

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

'04 AUG -4 P3:10

SENATE
S.B. No. 1642

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This bill seeks to reaffirm the legal principle that Congress is the constitutionally delegated repository of legislative power and that this power cannot be exercised by any other department or branch of the Government without a categorical empowerment to that effect, which must be circumscribed in its exercise by the reasonably clear standards set by Congress for the guidance of its deputy—under the Latin maxim that now reads “Potestas delegate non delegari potest.”

It should not require the force of logic to posit that real properties, situated here or abroad, owned by the Government, the market value of which is at least Fifty Million (P50,000,000.00) cannot be reclassified or disposed without the consent of the Government, more specifically Congress, which is the country’s policy making body. Such consent may be given on a case-to-case basis, if there is no law embodying a general policy on the subject.

Our statute books do not reveal any law governing the reclassification and disposition of government-owned properties which fact leaves the question of their disposition to general principles of law such as the nature off State properties in Roman and Common Law, the absence of course of a national policy has opened the door to the assertion of conflicting prerogatives based on legal fiction such as the power lodged in the board of a corporate entity. This is the reason why real properties of government corporations can presently continue to reclassify and dispose the government properties without the need to secure the approval of any authority save that of its own board.

This bill seeks to correct this anomaly by providing that all real properties, situated here or abroad, owned, by the Government, the market value of which is at least Fifty Million (P50,000,000.00) pesos may be reclassified or disposed with the consent of Congress pursuant to a general policy embodied in law.

The need for congressional approval before government properties situated here or abroad can be reclassified and disposed will hopefully eliminate, if not lessen whatever controversy that may arise from said reclassification or disposition.

This bill is a product of the public hearings conducted by the Committee on Constitutional Amendments, Revision of Codes and Laws during the 10th Congress.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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

'04 AUG -4 P3:10

SENATE
S.B. No. 1642

RECEIVED BY: _____

Introduced by Senator Miriam Defensor Santiago

AN ACT
REQUIRING CONGRESSIONAL APPROVAL IN THE RECLASSIFICATION AND
DISPOSITION OF REAL PROPERTIES OF THE NATIONAL GOVERNMENT

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

SECTION 1. *Statement of Policy.* – It shall be the policy of the State to regulate the reclassification and disposition of real properties of the National Government. The State shall enact laws which will ensure that the reclassification and disposition of real properties will be for the best interest of the Filipino people.

SECTION 2. *National Government.* – For purpose of this law, National Government refers to the entire machinery of the central government, as distinguished from the different forms of local government. It shall include any of the various units of the Government, including a department, bureau, office instrumentality, or government-owned or controlled operation.

SECTION 3. *Congressional Approval.* – All real properties, situated here or abroad owned by the Government, the market value of which is at least Fifty Million Pesos (P50,000,000.00) shall not be reclassified nor disposed of in any manner unless there is a law enacted by Congress authorizing such reclassification and disposition. Real properties, situated here and abroad, owned by the National Government, the market value of which is less than Fifty Million Pesos (P50,000,000.00) may be reclassified and disposed of by the proper government agency upon the approval of the President.

SECTION 4. *Public Bidding.* – All real properties shall be disposed of in accordance with the rules on public bidding.

SECTION 5. *Official Authorized to Convey Property* – Whenever real property of the Government is authorized by law to be conveyed, the deed of conveyance shall be executed in behalf of the Government by the following.

(1) For property belonging to and titled in the name of the Republic of the Philippines, by the President, unless the authority therefore is expressly vested by the law in another officer; and

(2) For property belonging to the Republic of the Philippines but titled in the name of any political subdivision or of any corporate agency or instrumentality, by the executive head of the agency or instrumentality.

SECTION 6. *Contents of Request for Congressional Approval.* – The request for congressional approval shall contain the following information:

(1) The nature, use, location, land area, and market value of the property to be reclassified or disposed of;

(2) The underlying purpose for the reclassification or disposition; and

(3) The proposed terms and conditions pertaining to its reclassification or disposition.

SECTION 7. *Disclosure of Real Properties.* – All agencies of the National Government shall submit a summary of all real properties to the Office of the President and both Houses of Congress within six months from the effectivity of this Act.

SECTION 8. *Reportorial Requirement.* – The agency authorized to dispose of the real property shall submit a report on the sale within sixty (60) days from the sale to the President and both Houses of Congress.

SECTION 9. *Penalty.* – Any public official who violates any of the provisions of this Act or its implementing rules and regulations shall suffer the penalty of prision mayor in its

minimum period with the accessory penalty of permanent special disqualification without prejudice to prosecution under Republic Act. No. 3019 and other laws.

Any public officer may be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him for any offense under this Act or its implementing rules but the benefits due or owing such official shall be withheld.

SECTION 10. *Effect on Subsequent Dispositions.* – Future contracts entered into in violation of this law shall be null and void.

SECTION 11. *Separability Clause* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

SECTION 13. *Effectivity Clause* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 917

acs