

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 4485



Introduced by
LONE DISTRICT OF DINAGAT ISLANDS REPRESENTATIVE KAKA BAG-AO,
AKBAYAN REPRESENTATIVES PERCIVAL CENDAÑA, ATTY. JOSE MANUEL "CHEL" DIOKNO,
and DADAH KIRAM ISMUL

EXPLANATORY NOTE

Public investment is prone to corruption particularly when public officials and other actors process information and make decisions at various stages of the infrastructure management cycle for private gain.¹ Several public investment projects have been mired in high-profile corruption scandals.² In the Philippines, recent allegations have come out regarding substandard and fraudulent flood mitigation projects giving rise to the need to conduct a full review of said projects.³

Article II, Section 28 of the 1987 Constitution states that the State adopts and implements a policy of full public disclosure of all its transactions involving public interests subject to reasonable conditions prescribed by law. Additionally, Article III, Section 7 guarantees the right of the people to information on matters of public concern. Thus, there is a need to create an institutional mechanism to allow the different sectors of society to be informed and participate in solving any allegations of systemic corruption and misuse of public funds.

Article XIII, Section 16, of the Constitution provides that the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. It likewise provides that the State shall, by law, facilitate the establishment of adequate consultation mechanisms. The United Nation recognizes that the whole-of-society has a role to play in keeping

¹ Sailendra Pattanayak & Concha Verdugo-Yepes, *Chapter 10 Protecting Public Infrastructure from Vulnerabilities to Corruption: A Risk-Based Approach*, IMF eLIBRARY (September 03, 2020), <https://www.elibrary.imf.org/display/book/9781513511818/ch010.xml>

² Id.

³ Jerome Carlo Paunan, *Marcos blasts corruption in infrastructure, flood control projects during SONA*, PHILIPPINE INFORMATION AGENCY (July 29, 2025), <https://pia.gov.ph/marcos-blasts-corruption-in-infrastructure-flood-control-projects-during-sona/>

government accountable for its actions.⁴ Through a multisectoral group, key actors may participate in the efforts toward transparency and accountability in government infrastructure projects.

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


REP. KAKA BAG-AO
Lone District of Dinagat Islands


REP. PERCIVAL CENDAÑA
AKBAYAN Party-list


REP. ATTY. JOSE MANUEL "CHEL" DIOKNO
AKBAYAN Party-list


REP. DADAH NIRAM ISMULA
AKBAYAN Party-list

⁴ U. N. Office on Drugs and Crime, Holistic Integrity Frameworks to Address Corruption (February 2020), https://www.unodc.org/roseap/uploads/archive/documents/pacific/2020/UN-PRAC_Paper_-_Holistic_Integrity_Frameworks_to_Address_Corruption.pdf

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AN ACT
INSTITUTIONALIZING "OPENINFRA" THROUGH MULTISTAKEHOLDER OVERSIGHT IN ALL
GOVERNMENT INFRASTRUCTURE PROJECTS, PROVIDING FOR ITS FUNCTIONS,
AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Open Infrastructure and
2 *Public Oversight Act.*"

3 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to ensure
4 transparency, accountability, efficiency, and inclusivity in all government infrastructure
5 projects.

6 Towards this end, an institutional mechanism in the form of a Multistakeholder
7 Oversight Group (MSG) is established to monitor, audit, and provide the public with full
8 access to information regarding all government infrastructure projects.

9 **SEC. 3. - Creation of the National Multistakeholder Oversight Group (National MSG).**
10 - There is hereby created a National Multistakeholder Oversight Group on Infrastructure
11 (National MSG-Infra) composed of representatives from the following sectors:

- 12 1. Five (5) from the government sector – representatives from the Executive Branch,
13 including the Department of Public Works and Highways (DPWH), Department of
14 Economy, Planning and Development (DEPDev), the Commission on Audit (COA);
15 provided that, local government units shall be represented by the Union of Local
16 Authorities of the Philippines
17 2. Five (5) from the private sector – representatives from accredited national
18 business chambers and professional associations, and construction companies
19 3. Five (5) from civil society organizations (CSOs) – duly accredited people's
20 organizations, NGOs, academe, and community groups.

1 These sectors shall have equal representation and the composition shall ensure genuine,
2 independent, and broad participation across sectors. The National MSG shall decide by
3 consensus of all its member-sectors.

4 The private sector and the CSOs shall each designate five (5) full and five (5) alternate
5 representatives to the National MSG-Infra. Each organization, upon the decision of its
6 members and through its own independent processes and governance mechanisms, can
7 at any time replace their representatives in the National MSG-Infra; provided that such
8 replacement shall only serve for the unexpired term of the representative replaced.
9 Permanent and alternate members shall attend and participate in the National MSG-Infra
10 meetings.

11 The Secretary of Public Works and Highways shall convene and chair the
12 multistakeholder oversight group.

13 **SEC. 4. Terms of the Members of National MSG-Infra and Meetings.** - All members
14 of the MSG-Infra shall serve for a term of three (3) years. Representatives may be re-
15 appointed subject to the independent processes and governance mechanisms of their
16 respective organizations. It shall be the responsibility of each sector to ensure the
17 continuity of representation and institutional memory within the MSG-Infra.

18 **SEC. 5. Mandates of the National MSG-Infra.** - The National MSG-Infra shall have
19 the following mandates:

- 20 a. Ensure sustained political commitment for the initiative and mobilize resources to
21 sustain its activities and goals;
- 22 b. Set the strategic direction required for effectively implementing the initiative in the
23 Philippines;
- 24 c. Assess and seek the removal of barriers to its implementation;

25 **SEC. 6. Functions of the National Multistakeholder Oversight Group.** - The National
26 MSG-Infra shall have the following functions:

- 27 1. Audit and oversight of national infrastructure projects
- 28 2. Ensure that infrastructure projects are aligned with the Philippine Development
29 Plan (PDP and the Public Investment Program (PIP).
- 30 3. Ensure public access to information relating to all infrastructure projects, including
31 but not limited to:
 - 32 1. Project titles
 - 33 2. Project design
 - 34 3. Costs
 - 35 4. Target completion dates
 - 36 5. Locations
 - 37 6. Procurement process
 - 38 7. Contractors
 - 39 8. Implementation status
 - 40 9. The program of works (POW) of each project, and
 - 41 10. The Bill of Quantities (BOQ) of each project.
- 42 4. Monitor and oversee the conduct of public consultations before the
43 implementation of all projects.

5. Provide capacity-building for citizens.
6. Ensure that only genuine CSOs and accredited private organizations are allowed to participate.
7. The MSG shall publish detailed minutes of their meeting.
8. Produce and publish an Annual Audit and Progress Report accessible to the public through the DPWH website, bulletin boards, and other open platforms.
9. Perform all other works that are inherent in or implied by the nature of the work of the MSG.

SEC. 7. Authority to Create Local MSG-Infra. The National MSG-Infra shall supervise and work with the local stakeholders in creating a local MSG-infra counterpart. The local MSG-Infra shall be composed of representatives from the following sectors:

1. Government sector – representatives from the LGU, including the Local Engineering Office, Planning and Development Office, and the Municipal Internal Audit Service Office (when available).
2. Private sector – representatives from accredited local business chambers and professional associations, and construction companies
3. Civil society organizations (CSOs) – duly accredited people’s organizations, NGOs, academe, and community groups. The national MSG-Infra shall ensure that the CSOs have an independent selection process for their representative in the local MSG body.

SEC. 8. Powers and Functions of the Local MSG-Infra. - The local MSG-Infra shall have the following functions:

1. On Local Projects - in line with the local autonomy, the local MSG-Infra is fully empowered to guarantee transparency, accountability and efficiency of all relevant local government infrastructure projects within their local jurisdictions. Such powers and functions shall be defined in the implementing rules of this Act.
2. On National Projects - the local MSG-Infra shall provide assistance and report to the National MSG-Infra as local representatives in ensuring transparency, accountability and efficiency of all relevant national government infrastructures within their local jurisdictions.

In the exercise of the local MSG-Infra’s functions, they shall ensure that all projects are identified and implemented according to various national and local plans and priorities: Provided, that their involvement shall include but not limited to the planning, implementation and audit stage of the relevant government infrastructure projects within their local jurisdictions.

SEC. 9. OpenInfra Secretariat. The National MSG-Infra shall be assisted by a Secretariat whose composition shall be determined by the Secretary of Public Works and Highways, in consultation with the National MSG-Infra. It shall hold office in the DPWH, or such other government or private facilities as may be determined by the National MSG-Infra.

The Secretariat shall be composed of administrative and technical personnel as the National MSG-Infra may deem necessary to assist the National MSG-Infra in efficiently and effectively carrying out its powers and functions. The creation of additional plantilla

positions and hiring of additional personnel to carry out the functions enumerated herein shall be authorized in coordination with, and subject to the approval of the Department of Budget and Management (DBM).

SEC. 10. *Engagement of Consultants.* - The National MSG-Infra shall have the authority to engage the services of consultants or advisers as it may deem necessary to accomplish its objectives.

SEC.11. *Creation of the OpenInfra Technical Working Group and Assistance to OpenInfra.* - National MSG-Infra may create Technical Working Groups composed of departments, bureaus, offices, agencies or instrumentalities of the Government, including government-owned and controlled corporations, and representatives of the business sector and CSOs. All such agencies, offices, and representatives are hereby directed to extend such assistance and cooperation as the MSG-Infra may need in the exercise of its powers, execution of its functions, and discharge of its duties and responsibilities.

SEC. 12. *Transparency Measures.* - To guarantee transparency and accountability:

1. Consistent with the provisions of the Local Government Code, no project or program shall be implemented by government authorities unless the consultations mentioned in Sections 2 (c) and 26 of the Local Government Code are complied with, and prior approval of the sanggunian concerned is obtained.
2. All infrastructure-related documents, contracts, progress reports, and similar documents shall be uploaded to the DPWH website forthwith from execution or receipt.
3. The MSG-Infra shall hold public meetings at least four times a year, which meetings shall be open to all citizens.
4. Any citizen may request documents under the Freedom of Information (FOI) mechanism of the Executive Branch.

SEC. 13. *Appropriation.* - The amount for the initial implementation of this Act shall be charged against the current year's appropriations of the DPWH. Thereafter, such amounts necessary for the sustainable implementation of this Act shall be included in the Annual General Appropriations Act.

SEC. 14. *Implementing Rules And Regulations.* - The DPWH together with the DEPDev, in consultation with the Department of the Interior and Local Government, LGUs, and public and private stakeholders, shall issue the implementing rules and regulations of this Act within ninety (90) calendar days upon its effectivity.

SEC.15. *Separability Clause.* - If any provision of this Act is declared void or unconstitutional, the remaining provisions thereof shall not be affected thereby and shall remain in full force and effect.

SEC.16. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or amended accordingly.

1 **SEC. 17. Effectivity.** - This Act shall take effect fifteen (15) days following its
2 complete publication in the Official Gazette or a newspaper of general circulation.

Approved.