

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)



15 MAR 24 P4:41

SENATE

P. S. R. No. 1255

Introduced by Senator Miriam Defensor Santiago

1 RESOLUTION

2 DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
3 IN AID OF LEGISLATION, ON THE 2013 COMMISSION ON AUDIT REPORT
4 THAT THERE WERE ALLEGED DEFICIENCIES IN THE PROCUREMENT OF
5 VARIOUS SUPPLIES AND EQUIPMENT AMOUNTING TO SOME ₱3.4 BILLION
6 BY THE PHILIPPINE NATIONAL POLICE AND SOME OF ITS UNITS

7 WHEREAS, the Constitution, Article 2, Section 27 provides: “The State shall
8 maintain honesty and integrity in the public service and take positive and effective
9 measures against graft and corruption”;

10 WHEREAS, the Constitution also states in Article 2, Section 28: “Subject to
11 reasonable conditions prescribed by law, the State adopts and implements a policy of full
12 public disclosure of all its transactions involving public interest”;

13 WHEREAS Republic Act No. 9184, otherwise known as “The Government
14 Procurement Reform Act”, Article 4, Section 10, provides: “All procurement shall be
15 done through Competitive Bidding, except as provided for in Article XVI of this Act”;

16 WHEREAS, on 16 March 2015, the *Philippine Daily Inquirer* reported that the
17 Commission on Audit (COA) found anomalies and deficiencies in the Philippine
18 National Police’s (PNP) procurement of various supplies and equipment amounting to
19 some ₱3.4 billion during the tenure of former PNP chief Alan Purisima;

20 WHEREAS, the 2013 COA report stated that in violation of the Implementing
21 Rules and Regulations (IRR) of R.A. No. 9184, there were deficiencies in the

1 procurement process of the PNP and its various police units, including the Special Action
2 Force (SAF), that allegedly casted doubt on the validity of its procurement transactions;

3 WHEREAS, according to the COA report, the dubious transactions included the
4 procurement of ₱91.7-million worth of goods and services by the National Capital
5 Region Police Office (NCRPO), SAF, and Police Regional Office (PRO) 13;

6 WHEREAS, the COA also claimed that procurement of these goods and services
7 were reportedly covered by 113 Purchase Orders/Work Orders each exceeding ₱500,000,
8 which did not go through public bidding but only through the alternative method of
9 “shopping,” which is a violation of the IRR of R.A. No. 9184, Rule 16, Section 52.1;

10 WHEREAS, the report also stated that in its procurement for the supply of military
11 and police equipment and its payment through cash advances, PRO 13 failed to comply
12 with COA Circular No. 97-002 or the rules on the granting, utilization, and liquidation of
13 cash advances;

14 WHEREAS, according to COA, the PNP-National Headquarters, NCRPO, SAF,
15 PROs COR, 3, 7, 10, 11, 12, and ARMM failed to submit to the COA copies of contracts,
16 purchase orders, and work orders covering almost ₱2.2-billion worth of projects within
17 the required period of five working days, which was in violation of COA Circular No.
18 2009-001;

19 WHEREAS, the COA report further stated that contrary to COA Circular No. 95-
20 006, the police officials tasked with receiving the purchased supplies failed to inform the
21 COA of the scheduled deliveries within a 24-hour period;

22 WHEREAS, the state auditors also noted that contrary to COA Circular Nos.
23 2009-001 and 2012-001 and the IRR of R.A. No. 9184, the supporting documents of 654
24 disbursement vouchers for the procurement of some inventory items and equipment

1 amounting to ₱463 million were incomplete; other deficiencies were also found in 68
2 transactions totaling to some ₱47 million that allegedly casted doubts on the validity of
3 the transactions;

4 WHEREAS, under DBM Circular No. 2013-14 dated 29 November 2013, the
5 COA should disallow any procurement of common-use supplies from private suppliers if
6 a certificate of non-availability of stocks issued by DBM's Procurement Service could
7 not be submitted.

8 WHEREAS, the COA report stated that without submitting the required certificate
9 of non-availability of stocks, various police units bought common-use supplies and
10 materials amounting to some ₱112 million from private suppliers;

11 WHEREAS, the state auditors recommended that the PNP and its various units
12 should "strictly comply with the provisions of the Implementing Rules and Regulations
13 (IRR) of R.A. No. 9148 particularly Sections 7, 23, 39.1, 40.1 and 52.1; COA Circular
14 Nos. 95-006, 2009-001, 2012-001 and 2013-004; Section 4 (6) of P.D. 1445 and A.O.
15 No. 17";

16 WHEREAS, R.A. No. 9184 was passed in order to promote transparency and
17 competition, and eradicate all forms of corrupt practices in the government procurement
18 system; however, even after the passage of this law, the government is still plagued with
19 anomalous procurement transactions;

20 WHEREAS, in order to achieve the purpose of R.A. No. 9184, the Congress
21 should revisit the 12-year old procurement law to ensure that reforms in the government
22 procurement system are effective and sufficient.

23 WHEREAS, the Congress should also find ways to improve the system in order to
24 avoid anomalous and deficient transactions from happening in the future;

1 WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE
2 to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the
3 2013 Commission on Audit Report that there were alleged deficiencies in the
4 procurement of various supplies and equipment amounting to some ₱3.4 billion by the
5 Philippine National Police (PNP) and some of its units.

Adopted,


MIRIAM DEFENSOR SANTIAGO
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