

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

OFFICE OF THE SECRETARY

10 JUL 20 11:31

SENATE
S. No. 1661

RECEIVED BY: *DS*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 28 states:

Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

Lobbying activities are being carried out today in the Philippines and greatly influence the government's policy decisions and even the creation of laws by the legislature. While the records of the deliberations of the Senate and the House of Representatives are open to the public, the behind-the-scenes negotiations are not. The numerous Senate and House hearings investigating the suspected anomalous deals of the government are proof of public distrust in the way that government transactions are concluded. Hence, it is equally, if not more important that lobbying activities be made public in order to restore the people's trust and confidence in the government and to ensure that openness, honesty, and integrity form the basis of dealings between Members of Congress and lobbyists.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
DS

¹ This bill was originally filed during the Fourteenth Congress, First Regular session.

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SENATE
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1 AN ACT
2 PROVIDING FOR THE DISCLOSURE OF LOBBYING ACTIVITIES

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

3 SECTION 1. *Short Title.* - This Act may be cited as the Lobbying Accountability Act.

4 SECTION 2. *Declaration of Policy.* - It is the policy of the State to enhance public
5 confidence in the integrity of public office and the decision-making process in government by
6 implementing a policy of full public disclosure of all its transactions involving public interest.

7 SECTION 3. *Lobbying activity defined.* -For the purposes of this Act, but subject to this
8 section, lobbying activity means:

9 (1) Any oral or written communication (including an electronic communication) with a
10 public official intended to influence:

- 11 a) the development of any legislative proposal by the government or by a member of either
- 12 House of Congress; or
- 13 b) the introduction of any bill in either House of Congress or the passage or amendment of
- 14 any bill that is before either House of Congress; or
- 15 c) the making or amendment of any delegated legislation; or
- 16 d) introduction of or change to any government policy or program; or
- 17 e) the exercise of any authority or power conferred under a written law; or
- 18 f) the expenditure of public money.

19 (2) Lobbying activity does not include oral or written communication (including an
20 electronic communication) that is:

- 1 a) made by a public official, an agency, or any other person holding office under a written
2 law in his, her or its official capacity; or
- 3 b) made on behalf of the government; or
- 4 c) made on behalf of the government of a foreign country; or
- 5 d) constituted by any application required or authorized by a written law; or
- 6 e) made in response to a written request from a public official acting in his or her official
7 capacity; or
- 8 f) made by a representative or employee of a media organization for the purposes of
9 gathering and disseminating news and information to the public; or
- 10 g) made in a speech, article, publication or other material that is distributed and made
11 available to the public, or through radio, television, or other medium of mass
12 communication: or
- 13 h) made in a petition to either House of Congress or in evidence or submissions to a
14 committee of either of those Houses, or a joint committee of both Houses of Congress; or
- 15 i) made in the course of any judicial proceedings.

16 (3) Lobbying activity does not include arranging or attending a meeting with a public
17 official:

- 18 a) that is open to members of the public; or
- 19 b) by a representative or employee of a media organization for the purposes of gathering and
20 disseminating news and information to the public.

21 SECTION 4. *Requirement of Registration.* –

22 (1) A person or group engaged in lobbying activities must register with the Securities and
23 Exchange Commission setting out the information referred to in subsection (2) below.

24 (2) A registration lodged in accordance with subsection (1) must be notarized and shall set out
25 the following information in relation to all of the lobbying activity carried out by the lobbyist:

- 26 a) the name and business address of the lobbyist;
- 27 b) the name and business address of the employer or the person in whose behalf the
28 lobbying activity is carried out;

- 1 c) if the employer is a corporation, the name and business address of any related entity of
2 the employer that, to the knowledge of the lobbyist, has a direct interest in the outcome of
3 the lobbying activity;
- 4 d) any other person that, to the knowledge of the lobbyist, has a direct interest in the
5 outcome of the lobbying activity;
- 6 e) a description in summary form of the employer's business or activities and such other
7 information to identify the nature of the employer's business or activities as is prescribed;
- 8 f) a description, in summary form, of the subject matter of the lobbying activity, and such
9 other information regarding the subject matter as is prescribed;
- 10 g) particulars to identify any legislative proposal, bill, delegated legislation, policy,
11 program, authority, power or expenditure to which the lobbying activity related;
- 12 h) the names and designations of the public officials in relation to whom lobbying activity
13 was directed;
- 14 i) such other information in relation to the lobbying activity as is prescribed.

15 (3) The Commissioner may, on the application of a lobbyist, extend the time within which the
16 registration required by subsection (1) must be made by not more than fourteen (14) days.

17 SECTION 5. *Establishment of register of lobbying activities.* -

18 (1) The Commissioner must compile and maintain a register to be called the Register of
19 Lobbying Activity.

20 (2) The register is to comprise all of the information set out in returns lodged under this Act.

21 (3) The register may be compiled in such manner and form as the Commissioner considers
22 convenient, except that the register must be available and up-to-date for inspection.

23 (4) The register must be open to inspection by any person at such place and at such reasonable
24 times as the Commissioner may determine.

25 SECTION 6. *Appropriations.* - There shall be authorized to be appropriated such
26 amounts as necessary to carry out the provisions of this Act.

27 SECTION 7. *Separability Clause.* - If any provision, or part hereof, is declared invalid or
28 unconstitutional, the remainder of the law not otherwise affected shall remain valid and
29 subsisting.

1 SECTION 8. *Repealing Clause.* - Any law, presidential decree or issuance, executive
2 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
3 with, the provisions of this Act, are hereby modified, repealed, or amended accordingly.

4 SECTION 9. *Effectivity Clause.* -This Act shall take effect fifteen (15) days after its
5 publication in at least two (2) newspapers of general circulation.

6 Approved.