

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

'04 JUN 30 P12:15

SENATE

S. No. 46

RECEIVED BY: 

*Introduced by Senator Juan M. Flavier*

**EXPLANATORY NOTE**

Red tape in the government bureaucracy is a scourge that has been with us for a long, long time. This affliction is one of the reasons why our citizens have always complained about the poor delivery of basic and essential services to the people.

We do not subscribe to the view of some skeptics that red tape is an inborn Filipino trait and that we cannot get rid of. With greater will and determination we know that we can overcome this malady.

This bill is a giant step towards this direction.

The instant bill seeks to penalize any public officer or employee who fails to act on applications for permits, retirement benefits or compensation and the grant of any privilege, right, award, license, concession, or for modification, renewal or extension, payment or release of, money for services rendered, or for supplies and materials delivered, or activities and transactions or other routinary matters.

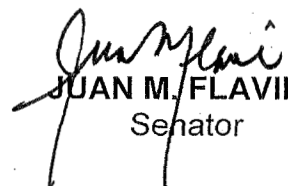
Covered under this bill are government owned and controlled corporations, offices under the executive department and local government units, except elective officials from the President down to municipal councilors, members of the judiciary, and matters that require public hearings.

A ten (10) day deadline is set for action on any pending applications, after which the same shall be considered approved if unacted upon within the specified deadline. If an application is rejected, the official concerned shall be required to state the reasons for the rejection, stating the particular law, regulation, department order of issuance involved.

The provisions of this bill are designed to prevent opportunities for corruption by requiring immediate action and detailing the procedure in handling an application.

The bill will not only bear against the "lagay" system but will promote efficiency in government and give a better deal to the long-suffering public whose papers are often ignored for long periods.

Passage of this bill is therefore a matter of urgency.

  
JUAN M. FLAVIER  
Senator

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
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'04 JUN 30 P12:16

S E N A T E

RECEIVED BY: 

S. No. 46

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*Introduced by Senator Juan M. Flavio*

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**AN ACT  
TO PREVENT GRAFT AND CORRUPTION AND IMPROVE  
GOVERNMENT SERVICES TO THE PEOPLE BY CUTTING  
GOVERNMENT BUREAUCRATIC RED TAPE**

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

SECTION 1. Short Title. – This Act shall be known as the “Anti-Red  
Tape Act”.

SECTION 2. Coverage. – This Act shall apply to all government  
offices and agencies, including local government units and government-  
owned or controlled corporation with original charter: Provided, however,  
That the President, Members of Congress, Justices and Judges, and other  
elective officials up to the municipal level shall be exempt from the  
coverage of this Acts: Provided, further, That the preceding exemption  
shall not apply to the offices and staff of the said government officials.

SECTION 3. Definition of Terms. – As used in this Act, the term –

- a) “Routinary Matters” are those which are normally and regularly  
processed in all offices of the government such as but not limited to  
applications for any privilege, right, benefit, permit, award, license,  
concession, or for any modification, renewal or extension thereof,  
or for payment or release of money for services rendered, or for  
supplies and materials delivered, or any and all subject matter,  
activities or transactions which are acted upon in the ordinary

course of business of the department, office or agency concerned: Provided, That all the requirements, qualifications, terms and conditions for their availment have already been prescribed by their respective offices: Provided, further, That priority shall be given to matters which directly affect public interest.

- b) "Master List" is the compiled list of all routinary matters in all offices of the government.
- c) "Action Time" means the period of time within all routinary matter should be acted upon. The action for each routinary matter pertinent to the particular office of government shall be determined by the Intra-Department or Office Committee established for this purpose and approved by the implementing authority. The prescribed action time for each government agency shall be posted in all conspicuous places of the government agency or office concerned.
- d) "Intra-Department or office Committee" is a committee within the department or office created for the principal purpose of determining the action time for each routinary matter being handled by the concerned government agency, subject to the joint approval of the Civil Service Commission and the Office of the Ombudsman.
- e) "Red Tape" shall refer to any act or omission committed by a government official or employee resulting in the delay or inaction on a paper, document, application, request or transaction before any government agency, contrary to the action time prescribed for the purpose.

#### SEC. 4. Action Time for Routinary Matters. –

- a) The action time for each routinary matter shall be prescribed by the Intra-Department or Office Committee in all government agencies, subject to the approval of the Civil Service Commission and the

Office of the Ombudsman, but in no case beyond ten (10) working days from receipt of the application, request and / or petition.

- b) All written communications requiring official action shall be acknowledge by letter within three (3) working days from it's receipt, specifying the action time applicable tot the particular case, as well as other requirements necessary for, and other information pertinent to, its proper disposition: Provided, That the particular case requiring official action is properly within the jurisdiction of the concerned government office.
- c) Any written request for action shall be deemed approved if the same is not acted upon by the officer or employee to whom the request appertains within a period of ten (10) working days from receipt thereof.

SEC. 5. Guidelines for General Application on Routinary Matters.

– The following guidelines shall apply to all offices of government covered under this Act:

- a) All requirements, of any privilege or right must be reasonable and stated simply and clearly. Requirements that are arbitrary, unreasonable or impossible to comply with shall not be prescribed.
- b) When printed official forms are required to be accomplished and submitted by an interested party, said, forms must specify which blanks or spaces are mandatory, therefore, must be correctly answered or filled up. They must also specify the blanks or spaces which are merely directory and, therefore, if wrongly answered or filled up, will not adversely affect the outcome of the applications. Moreover, the requirements in said forms must be clearly and simply stated.

- c) The government office concerned shall post in its building, visible to all, in big readable letter all the necessary requirements and information as well as the procedure for the issuance location of offices and officers concerned.
- d) When an application for extension or renewal of an existing privilege or right together with all required documents and fees, if any, are timely filed and paid, said applications shall be given priority of attention and decision, and a shorter specific action time than that prescribed for original applications shall be prescribed.

Without prejudice to the criminal and administrative liabilities herein provided, when a particular office of government fails to act upon any application for the renewal or extension of any privilege or right, provided that such application and the fees, if any, were timely filed and paid and pending final action, the privilege or right sought to be renewed or extended expires, the holder of such privilege or right shall continue to operate his business under the same terms and conditions granted under the expired privilege or right as though a provisional permit to continue operations has been granted, until the concerned government agency finally acts upon the application for renewal or extension.

- e) Any written action or decision taken on routinary matters must contain not more than three (3) signatories and in no case shall the number of signatories be increased. In the absence of the authorized signatory, the official next-in-rank or officer-in-charge or the person duly authorized signatory and in his behalf.
- f) In case of disapproval of any application and / or petition involving a routinary matter, the reasons therefore shall be clearly stated or enumerated by the disapproving authority,

citing the particular law, regulation, department or administrative order of issuance relied upon.

g) All government offices covered by this Act shall keep a record book where, among other entries, the following must clearly appear:

- 1) The subject matter as classified in the master list;
- 2) The date of receipt;
- 3) Name of application firm or entity and person signing the document;
- 4) The specific action time as prescribed by the Intra-department or Office Committee;
- 5) The action taken in the particular office; and
- 6) The office to which the papers have been forwarded, the date hereof, and the receiving employee in said office.

Said record book shall clearly show the names and initiates of all employees involved in filling it up facilitate tracing and pinpointing of responsibility. There shall be designated an employees who shall be in charge and keep custody of the said record book.

SEC. 6. Creation of Intra-Department or Office Committee. –

Within seven (7) days from the electricity of this Act, there shall be created in all government offices covered in this Act, an Intra-Department or Office Committee, as the case may be, to be composed of officials and divisions chiefs chosen by the Department Secretary or Head of Office to perform the following duties and functions:

- a) Determine the specific action time for every routinary matter handled by their agency, subject to the approval of the Civil Service Commission and the Office of the Ombudsman;

- b) Compile and submit to their respective heads or chiefs executives for approval, a master list of all routinary matters being normally or regularly acted upon by their respective offices. Under each routinary matter in the master list shall be enumerated all the requirements, qualifications, terms and conditions for its availment. For this purpose, all interested persons, civic, professional or business organizations that regularly transact or do business with the particular office concerned, may take representations for the inclusion of other matters, subjects, transactions, or applications that might be overlooked or inadvertently omitted from the master list;
- c) Study and periodically review the existing system and procedures in their respective offices for the purpose of further shortening the specific action time and / or doing away with unnecessary forms and further simplifying necessary ones;
- d) Study and periodically review the rules and regulations in the implementations of this Act, and submit possible amendments and changes thereto to the Civil Service Commission and the Office of the Ombudsman pursuant to this Act;
- e) Conduct a periodic review of the master list and determine what matters may still be included or excluded therein;
- f) Conduct a periodic review of all requirements, qualifications, terms and conditions prescribed for every routinary matter in their respective offices so as to do away with unnecessary requirements and / or oppressive and arbitrary terms and conditions;
- g) Prepare a chart indicating the flow of documents for every type of routinary matter from the time of their receipt in a particular office, indicating the various officers and employees through which they shall pass, up to the time that they shall reach the final approving or disapproving authority. The aforesaid chart shall be conspicuously

posted in every government office covered by this Act. Upon request a copy of said chart shall be furnished at cost to any interested person, firm or entity; and

- h) Convene periodically so as to effectively discharge its functions and duties.

SEC. 7. Penalties. – Any public official or employee committing any violation of this Act shall suffer the penalty of imprisonment ranging from two (2) to six (6) years and dismissal from the service with forfeiture of all benefits arising from his employment: Provided, however, That the foregoing act or omission contemplated herein shall likewise be a cause for filing of appropriate administrative charges.

SEC. 8. Competent Courts. – Unless otherwise provided by law, all prosecution under this Act shall be within the original jurisdiction of the municipal or city trial courts.

SEC. 9. Prescription of Offenses. – All offenses punishable under this Act shall prescribe in five (5) years from discovery of offense.

SEC. 10. Rules and Regulations. – The Civil Service Commission shall, in consultation with the Office of the Ombudsman, and within a period of three (3) months from the effectivity of this Act, promulgate the necessary rules and regulations to implement this Act. A copy of said rules and regulations, including subsequent amendments thereto, shall be submitted to Congress within fifteen (15) days after its promulgation.

SEC. 11. Administration and Implementation. – The Civil Service Commission and the Office of the Ombudsman shall jointly administer and implement the provisions of this Act. The Commission and the Ombudsman may suspend implementation of the prescribed action time upon formal recommendations of the head of office concerned, whenever the national interest and security of the State s require. Said suspension may be lifted when deemed proper and necessary.



SEC. 12. Liability Escape Clause. – When it becomes physically impossible to comply with the action time for a particular routinary matter due to an increase in the volume of transaction, or decrease in the number of personnel, or any other similar cause, the head of office shall, under oath, certify to the Office of the Ombudsman as to the physical impossibility of such compliance.

Without prejudice to any possible criminal liability on the part of the certifying officer, such certification shall free the official or employee concerned from any criminal liability under this Act.

The certification shall state the particular reasons for the physical impossibility, the nature of the limitation to comply with the prescribed action time, and the additional time needed for a particular routinary matter to be acted upon, as the case may be.

Said certification shall then become the basis for the issuance of a new action time, which approval, shall give rise to the penal sanction herein provided.

SEC. 13. Repeating Clause. –

- a) Subsection (f), Section 2 of Republic Act No. 3019 is hereby repealed.
- b) All laws, presidential decrees, letters of instruction and other presidential issuance's that are contrary to the inconsistent with this Act are hereby repealed.

SEC. 14. Separability Clause. – Should any provision hereof be declared unconstitutional by the courts, such declaration shall not affect the validity of the remaining provisions of this law.

SEC. 15. Submission of Annual Accomplishment Report.

- a) All government offices covered under this Act, shall, within forty-five (45) days from the end of the year, submit a full and complete report of performance, accomplishments, and / or

compliance to the Civil Service Commission and the Office of the Ombudsman, in accordance with this Act.

- b) The said reports shall then be included and submitted to the Civil Service Commission and the Office of the Ombudsman in their annual accomplishment reports, to the Office of the President and the Congress of the Philippines.

SEC. 16. Effectivity. – This Act shall take effect fifteen (15) days after the publication in two (2) newspapers of general circulation.

Approved,