

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 192



Introduced by **REPRESENTATIVE JOSE C. DE VENECIA**

Explanatory Note

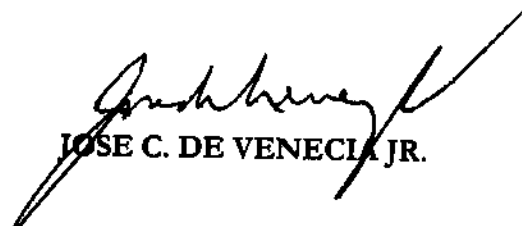
Bureaucratic red tape, regarded as a way of life in most government agencies, frustrates clients by requiring them to go through long series of routinary procedures in order to secure vital government services. This normally happens in the processing of permits, licenses, awards, applications for privileges and benefits, and other related transactions.

The presence of bureaucratic red tape emanates from the propensity of government agencies to over regulate that have led to complex paper works and resulted in time-consuming procedures. The existing manuals, systems and procedures and the insistence of government agencies to maintain proper monitoring and recording of all transactions add to the problem. The system of requiring each personnel to sign for approval every routinary procedure involved in a transaction to ensure compliance to rules and regulations worsens the situation. This does not only lengthens the procedures, it also opens avenues for bribery and corruption through the long process since the public would rather pay their way for an immediate result than wait for an unreasonable length of time.

The proposal provides a maximum of fifteen and thirty working days for concerned government agencies to act on simple and complex transactions, respectively. It limits the number of signatories to only the officers and employees directly supervising the specific unit where a particular transaction is being acted on. It also institutionalizes a Report Card Survey that shall assess the performance of different agencies in compliance with the provision of the Citizen's Charter and a Congressional Oversight Committee on Red Tape Reduction to investigate complaints from the public.

The passage of this bill would facilitate government service delivery by simplifying the procedures and shortening the long routinary steps in government transactions. It will reduce cost of manpower, paper transport, and waiting time of service clients which could otherwise be used more productively.

In view of the foregoing, the approval of the bill is earnestly sought.


JOSE C. DE VENECIA JR.

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HOUSE BILL NO. 192

Introduced by **REPRESENTATIVE JOSE C. DE VENECIA**

AN ACT
IMPROVING THE EFFICIENCY IN THE DELIVERY OF GOVERNMENT
SERVICES TO THE PUBLIC BY REDUCING BUREAUCRATIC RED TAPE AND
PREVENTING GRAFT AND CORRUPTION

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

SECTION 1. *Short Title.* – This Act shall be known as the “Red Tape Reduction Act of 2004”.

SEC. 2. *Declaration of Policy.* – It is hereby the declared policy of the State to maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption. Towards this end, all government offices and agencies are hereby mandated to re-engineer and to formulate a program for the improvement of their transaction systems and procedures to reduce bureaucratic red tape and to ensure the effective delivery of services to the public.

SEC. 3. *Coverage.* – This Act shall apply to all government offices and agencies including local government units (LGUs) and government-owned or -controlled corporations with original charters except those agencies and offices that exercise judicial, quasi-judicial and legislative functions.

SEC. 4. *Definition of Terms.* – As used in this Act, the following terms are defined as follows:

(a) "Simple transactions" refer to requests or applications submitted by clients of a government office or agency which necessitate action or which present only few issues for resolution by an officer or employee of said government office.

(b) "Complex transactions" refer to requests or applications submitted by clients of a government office which necessitate the use of discretion in the resolution of complicated issues by an officer or employee of said government office.

(c) "Frontline service" refers to transactions involving clients and government agencies and offices such as applications for any privilege, right, permit, reward, license, concession, or for any modification, renewal or extension of the enumerated applications and/or requests which are acted upon in the ordinary course of business of the agency or office concerned.

(d) "Action" refers to the written approval or disapproval made by a government office on the application or request submitted by a client for processing.

(e) "Officer or employee" refers to a person employed in a government agency or office required to perform specific duties and responsibilities related to the application or request submitted by a client for processing.

(f) "Irrelevant requirements" refer to documents which contain information not directly material to the resolution of the issues presented by the request or application submitted by the client.

(g) "Fixer" refers to a person who is not officially involved in the operations of a particular government office but has access to people working therein and, in collusion with them, facilitates speedy completion of transaction without complying with the regular rules and procedures of said office in consideration of pecuniary gain.

SEC. 5. *Re-engineering of Systems and Procedures.* – All agencies and offices which provide frontline services are hereby mandated to regularly undergo evaluation and modernization of their transaction systems and procedures and to re-engineer the same if deemed necessary to reduce bureaucratic red tape and to expedite services to the public.

SEC. 6. *Citizens' Charter.* – All government agencies, including departments, bureaus, offices, instrumentalities, or government-owned or controlled corporations, or local government or district units shall set-up its Citizens' Charter either in the form of information billboards, which shall be posted at the main entrance of the offices or at the

most conspicuous place, or in the form of published handbooks written either in English, Filipino, or in the local dialect, that detail:

- (a) each step of procedure to obtain a particular service;
- (b) person/s responsible for each step;
- (c) maximum time to conclude the process;
- (d) document/s to be presented by the customer, if necessary;
- (e) amount of fees, if necessary; and
- (f) procedure for filing complaints in cases of violation of the provisions of the Citizens' Charter.

SEC. 7. *Accountability of Heads of Agencies and Offices.* – The head of agency or office shall be held accountable to the public in rendering fast, efficient, convenient and reliable service. All transactions and processes are deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government agency or office concerned.

SEC. 8. *Accessing Frontline Services.* – The following shall be adopted by all government agencies and offices:

(a) Acceptance of Applications and Requests

(1) All officers or employees shall accept written applications, requests, and/or documents being submitted by clients of the agency or office.

(2) The responsible officer or employee shall acknowledge receipt of such application and/or request by writing or printing clearly thereon his/her name, the unit where he/she is connected with, and the time and date of receipt.

(3) The receiving officer or employee shall perform a preliminary assessment of the request if possible so as to promote a more expeditious action on requests.

(4) Absence of certain information in the application and/or request or incomplete supporting documents shall not be a valid ground for an officer or employee to refuse acceptance of the said application or request.

(b) Adoption of Working Schedules to Serve Clients

Heads of agencies and offices which render frontline services shall adopt appropriate working schedules to ensure that all clients who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours.

(c) Action of Offices

(1) All requests and/or applications submitted shall be acted upon by the assigned officer or employee during the period stated in the Citizens' Charter which shall not be longer than fifteen (15) working days in the case of simple transactions and thirty (30) working days in the case of complex transactions.

(2) Under unusual circumstances, the maximum time prescribed may be extended: *Provided*, That the agency or office concerned shall notify the requesting party in writing of the reason for the extension and the final date of release of the frontline service/s requested.

(3) No application or request shall be returned to the client without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the client within five (5) working days from receipt of the said request and/or application, stating therein the reason for the disapproval including a list of the specific requirement/s which the client failed to submit.

(d) Limitation of Signatories

(1) The number of signatories in any written application, request or document submitted by the client of the office shall depend on the kind of transaction to be acted upon by the assigned officer or employee.

(2) The heads of government agencies or corporations concerned shall determine and identify the number of signatories necessary for any simple, complex, or frontline service transaction.

(3) As much as possible, the signatories shall be limited only to the officers and employees directly supervising the specific unit therein which appertain to such particular transaction.

(e) Denial of Request for Access to Government Service

Any denial of request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of request is deemed to have been made with the permission or

clearance from the highest authority having jurisdiction over the government agency concerned.

SEC. 9. *Automatic Renewal of Permits and Licenses.* – If a government agency or office fails to act on an application and/or request for renewal of a license, permit or authority within the prescribed periods, the previous license, permit or authority subject for renewal shall automatically be extended until a decision or resolution is rendered on the application for renewal: *Provided*, That the automatic extension shall not apply when the permit, license, or authority covers activities which are regulated because these pose danger to public health or public safety.

SEC. 10. *Report Card Survey.* – All agencies and offices which provide frontline services shall be subjected to a Report Card Survey to be initiated by the Civil Service Commission in coordination with the Development Academy of the Philippines, which shall be used to obtain feedback on how provisions in the Citizens' Charter are being followed and how the agency is performing.

The Report Card Survey shall also be used to obtain information and/or estimates of hidden costs incurred by clients to access frontline services which may include, but is not limited to, bribes and payment to fixers.

SEC. 11. *Violations.* – The following shall constitute violations of this Act:

- (a) Refusal to accept applications and/or requests or any document being submitted by a client;
- (b) Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirement/s;
- (c) Failure to attend to clients who are within the premises of the agency or office concerned prior to the end of official working hours and during lunch break;
- (d) Failure to render frontline services within the prescribed period on any application and/or request without due cause;
- (e) Failure to give the client a written notice on the disapproval of an application or request;

(f) Imposition of additional irrelevant requirements other than those listed in the first notice; and

(g) Collusion with fixers in consideration of economic and/or other gains.

SEC. 12. *Penalties.* – The following penalties shall be imposed on any officer or employee who is found guilty of the acts mentioned in the preceding section:

(1) Upon first offense, the penalty of suspension for not more than thirty (30) days and a fine equivalent to one (1) month salary;

(2) Upon second offense, suspension for a minimum of six (6) months and a fine equivalent to three (3) months salary;

(3) Upon third offense, suspension for one (1) year and a fine equivalent to six (6) months salary; and

(4) Upon fourth offense, dismissal from service and perpetual disqualification from holding any public office. Any officer or employee who commits any of the acts enumerated in the preceding section in consideration of economic and/or other gains shall, upon conviction, be imposed the penalty of *prision correccional* in its maximum period.

SEC. 13. *Prosecution, not barred.* – Prosecution under this Act shall not be a bar to the filing of other charges arising from the same act or omission which are punishable under other existing penal laws.

SEC. 14. *Annual Reports.* – All agencies and offices which provide frontline services shall keep an accurate and up-to-date record of payments, contributions, remittances and other monies received from clients and shall include the same in their annual reports.

SEC. 15. *Jurisdiction.* – Any violation of the provisions of this Act shall be within the exclusive and concurrent administrative jurisdiction of the Ombudsman and the Civil Service Commission. However, jurisdiction over the criminal aspects of this Act is exclusively vested on the Ombudsman.

SEC. 16. *Congressional Oversight* – A Congressional Oversight Committee on Red Tape Reduction, hereinafter referred to as the Committee, is hereby constituted. The Committee shall be composed of the Chairmen of the Committee on Civil Service of the Senate and the

House of Representatives and four (4) additional members from each house to be designated by the Speaker of the House of Representatives and the Senate President, respectively.

The Committee, shall among others, in aid of legislation, review and monitor the implementation of this Act; require the Office of the Ombudsman and the Civil Service Commission to furnish the Committee copies of the Citizen's Report Card and other pertinent documents including, but not limited to, complaints from the public; call on the Ombudsman and the Chairperson of the CSC to report to the Committee the status of public complaints; and conduct its own investigations whenever deemed necessary.

SEC. 17. *Implementing Rules and Regulations.* – The Civil Service Commission shall promulgate the necessary rules and regulations for the proper and effective implementation of this Act.

SEC. 18. *Separability Clause.* – If any of the provisions of this Act shall be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining provisions of this Act.

SEC. 19. *Repealing Clause.* – All provisions of laws, presidential decrees, letters of instruction and other presidential issuances, which are incompatible or inconsistent with the provisions of this Act, are hereby deemed amended or repealed.

SEC. 20. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,