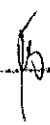


FOURTEENTH CONGRESS OF THE  
REPUBLIC OF THE PHILIPPINES  
*First Regular Session*

SENATE  
OFFICE OF THE SECRETARY

} 7 JUL -3 P6:12  
}

SENATE

RECEIVED BY: 

S. B. No. 900

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Introduced by SENATOR EDGARDO J. ANGARA

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**EXPLANATORY NOTE**

Consistent with the policy of the State to ensure full public disclosure of all its transactions involving public interest, this bill seeks to require full disclosure of the identity, nature of work, and compensation of foreign consultants hired or retained by the Government, its agencies, instrumentalities, including government – owned or – controlled corporations (GOCCs) and their subsidiaries.

There are three (3) main objectives of this bill:

- First,* That the public's basic right to know who are providing expert advice and support to the government be fully accorded them;
- Second,* That the public be appraised if the services for which the consultants are being sought are indeed indispensable and cannot be rendered by our local experts; and
- Third,* That the public be informed of the money being spent from the national coffers to pay consultants hired by the Government.

Transparency, in all its forms, must be given upper-hand in the government. Relative to the bill, this is needed so that the public will know whether or not the consultancy fees paid to these consultants are commensurate with the benefits that the Government is supposed to get from such consultancy contracts.

Approval of this bill, therefore, is earnestly sought.

  
EDGARDO J. ANGARA  
Senator

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**AN ACT REQUIRING ALL BRANCHES AND AGENCIES OF THE  
GOVERNMENT, INCLUDING GOVERNMENT-OWNED OR  
CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES TO  
DISCLOSE THE IDENTITY OF THEIR 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. *Short Title.*** This Act shall be known as the “*Foreign*  
2 *Consultants’ Disclosure Act of 2007.*”

3  
4           **SECTION 2. *Declaration of Policy*** ~ It is hereby declared the policy  
5 of the State to adopt and implement full public disclosure of all its  
6 transactions, following the constitutional mandate to make available to the  
7 people all information on matters of public concern.

8           Towards this end, it shall be the purpose and policy of this Act,  
9 pursuant to the principle of transparency in public office, to regulate the  
10 activities of foreign consultants and to require their registration and the  
11 disclosure of the nature of their work and their compensation and other  
12 privileges, so that the government and the people of the Philippines may be  
13 informed of their identity and may appraise their actions.

14  
15           **SECTION. 3. *Definition*** ~ For purposes of this Act:

16           a) “*Foreign consultants*” shall refer to a national of another State  
17 who render services to the Philippine Government.

18  
19           **SECTION. 4 *Disclosure Requirement*** ~ All heads of branches,  
20 subdivisions, instrumentalities, and agencies of the Government, including  
21 government-owned or controlled corporations (GOCCs) or their subsidiaries

1 shall, within six (6) months from the effectivity of this Act, provide the  
2 Department of Budget and Management (DBM), in writing and under oath,  
3 the following :

- 4 a. The name, principal address, and all other principal business or  
5 residential addresses in the Philippines, of the foreign consultant hired  
6 or retained by their respective government office;
- 7 b. The compensation to be paid, if any, and the form and manner of such  
8 compensation, including *honoraria*, fees, financial or other benefits or  
9 privileges;
- 10 c. A copy of the contract / s of employment, or in the absence thereof, a  
11 full statement of the terms and conditions under which such foreign  
12 national acts or agrees to act as consultant, entered into by the  
13 Government office;
- 14 d. The date when such contract or each of such contracts was made, the  
15 date of commencement of activity thereunder and the period during  
16 which such contract or each of such contracts is to be in effect;
- 17 e. Such other statements, information or documents as the DBM for  
18 purposes of this Act may, from time to time , require;
- 19 f. The termination of the status of the foreign agent shall not relieve him  
20 from his obligation to file a registration statement in accordance with  
21 this Act for the period during which he was such an agent.

22  
23 **SECTION. 5 *Publication*** ~ The Department of Budget and  
24 Management (DBM) shall maintain a centralized data-file of all foreign  
25 consultants hired by the government, its agencies, branches,  
26 instrumentalities, including government-owned or controlled corporations or  
27 their subsidiaries. Every January of each year, the DBM shall cause the  
28 publication of the list of foreign consultants hired or retained by the  
29 Government, whether for the full year or for only a part thereof, in at least  
30 two (2) newspapers of general circulation.

31  
32 **SECTION. 6. *Penal Clause*** ~ The head of any branch, subdivision,  
33 instrumentality, and agency of the government, including a government-  
34 owned or controlled corporation or its subsidiary that violates Sections 3 and  
35 5 of this Act shall be punished by a fine of not less than Fifteen Thousand  
36 Pesos (P30,000.00) but not more than Sixty Thousand Pesos (P120,000.00)

1 and imprisonment of not less than six (6) years or both at the discretion of  
2 the court. Those convicted shall be perpetually disqualified from holding  
3 public office. Upon conviction by the Regional Trial Court, the official  
4 convicted shall immediately be suspended from office and shall remain  
5 suspended pending the final outcome of any appeal he or she shall have  
6 taken in the case.

7  
8 **SECTION. 7. *Repealing Clause*** – All laws, executive orders, rules  
9 and regulations contrary to the provisions of this Act are hereby repealed or  
10 modified accordingly.

11  
12 **SECTION. 8. *Separability Clause*** ~ If any provision of this Act is  
13 declared unconstitutional or invalid, the other provisions not affected shall  
14 remain in full force and effect.

15  
16 **SECTION. 9. *Effectivity Clause*** ~ This Act shall take effect  
17 immediately following its publication in the Official Gazette or in two (2)  
18 newspapers of general circulation, whichever come first.

19  
20 *Approved,*