

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

5 MAY 18 P5:36

SENATE

RECEIVED BY: _____

S. B. NO. **2011**

Introduced by Senator S.R. Osmeña III

EXPLANATORY NOTE

Section 7, Article III of the Constitution states: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law".

The Philippine Statistical Service (PSS) is mandated to provide accurate and precise data for the purpose of planning, implementation and evaluation of government plans and projects for national development. However, the primary statistical agencies like the National Statistics Office (NSO) and the Bureau of Agricultural Statistics (BAS) are either administratively attached to or structurally subsumed under national offices known to promote or implement programs and projects the success of which is constrained by several factors. Further, the absence of a strong coordinated mechanism gives rise to duplicate and conflicting statistical data, causing unnecessary burden on data users and respondents and delay in the release of official statistics which still need to be verified with the department secretaries concerned. As such, business processes in the private sector are unduly hampered.


Efforts to provide statistical information to the public more efficiently and more effectively were previously undertaken with the filing of Senate Bill No. 474, entitled "An Act Reorganizing the Philippine Statistical System" on July 24, 1992. Unfortunately, this bill, which proposed the establishment of a National Statistics Authority, was not enacted into law. With the onset of information technology, demand for user-responsive and global statistical data not only from government, but most especially from private sectors, has multiplied a thousand-fold.

This bill, therefore, seeks to establish the Commission for the Coordination of Philippine Statistical Service (Philstat), an independent body headed by a Government Statistician with a fixed term of office and the rank of a Cabinet Secretary. To rationalize the conduct of censuses and surveys, the Philippine Statistical Censuses and Surveys Administration (PSCSA) shall likewise be the principal arm of the government for all official censuses and surveys.

Likewise, this proposed measure shall establish a separate National Civil Registration Office to eliminate the dual function given to the head of the NSO as both Administrator and Civil Registrar General. This will ensure the maintenance and safe-keeping of vital civil registration records, namely, births, deaths and marriages

Finally, this bill shall provide mechanisms to protect information users against unscrupulous and non-credible private organizations offering statistical and information services.

In view of the foregoing, early passage of this bill is earnestly requested.


SERGIO R. OSMEÑA III
Senator

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

5 MAY 18 P5:36

SENATE

RECEIVED BY: _____

S. B. NO. 2011

Introduced by Senator S.R. Osmeña III

AN ACT

CREATING THE COMMISSION FOR THE COORDINATION OF THE PHILIPPINE STATISTICAL SERVICE (PHILSTAT), RESTRUCTURING FOR THE PURPOSE THE PHILIPPINE STATISTICAL SYSTEM, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as "The Philippine Statistical Act of 2005".

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to promote efficiency and effectiveness in the delivery of statistical information to the public through an integrated system characterized by independence, objectivity and integrity. It is likewise the policy of the State to promote the orderly development of a statistical system capable of providing timely, reliable and relevant statistics to guide the decision-making process of the Government, the private sector and the general public. Towards this end, there is a need to establish the Commission for the Coordination of the Philippine Statistical Service (Philstat), restructuring for the purpose the Philippine Statistical System by integrating the various government agencies engaged in statistical activities either as their primary functions or as part of their administrative or regulatory functions.

SEC. 3. Philippine Statistical Service (PSS). - The PSS shall consist of a national agency for the coordination of the Philippine Statistical System(PSS), a national agency for censuses and surveys; a national agency for the maintenance and

safekeeping of the civil registry and other vital statistics and statistical cells in all government institutions. It shall consist of three (3) distinct statistical information services as follows:

1. **Philippine Designated Statistics** – responsible for the implementation of the various programs for national development which are principally provided by the Philippine Statistical Censuses and Surveys Administration (PSCSA). It shall be deemed official and available only for public use after their publication in the Philippine Statistical Gazette;
2. **Sectoral Statistics** – statistical data obtained from surveys or official reporting/registration forms carried out by national and local institutions, including government-owned-and-controlled corporations, which shall be undertaken under the supervision of a qualified statistical officer. Such data shall be included in the central database management system and shall likewise be available to the general public after their publication in the Philippine Statistical Gazette; and
3. **Special Statistics**– statistics carried out by government and private institutions which shall only be credited when undertaken by a professional statistician. Such statistical data shall cover the following:
 - Title
 - Statement of Purpose and Objective
 - Population and Geographic Coverage
 - Sample Size
 - Statistical Methodology
 - Timing and Frequency
 - Particulars about Executing Agency
 - Name and License Number of Responsible Professional Statistician
 - Abstract of the Results

The executing agency shall be required to submit a technical report within the prescribed period to Philstat. Failure to do so would confine the report strictly to internal use only and may not be quoted in whole or in part for public consumption. The reported data shall be published in the Philippine Statistical Gazette.

SEC. 4. Commission for the Coordination of the Philippine Statistical Service (Philstat). - *To implement the policies and attain the objectives enunciated in this Act, the Commission for the Coordination of Philippine Statistical Service is hereby created. It shall be an independent body headed by the Government Statistician as Chairman, who shall have a fixed term of office and the rank of a cabinet secretary. He shall be appointed by the President from the list of nominees submitted by the Philippine Institute of Statisticians.*

SEC. 5. Powers and Functions of Philstat. - The Commission for the Coordination of the Philippine Statistical Service shall be an independent government institution directly under the Office of the President and shall have the following powers and functions:

1. Prepare statistical policies;
2. Assume full responsibility for the coordination, promotion and development of the Philippine Statistical Service;
3. Prepare medium-term and annual statistical programs with appropriate budgetary requirements for submission to Congress;
4. Develop and prescribe the use of Philippine Statistical Standards and Classification System;
6. Issue statistical clearances;
7. Submit for consideration and approval of the President draft executive orders for the implementation of designated statistics;
8. Assume responsibility for the release or dissemination of designated statistics;
9. Accredite and classify private institutions undertaking statistical activities;
10. Accredite and approve sectoral and special statistics;

11. Appoint outpost national statistical officers in all national government offices, departments, constitutional offices, Bangko Sentral ng Pilipinas, the Supreme Court, House of Representatives and the Senate; and
12. Provide the environment for the promotion of statistical research and development.

SEC. 6. Organization of Philstat. – Philstat shall be composed of the Chairman and directors for finance and administration; program, coordination, clearance and accreditation; and statistical standards, classification system and information service.

The Chairman shall be assisted by two full time Associate Commissioners.

The Dean of the University of the Philippines Statistical Center (School of Statistics), President of the national organization of professional statisticians (Philippine Institute of Statisticians) and the Administrator of the Philippine Statistical Censuses and Survey Administration (PSCSA) shall sit as *ex-officio* Commissioners of Philstat and shall be entitled to representation and transportation allowance.

SEC. 7. Philippine Statistical Censuses and Survey Administration (PSCSA). – The PSCSA shall be responsible for all national censuses and surveys. It shall be headed by an Administrator who shall receive a compensation equivalent to that of a cabinet undersecretary and shall serve as an *ex-officio* Commissioner of Philstat. He shall be appointed by the President from among the nominees of the Philippine Institute of Statisticians and must be a Career Executive Service Officer I (CESO I). The Administrator shall be assisted by two Deputy Administrators who shall receive a compensation equivalent to that of an assistant secretary, and must be a Career Executive Service Officer II (CESO II).

SEC. 8. Organization. – The PSCSA shall consist of the following offices. Finance and Administration; Information Technology Management, Census and Survey Methodology; Agriculture and Resource Statistics; Population and Household Statistics; Physical and Institutional Statistics; Prices and Distributive Trade Statistics; and Regional, Provincial, City and District Offices.

SEC. 9. Powers and Functions of PSCSA. – The PSCSA shall have the following powers and functions:

1. Develop or conduct national censuses on population, agriculture, enterprises and establishments;
2. Develop or conduct national survey programs for the following:
 - a. agriculture, natural and physical resources;
 - b. households;
 - c. institutions; and
 - d. prices, income and distributive trade.
3. Develop or conduct such other national surveys, as may be required for socio-economic policies, plans and programs;
4. In coordination with the Statistical Research and Training Center (SRTC), conduct continuing research and development activities to improve the conduct of censuses, surveys and other applied statistical methods;
5. Assist Philstat in the development, conduct, processing and dissemination of designated statistics; and
6. Assist other government institutions in the conduct of primary data collection and processing activities for sectoral statistics.

SEC. 10. National Civil Registration Office(NCRO). - The National Civil Registration Office created under Act No. 3735 shall be administratively attached to Philstat. It shall be headed by a Civil Registrar General who must be a Career Executive Officer III and who shall be appointed by the Chairman of Philstat.

The Registrar General shall enforce all existing laws on civil registration, as well as its implementing rules and regulations.

The NCRO shall be primarily responsible for the orderly maintenance and safe-keeping of all civil registration records (births, deaths, marriages) and other vital statistics as may later on be defined by the State.

All fees collected from the issuance of official birth, death and marriage certificates and other documents shall be used for the promotion and improvement of

the Philippine Statistical Service. The income shall be allocated as follows: 40% to NCRO, 40% to SRTC's Endowment Fund, and 20% to augment PSCSA annual maintenance and operating expenses.

SEC. 11. Statistical Research and Training Center (SRTC) - The Statistical Research and Training Center, created under Executive Order No. 121, shall be attached to Philstat for purposes of policy coordination. It shall be headed by a Managing Director who shall be appointed by the Chairman of Philstat and who shall have the rank of an assistant secretary..

The SRTC shall have a Governing Board that shall formulate policies for its management and operations. The Chairman of Philstat shall be the chairman of the SRTC Governing Board with the following as members: Dean of the University of the Philippines School of Statistics, President of the Philippine Institute of Statisticians, Administrator of PSCSA, President of the Philippine Institute for Development Studies, a representative each from the National Economic Development Authority (NEDA), the Department of Science and Technology (DOST) and the Department of Budget and Management (DBM). The SRTC Managing Director shall serve as the Secretary of the Board.

The SRTC shall submit for the approval of Philstat an annual financial plan to support its research and training program. The approved financial plan shall be the basis for determining government contribution to finance its research and training activities. The same shall be included in the Philstat annual appropriation and shall be distinct from the SRTC Endowment Fund, as provided for in Executive Order No 121 and shall be managed under a separate account.

SEC. 12. Statistical Cells in Other Government Institutions - All government agencies shall establish statistical cells in their respective organizations depending on the *magnitude of statistical operations in the institution*. The statistical cell may be a staff bureau, or a division under the Planning Service or directly under the Office of the Secretary of the agency concerned..

Philstat shall assign at least one statistical officer in each national government executive office (department level), constitutional offices like the Commission on Audit (COA), Civil Service Commission (CSC), the Supreme Court, Bangko Sentral ng Pilipinas, House of Representatives and the Senate. The statistical officer shall be responsible for providing technical assistance to these institutions in order to ensure proper implementation of their respective components of the Philippine Statistical Program. The agency concerned may designate the statistical officer as concurrent *ex-officio* head of its statistical cells.

Local government units (LGUs) may establish their respective statistical cells and shall be responsible for the recruitment and appointment of statistical personnel to fill in the positions required. The Chief of the LGU statistical cells shall, however, comply with the reporting and monitoring requirements set by the Statistical Officer detailed with the Department of Interior and Local Government (DILG). Philstat may provide assistance in the formation of these cells and the recruitment of personnel.

SEC. 13. Rights and Obligations of Personnel - The executing agency and its personnel shall collect information necessary in carrying out activities for the Philippine Designated Statistics. The same right is guaranteed for activities under Sectoral Statistics provided that such sectoral statistics are explicitly included in the Philippine Statistical Program.

The executing agency and its personnel are obliged to observe the confidentiality of information proviso of this Act. Violators shall be penalized under Section 17 of this Act.

Government personnel assigned to collect information shall present their credentials and inform respondents about the protection on the confidentiality of information before conducting any statistical investigation. Failure to comply with this requirement shall be a valid ground for refusal to provide any information by a respondent.

The executing agency shall provide equal access to the information collected under the designated and sectoral statistics, subject to the confidentiality of information proviso of this Act.

SEC. 14. Respondents and Suppliers of Information- Individuals or institutions may refuse to act as respondents, except for activities covered by the Philippine Designated Statistics. Likewise, respondents have the right to refuse government statistical personnel who fail to fulfill the conditions specified in Section 13 hereof. However, respondents to designated statistics shall cooperate and provide the information being solicited. Failure to comply with this requirement shall be penalized under Section 17 of this Act.

SEC. 15. General Public. - The general public shall have the right to access results of designated, sectoral and special statistics published in the Philippine Statistical Gazette. They have the right to request Philstat and the responsible organization to certify the credibility of statistics published in the Philippine Statistical Gazette .

SEC. 16. Confidentiality of Information. – Any information which may violate the rights of individuals or institutions, as guaranteed by existing laws shall be treated with confidentiality. Any information provided by respondents to legal statistical investigations shall not be used as evidence in court or any other proceeding.

SEC. 17 . Penal Provisions – Any individual or officers of any institution who knowingly conduct censuses without express authorization from Philstat shall be punished by a maximum of two (2) years imprisonment and a fine of P200,000.00

The head of any institution who fails to report the results of special statistics to Philstat and willingly causes the dissemination of the same shall be penalized by a maximum of two (2) years imprisonment and a fine of P700,000. Repeated violation of this provision shall be a ground for the cancellation of the license or permit of the institution.

Executing agency found preventing any individual equal access to information shall be required to pay the aggrieved party the fine of P250,000. The head of the agency shall be suspended without pay for a maximum period of one (1) year.

Institutions found violating the provisions on confidentiality of information shall pay a fine of P 500,000. Any individual found violating the provision on confidentiality of information shall be penalized by a maximum imprisonment of six (6) months and a fine of P 250,000.

Respondents violating this provision shall be imprisoned for a maximum of one (1) year and six (6) months and a fine of P 250,000; If said respondent is an institution, its operation shall be suspended for ninety (90) days and a fine of P500,000; and

Individuals or officers of institutions preventing the conduct of designated statistics or making false representations shall be punished by a maximum imprisonment of five (5) years and fine of P1,000,000. The operation of the institutions shall be suspended for six (6) months.

SEC. 18. Transitory Provisions – The National Statistics Coordinating Board (NSCB) and the National Statistics Office (NSO) are hereby abolished and their respective functions and mandates shall be absorbed by Philstat and PSCSA. The personnel of these abolished institutions shall have the option to apply for retirement under existing laws on retirement or may avail of the retirement package provided for by this Act or apply for consideration under the plantilla of Philstat or PSCSA. Personnel opting for early retirement may not be re-employed in any government institution for at least three years.

Real property, buildings, equipment and other capital and financial assets of these institutions shall be transferred to Philstat or PSCSA following arrangement agreed upon by these institutions. Data holdings of NSO shall be transferred to PSCSA.

SEC. 19. Downsizing of the Bureau of Agricultural Statistics (BAS). - The major statistical survey activities of BAS are deemed absorbed by PSCSA. As such BAS is hereby downsized and renamed as Agricultural Statistics and Economic

Analysis Service(ASEAS) under the Office of Policy and Planning of the Department of Agriculture (DA). Its head shall be at least a Career Executive.

The personnel of BAS may opt to: (a) retire under existing laws on retirement or avail of the retirement benefits under this Act; (b) apply for consideration under the plantilla of Philstat or PSCSA; (c) seek to be retained under the new ASEAS; or (d) seek transfer to the other units of the Department Of Agriculture (DA) or other government institutions.

Retired employees may not be re-employed in any government institutions within three (3) years.

Real estate, buildings, equipment and other capital and financial assets deemed not relevant to the functions of the new ASEAS shall be transferred to Philstat/PSCSA. Data holdings shall be transferred to, and shared with PSCSA.

SEC. 20. Retirement Benefits. - Employees who want to retire as a result of the implementation of this Act may apply for retirement under the existing retirement laws. This Act shall also provide retirement package as follows: Service of ten (10) years or less, 1.25 months for every year of service, over 10 years, 1.75 months for every year of service.

SEC. 21. Appropriations. – The amount necessary to defray the costs of the initial implementation of this Act shall be taken from the available funds of the agencies concerned. Thereafter, such sum as may be needed for its full implementation shall be included in the next General Appropriation Act.

SEC. 22. Task Force. - A task force is hereby created to cause the implementation of the provisions of this Act. The task force shall consist of the President of the Philippine Statistical Association as Chair and the following as members: Secretary General of NSCB, Administrator of NSO, Director of BAS and Executive Director of SRTC.

The task force shall be charged with the following functions:

- prepare the organizational structure of Philstat and PSCSA;

- prepare qualification standards for the personnel to be submitted to Civil Service Commission for approval;
- review the qualifications of existing personnel of NSO, NSCB, and BAS, to determine who will be considered to fill up the positions at Philstat and PSCSA
- prepare the reprogramming of the unspent appropriations transferred to Philstat and PSCSA
- determine how real properties, buildings, equipment and other capital and financial assets could be distributed/shared between Philstat and PSCSA

SEC. 23. Report to Congress. - Within six months after the approval of this Act, the task force shall submit, for approval of the President, the Implementing Rules and Regulations. In the interim, and pending approval by the President on the Task force recommendations, the NSCB, NSO, SRTC and BAS shall continue to discharge their respective mandates. No personnel movement, except those scheduled for compulsory retirement, shall be allowed.

Pending establishment of a national organization of professional statisticians, the Philippine Statistical Association, Inc. shall constitute a search committee and draw up at least three (3) nominees each for the position of the Chairman of Philstat and Administrator of PSCSA for consideration of the President. PSA may likewise opt to include in the list nominees for the posts of two associate commissioners of Philstat and two deputy administrators of PSCSA.

SEC. 24. Separability. – If any part, section or provision of this Act shall be declared invalid or unconstitutional, no other parts, sections or provisions thereof shall be affected thereby.

SEC. 25. – Repealing Clause. – Executive Order No. 121 is hereby repealed. All other laws, decrees, ordinances, rules, regulations, other issuances, or parts thereof which are inconsistent with this Act, are hereby repealed or modified accordingly.

SEC. 26. Effectivity. - This Act shall take effect upon its approval.

Approved,