



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3838



Introduced by Hon. **Rodolfo W. Antonino**

EXPLANATORY NOTE

This bill seeks to enforce only authorized use and proper care for government vehicles.

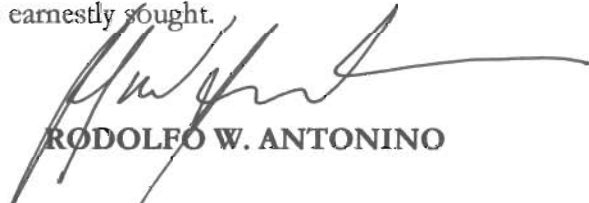
Whether rumor or fact, there is widespread speculation and cynicism in the public's mind that government vehicles are being used not for what they are intended or for whom they are intended. A good example is ambulances that have been given to many municipalities and local government units for the use of its constituents when health emergencies arise. However, many complain that the ambulances become private use of whoever is the incumbent official.

In rural agricultural areas, usually a larger part of government money is spent in the procurement of heavy equipments such as tractors, bulldozers and other road building machineries. However, come the next set of elected officials, these machineries and/or equipments are either gone, or so badly deteriorated that they cannot be used anymore.

It is high time that government gets its money's worth for these machineries bought with the lifeblood of our nation – for government money comes from the blood, sweat and tears of every taxpayer. It is high time that there be a system to check the gross incompetence, negligence, or downright criminal attitude of some unscrupulous persons in government who rob public positions of their dignity and honor in the minds of our common tao.

Hence, this bill, to make those responsible for the authorized use, care and maintenance, of government vehicles, accountable.

In view of the foregoing, passage of this bill is earnestly sought.


RODOLFO W. ANTONINO



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HOUSE BILL NO. 3838

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AN ACT PROVIDING FOR THE PROPER AND AUTHORIZED USE OF
GOVERNMENT VEHICLES, AND REGULATING ITS CARE AND
CUSTODY, AND PROVIDING PENALTIES FOR ANY VIOLATION
THEREFOR AND FOR OTHER PURPOSES

*Be it enacted by the Senate and the House of Representatives of the Philippines in Congress
assembled:*

1 SECTION 1. *Title.* – This act shall be known as “*Government Vehicles Act.*”

2
3 SEC 2. *Declaration of Policy.* – It is hereby declared as a policy of the State to preserve and
4 maintain all property procured or acquired by the government and ensure that the same shall be
5 properly accounted for before, during and after their utilization for a specific purpose towards the
6 intended beneficiaries, the public. It is also the policy of the State to ensure that it is immediately
7 available for utilization in cases of urgent necessity.

8
9 SEC. 3. *Definition of Terms.* – As used in this act, the following terms shall be understood as
10 follows:

- 11
12 (a) “*Government Vehicles*” refers to any vehicle purchased by the National Government or
13 other instrumentalities or agencies of the latter, with the use of public funds or
14 acquired through donation, grant or other mode of transfer by gratuitous title,
15 operated for the construction of infrastructure projects which shall include the
16 building, improvement, rehabilitation, demolition, repair, restoration or maintenance
17 of roads and bridges, railways, airports, seaports, communication facilities, civil
18 works components of information technology projects, irrigation, flood control and
19 drainage, water supply, sanitation, sewage and solid waste management systems,
20 shore protection, energy/power and electrification facilities, national buildings,

21 school buildings, hospital buildings and other related construction projects of the
22 government.

23
24 It shall also include all other government vehicles utilized for the purpose of fire
25 protection, waste management, public safety and security, medical emergencies,
26 coastal defense and atmospheric domain. The aforementioned vehicles may be as
27 follows but not limited to: Ambulance, Fire Trucks, Garbage Trucks, Patrol Vehicles,
28 Personal Service, Speed Boats, Air Vessels, and any other vehicles for public purpose
29 or service;

30
31 (b) "*Department or Agency*" includes all departments, bureaus, offices, boards,
32 commissions, courts, tribunals, councils, authorities, administrations, centers,
33 institutes, state colleges and universities, and all other establishments and
34 instrumentalities of the National Government;

35
36 (c) "*Improper, Unauthorized Use or Misapplication*" refers to any employment of government
37 vehicles to any use other than that specified in the acknowledgement receipt or to
38 any use not destined or contrary to its intended purpose;

39
40 (d) "*Public Official or Employee*" refers to any person in public office either by election or
41 by appointment, charged with the custody or possession of any government vehicle
42 as defined under this Act.

43
44 SEC. 4. *Primary Custody of Government Vehicles. When Custody Begins.* – The Public Official
45 whether elected or appointed, Secretary, Director, or other head of Office, Agency, Department,
46 Local Government Unit, Government Owned or Controlled Corporations and its affiliates, is
47 directly and primarily accountable for all government vehicles pertaining to his/her Agency or
48 Office, and the Supply Officer/Property Custodian shall be likewise primarily accountable for all
49 government vehicles pertaining to the Agency, Office, Department or any instrumentality of the
50 Government. Custody shall begin upon actual delivery of the vehicle to such herein mentioned
51 accountable persons.

52
53 SEC. 5. *Transfer of Possession or Custody. Acknowledgement Receipt.* – The transfer of possession or
54 custody of government vehicles from the persons having primary custody or to any person
55 authorized by law to retain custody to a transferee official shall be duly receipted, stating therefore
56 the vehicle or vehicles to be used, indicating therein its operating condition, model, serial number,
57 the purpose for its use and the duration of the same.

59 SEC. 6. *Persons Entrusted with Possession or Custody of Government Property.* – Persons entrusted
60 with the possession or custody of government vehicles under any of the public officials hereinabove
61 mentioned shall be directly accountable to such officers, without prejudice to the liability of either
62 party, civilly, administratively and criminally.
63

64 SEC. 7. *Transfer of Accountability.* – Upon such transfer duly made, and the government
65 vehicle is outside of the immediate control of the persons mentioned in Section 4, 5 and 6, the
66 primary responsibility for the care, custody, and the proper and authorized use of the vehicles
67 thereby rests upon the transferee official who has receipted for it. However, where such official or
68 employee who signed the receipt is a subordinate of the transferee official, the responsibility for the
69 property in the possession of such subordinated official or employee shall be enforced against the
70 transferee official.
71

72 SEC. 8. *Liability for Acts Done by Direction or Control of Superior Public Official.* – No accountable
73 person shall be relieved from liability by reason of his/her having acted under the control or
74 direction of a superior public official in carrying out any of the prohibited act or acts defined under
75 this Act respecting the government vehicles with which he is chargeable, but the official directing or
76 controlling any illegal act or acts shall be first required to answer therefore.
77

78 SEC. 9. *Prohibited Acts.* – The following acts are prohibited:
79

- 80 (a) It shall be unlawful for any public official or employee to utilize any government
81 vehicle under his administration or control to any use other than for which such
82 government vehicle is appropriated or indicated in the acknowledgement receipt;
83
- 84 (b) It shall be unlawful for any public official or employee to transport or allow the
85 transport of any government vehicles outside the location or area of its operation as
86 stated in the acknowledgement receipt;
87
- 88 (c) It shall be unlawful for any public official or employee to make use of government
89 vehicles improperly or allow its improper use by any subordinate causing its
90 consequent loss, damage, or deterioration occasioned by negligence other than due to
91 its ordinary wear and tear, whether it be at the time in his actual custody or not;
92
- 93 (d) It shall be unlawful for any public official or employee to lend, lease or hire out any
94 government vehicles, whether for profit or not;
95
- 96 (e) It shall be unlawful for any public official or employee to park government vehicles in
97 private homes, garage or any parking areas not designated by law to be the lawful

motor pool of government vehicles: *Provided however*, that if such government vehicle is furnished for the personal service or convenience of the beneficiary official, this section shall not apply;

- (f) Consenting or permitting, through abandonment or negligence, any other person to take government vehicles.

SEC. 11. *Return of Possession or Custody.* – When the purpose or use for which the government vehicles are accomplished, the actual physical custody of the same should be turned over to the custody of the persons mentioned in Section 4, 5 or 6 as may be proper, provided that compliance with Section 5 have been duly made. The cost of such return shall be chargeable against the transferee official.

SEC. 12. *Direct Transfer from One Official to Another.* – In the event of transfer of government vehicles from one accountable official to another, such as end of term of office or termination from office for whatever reason, an inventory/accounting thereof shall be taken jointly by the outgoing and incoming officials, and an acknowledgement receipt therefore accomplished by both on the basis of such inventory shall be issued.

SEC. 13. *Failure or Refusal of an Accountable Officer to Render Inventory/Accounts Before Leaving the Country.* – (a) Any public official or employee who unlawfully leaves or attempts to leave the Philippines without complying with the provisions of this Act as to the proper receipts and thereafter securing a certificate from the COA, showing that his accounts have been finally settled, shall be punished in accordance with the provisions of this Act.

(b) No official accountable for government vehicles whose term of office has ended or terminated for whatever reason shall be relieved and cleared from accountability by the Commission on Audit except upon presentation of an acknowledgement receipt from his successor covering the full value of the government vehicles claimed to have been transferred.

SEC. 14. *Presumption of Personal Use.* – (a) The failure of a public official or employee entrusted with possession or custody to produce any government vehicles with which he is chargeable, upon demand by any duly authorized officer, shall be prima facie evidence that he has put such property to personal uses.

(b) For purposes of this section, any public official or employee under “obligation” to make delivery of government vehicles in his possession, who fails or refuses to make such delivery, shall be punished according to the provisions of this Act.

(c) The same shall apply to any public official or employee who, upon "being ordered" by a duly authorized officer to deliver any property in his custody or under his administration, shall refuse to make such delivery.

The return of the government vehicle or vehicles is only mitigating, and not exempting circumstance, hence it cannot exempt the public official accountable from criminal liability.

SEC. 15. *Penalty Clause.* – (a) The official accountable for government vehicles shall be liable for its proportionate money value in case of improper, unauthorized use, or misapplication thereof, by himself or any person for whose acts he may be responsible; and he shall be liable in the same proportionate value for all loss, damage, or deterioration occasioned by negligence, other than due to ordinary wear and tear, in the keeping or use of such property, whether it be at the time in his actual custody or not;

(b) Non-compliance or irregularity in compliance with Section 5 as to the proper receipts shall be a ground for administrative action against the erring official.

(c) Public officials guilty of violation of Section 9 hereof shall suffer the penalty of fine of one hundred thousand pesos (P100,000.00), or equal to the amount of the government vehicles at the time of its loss or equal to its total current value if such loss is occasioned by act or omission. Whenever applicable this provision shall be imposed in violations of Section 13(a) and Section 14(b);

(d) In all cases, public officials guilty of violation of this Act shall also suffer the penalty of *perpetual absolute disqualification* from holding any Government position.

SEC. 16. *Restitution or Forfeiture of any Unwarranted Benefit.* – The penalty shall also include the "restitution" of the government vehicle or the "forfeiture" in favor of the government of any unwarranted benefit derived from any of the prohibited act or acts provided herein or both, at the discretion of the courts. If the government vehicles have become unserviceable from any cause, or its repair would entail greater cost for the government compared to its current value, the provisions of Section 15(a) shall be applicable.

SEC. 17. *Preventive Suspension Pending Investigation.* – The public official or employee may be preventively suspended for a period not exceeding sixty (60) days, if there is prima facie evidence that the public official or employee concerned is probably guilty of the prohibited act or acts as defined under this law. Such suspension and/or other disabilities shall be in accordance with the provisions of RA No. 7160 otherwise known as the Local Government Code, EO No. 292 otherwise known as the Revised Administrative Code of 1987 and the Civil Service Laws as may be proper.

176

177 SEC. 18. *Lifting of Preventive Suspension.* – After the lapse of the period provided for in the
178 immediately preceding section, the preventive suspension shall be lifted automatically without
179 prejudice to the continuation of the ongoing investigation.

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181 SEC. 19. *Implementing Rules and Regulations and Standard Forms.* – Within 90 days from the
182 promulgation of this Act, the Commission on Audit in coordination with the Secretary, Director, or
183 other head of an Office, Agency, Department, Local Government Unit, Government Owned or
184 Controlled Corporations and its affiliates, and concerned sectors shall issue such guidelines, orders
185 or rules and regulations as may be necessary to carry out the provisions of this Act. For a period not
186 later than 30 days upon the approval of the Implementing Rules and Regulations, the standard
187 forms for this Act shall be formulated and approved.

188

189 SEC. 20. *Separability Clause.* – If any provision of this Act or the application of such provision
190 to any person or circumstance is declared unconstitutional, the remainder of this Act or the
191 application of such provision to other persons or circumstance shall not be affected by such
192 declaration.

193

194 SEC. 21. *Repealing Clause.* – All laws, orders, decrees, proclamations, rules and regulations or
195 parts thereof inconsistent with the provisions of this Act are hereby repealed or modified
196 accordingly.

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198 SEC. 22. *Effectivity Clause.* – This Act shall take effect after fifteen days following the
199 completion of its publication in the Official Gazette, or in a newspaper of general circulation in the
200 Philippines.

201

202 *Approved.*