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SENATE

P. S. R. NO. 357

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INTRODUCED BY SENATOR JOSEPH VICTOR G. EJERCITO

RESOLUTION
APPEALING TO THE SUPREME COURT OF THE PHILIPPINES
TO LIFT THE TEMPORARY RESTRAINING ORDER ISSUED
ENJOINING THE RELEASE AND USE OF THE REMAINING
PRIORITY DEVELOPMENT ASSISTANCE FUNDS (PDAF)
ALLOCATED TO MEMBERS OF CONGRESS UNDER THE
GENERAL APPROPRIATIONS ACT OF 2013 FOR THE SAID
FUNDS TO BE AVAILABLE AND BE USED FOR THE RELIEF,
RESCUE AND REHABILITATION OF THE AREAS AFFECTED BY
DISASTROUS CALAMITIES

WHEREAS, various petitions have been filed before the Supreme Court of the Philippines praying for the declaration of the Priority Development Assistance Funds (PDAF) as unconstitutional.¹

WHEREAS, on September 10, 2013, the Supreme Court, acting on the aforesaid petitions, resolved to issue a Temporary Restraining Order enjoining the Department of Budget and Management, the National Treasurer, the Executive Secretary, or any persons acting under their authority from releasing the remaining PDAF allocated to members of Congress under the General Appropriations Act of 2013.

WHEREAS, member of the Senate of the Philippines adopted a resolution waiving their right to use their remaining 2013 PDAF allocations and push for the use of said amount for the speedy post-disaster recovery, reconstruction, and rehabilitation of the affected provinces in the aftermath of the devastating calamities that confronted the country.²

¹ *Social Justice Societe, et al., vs. Honorable Franklin Drilon, et al., G. R. No. 208493; Greco Antonious Bada B. Belgica, et al., vs. Hon. Executive Secretary Paquito N. Ochoa, et al., G. R. No. 208566; Pedrito M. Nepomuceno vs. President Benigno Simeon C. Aquino III, et al., UDK14951.*

² *Adopted Resolution No. 14, Senate of the Philippines*

WHEREAS, considering the waiver made by the members of the Senate, their PDAF allocations are now considered savings.

WHEREAS, even assuming the Supreme Court will decide and declare the PDAF as unconstitutional, the remaining PDAF allocations will also be considered savings.

WHEREAS, whether PDAF be declared by the Supreme Court as constitutional or unconstitutional, it will be treated and considered as savings by the Philippine Government.

WHEREAS, under the General Appropriations Act of 2013, Savings refer to portions or balances of any programmed appropriation in this Act free from any obligation or encumbrance which are: (i) still available after the completion or final discontinuance or abandonment of the work, activity or purpose for which the appropriation is authorized; (ii) from appropriations balances arising from unpaid compensation and related costs pertaining to vacant positions and leaves of absence without pay; and (iii) from appropriations balances realized from the implementation of measures resulting in improved systems and efficiencies and thus enabled agencies to meet and deliver the required or planned targets, programs and services approved in this Act at a lesser cost.³

WHEREAS, savings in the appropriations provided in the General Appropriations Act may be used for the repair, improvement and renovation of government buildings and infrastructure and other capital assets damaged by natural calamities.⁴

WHEREAS, Philippines suffered disastrous natural and man-made calamities that caused the devastation and destruction of the lives of the Filipino people; Lives had been lost, houses were shattered, roads, bridges and other infrastructure have been damaged.

WHEREAS, the extent of damage by Typhoon Santi suffered by the people in the provinces of Pangasinan, Isabela, Nueva Ecija and Bulacan, by the Zamboangeño due to Zamboanga seige, the 7.2 Intensity Earthquake suffered by people in Central Visayas particularly Bohol and Cebu, and most recently, by the super typhoon Yolanda experienced by the people in Bicol Region, Visayas, more particularly Eastern Visayas, are overwhelming.

³ Sec. 53, R.A. 10352, General Appropriations Act for the Fiscal Year 2013;

⁴ Sec. 49 (10), Executive Order No 292, Administrative Code of 1987

WHEREAS, despite the allocated calamity funds and financial aid extended by the international community, there is a necessity for a sufficient amount for the effective relief and rehabilitation of the areas battered by the catastrophic natural calamities.

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED by the Senate, to appeal to the Supreme Court of the Philippines to lift the Temporary Restraining Order issued to the remaining 2013 Priority Development Allocation Program allocated to the members of the Senate of the Philippines and allow the release and use of the said portions for the relief, rescue and rehabilitation of the affected areas due to the destructive natural and man-made calamities.

ADOPTED,

A handwritten signature in black ink, appearing to read 'J. Ejercito', with a horizontal line extending to the left of the first letter.

JOSEPH VICTOR G. EJERCITO