

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



13 JUL 18 P3 57

SENATE
S. No. 930

RECEIVED BY: *ja*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 12, Section 12 provides:

SEC. 12. The State shall promote the preferential use of Filipino labor, domestic materials, and locally produced goods, and adopt measures that help make them competitive.

To implement this provision, government should promote the use of Philippine-made products, materials, and supplies in every contract for the construction, alteration, or repair of any public building or public work.

This bill seeks to achieve such goal by blacklisting contractors and subcontractors who fail to use Philippine-made products, materials, and supplies.*

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

MS

* This bill was originally filed during the Thirteenth Congress, First Regular Session.



Senate
Office of the Secretary

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1 AN ACT
2 REQUIRING THE USE OF PHILIPPINE MATERIALS IN CONTRACTS FOR PUBLIC
3 WORKS
4

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

5 SECTION 1. *Short Title.* – This Act shall be known as “The Preference for Philippine
6 Materials in Public Contracts Act.”

7 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the use of
8 Philippine-made products by requiring the use of Philippine materials in contracts for the
9 construction, alteration, or repair of any public building or public work.

10 SECTION 3. *Definition of Terms.* – For the purpose of this Act, the terms “contractor”
11 and “subcontractor” include any person performing architectural, engineering, and other services
12 directly related to the preparation for or performance of the construction, alteration, or repair of
13 any public building or public work in the Republic of the Philippines.

14 SECTION 4. *Requirements for the Use of Philippine Materials.* – Every contract for the
15 construction, alteration, or repair of any public building or public work in the Republic of the
16 Philippines shall contain a provision that in the performance of the work, the contractors,
17 subcontractors, materialmen, and/or suppliers, shall use only such articles, materials, and
18 supplies as have been produced in the Republic of the Philippines, or substantially all from
19 articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the

1 Republic of the Philippines; *Provided however*, that if the head of the government agency
2 making the contract shall find that in respect to some particular articles, materials, or supplies, it
3 is impracticable to make such requirement as it would unreasonably increase the costs, an
4 exception shall be noted in the specification as to that particular article, material, or supply, and a
5 public record made of the findings which justified the exception.

6 SECTION 5. *Blacklisting*. – If the head of the government agency which has made any
7 contract containing the provision required by Section 4 of this Act finds that in the performance
8 of such contract there has been a failure to comply with such provision, he or she shall make
9 public his or her findings, including therein the names of the contractors and/or subcontractors
10 obligated under such contract. Such contractors and/or subcontractors shall be blacklisted from
11 any contract providing for the construction, alteration, or repair of any public building or public
12 work in the Republic of the Philippines for a period of three (3) years after the finding is made
13 public.

14 SECTION 6. *Separability Clause*. – If any provision or part hereof is held invalid or
15 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
16 valid and subsisting.

17 SECTION 7. *Repealing Clause*. – Any law, presidential decree or issuance, executive
18 order, letter of instruction, administrative order, rule, or regulation contrary to or is inconsistent
19 with the provision of this Act is hereby repealed, modified, or amended accordingly.

20 SECTION 8. *Effectivity Clause*. – This Act shall take effect fifteen (15) days after its
21 publication in at least two (2) newspapers of general circulation.

Approved,