and other laws, rules, and regulations unless the declarant explicitly allowed the release of said information in his/her comment submitted in accordance with the procedures and exceptions provided in the preceding sections. The other personal information contemplated hereto may include but not limited to the following:

- ✓ Name, Agency/Office of Spouse
- ✓ Exact Address/es of Declarant (House Number/Street/Village)

- ✓ Name/s, Date/s of Birth, and Age/s of Unmarried Children below 18 Years of Age
- ✓ ID Number/s
- ✓ Name/s of Personal/Individual Creditor/s under Liabilities Section
- ✓ Name/s of Relatives in the Government Service

Miscellaneous Provision

These guidelines do not cover requests for copies of the curriculum vitae, résumé, personal data sheet or other similar profile documents of the official/s and employee/s should the requesting party deem it necessary for verification of similar or related information contained in the SALN/s, which request shall be referred to the concerned individual or appropriate office, as may be provided by law.

Approved this 22nd day of September 2016 and made effective immediately per ISAWAD BOD Resolution No. ____, Series of 2016, during the Regular Meeting of the ISAWAD Board of Directors at the ISAWAD Board Room, ISAWAD Building, C. P. Garcia St., Isabela City, Basilan.

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