

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. 7098



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

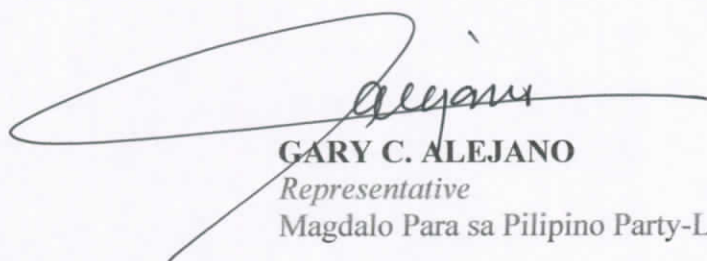
Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, was hailed as a landmark piece of legislation. Its enactment in 2003 was envisaged to employ the much needed reforms in the country's procurement system. More than a decade since its enactment, however, the procurement system is still plagued with collusion, abuse of discretionary criteria, malfeasance, misfeasance, and other forms of corruption.

On a lighter note, the Philippines has improved in the 2012 global survey, ranking countries in terms of perceived corruption up 24 places from 2011 to 105th, among 180 countries surveyed by Transparency International. Much of the corruption transpires during government procurement, or its acquisition of goods and services.

To further improve and address transparency of the country's procurement system, or its lack thereof, it is imperative to strengthen public monitoring of the procurement process. The public deserves nothing less but the highest standards of transparency and honesty in the execution of government policies. This is consistent with Article II, Section 28 of the 1987 Constitution which declares that subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

In this light, this Act seeks to strengthen the present procurement law by mandating the video recording of all procurement-related conferences. This measure provides that the video recording may be subpoenaed and may be used as evidence in court, as deemed appropriate, in case of legal action filed with reference to the enforcement or violation of the Government Procurement Reform Act. It is hoped that the enactment of this measure will tighten the patent loopholes of the Procurement Law.

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


GARY C. ALEJANO
Representative
Magdalo Para sa Pilipino Party-List

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AN ACT

ENHANCING THE TRANSPARENCY OF THE PROCUREMENT PROCESS BY
MANDATING THE VIDEO RECORDING OF ALL PROCUREMENT-RELATED
CONFERENCES, THEREBY AMENDING REPUBLIC ACT NUMBERED 9184,
OTHERWISE KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM ACT
OF 2003", PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND FOR
OTHER RELATED PURPOSES

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

1 **SECTION 1. Title.** – Republic Act No. 9184 is hereby amended by inserting a new
2 Article VII and new Sections 20, 21, 22, 23, 24, 25, 26, 27, and 28 therein, to read as follows:

3
4 **ARTICLE VII**

5 **VIDEO RECORDS OF ALL BIDDING CONFERENCES**

6
7 **"SEC. 20. VIDEO RECORDING OF ALL PROCUREMENT-RELATED**
8 **CONFERENCES.** – TO ENHANCE THE TRANSPARENCY OF THE
9 PROCUREMENT PROCESS, THE PROCURING ENTITY SHALL KEEP A
10 VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES
11 INCLUDING BUT NOT LIMITED TO PRE-PROCUREMENT CONFERENCE,
12 PRE-BID CONFERENCE, BID OPENING, AND ALL MEETINGS OF THE
13 BIDS AND A WARDS COMMITTEE (BAC), FOR ALL PROCUREMENT
14 PROJECTS EQUAL OR EXCEEDING THE AMOUNT OF ONE MILLION
15 PESOS (PHP 1,000,000. 00).

16
17 ALL PROCUREMENT RELATED CONFERENCES MAY NOT COMMENCE
18 WITHOUT A VIDEO RECORDING INITIATED BY THE CHAIR OF THE
19 BAC.

20
21 **SEC. 21. SPECIFICATIONS OF THE VIDEO RECORDING.** – THE VIDEO
22 RECORDING SHALL BE CLEAR AND SHALL PROVIDE A CLOSE-UP
23 VIEW OF THOSE PRESENT IN THE CONFERENCE. DURING RECORDING,
24 THE MEMBERS OF THE BAC, THE PROSPRECTIVE AND/OR QUALIFIED
25 BIDDERS, THE REPRESENTATIVE OF THE COMMISSION ON AUDIT
26 AND THE TWO (2) OBSERVERS INVITED IN ACCORDANCE WITH
27 ARTICLE V OF THIS ACT, SHALL BE INTRODUCED ONE BY ONE.
28

1 **SEC. 22. COPIES OF THE VIDEO RECORDING.** – THERE SHALL BE
2 MADE THREE (3) COPIES OF THE VIDEO RECORDING FOR THE
3 PERUSAL AND/OR RECORD OF THE BAC, THE GOVERNMENT
4 PROCUREMENT POLICY BOARD (GPPB), AND THE COMMISSION ON
5 AUDIT (COA). THE VIDEO COPIES SHALL BE MADE AVAILABLE TO
6 THE PUBLIC UPON WRITTEN REQUEST AND PAYMENT OF A
7 SPECIFIED FEE.

8
9 **SEC. 23. WRITTEN AND VIDEO RECORDS AS EVIDENCE IN COURT.** –
10 IN CASE OF ANY PERTINENT LEGAL ACTION, THE VIDEO RECORDS
11 MAY BE SUBJECT TO SUBPOENA DUCES TECUM, AND MAY BE USED
12 AS EVIDENCE IN COURT AS IT FINDS APPROPRIATE.

13
14 THE BAC, GPPB, AND COA SHALL STORE THE VIDEO RECORDS FOR
15 NOT LESS THAN TWENTY (20) YEARS AND MAY DISPOSE OF THEM
16 THEREAFTER.

17
18 THE BAC AND THE GPBB SHALL ENSURE THAT THE COPIES OF THE
19 RECORDING ARE REGULARLY CHECKED TO ASCERTAIN THAT THEY
20 ARE IN GOOD CONDITION AND NOT DETERIORATING, SUBJECT TO
21 THE RECOMMENDED CONSERVATION PRACTICES FOR THE STORAGE
22 OF THE SAME.

23
24 **SEC. 24. LOGISTICS OF VIDEO RECORDING.** – THE BAC OF EACH
25 PROCURING ENTITY SHALL BE IN CHARGE OF THE LOGISTICS OF
26 VIDEO RECORDING AND OTHER RELATED TECHNICAL MATTERS,
27 SUCH AS BUT NOT LIMITED TO AUDIO, ARCHIVING, AND SUCH
28 OTHER MATTERS NECESSARY TO CARRY OUT THE PROVISIONS OF
29 THIS ACT.

30
31 **SEC. 25. PROCUREMENT OF VIDEO RECORDING EQUIPMENT.** – THE
32 GPPB SHALL BE IN CHARGE OF THE PROCUREMENT OF THE VIDEO
33 RECORDING EQUIPMENT AND RELATED SUPPLIES TO BE ALLOCATED
34 TO THE PROCURING ENTITIES.

35
36 **SEC. 26. PENAL PROVISION.** – VIOLATIONS OF ARTICLE VII OF THIS
37 ACT SHALL BE METED OUT PENALTIES AS PRESCRIBED UNDER
38 ARTICLES XXI, XXII, AND XXIII OF THE SAME. IN ADDITION TO THE
39 AFOREMENTIONED SANCTIONS, THE CONTRACT IN FAVOR OF THE
40 ERRANT PARTY SHALL BE NULLIFIED IF THE BID HAS BEEN
41 AWARDED.

42
43 **SEC. 27. APPROPRIATION.** – THE AMOUNT NECESSARY TO CARRY
44 OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE
45 ANNUAL GENERAL APPROPRIATIONS ACT.

46
47 **SEC. 28. IMPLEMENTING RULES AND REGULATIONS.** – WITHIN
48 NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE GPBB
49 SHALL PROMULGATE THE NECESSARY RULES AND REGULATIONS
50 FOR THE PROPER IMPLEMENTATION OF THE PROVISIONS OF THIS

1 ACT. SUCH RULES AND REGULATIONS SHALL TAKE EFFECT
2 IMMEDIATELY THEREAFTER.

3 XXX”
4

5 **SEC. 2. *Renumbering of Affected Articles and Sections.*** – The current Article VII and
6 subsequent Articles and Sections of Republic Act No. 9184 affected by this amendment shall be
7 amended and re-numbered accordingly, to reflect the insertion of the new article on "Video
8 Records of All Bidding Conferences" as Article VII thereof.
9

10 **SEC. 3. *Separability Clause.*** – If any provision or part hereof is held invalid or
11 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
12 valid and subsisting.
13

14 **SEC. 4. *Repealing Clause.*** – All laws, rules, regulations, orders, circulars, and
15 memoranda inconsistent with any provisions of this Act are hereby repealed or modified
16 accordingly.
17

18 **SEC. 5. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its
19 complete publication in the Official Gazette or in at least two (2) newspapers of general
20 circulation.

Approved,