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10 JUL -7 AM '09

SENATE

Senate Bill No. 575

RECEIVED BY: 

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

The Constitution provides under Article II, Section 28 that subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full disclosure of all its transaction involving public interest.

Despite the Constitutional guarantee and its affirmation in a number of Supreme Court decisions, we are not unaware of the wanton violation by many government agencies of the right of Filipinos to information of public interest and concern. Allegations of overpricing and speculation in budgetary allocations for infrastructure development abound as the General Appropriations Act of 2009 is being deliberated in Congress. Among the most controversial items are payments for the expropriation of lands for government infrastructure projects.

Republic Act No. 8974, which provides the guidelines for acquisition of right-of-way, site or location for national government infrastructure projects, provides no mechanism by which the public may readily acquire information on expropriation proceedings. Making available to the public important details such as the title and names of the owners of the property being expropriated, the valuation of the property as allocated in the government budget, and all disbursements, expenditures and utilization of funds for such expropriation, including right-of-way payments, would be the first step in combating corruption in this sector.

This bill proposes that every implementing agency in an expropriation case, whether it be the Department of Public Works and Highways, a government-owned-and-controlled corporation, a local government unit, or a joint venture with a government component, be required to post such information in its national and regional offices, and submit the same information to the local government unit with jurisdiction over the expropriated property for filing and posting in the halls of the LGU.

To enhance accountability and transparency in public office, the passage of this bill is urgently sought.


JINGGOY EJERCITO ESTRADA
Senator

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AN ACT
REQUIRING TRANSPARENCY OF INFORMATION IN EXPROPRIATION
PROCEEDINGS FOR GOVERNMENT PROJECTS, AND FOR OTHER
PURPOSES

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

SECTION 1. Title. - This Act shall be known as the "**Transparency in Expropriation Act of 2010**"

SEC. 2. Declaration of Policy - For accountability and transparency it is hereby declared the policy of the State to ensure full disclosure of all its transactions involving public interest. Towards this end, the State shall endeavor to provide accessible and comprehensible information concerning the disbursement and use of public funds in expropriation proceedings.

SEC. 3. Publication Requirement. - Every implementing agency in an expropriation proceeding shall prepare a detailed summary of proposed disbursements pursuant to such proceeding, comprising the following information:

- a. Identification of the land subject of expropriation, including its Original or Transfer Certificate of Title Numbers, or other equivalent information;
- b. Amount of just compensation to be made pursuant to the expropriation;
- c. Complete names and postal addresses of the owner/possessor of the land to whom just compensation shall be made.

The summary of disbursements shall be posted in a public place within the premises of the national/principal, and concerned local and regional offices, of the appropriate implementing agency not later than fifteen (15) days from the initiation of the complaint for expropriation and until the decision in the expropriation proceedings shall have become final and executory. The summary of disbursements shall likewise be submitted to the local chief executive of the local government unit with jurisdiction over the expropriated property, to be posted in a public place within the halls of such local government unit for the same period,

Thereafter, the summary of disbursements shall remain available to the public upon request from the implementing agency at reasonable hours.

SEC. 4. Form. - The summary of disbursements referred to in the preceding section shall be prepared and signed by the head of office of the implementing agency, and by a representative of the Commission on Audit, and shall be in such form, style and content and under such regulation as the Commission on Audit may prescribe.

SEC.5. Penalties. - Noncompliance with the provisions of this Act shall subject the erring public official to a fine of at least Thirty thousand pesos (P30,000.00) but not exceeding Fifty thousand pesos (P50,000.00), or imprisonment of at least one (1) month but not exceeding three (3) months, or both, at the discretion of the court. Furthermore, said public official shall be subject to temporary disqualification to hold or be a candidate for any public office during service of sentence.

SEC. 6. Repealing Clause. - The provisions of Republic Act No. 8974 and all other laws, decrees, executive orders, rules and regulations or parts thereof which are inconsistent with this Act are likewise hereby repealed or modified accordingly.

SEC. 7. Effectivity. - This Act shall take effect 15 days following its publication in the Official Gazette or in at least two newspapers of general circulation.

Approved,