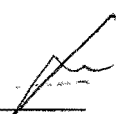


SENATE
P.S. RES. NO. **1395**

RECEIVED BY 

Introduced by Senator Manny B. Villar

RESOLUTION

RECOMMENDING TO THE EXECUTIVE DEPARTMENT THE CONDUCT OF A FEASIBILITY STUDY ON UTILIZING A PORTION OF THE SAVINGS AND/OR EXCESS INCOME REALIZED BY ALL THE DEPARTMENTS, AGENCIES, BUREAUS AND GOVERNMENT OWNED AND CONTROLLED CORPORATIONS TO DISASTER RELIEF OPERATIONS AND OTHER HELP-APPROACHES WITH THE END VIEW OF HELPING AFFECTED CITIZENS BY TYPHOON 'ONDOY' AND OTHER CALAMITIES

Whereas, Sec. 25(5), Article VI of the 1987 Constitution states that "No law shall be passed authorizing any transfer of appropriations; however, the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions may, by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations";

Whereas, Sec. 59. of the General Appropriations Act for fiscal year 2009 or Republic Act 9524 states that "Use of Savings. The President of the Philippines, the Senate President, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, the Heads of Constitutional Commissions enjoying fiscal autonomy, and the Ombudsman are hereby authorized to augment any item in this Act from savings in other items of their respective appropriations";

Whereas, Sec. 61. of the same General Appropriations Act for fiscal year 2009 further states that "Priority in the Use of Savings. In the use of savings, priority shall be given to the augmentation of the amounts set aside for compensation, year-end bonus and cash gift, retirement gratuity, terminal leave benefit, old-age pension of veterans and other personnel benefits authorized by law, and those expenditure items authorized in agency special provisions, in Section 17 and in other sections of the General Provisions of this Act";

Whereas, Sec. 44 of Presidential Decree 1177 provides "Authority to Approve Fund Transfers. The President shall have the authority to transfer any fund appropriated

for the different departments, bureaus, offices and agencies of the Executive Department which are included in the General Appropriations Act, to any program, project, or activity of any department, bureau or office included in the General Appropriations Act or approved after its enactment. The President shall, likewise, have the authority to augment any appropriation of the Executive Department in the General Appropriations Act, from savings in the appropriations of another department, bureau, office or agency within the Executive Branch, pursuant to the provisions of Article VIII, Section 16 (5) of the Constitution”;

Whereas, Section 45 of the said law also provides “*Authority to Use Savings in Appropriations to Cover Deficits*. Except as otherwise provided in the General Appropriations Act, any savings in the regular appropriations authorized in the General Appropriations Act for programs and projects of any department, office or agency, may, with the approval of the President, be used to cover a deficit in any other item of the regular appropriations: provided, that the creation of new positions or increase of salaries shall not be allowed to be funded from budgetary savings except when specifically authorized by law: provided, further, that whenever authorized positions are transferred from one program or project to another within the same department, office or agency, the corresponding amounts appropriated for personal services are also deemed transferred, without, however increasing the total outlay for personal services of the department, office or agency concerned”;

Whereas, from the foregoing provisions, the President of the Philippines is given the power to transfer funds and use savings from appropriations to cover deficits;

Whereas, according to reports over 334,959 families with over two million persons were already affected by typhoon ‘Ondoy’;

Whereas, the government has placed Metro Manila and 25 provinces under state of calamity;

Whereas, the latest estimated damage of typhoon ‘Ondoy’ is at 4.6 billion pesos;

Whereas, despite being able to tap the Calamity fund, the government still sought the help from the international community showing that the country is still in dire need of funds to help the affected citizens;

Whereas, there are reports that some departments, bureaus, agencies and government owned and controlled corporations reported savings from their appropriations for the fiscal year of 2008; Now therefore be it

RESOLVED AS IT IS HEREBY RESOLVED, to recommend to the Executive Department the conduct of a feasibility study on utilizing a portion of the savings and/or excess income realized by all the departments, agencies, bureaus and government

owned and controlled corporations to disaster relief operations and other help-approaches with the end view of helping affected citizens by the typhoon 'Ondoy' and other calamities

Adopted,



MANNY B. VILLAR