

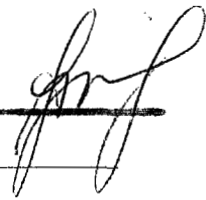
THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

STATE
SECRETARY

04 JUN 30 P2:03

SENATE

S.B. No. 176

RECEIVED BY: 

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

EXPLANATORY NOTE

The Constitution, Article 2, Section 27 provides that:

"The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption".

Graft and corruption still abound and continue despite laws imposing severe penalties for their violation. One reason why many corrupt acts go unreported is because potential witnesses fear reprisals from the perpetrators.

Accordingly, the government must encourage potential witnesses to come out with information by providing them adequate protection from reprisals.

This bill seeks to provide protection to employees, who may have information relating to a substantial violation of law related to a public contract, including the competition for or negotiation of a contract, from reprisals of their employers.

In consideration of the above premises, early approval of this bill, is earnestly sought.


LUISA "LOI" P. EJERCITO ESTRADA
Senator

SENATE

S.B. No. 176

APPROVED BY: 

Introduced by Senator **LUISA "LOI" P. EJERCITO ESTRADA**

AN ACT
PROVIDING FOR PROTECTION FROM REPRISALS TO EMPLOYEES OF
CONTRACTORS FOR DISCLOSURE OF INFORMATION RELATING TO
SUBSTANTIAL VIOLATION OF LAW RELATED TO PUBLIC CONTRACTS
INCLUDING THE COMPETITION FOR OR NEGOTIATION OF A CONTRACT

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

Section 1. *Short Title.* - This Act may be cited as "Protection from Reprisals Act."

Section 2. *Declaration of Policy.* - It is the policy of the State to maintain honesty and integrity in the performance and negotiations of public contracts by encouraging employees of contractors, who have been awarded a public contract, to disclose information related to a substantial violation of law related to a contract, including the competition for or negotiation of a contract.

Section 3. *Definition of Terms.* - As used in this Act:

- (2) The term "contract" means a written agreement entered into by the head of an executive agency and the contractor.
- (3) The term "contractor" means a person awarded with a contract by an executive agency.

Section 4. *Prohibition of Reprisals.* - An employee of a contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of an executive agency or the Department of Justice information relating to a substantial violation of law related to a contract, including the competition for or negotiation of a contract.

Section 5. *Investigation of Complaints.* - A person who believes that an employee has been subjected to a reprisal prohibited by Section 4 of this Act may submit a complaint to the executive agency which awarded the contract.

Unless the officers designated by the head of the concerned executive agency determines that the complaint is frivolous, he shall investigate the complaint and upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor concerned, and the head of the agency.

Section 6. *Remedy and Enforcement Authority.* - (A) If the head of an executive agency determines that a contractor has subjected a person to a reprisal prohibited by Section 4 of this Act, the head of the executive agency may take one or more of the following actions:

- (1) Order the contractor to take affirmative action to abate the reprisal;
- (2) Order the contractor to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits and other terms and conditions of employment that would apply to the person in that position if the reprisal has not been taken.
- (3) Order the contractor to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorney's fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

(B) Whenever a contractor fails to comply with an order issued under paragraph (A), the head of the executive agency shall file an action for enforcement of such order in the appropriate court having jurisdiction over the principal place of work of the contractor.

Section 7. *Construction.* - Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by Section 4 of this Act or to modify or derogate from a right or remedy otherwise available to the employee.

Section 8. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remainder or the law of the provision not otherwise affected shall remain valid and subsisting.

Section 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,