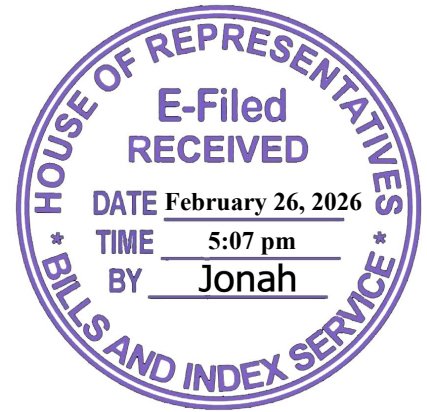


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City  
**TWENTIETH CONGRESS**  
First Regular Session



**HOUSE BILL NO. 8144**

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Introduced by **REP. BERNADETTE "DETTE" G. ESCUDERO**

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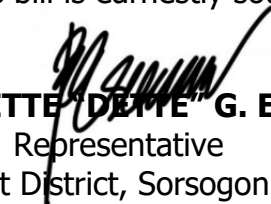
**AN ACT**  
**DISQUALIFYING RELATIVES OF PUBLIC OFFICIALS WITHIN THE FOURTH CIVIL**  
**DEGREE OF CONSANGUINITY AND AFFINITY IN ALL GOVERNMENT CONTRACTS**

**EXPLANATORY NOTE**

Article XI, Section 1 of the 1987 Constitution declares that public office is a public trust, mandating that public officers must at all times be accountable to the people and serve them with utmost responsibility, integrity, and efficiency. Furthermore, Section 27 of the Declaration of Principles and State Policies commands the State to maintain honesty and integrity in the public service and to take positive and effective measures against graft and corruption. In pursuit of these Constitutional mandates, the recently enacted Republic Act No. 12009, or the "New Government Procurement Act," seeks to strengthen the integrity of the bidding process by mandating the disclosure of relations up to the third civil degree of consanguinity or affinity. Despite these stringent benchmarks, public procurement remains vulnerable to the persistent challenges of patronage and perceived conflicts of interest.

This measure seeks to institutionalize a robust "statutory firewall" by expanding the disqualification to include relatives of public officials within the fourth civil degree of consanguinity or affinity. This prohibition shall apply to all contracts with any government agency or instrumentality, including Government-Owned or -Controlled Corporations (GOCCs), Government Financial Institutions (GFIs), and Local Government Units (LGUs). By extending this safeguard, the bill aims to eliminate potential avenues for collusion, foster genuine competition, and ensure that the procurement process is governed solely by merit and the best interest of the government.

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

  
**HON. BERNADETTE "DETTE" G. ESCUDERO**  
Representative  
1st District, Sorsogon

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

1       **SECTION 1. Disqualification on the Basis of Relations.** - Notwithstanding any  
2 provision of the law to the contrary, all relatives of public officials within the fourth civil  
3 degree of consanguinity or affinity shall be barred from entering into any government  
4 contract. For the purposes of this Act, the term "public official" shall refer to heads of  
5 agency, heads of procuring entity, members of governing board, or any public officer or  
6 employee exercising policy-determining, supervisory, or managerial functions, whether  
7 in the career or non-career service, including military and uniformed personnel, whether  
8 or not they receive compensation, regardless of amount.

9  
10       Moreover, the term "government contract" shall refer to any contract between a  
11 private entity and any government agency or instrumentality, including government  
12 owned or controlled corporations (GOCCs) and local government units, that pertains to  
13 a) supplies, materials, machinery, equipment, and services; (b) infrastructure projects;  
14 (c) joint ventures; (d) public-private partnership projects; and (e) other similar or  
15 analogous agreements or undertaking to which the latter is the procuring party, partner,  
16 shareholder, implementing agency, end user, or a party contributing public funds or  
17 property: Provided, That this shall exclude contracts that are highly technical,  
18 proprietary, or confidential in nature.

19  
20       **SEC. 2. Mandatory Disclosure and Sworn Certification.** - All bidders,  
21 proponents, or contractors shall, as a mandatory requirement for eligibility, submit a  
22 sworn certification under penalty of perjury, declaring that they are not related within  
23 the fourth civil degree of consanguinity or affinity to any public official of the procuring  
24 or contracting entity as defined in Section 1 of this Act. Failure to submit this certification

1 or any false statement therein shall be ground for automatic disqualification and  
2 forfeiture of any bid.

3  
4 **SEC. 3. Penalties.** - Any public official or employee who knowingly allows,  
5 facilitates, or approves a contract in violation of this Act shall be punished with a fine of  
6 not less than Five Hundred Thousand Pesos (Php 500,000.00) but not more than Two  
7 Million Pesos (Php 2,000,000.00), and imprisonment of not less than six (6) years and  
8 one (1) day to twelve (12) years, without prejudice to administrative liability under the  
9 Civil Service rules and perpetual absolute disqualification from holding public office.

10  
11 **SEC 4. Implementing Rules and Regulations** - Implementing Rules and  
12 Regulations. - Within sixty (60) days from the effectivity of this Act, the Government  
13 Procurement Policy Board, Department of the Interior and Local Government, Public-  
14 Private Partnership Center, and Governance Commission for GOCCs, in coordination with  
15 other government agencies concerned, shall jointly promulgate the rules and regulations  
16 to effectively implement the provisions of this Act.

17  
18 **SEC 5. Effectivity.** - This Act shall take effect immediately following the  
19 completion of its publication in the Official Gazette or in two (2) newspapers of general  
20 circulation.

*Approved,*