

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 48



Introduced by **MAGDALO Party-List Representative**
HON. MANUEL DG. CABOCHAN III

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.

MANUEL DG. CABOCHAN III
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
11 CONFERENCES INCLUDING BUT NOT LIMITED TO PRE-
12 PROCUREMENT CONFERENCE, PRE-BID CONFERENCE, BID
13 OPENING, AND ALL MEETINGS OF THE BIDS AND A WARDS
14 COMMITTEE (BAC), FOR ALL PROCUREMENT PROJECTS EQUAL OR
15 EXCEEDING THE AMOUNT OF ONE MILLION PESOS (PHP 1,000,000.
16 00).
17

18 ALL PROCUREMENT RELATED CONFERENCES MAY NOT
19 COMMENCE WITHOUT A VIDEO RECORDING INITIATED BY THE
20 CHAIR OF THE BAC.
21

22 **SEC. 21. SPECIFICATIONS OF THE VIDEO RECORDING.**— THE
23 VIDEO RECORDING SHALL BE CLEAR AND SHALL PROVIDE A

1 CLOSE-UP VIEW OF THOSE PRESENT IN THE CONFERENCE.
2 DURING RECORDING, THE MEMBERS OF THE BAC, THE
3 PROSPRECTIVE AND/OR QUALIFIED BIDDERS, THE
4 REPRESENTATIVE OF THE COMMISSION ON AUDIT AND THE TWO
5 (2) OBSERVERS INVITED IN ACCORDANCE WITH ARTICLE V OF
6 THIS ACT, SHALL BE INTRODUCED ONE BY ONE.

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

14
15 **SEC. 23. WRITTEN AND VIDEO RECORDS AS EVIDENCE IN COURT.**–
16 IN CASE OF ANY PERTINENT LEGAL ACTION, THE VIDEO RECORDS
17 MAY BE SUBJECT TO SUBPOENA DUCES TECUM, AND MAY BE
18 USED AS EVIDENCE IN COURT AS IT FINDS APPROPRIATE.

19
20 THE BAC, GPPB, AND COA SHALL STORE THE VIDEO RECORDS FOR
21 NOT LESS THAN TWENTY (20) YEARS AND MAY DISPOSE OF THEM
22 THEREAFTER.

23
24 THE BAC AND THE GPBB SHALL ENSURE THAT THE COPIES OF THE
25 RECORDING ARE REGULARLY CHECKED TO ASCERTAIN THAT
26 THEY ARE IN GOOD CONDITION AND NOT DETERIORATING,
27 SUBJECT TO THE RECOMMENDED CONSERVATION PRACTICES
28 FOR THE STORAGE OF THE SAME.

29
30 **SEC. 24. LOGISTICS OF VIDEO RECORDING.**– THE BAC OF EACH
31 PROCURING ENTITY SHALL BE IN CHARGE OF THE LOGISTICS OF
32 VIDEO RECORDING AND OTHER RELATED TECHNICAL MATTERS,
33 SUCH AS BUT NOT LIMITED TO AUDIO, ARCHIVING, AND SUCH
34 OTHER MATTERS NECESSARY TO CARRY OUT THE PROVISIONS OF
35 THIS ACT.

36
37 **SEC. 25. PROCUREMENT OF VIDEO RECORDING EQUIPMENT.** –
38 THE GPPB SHALL BE IN CHARGE OF THE PROCUREMENT OF THE
39 VIDEO RECORDING EQUIPMENT AND RELATED SUPPLIES TO BE
40 ALLOCATED TO THE PROCURING ENTITIES.

41
42 **SEC. 26. PENAL PROVISION.** – VIOLATIONS OF ARTICLE VII OF THIS
43 ACT SHALL BE METED OUT PENALTIES AS PRESCRIBED UNDER
44 ARTICLES XXI, XXII, AND XXIII OF THE SAME. IN ADDITION TO

1 THE AFOREMENTIONED SANCTIONS, THE CONTRACT IN FAVOR OF
2 THE ERRANT PARTY SHALL BE NULLIFIED IF THE BID HAS BEEN
3 AWARDED.

4
5 **SEC. 27. APPROPRIATION.** – THE AMOUNT NECESSARY TO CARRY
6 OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE
7 ANNUAL GENERAL APPROPRIATIONS ACT.

8
9 **SEC. 28. IMPLEMENTING RULES AND REGULATIONS.**– WITHIN
10 NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE
11 GPBB SHALL PROMULGATE THE NECESSARY RULES AND
12 REGULATIONS FOR THE PROPER IMPLEMENTATION OF THE
13 PROVISIONS OF THIS ACT. SUCH RULES AND REGULATIONS SHALL
14 TAKE EFFECT IMMEDIATELY THEREAFTER.

15
16 XXX”
17

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

22
23 **SEC. 3. Separability Clause.** – If any provision or part hereof is held invalid or
24 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
25 valid and subsisting.

26
27 **SEC. 4. Repealing Clause.** – All laws, rules, regulations, orders, circulars, and
28 memoranda inconsistent with any provisions of this Act are hereby repealed or modified
29 accordingly.

30
31 **SEC. 5. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
32 complete publication in the Official Gazette or in at least two (2) newspapers of general
33 circulation.

Approved,