

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

EIGHTEENTH CONGRESS
First Regular Session



HOUSE RESOLUTION NO. 31

Introduced by REPRESENTATIVES ENRICO A. PINEDA and
MICHAEL ODYLON L. ROMERO, PhD.

**RESOLUTION DIRECTING THE COMMITTEE ON GOVERNMENT
ENTERPRISES AND PRIVATIZATION AND OTHER APPROPRIATE
COMMITTEES TO CONDUCT AN INVESTIGATION IN AID OF LEGISLATION
ON THE MANNER OF BY WHICH PROPERTIES OWNED AND MANAGED BY
GOVERNMENT CORPORATIONS AND PUBLIC ENTITIES ARE BEING LEASED
OUT, WITH THE END IN VIEW OF LEGISLATING A STANDARD FOR THE
SAME TO ENSURE THE MOST BENEFICIAL CONTRACTS IN FAVOR OF THE
GOVERNMENT**

WHEREAS, it is the inherent duty of the State to ensure the most beneficial terms in favor of the public as regards the use and lease of state-owned properties;

WHEREAS, Republic Act No. 9184, otherwise known as the Government Procurement Reform Act and its Implementing Rules and Regulations did not provide for a standard for which government property may be leased for private use;

WHEREAS, although government corporations may have the authority to lease their properties, there exist no standard which would ensure that the best and most beneficial contract may be had in favor of the government;

WHEREAS, it has been the practice of several government corporations to issue terms of reference as a tool to ensure maximum value is derived from a lease of government property, there have yet to be set a guideline that would define what the terms of reference for lease of government properties should include;

WHEREAS, in the case of Binictican Golf Course which is owned and managed by Subic Bay Metropolitan Authority (SBMA), the Board through its previous President did away with a terms of reference and instead spontaneously made an evaluation of two unsolicited proposals;

WHEREAS, in the same lease contract, the SBMA Board in a single meeting heard the presentations of the two proponents and in that very same meeting, made an evaluation and selected the proposal made by a certain Mr. Miyamoto;

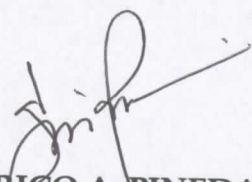
WHEREAS, the process involved in the award of the lease of the Binictican Golf Course raises some very serious questions on the actions by the SBMA Board as apart from it being spontaneous and bordering arbitrariness when it did away with a terms of reference, there was never an indication that a technical review and validation of the

representations made by the proponents are true before the SBMA Board arrived at a decision to make an award;

WHEREAS, there is a need to review the transactions surrounding the award of the lease of the SBMA-owned golf course and such other properties of other government corporations to provide guidance in crafting a policy that would govern similar transactions;

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, by the House of Representatives that the Committee on Government Enterprises and Privatization and other appropriate committees to conduct an investigation in aid of legislation on the manner of by which properties owned and managed by government corporations and public entities are being leased out, with the end in view of legislating a standard for the same to ensure the most beneficial contracts in favor of the government.

Adopted,



ENRICO A. PINEDA
1PACMAN



MICHAEL ODYLON L. ROMERO, PhD
1PACMAN