

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

04 JUN 30 P5:21

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S E N A T E

S. No. 421

Introduced by Senator S. R. Osmeña III

EXPLANATORY NOTE

The Department of Public Works and Highways is the national agency which coordinates the planning, engineering and actual construction of major road and flood control projects with both national and local agencies.

Unfortunately, it has acquired the dubious distinction of being one the most corrupt departments of Philippine bureaucracy. Graft in the DPWH have been institutionalized for generations. Scarce public funds are stolen and/or wasted in the implementation of infrastructure projects.

What makes DPWH corruption worse is the fact that projects are not only overpriced but are also poorly built. Oftentimes, the projects fail to meet government engineering and safety requirements resulting in the substandard construction of infrastructure.

The country simply cannot afford the kind of infrastructure being built by DPWH which may last for only a few years until the government is forced to repair and/or rehabilitate the dilapidated project.

This bill seeks to declare as prima facie evidence of graft and corruption, all substandard infrastructure projects of the government, entered into by the DPWH and/or any other government agency, amending for the purpose the Anti-Graft and Corrupt Practices Act.

S. Osmeña III
SERGIO OSMEÑA III
Senator

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AN ACT

DECLARING AS PRIMA FACIE EVIDENCE OF GRAFT AND CORRUPTION,
INFRASTRUCTURE PROJECTS BELOW THE PRESCRIBED STANDARDS
OR SPECIFICATIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT
NUMBERED THIRTY HUNDRED NINETEEN, OTHERWISE KNOWN AS THE
“ANTI-GRAFT AND CORRUPT PRACTICES ACT”, AND FOR OTHER
PURPOSES

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

SECTION 1. Section 3 of the Anti-Graft Practices Act is hereby
amended by adding a new subsection (L), to read as follows:

“SEC. 3. *Corrupt Practices of public officers.* – In addition to acts or
omissions of public officers already penalized by existing law, the following
shall constitute corrupt practices of any public officer and are hereby
declared to be unlawful:

“x x x”

“(L) CERTIFYING AS COMPLETE INFRASTRUCTURE
PROJECTS THAT ARE BELOW THE PRESCRIBED STANDARDS AND
SPECIFICATIONS STIPULATED IN THE CONTRACT, OR ANY
RELATED LAW, RULE OR REGULATION.

“ALL GOVERNMENT INFRASTRUCTURE PROJECTS WHICH
HAVE BEEN CONSTRUCTED NOT IN ACCORDANCE WITH THE
SPECIFICATIONS AND BELOW THE STANDARDS PRESCRIBED BY
THE CONTRACT, OR ANY RELATED LAW, RULE OR REGULATION

1 SHALL BE *PRIMA FACIE* EVIDENCE OF GRAFT AND CORRUPTION.
2 THE CIRCUMSTANCES HEREIN ABOVE MENTIONED SHALL
3 CONSTITUTE A VALID GROUND FOR THE PREVENTIVE
4 SUSPENSION OF THE PUBLIC OFFICIAL OR EMPLOYEE WHO
5 CERTIFIED TO THE COMPLETION OF THE INFRASTRUCTURE
6 PROJECT.”

7 SEC. 2. Section 9 of the Anti-Graft and Corrupt Practices Act is hereby
8 amended to read as follows:

9 “SEC. 9. *Penalties for violations.* – x x x

10 “(C) ANY PUBLIC OFFICIAL OR EMPLOYEE VIOLATING
11 SECTION 3 (L) OF THIS ACT SHALL BE PUNISHED BY A FINE OF NOT
12 LESS THAN FIVE HUNDREDS THOUSAND PESOS (P500,00.00) BUT
13 NOT MORE THAN FIVE MILLION PESOS (P5,000,000.00) AND BY
14 IMPRISONMENT OF NOT LESS THAN TWO (2) YEARS AND ONE (1)
15 DAY NOR MORE THAN SIX (6) YEARS, AT THE DISCRETION OF THE
16 COURT. SUCH PUBLIC OFFICIAL OR EMPLOYEE SHALL, IN
17 ADDITION TO THE PENALTIES PROVIDED HEREIN, BE
18 PERMANENTLY DISQUALIFIED FROM HOLDING ANY ELECTIVE OR
19 APPOINTIVE POSITION IN GOVERNMENT.

20 ANY PRIVATE INDIVIDUAL VIOLATING SECTION 3 (L) OF THIS
21 ACT SHALL BE PUNISHED BY A FINE EQUAL TO THE CONTRACT
22 PRICE OF THE INFRASTRUCTURE PROJECT SUBJECT OF THE
23 VIOLATION OR BY IMPRISONMENT OF NOT LESS THAN SIX (6)
24 YEARS AND ONE (1) DAY NOR MORE THAN TWELVE (12) YEARS, AT
25 THE DISCRETION OF THE COURT. HE SHALL, IN ADDITION TO THE
26 PENALTIES PROVIDED HEREIN, BE PERPETUALLY DISQUALIFIED
27 FROM BIDDING FOR AND IMPLEMENTING ANY GOVERNMENT
28 CONTRACT.”

1 SEC. 3. All laws, decrees, executive order and issuances inconsistent
2 herewith are hereby repealed, amended or modified accordingly.

3 SEC. 4. This Act shall take effect fifteen (15) days following its complete
4 publication in at least two (2) newspapers of general circulation.

Approved,