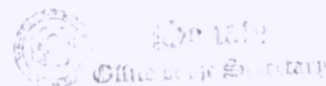


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE

S. No. 890



19 AUG 13 09:23

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT

REQUIRING ALL BRANCHES, SUBDIVISIONS, INSTRUMENTALITIES, AND AGENCIES OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED OR 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

EXPLANATORY NOTE

On December 2017, the Department of Labor (DOLE) released the revised rules for the issuance of employment permits to foreign nationals which took effect immediately.¹ Under Department Order No. 18, signed by Labor & Employment Secretary Silvestre Bello III on 16 November 2017, foreign nationals who are excluded from securing an Alien Employment Permit (AEP) shall obtain a Certificate of Exclusion from the DOLE Regional Office having jurisdiction over their intended place of work. However, there is still no law allowing the Filipino citizens to have a transparency view regarding the monetary privileges of the foreign consultants hired by the government, or full disclosure in knowing whether or not it was a must to hire these foreign consultants instead of the Filipino experts who may be needing jobs.

According to Section 7, Article III of the 1987 Constitution, "The right of the people to information on matters of public concern shall be recognized. 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

¹DOLE revised rules on employment of foreign nationals, Retrieved from:
"<https://pia.gov.ph/news/articles/1002918>"

development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

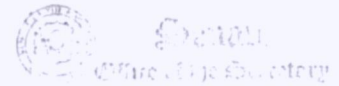
In line with the cited constitutional provision, this bill seeks to require full disclosure of the identity, nature of work, and compensation of foreign consultants hired or retained by the Philippine government, its agencies, instrumentalities, including government-owned or-controlled corporations.

In view of the foregoing, the passage of this bill into law is earnestly sought.


RAMON BONG REVILLA, JR.

SENATE

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REQUIRING ALL BRANCHES, SUBDIVISIONS, INSTRUMENTALITIES, AND AGENCIES OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED OR 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:

1 Section 1. *Declaration of Policy.* – It is hereby declared a policy of the State to
2 adopt and implement full public disclosure of all its transactions, pursuant to the
3 principle of transparency in public office and the constitutional mandate to make
4 available to the people all information on matters of public concern.

5 Sec. 2. *Definition.* – Foreign consultants refer to a national of another State
6 who renders certain services to the Government or any controlled corporation in the
7 Philippines.

8 Sec. 3. *Objectives.* – The objectives of this bill are as follows:

- 9 1. The public be informed of how much money is being used to pay the
10 foreign consultants hired by the Government.
11 2. Transparency for the public to know whether or not the consultancy fees
12 paid to the foreign consultants are commensurate with the benefits that
13 the Government is supposed to get from such contracts.
14 3. People be appraised whether or not the services of these consultants
15 are indispensable and cannot be rendered by our own local experts.

1 4. People's basic right to know who are providing expert advice and support
2 to the Government be fully accorded to them.

3 *Sec. 4. Disclosure Requirement.* – - All heads of branches, subdivisions,
4 instrumentalities, and agencies of the Government, including government-owned or -
5 controlled corporations or their subsidiaries shall, within six (6) months from the
6 effectivity of this Act, provide Congress in writing and under oath the following:

7 a. the identity of any foreign consultant hired or retained by their respective
8 offices;

9 b. the foreign consultant's nature of work including the compensation,
10 honoraria, fees, financial or other benefits or remuneration received by the said foreign
11 consultant; and,

12 c. the terms and conditions of the consultancy agreement entered into by the
13 Government office, specifying therein the particular services that the consultant is
14 expected to perform.

15 *Sec. 5. Publication.* – The Office of the Executive Secretary shall maintain a
16 centralized data-file of all foreign consultants hired by the government, its agencies,
17 bureaus, instrumentalities, including government-owned or -controlled corporations.
18 In January of every year, the Office of the Executive Secretary shall cause the
19 publication of the list of foreign consultants hired or retained by the Government,
20 whether for the full year or for only a part thereof, in at least two newspapers of
21 general circulation.

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

1 *Sec. 7. Repealing Clause.* — All laws, executive orders, rules and regulations
2 contrary to the provisions of this Act are hereby repealed or modified accordingly.

3 *Sec. 8. Separability Clause.* If any provision of this Act is declared
4 unconstitutional or invalid, the other provisions not affected thereby shall remain in
5 full force and effect.

6 *Sec. 9. Effectivity Clause.* This Act shall take effect immediately following its
7 publication in two (2) national newspapers of general circulation or in the Official
8 Gazette, whichever takes place earlier.

9
10 *Approved,*