

Fifteenth Congress of the Republic)
of the Philippines)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

10 JUL 29 P3:28

SENATE
S.B. No. 2196

RECEIVED BY: 

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

Section 7, Article III of the 1987 Constitution mandates the right of the people to information on matters of public concern. People should be afforded 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.

It is a common practice by our government, its subdivisions, agencies and instrumentalities, including government-owned and controlled corporations or their subsidiaries, to hire foreign consultants in government programs and projects which require the expertise not available locally.

This bill seeks to recognize and strengthen the people's constitutional right to be informed by mandating a full disclosure of the identity, nature of work and compensation of foreign consultants hired by the government, its subdivisions, agencies, instrumentalities, including government-owned and controlled corporations or their subsidiaries.

It is the foremost intention of this bill to ensure transparency in all government transactions and decisions. In the said event, the people has the right to be informed regarding the identity of these foreign consultants and nature of the services they are rendering to make sure that indeed their services are indispensable and that our local experts are not equally capable. Since public funds are being utilized to pay for the consultancy fees, the people has the right to be informed how much is being spent for these foreign consultants.

It is with this view that immediate approval of this bill is earnestly sought.

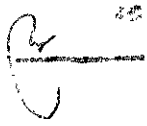

RAMON BONG REVILLA, JR.

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**AN ACT REQUIRING ALL BRANCHES, SUBDIVISIONS,
INSTRUMENTALITIES AND AGENCIES OF THE GOVERNMENT, INCLUDING
GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS
OR THEIR SUBSIDIARIES TO DIVULGE THE IDENTITY OF HIRED
FOREIGN CONSULTANTS, THE NATURE OF THEIR WORK AND THEIR
COMPENSATION, PERKS AND OTHER PRIVILEGES, AND PROVIDING
PENALTIES IN CASE OF VIOLATION THEREOF**

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

SECTION 1. Declaration of Policy. - It is hereby the policy of the State to adopt and implement full disclosure of all its transactions, pursuant to the principle of transparency in public office and the constitutional mandate to make available to the people all information on matters of public concern.

SECTION 2. Definition. - Foreign consultant refers to a national of another State who renders certain services to the Government.

SECTION 3. Disclosure Requirement. - All heads of branches, subdivisions, instrumentalities and agencies of the Government, including government-owned and controlled corporations or their subsidiaries shall, within six (6) months from the effectivity of this Act, provide Congress in writing and under oath the following:

- a. The identity of any foreign consultant hired or retained by their respective offices;
- b. The foreign consultant's nature of work including the compensation, honoraria, fees, financial or other benefits or remuneration received by the said foreign consultant;
- c. The terms and conditions of the consultancy agreement entered into by the Government office, specifying therein the particular services that the consultant is expected to perform.

SECTION 4. Publication. - The Office of the Executive Secretary shall maintain a centralized data-file of all foreign consultants hired by the government, its agencies, bureaus, instrumentalities, including government-owned and controlled corporations. In January of every year, the Office of the Executive Secretary shall cause the publication of the list of foreign consultants hired or retained by the Government, whether for the full year or for only a part thereof, in at least two (2) newspapers of general circulation.

SECTION 5. Penal Clause. - The head of any branch, subdivision, instrumentality and agency of the government, including government-owned and controlled corporation or its subsidiary that violates Sections 3 and 5 of this Act shall be punished by a fine of not less than Fifteen Thousand Pesos (P15, 000.00) but not more than Sixty Thousand Pesos (P60, 000.00) and imprisonment of not less than six (6) years or both at the discretion of the court. Those convicted shall be perpetually disqualified from holding public office. Upon conviction by the proper regional trial court, the official convicted shall likewise be suspended immediately from office and shall remain suspended pending the final outcome of any appeal he or she shall have taken in the case.

SECTION 6. Repealing Clause. - All laws, executive orders, rules and regulations contrary to the provisions of this Act are hereby repealed or modified accordingly.

SECTION 7. Separability Clause. - If any provision of this Act is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 8. Effectivity Clause. - This Act shall take effect immediately following its publication in two (2) national newspapers of general circulation or in the Official Gazette, whichever takes place earlier.

Approved,