

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6888



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

The 1987 Constitution of the Philippines recognizes the importance of local governments. It provides the following: "the State shall guarantee and promote the autonomy of the local government units -- especially the barangays -- to ensure their fullest development as self-reliant communities." The Constitution further elaborates the validity of Local Government in Article X. Section 3 alludes to the importance of the Local Government code wherein it states that:

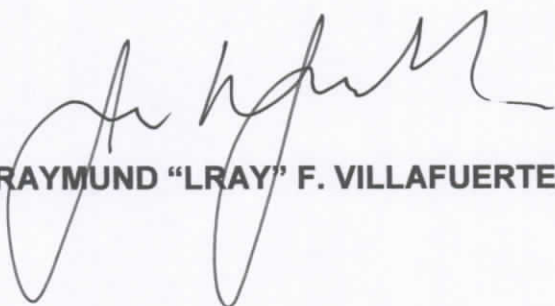
"the Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization with effective mechanisms of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units."

The President of the Philippines and the national government may supervise the whole country but it needs the local government as an active and capable force for purposes of administrative control. The acts of the local government units affect the ordinary citizen more directly than those of the national government. Encroaching on its authority would both be unjust and inefficient. Republic Act 9184, otherwise known as the Government Procurement Act, currently poses a problem regarding procurement for Local Government Units (LGUs).

Regulations for procurement for LGUs are under the Republic Act 9184, otherwise known as the Government Procurement Act, instead of the Local Government Code of the Philippines turning the code void of authority. Simply put, the national government would overstep its authority over LGU procurement. Leaving local government procurement to a national law would only impinge on the government code and the LGU's authority. Therefore, this bill proposes to remove all LGU involvement in the Republic Act and add the procurement process into the Local Government Code in the future. This would reduce legal conflict and ensure harmony between the two laws.

This re-filed version of the bill seeks to amend Republic Act 9184, otherwise known as the Government Procurement Act, by withdrawing from its application and coverage all references to the local government units. The local government unit's procurement of infrastructure projects, goods and consulting services shall instead be governed by Title Six, Book Two of Republic Act 7160, otherwise known as the Local Government Code. Procurement system in the local government units should be governed by Local Government Code, which has provided the detailed process of supply management at the local levels.

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



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

AN ACT
AMENDING REPUBLIC ACT 9184, OTHERWISE KNOWN AS THE
GOVERNMENT PROCUREMENT REFORM ACT, WITHDRAWING FROM ITS
APPLICATION ALL REFERENCES TO THE LOCAL GOVERNMENT UNITS

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

SECTION 1. All references to the local government units under the provisions of Republic Act 9184, otherwise known as the Government Procurement Reform Act, are hereby withdrawn from its application and coverage.

SECTION 2. Procurement of infrastructure projects, goods and consulting services by the local government units shall be governed by Title Six, Book Two of Republic Act 7160, otherwise known as the "Local Government Code of 1991".

SECTION 3. *Repeal.* – All laws, decrees, executive orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act, are hereby repealed and/or modified accordingly.

SECTION 4. *Separability Clause.* – In case any provision of this Act is declared unconstitutional or invalid, the other provisions hereof which are not affected thereby shall continue in full force and effect.

SECTION 5. *Effectivity.* – This Act shall take effect thirty (30) days after its publication in two (2) newspapers of general circulation.

Approved,