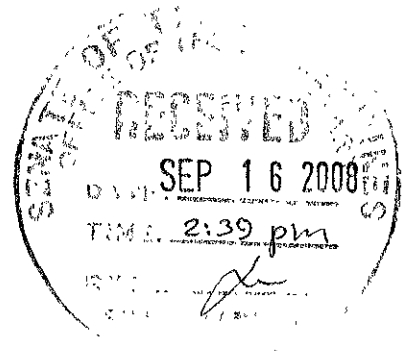


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

S. B. No. 2623



INTRODUCED BY THE HONORABLE MAR ROXAS

EXPLANATORY NOTE

The Constitutional right of citizens to information on matters of public concern cannot be overemphasized, especially if the information involves the use of their taxes.

The people's trust and confidence in the government greatly depends on the transparency of the state in its affairs, including Congress and its members, a matter which necessarily entails full public disclosure of official information. The need for transparency becomes even more relevant when it comes to matters relating to the national budget and public expenditure, from the time that the executive department proposes the national budget, P1.415 Trillion as proposed in 2009, through the national expenditure program until congress deliberates, amends and approves the same.

The recent controversy in the Senate involving a legislator's double entry or appropriation of Two Hundred Million Pesos (P200,000,000.00) per entry for one and the same road project brings to fore the necessity for transparency in making congressional amendments or insertions in either the national expenditure program as originally proposed by the executive department or the general appropriations bill as passed by the House of Representatives.

Congress has the so-called "power of the purse," but the exercise of this power should always be for the benefit of the people, not of the few who wield power. This bill, therefore, seeks to adopt and implement a policy of full public disclosure on all congressional insertions that eventually form part and parcel of the enacted general appropriations act. Specifically, this bill mandates that an insertion or insertions in the general appropriations bill, whether or not included in the enacted general appropriations act, introduced by a member of congress, be published in a newspaper of national circulation and that the same be posted in the websites of both the Senate and House of Representatives. Additionally, this bill also prohibits the following acts: (1) Self-serving appropriations or conflict-of-interest appropriations, which are those that directly or indirectly benefit the legislator's personal or private interest or properties; and (2) Double or multiple appropriations, which are two or more entries in the approved general appropriations act which refer to one and the same item of expenditure, program, project and/or purpose. Violation of any of the prohibited acts will create a prima facie basis for violations of the Anti-Graft and Corrupt Practices Act and Plunder Law, as the case may be, against the legislator concerned.

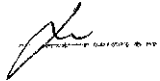
In view of the foregoing, approval of this bill is urgently sought.


M A R ROXAS
Senator

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

8 SEP 16 2008

SENATE

RECEIVED BY 

S. B. No. 2623

INTRODUCED BY THE HONORABLE MAR ROXAS

AN ACT

ENSURING TRANSPARENCY IN THE ENACTMENT OF THE GENERAL APPROPRIATIONS ACT BY MANDATING THE FULL DISCLOSURE OF THE NATURE, PURPOSE AND AMOUNTS OF CONGRESSIONAL INSERTIONS AND THE COMPLETE IDENTIFICATION OF ALL PROJECTS EMBRACED THEREIN, AND PROHIBITING THE ACTS OF SELF-SERVING APPROPRIATIONS AND APPROPRIATIONS OF THE SAME EXPENDITURE BY DOUBLE OR MULTIPLE ENTRIES IN THE GENERAL APPROPRIATIONS ACT AND FOR OTHER PURPOSES.

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Congressional Insertions*
2 *Transparency Act of 2008.*”

3 SEC. 2. *Declaration of Policy.* – The State adopts and implements a policy of full
4 disclosure of all its transactions involving public interests and recognizes the right of the people
5 to information on matters of public concern.

6 SEC. 3. *Scope and Application.* – This Act shall apply to all congressional insertions
7 introduced during the deliberations for the budget appropriations, either by individual
8 amendment or by committee amendment.

9 “Congressional insertions” shall refer to all amendments to the national expenditure
10 program or general appropriations bill, as the case may be, which a member or committee of
11 either house of congress shall propose or introduce during the deliberations on the same in
12 either the House of Representatives or the Senate or before the Bicameral Conference

1 Committee, and, which is not part of the said national expenditure program as originally
2 proposed by the executive department.

3 **SEC. 4. *Mandatory Disclosure and Publication.*** - Each member of Congress and/or any
4 of its respective Committees who seeks to introduce a congressional insertion/s in the general
5 appropriations of the national government for any fiscal year shall allow the full disclosure of
6 his or her congressional insertions through the appropriate office which, respectively, are the
7 Senate Committee on Finance and the House of Representatives Appropriations Committee,
8 in writing, upon written request of any party during office hours. The written disclosure
9 shall clearly state the name of the concerned legislator, nature, purpose and amount of such
10 appropriation/s and identify all the projects embraced therein.

11 Within twenty (20) days from the approval into law of the concerned General
12 Appropriations Act, a report summarizing all congressional insertions of every legislator that
13 were included in the said General Appropriations Act shall be published in two newspapers
14 of national circulation and shall be posted in the websites of the Senate and the House of
15 Representatives by the Senate Committee on Finance and the House of Representative
16 Committee on Appropriations. All proposed congressional insertions of every legislator that
17 were not approved shall also be included in the same report.

18 Any congressional insertion that has been approved but has not been properly
19 disclosed as provided in the immediately preceding paragraph shall be deemed void unless
20 jointly and duly certified as legitimate by the Senate Committee on Finance and House of
21 Representatives Appropriations Committee; *Provided*, however, that the said joint
22 certification must be issued within thirty (30) days from the publication and website posting
23 requirements as stated herein. Such void congressional insertion shall not in anyway affect
24 the validity of the other provisions of the budget appropriations.

1 SEC. 5. *Prohibition Against Self-Serving Appropriations or Appropriations in*
2 *Conflicts-of-Interest.* – Any congressional insertion proposed by any legislator that will
3 benefit the legislator’s personal or private interest or properties, directly or indirectly, and
4 included in the approved general appropriations act shall be considered as a self-serving
5 appropriation or an appropriation in conflict-of-interest. Such a congressional insertion shall
6 be deemed as void and without possibility of cure or ratification; *Provided*, however, that
7 this shall be without prejudice to any criminal and/or administrative charges that may be
8 filed against the said member of Congress particularly as imposed by the Anti-Graft and
9 Corrupt Practices Act.

10 In the event that the congressional insertion shall involve an amount exceeding Fifty
11 Million Pesos (P50,000,000.00), a prima facie basis for the charge of plunder as defined under
12 the Anti-Plunder Law shall be applicable and the Ombudsman shall immediately institute
13 the necessary charges.

14 *Sec. 6. Prohibition Against Double or Multiple Entries.* - Any congressional insertion
15 that proposes and results to double or multiple entries in the general appropriations act shall
16 be void, notwithstanding that such double or multiple entries may have been made by mere
17 inadvertence. Any double or multiple entries discovered shall be without prejudice to the
18 filing of the appropriate criminal and/or administrative charges against the legislator who
19 proposed such double or multiple entries in the general appropriations act.

20 In the event that the congressional insertion by double or multiple entries shall
21 involve an amount exceeding Fifty Million Pesos (P50,000,000.00), a prima facie basis for the
22 charge of plunder as defined under the Anti-Plunder Law shall be applicable and the
23 Ombudsman shall immediately prepare the necessary charges.

24 “Double or multiple entries” shall refer to two or more entries in the approved
25 general appropriations act which refer to one and the same item of expenditure, program,

1 project and/or purpose, notwithstanding the variance in the name or description of the item,
2 for as long as the amount relates to the same item expenditure, program, project and/or
3 purpose.

4 **SEC. 7. *Separability Clause.*** – If, for any reason, any part or provision of this Act is
5 declared invalid, such declaration shall not affect the other provisions of this Act.

6 **SEC. 8. *Repealing Clause.*** – All laws, decrees, executive orders, issuances, rules or
7 regulations or parts thereof, which are inconsistent with the provisions of this Act, are
8 hereby deemed repealed, amended or modified accordingly.

9 **SEC. 9. *Effectivity.*** – This Act shall take effect immediately after its publication in two
10 (2) national newspapers of general circulation.

Approved,