

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 428



Introduced by REP. ALFREDO "ALBEE" B. BENITEZ

EXPLANATORY NOTE

Despite the parameters set by the Constitution and various laws on the limitations on what State-owned assets and properties may be sold. However, there seem to have a number of instances in the past where certain entities have tried to circumvent the law and initiated the sale of some government properties.

Such was the case of the Estates Authority (PEA) and Amari Coastal Bay Development Corp deal involving the sale of some of the submerged lands in Manila Bay but was declared null and void by the Supreme Court citing that the reclaimed land remains inalienable natural resources of the public domain. Similar attempts were also done with the Roponggi and Fujimi Properties in Japan by the past administrations. Fortunately, the Supreme Court also halted the sale of both properties. Another example is the Manila Hotel case where the Court fortunately ordered a cease and desist from sharing the majority of shares of the Manila Hotel Corporation to Renong Berhad, a Malaysian Firm.

This proposed measure aims to avoid future confusion and attempts to replicate the aforementioned endeavors that disregards the State's right to its own assets and properties. This bill will mandate an inventory of government-owned properties and assets and their classification into what is inalienable. A Task Force under the Office of the President shall be created to conduct the inventory and classification.

The enactment of this proposed policy is another way to ensure that the government is doing its duty to defend its people and their rights over what is lawfully theirs as citizens of this country. In addition, this bill clearly promotes transparency and accountability, which is exactly the principle being adhered to by the Aquino administration.

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


ALFREDO "ALBEE" B. BENITEZ

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 428

Introduced by **REP. ALFREDO "ALBEE" B. BENITEZ**

**AN ACT MANDATING THE CERTIFICATION OF INALIENABLE GOVERNMENT-
OWNED PROPERTIES AND ASSETS**

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

SECTION 1. Declaration of Policy. – Article XII of the Constitution provides for the protection of the State's inalienable lands and promotion of national economy and patrimony through the limitations on foreign ownership in the country. Furthermore, the Constitution likewise mandates the State to conserve, develop, promote and popularize the nation's historical and cultural heritage and resources.

SEC. 2. Task Force on Government Assets. - There is hereby created a National Properties Committee, hereinafter referred to as the "Task Force", under the Office of the President to conduct and inventory of government-owned properties and assets and determine their status. The Task Force is also mandated to review local and foreign laws and regulations governing these properties.

SEC. 3. Inventory of Government Assets. – The Task Force is mandated to conduct an inventory of all government assets including those that are located abroad.

SEC. 4. Identification of Inalienable Assets. – The Task Force shall identify among the assets which are inalienable and alienable pursuant to the pertinent provisions in the Constitution, Republic Act 386 and other laws applicable and submit the list to Congress for certification.

SEC. 5. Certification of the list of government assets. – The list drafted by the Task Force shall be submitted to the President of the Philippines for approval and certification.

SEC. 6. Funding – The amount necessary for the implementation of this Act shall be funded out of the appropriations of the Office of the President.

SEC. 7. Sunset Provision – The Task Force shall complete its work within two (2) years from the effectivity of the IRR promulgated by it and may only be extended by an Act passed by the Congress of the Philippines.

SEC. 8. Implementing Rules and Regulations. – Within ninety (90) days after the approval of this Act, the Task Force, the Department of Foreign Affairs, Department of Finance, the National Historical Commission and Department of Justice, shall prepare and promulgate the implementing rules and regulations (IRR) to carry out the provisions of this Act. The IRRs shall take effect after fifteen (15) days following their publication in a major daily newspaper of general circulation.

SEC. 9. Separability Clause – If any provision of this Act is declared invalid, the remainder or any of this provision hereof not affected thereby shall remain in force and effect.

SEC. 10. Repealing Clause – All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

SEC. 11. Effectivity – The implementation of this Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved,