

SENATE

10 JUL 28 A9:00

P. S. Res. No. 52

RECEIVED BY: 

Introduced by Sen. Ralph G. Recto

A RESOLUTION

URGING THE SENATE COMMITTEE ON FINANCE TO CONDUCT A COMPREHENSIVE REVIEW AND ASSESSMENT, IN AID OF LEGISLATION, OF REPUBLIC ACT NO. 9184 OR THE GOVERNMENT PROCUREMENT REFORM ACT WITH THE END VIEW OF AMENDING THE LAW IN ORDER TO MAKE IT MORE EFFECTIVE IN CURBING CORRUPTION IN THE GOVERNMENT PROCUREMENT PROCESS

WHEREAS, Section 1, Article XI of the Constitution states that: "Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives";

WHEREAS, one of the statutes enacted by Congress in curbing graft and corruption in government is Republic Act No. 9184 or the Government Procurement Reform Act, which was signed into law on January 2003;

WHEREAS, this seven-year-old law governs the procurement process of the national government, its departments, bureaus, offices and agencies, including state universities and colleges, government-owned and/or-controlled corporations, government financial institutions and local government units;

WHEREAS, the primary guiding principles behind the enactment of R.A. No. 9184 is to elicit transparency in the procurement process and in the implementation of procurement contracts of government; foster competitiveness by extending equal opportunity to enable private contracting parties who are eligible and qualified to participate in public bidding; streamline the procurement process that will uniformly apply to all government procurement; and establish a system of accountability where both the public officials directly or indirectly involved in the procurement process can be investigated and be held liable for improprieties;

WHEREAS, over the years, however, those who have intentions of dipping their hands in public coffers have become more and more creative in finding ways to circumvent provisions of this law;

WHEREAS, in President Benigno Simeon C. Aquino's first State of the Nation Address, he bared that five days before the term of the previous administration expired, it ordered the release of some P3.5 billion to fund some 86 projects for the rehabilitation of those affected by typhoons Ondoy and Pepeng which did not undergo public bidding as mandated by the country's procurement laws;

WHEREAS, President Aquino further stated in his SONA that fortunately, the release of the funds had been prevented and these projects will now under go the appropriate process;

WHEREAS, the Chief Executive, in his address, asked Congress to amend procurement laws in order to prevent a repeat of controversial government contracts such as the multi-million dollar NBN-ZTE Broadband deal, saying that all government projects – whether funded by local or foreign money – should undergo the right process;

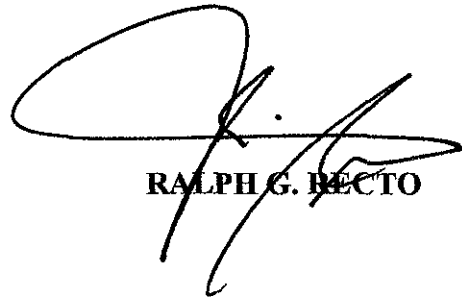
WHEREAS, proponents of the NBN-ZTE broadband deal said the project was beyond the provisions of the Government Procurement Reform Act as it was an agreement between two countries and therefore should not undergo public bidding;

WHEREAS, the NBN-ZTE controversy is just one example of large-ticket government projects that were not made to comply with the stringent requirements of the country's procurement laws;

WHEREAS, there is a need to review and assess R.A. No. 9184 in order to prevent the occurrence of similar projects/deals that circumvent existing government procurement procedures and laws;

Now Therefore, Be It Resolved, by the Philippine Senate, to direct the Senate Committee on Finance to conduct a comprehensive review and assessment, in aid of legislation, of Republic Act No. 9184 or the Government Procurement Reform Act with the end view of amending the law in order to make it more effective in curbing corruption in the government procurement process.

Adopted,



RALPH G. RECTO