

10 JUL -7 P5:24

SENATE

Senate Bill No. 801

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INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

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EXPLANATORY NOTE

This bill seeks to address the need for a national policy legislation to regulate the disposition of real property acquired by the Government abroad for a public purpose, whether patrimonial in character or property forming part of the public dominion.

It should not require the force of logic to posit that real properties of the Government or any of its subdivision cannot be sold or disposed without the consent of the Government, more specifically Congress, which is the country's policy making body. Such consent may be given on a case-to-case basis, if there is no law embodying a general policy on the subject.

The need for congressional approval before government properties situated abroad can be sold will hopefully eliminate, if not lessen whatever controversy that may arise from said disposition.

Based on the foregoing, early approval of this bill is earnestly requested.

  
JINGGOY EJERCITO ESTRADA  
Senator

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*[Signature]*

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AN ACT  
REQUIRING CONGRESSIONAL APPROVAL IN THE DISPOSITION OF REAL  
PROPERTIES SITUATED ABROAD

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

**SECTION 1. *Statement of Policy*** - It is the policy of the State to preserve the real properties of the government situated abroad by regulating their disposition.

Government as used in this Act shall refer to the government entity through which the functions of government are exercised throughout the Philippines, including its various subdivisions, agencies or instrumentalities, and government-owned or controlled corporations and their subsidiaries.

**SEC. 2. *Congressional Approval*** - All real properties situated abroad and held, in whatever capacity, by the government shall not be disposed of in any manner prior to Congressional approval in the form of a concurrent resolution.

**SEC. 3. *Contents of Request for Congressional Approval*** - The request for congressional approval shall contain detailed information about the real property to be disposed of, including but not limited to its nature, use, location, land area and market value. The request shall likewise contain the reason(s) for the sale and the proposed terms and conditions pertaining thereto.

**SEC. 4. *Reportorial Requirement*** - The agency concerned, which disposed of the real property, shall submit a report on the sale within sixty (60) days from the sale to the President and to both Houses of Congress.

**SEC. 5. *Disclosure of Real Properties*** - All government agencies shall submit a summary report on all government real properties situated abroad to the Office of the President and to both Houses of Congress: *Provided, That* Congress may require the government agencies to submit a full report thereon.

**SEC. 6. *Penalty*** - Any public official who violates any of the provisions of this Act or its implementing rules and regulations shall suffer the penalty or *prision mayor* in its minimum period with the accessory penalty of permanent special disqualification without prejudice to prosecution under Republic Act No. 3019 and other laws. No public officer shall be allowed to resign or retire pending an investigation, criminal or administrative, or pending a prosecution against him for any offense under this Act or its implementing rules.

**SEC. 7. *Rules and Regulations*** - The Commission on Audit shall issue the implementing rules and regulations of this Act not later than forty-five (45) days from the date of its effectivity.

**SEC. 8. *Supplementary Clause*** - The laws on public bidding shall supplement the provisions of this Act: *Provided*, That the bidding shall be held in the Philippines.

**SEC. 9. *Separability Clause*** - If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SEC. 10. *Repealing Clause*** - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

**SEC. 11. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*