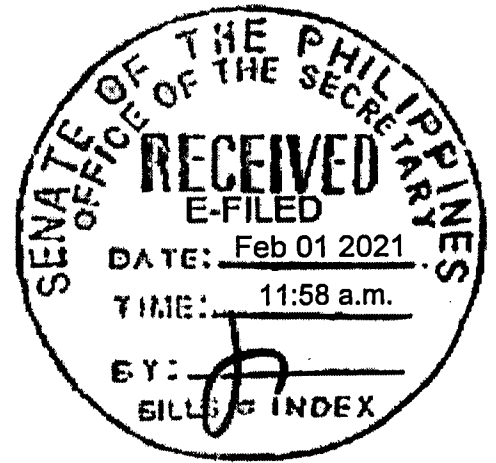


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 629

Introduced by SENATOR LEILA M. DE LIMA

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED DEPLETION OF THE PASSPORT REVOLVING FUND (PRF) OF THE DEPARTMENT OF FOREIGN AFFAIRS (DFA), WITH THE END VIEW OF PROMOTING GOOD GOVERNANCE BY IMPROVING GOVERNMENT TRANSPARENCY AND ACCOUNTABILITY .

1 WHEREAS, Article II, Section 27 of the Constitution mandates that “[t]he
2 State shall maintain honesty and integrity in the public service and take positive and
3 effective measures against graft and corruption”;

4 WHEREAS, Article II, Section 28 of the same declares, in part, that “[t]he
5 State adopts and implements a policy of full public disclosure of all its transactions
6 involving public interest;

7 WHEREAS, Article XI, Section 1 of the same is clear, “[p]ublic office is a
8 public trust. Public officers and employees must, at all times, be accountable to the
9 people...”;

10 WHEREAS, Section 86 of Republic Act No. 7157, otherwise known as the
11 “Philippine Foreign Service Act of 1991”, created the Department of Foreign Affairs
12 (DFA) Passport Revolving Fund (PRF);

13 WHEREAS, Section 17 of Republic Act No. 8239, otherwise known as the
14 “Philippine Passport Act of 1996”, provides that the PRF may utilized by the DFA “for
15 the improvement of its passporting and consular services and other Department
16 services **except travel and transportation allowances and expenses**”;¹

¹ Emphasis supplied.

1 WHEREAS, on 20 January 2021, DFA Secretary Teodoro Locsin Jr. informed
2 the public through his Twitter account that “@DFAPHL Our entire passport
3 revolving fund is gone; and we are in arrears to APO P388M for printing passport
4 booklets; apparently the fund was eaten up by travel allowances(huh?), insurance,
5 miscellany(what?). So bear with us until I find money to replenish the fund”;²

6 WHEREAS, in a subsequent statement tweeted a day later as a response to
7 Presidential Spokesperson Harry Roque’s pronouncement that the latter will bring
8 the matter up to Sec. Wendel E. Avisado of the the Department of Budget and
9 Management (DBM), Sec. Locsin assured that he will be “cutting off foreign travels”;

10 WHEREAS, Sec. Locsin’s revelation that the PRF was utilized for travel
11 allowances is a clear violation of the Philippine Passport Act of 1996 which prohibits
12 the use of PRF for travel and transportation allowances and expenses;

13 WHEREAS, the Commission on Audit’s Annual Audit Report on the DFA for
14 the year 2019 revealed that the DFA’s local Traveling Expenses was at ₱6,621, 264.72
15 in 2018 and ₱5,271,752.11 in 2019; while its foreign Traveling Expenses was at ₱598,
16 711,164.67 in 2018 and ₱510,913,609.62 in 2019;³

17 WHEREAS, the COA likewise flagged the failure to remit to the National
18 Treasury as of 31 December 2019 the interest earned from various accounts under
19 the PRF at the Home Office totaling ₱417,709.36, contrary to Section 65 of PD No.
20 1445, otherwise known as the “Government Auditing Code of the Philippines”,
21 thereby “depriving the government of additional funds to finance its
22 programs/projects”;⁴

23 WHEREAS, the COA report also noted the “[u]nderstatement of account
24 Information and Communications Technology Equipment under the Passport
25 Revolving Fund (PRF) by ₱16,964,130.56”;⁵

² ABS-CBN News. (21 January 2021). *Locsin: No more foreign travels to replenish DFA funds*. Retrieved 27 January 2021, from: <https://news.abs-cbn.com/news/01/21/21/locsin-no-more-foreign-travels-to-replenish-dfa-funds>

³ Commission on Audit. *Annual Audit Report on Department of Foreign Affairs for the Years Ended December 31, 2019 - Part 1: Notes to the Financial Statements*. Retrieved 27 January 2021, from: <https://www.coa.gov.ph/index.php/national-government-agencies/2019/category/8530-department-of-foreign-affairs>

⁴ *Ibid.*

⁵ *Id.*

1 WHEREAS, Article 220 of the Revised Penal Code states that “[a]ny public
2 officer who shall apply any public fund or property under his administration to any
3 public use other than for which such fund or property were appropriated by law or
4 ordinance shall suffer the penalty of *prision correccional* in its minimum period or a
5 fine ranging from one-half to the total of the sum misapplied, if by reason of such
6 misapplication, any damages or embarrassment shall have resulted to the public
7 service. In either case, the offender shall also suffer the penalty of temporary special
8 disqualification.” To give emphasis on the offensive nature of the technical
9 malversation, under the same provision, even if no damage or embarrassment to the
10 public service has resulted, there shall still be penalty of fine for the commission of
11 the illegal use of public funds or property;

12 WHEREAS, Article III, Section 7 of the Constitution enunciates the right of
13 citizens to have “[a]ccess to official records, and to documents and papers pertaining
14 to official acts, transactions, or decisions”, and states that “[t]he right of the people to
15 information on matters of public concern shall be recognized”;

16 WHEREAS, the public’s right to information demands for a full disclosure on
17 the true nature of the depletion of the PRF as a violation of law, especially when no
18 less than the very head of the DFA has exposed the questionable circumstances that
19 led to the dwindling thereof. This is a duty of the DFA under the Constitution, and it
20 must thus abide by it; otherwise the enjoyment of the constitutional right may be
21 rendered nugatory by any whimsical exercise of discretion;

22 WHEREAS, there is need to make a strong warning to the DFA, along with
23 other government agencies and GOCCs, against the utilization of public funds
24 contrary to their nature under the law, and in contravention of the provision of the
25 law;

26 WHEREAS, a thorough investigation on the depletion of the PRF which has
27 been particularly earmarked for specific purposes under the law must be made in
28 order to determine the validity of acts that led to the utilization thereof for purposes
29 other than that contemplated by the law, and to hold accountable those responsible
30 for the violation of law;

1 WHEREAS, as public accountability demands, the DFA must justify why they
2 opted to utilize the PRF for travel expenses when the law explicitly prohibits the
3 same;

4 WHEREAS, impugning the legality of the apparent misalignment of public
5 funds and misuse of the DFA PRF is necessary to determine the laws violated, those
6 who have perpetrated such violations, and to avoid a similar incident from occurring;

7 WHEREAS, the cutting off by the DFA of foreign travels without any serious
8 investigation that will look into the depletion of its PRF is not sufficient. At a time
9 when the public coffers are most fragile, it is imperative that a thorough investigation
10 into the consummation of the said acts that led to the depletion of the PRF be
11 conducted, and that a stern warning be given in order to prevent the repetition of the
12 wrongful disbursement of public funds, and the deflection of the same to any
13 improper purpose;

14 **NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY**
15 **RESOLVED**, directing the appropriate Senate Committee to conduct an inquiry, in
16 aid of legislation, on the reported depletion of the Passport Revolving Fund (PRF) of
17 the Department of Foreign Affairs (DFA), with the end view of promoting good
18 governance by improving government transparency and accountability.

Adopted,


BEILA M. DE LIMA