

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

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1199

INTRODUCED BY HON. MARCELINO "MARCY" R. TEODORO

EXPLANATORY NOTE

Lobbying activities are being carried out today in the Philippines and greatly influence the making of government's policies and decisions and even the creation of laws.

The Constitution, Article 2, Section 28 states:

"Article 2. Subject to reasonable conditions prescribed by the law, the State adopts and implements a policy full public disclosure of all its transactions involving public interest."

This proposal upholds the above quoted provision by making lobbying activities more public, as well as, ensuring openness, honesty and integrity in dealings of and between Members of Congress and lobbyist or lobbying group. Specifically, the measure makes it possible for citizens to communicate their views on controversial issues.

The recurring and numerous Senate and House inquiries investigating alleged anomalous deals of the government are proof of public distrust in the way government transactions and contracts are being done. It must be remembered that while records of the deliberations of the Senate and the House of Representatives are open to the public, the "behind-the-scenes" negotiations are not.

Thus, it is important that lobbying activities be legislated for it will greatly help in restoring the people's trust and confidence in the government, and ultimately instill responsibility to those people influencing policy makers.

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



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AN ACT
TO PROVIDE FOR THE DISCLOSURE OF LOBBYING ACTIVITIES

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

SECTION 1. Short Title. - This Act may be cited as the Lobbying Accountability Act 2010."

SECTION 2. Declaration of Policy. - It is the policy of the State to enhance public confidence in the integrity of public office and the decision-making process in government by implementing a policy of full public disclosure of all its transactions involving public interest.

SECTION 3. Lobbying activity defined. - For the purposes of this Act, but subject to this section, lobbying activity means:

(1) Any oral or written communication (including an electronic communication) with a public official intended to influence:

- (a) the development of any legislative proposal by the government or by a member of either House of Congress; or
- (b) the introduction of any bill in either House of Congress or the passage or amendment of any bill that is before either House of Congress; or
- (c) the making or amendment of any delegated legislation; or
- (d) introduction of or change to any government policy or program; or
- (e) the exercise of any authority or power conferred under a written law; or
- (f) the expenditure of public money.

(2) Lobbying activity does not include oral or written communication (including an electronic communication) that is:

- (a) made by a public official, an agency, or any other person holding office under a written law in his, her or its official capacity; or
- (b) made on behalf of the government; or
- (c) made on behalf of the government of foreign country; or
- (d) constituted by any application required or authorized by a written law; or
- (e) made in response to a written request from a public official acting in his or her official capacity; or

- (f) made by a representative or employee of a media organization for the purposes of gathering and disseminating news and information to the public; or
 - (g) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, or other medium of mass communication; or
 - (h) made in a petition to either House of Congress or in evidence of submissions to a committee of either of those Houses, or a joint committee of both Houses of Congress; or
 - (i) made in the course of any judicial proceedings.
- (3) Lobbying activity does not include arranging or attending a meeting with a public official:
- (a) that is open to members of the public; or
 - (b) by a representative or employee of a media organization for the purposes of gathering and disseminating news and information to the public.

SECTION 4. Requirement of Registration. - (1) A person or group engaged in lobbying activities must register with the Securities and Exchange Commission setting out the information referred to in subsection (2) below.

(2) A registration lodged in accordance with subsection (1) must be notarized and shall set out the following information in relation to all of the lobbying activity carried out by the lobbyist:

- (a) the name and business address of the lobbyist;
- (b) the name and business address of the employer or the person in whose behalf the lobbying activity is carried out;
- (c) if the employer is corporation, the name and business address of any related entity of the employer that, to the knowledge of the lobbyist, has a direct interest in the outcome of the lobbying activity;
- (d) any other person that, to the knowledge of the lobbyist, has direct interest in the outcome of the lobbying activity;
- (e) a description in summary form of the employer's business or activities and such other information to identify the nature of the employer's business or activities as is prescribed;
- (f) a description, in summary form, of the subject matter of the lobbying activity, and such other information regarding the subject matter as is prescribed;
- (g) particulars to identify any legislative proposal, bill, delegated legislation, policy, program, authority, power or expenditure to which the lobbying activity related;
- (h) the names and designations of the public officials in relation to whom lobbying activity was directed;
- (i) such other information in relation to lobbying activity as is prescribed.

(3) The Commissioner may, on the application of a lobbyist, extend the time within which the registration required by subsection (1) must be made by not more than fourteen (14) days.

SECTION 5. Establishment of register of lobbying activities. - (1) The Commissioner must compile and maintain a register to be called the Register of Lobbying Activity.

(2) The register is to comprise all of the information set out in returns lodged under this Act.

(3) The register may be compiled in such manner and form as the Commissioner considers convenient, except that the register must be available and up-to-date for inspection.

(4) The register must be open to inspection by any person at such place and at such reasonable times as the Commissioner may determine.

SECTION 6. Appropriations. - There shall be authorized to be appropriated such amounts as necessary to carry out the provisions of this Act.

SECTION 7. Separability Clause.- If any provision, or part thereof, is declared invalid or unconstitutional, the remainder of the law not otherwise affected shall remain valid and subsisting.

SECTION 8. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act, are hereby modified, repealed, or amended accordingly.

SECTION 9. Effectivity Clause.- This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,