

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



'17 JUL 26 P2:50

SENATE

S.B. No. 1516

RECEIVED BY: 

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
AMENDING SECTION 53 (B) OF REPUBLIC ACT NO. 9184, OTHERWISE
KNOWN AS "AN ACT PROVIDING FOR THE MODERNIZATION,
STANDARDIZATION AND REGULATION OF THE PROCUREMENT
ACTIVITIES OF THE GOVERNMENT" AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Philippines is no stranger to natural and man-made calamities. Due to the country's geographical location, it is considered as one of the most disaster-prone countries in the world. According to state weather bureau PAGASA, at least 20 tropical cyclones visit the country every year. At least five of which have the potential to be destructive. Moreover, the poor construction of establishments and inadequate evacuation plans contribute to this dilemma.

During these times, Local Government Units and other concerned agencies can only resort to negotiated procurement under the Government Procurement Reform Act (R.A. 9184) only when a state of calamity or emergency is declared. However, the said law did not provide on who shall determine the existence of circumstances enumerated in Sec. 53 (B) thereof. As a result, speedy relief and assistance during emergency situations are not urgently provided.

The Congress, in respect of the rule of law, finds reason to amend and supplement Sec. 53 (B) of R.A. 9184 to consider and address the special condition during emergency situations.

In view of the foregoing, approval of this bill is earnestly sought.

EMMANUEL D. PACQUIAO

'17 JUL 26 P2:50

SENATE

S.B. No. 1516

RECEIVED BY: 

INTRODUCED BY: SENATOR EMMANUEL D. PACQUIAO

AN ACT
AMENDING SECTION 53 (B) OF REPUBLIC ACT NO. 9184, OTHERWISE KNOWN
AS "AN ACT PROVIDING FOR THE MODERNIZATION, STANDARDIZATION AND
REGULATION OF THE PROCUREMENT ACTIVITIES OF THE GOVERNMENT"
AND FOR OTHER PURPOSES

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

Section 1. Section 53 (B) of Republic Act No. 9184, otherwise known as "An Act Providing for the Modernization, Standardization and Regulation of the Procurement Activities of the Government" is hereby amended to read as follows:

"SEC. 53. Negotiated Procurement. – Negotiated Procurement shall be allowed only in the following instances:

a) X X X

b) In case of imminent danger to life or property during a state of calamity, or when time is of the essence arising from natural or man-made calamities or other causes where immediate action is necessary to prevent damage to or loss of life or property, or to restore vital public services, infrastructure facilities and other public utilities. **THE PRESIDENT SHALL HAVE THE AUTHORITY TO DECLARE THE EXISTENCE OF THE FOREGOING CIRCUMSTANCES BASED UPON THE RECOMMENDATION OF APPROPRIATE GOVERNMENT AGENCIES;**

c) X X X

d) X X X

e) X X X

1
2 **Section2. *Repealing Clause.*** If, for any reason or reasons, any part of the provision of this Act
3 shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not
4 affected thereby shall continue to be in full force and effect.
5

6 **Section 3. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in two (2)
7 national newspapers of general circulation. The publication shall not be later than seven (7) days
8 after the approval hereof.
9

10 Approved,
11
12