



HOUSE OF REPRESENTATIVES

H. No. 3776

BY REPRESENTATIVES DE VENECIA, DADIVAS, BARBERS, ZIALCITA, NEPOMUCENO, ABAYON, OLAÑO, JALA, CHATTO, AQUINO (R.), ABAD, BONDOC, VILLANUEVA, SILVERIO, CAJES, SOON-RUIZ, YAPHA, RAMIRO, ZAMORA (M.), CARI, JOSON, MAGSAYSAY (M.), SOLIS, UY (R.), MARAÑON, VILLAROSA, NOEL, VICENCIO, MAGSAYSAY (E.), MANGUDADATU, REYES (E.), GOLEZ, CODILLA, LACSON, AMIN, ARROYO (I.), VARGAS, FIGUEROA, NOGRALES, NIEVA, REYES (V.), VILLAR, BACANI, CRISOLOGO, ESPINOSA (E.R.), JAWORSKI, LOPEZ (J.), SERAPIO, SUSANO, TULAGAN, DE GUZMAN, GULLAS AND DEL MAR, PER COMMITTEE REPORT NO. 389

AN ACT TO IMPROVE EFFICIENCY IN THE DELIVERY OF GOVERNMENT SERVICE TO THE PUBLIC BY REDUCING BUREAUCRATIC RED TAPE, PREVENTING GRAFT AND CORRUPTION, AND PROVIDING PENALTIES THEREFOR

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 “Anti-Red
2 Tape Act of 2006”.

3 SEC. 2. *Declaration of Policy.* – It is hereby the declared policy of the
4 State to promote integrity, accountability, proper management of public affairs,

1 and public property as well as to establish effective practices aimed at the
2 prevention of graft and corruption in government. Towards this end, the State
3 shall maintain honesty and responsibility among its public officials and
4 employees, and shall take appropriate measures to promote transparency in
5 each agency with regard to the manner of transacting with the public which
6 shall encompass a program for the adoption of simplified procedures that will
7 reduce red tape and expedite transactions in government.

8 SEC. 3. *Coverage.* – This Act shall apply to all government offices
9 and agencies including local government units and government-owned
10 and/or -controlled corporations that provide frontline services as defined in this
11 Act. Judicial, quasi-judicial and legislative functions are excluded from the
12 coverage of this Act.

13 SEC. 4. *Definition of Terms.* – As used in this Act, the following terms
14 are defined as follows:

15 (a) “Simple transactions” refers to requests or applications submitted
16 by clients of a government office or agency which only require ministerial
17 actions on the part of the public officer or employee, or that which present only
18 inconsequential issues for the resolution by an officer or employee of said
19 government office.

20 (b) “Complex transactions” refers to requests or applications submitted
21 by clients of a government office or agency which necessitate the use of

1 discretion in the resolution of complicated issues by an officer or employee of
2 said government office or agency, such transaction to be determined by the
3 office concerned.

4 (c) "Frontline service" refers to the process or transaction between
5 clients and government offices or agencies involving applications for any
6 privilege, right, permit, reward, license, concession, or for any modification,
7 renewal or extension of the enumerated applications and/or requests which are
8 acted upon in the ordinary course of business of the office or agency
9 concerned.

10 (d) "Action" refers to the written approval or disapproval made by a
11 government office or agency on the application or request submitted by a client
12 for processing.

13 (e) "Officer or employee" refers to a person employed in a government
14 office or agency required to perform specific duties and responsibilities related
15 to the application or request submitted by a client for processing.

16 (f) "Irrelevant requirements" refers to any document or performance of
17 an act not directly material to the resolution of the issues raised in the request
18 or needed in the application submitted by the client.

19 (g) "Fixer" refers to any individual whether or not officially involved in
20 the operation of a government office or agency who has access to people
21 working therein, and whether or not in collusion with them, facilitates speedy

1 completion of transactions for pecuniary gain or any other advantage or
2 consideration.

3 SEC. 5. *Re-engineering of Systems and Procedures.* – All offices and
4 agencies which provide frontline services are hereby mandated to regularly
5 undertake time and motion studies, undergo evaluation and improvement of
6 their transaction systems and procedures, and re-engineer the same if deemed
7 necessary to reduce bureaucratic red tape and processing time.

8 SEC. 6. *Citizen's Charter.* – All government agencies including
9 departments, bureaus, offices, instrumentalities or government-owned
10 and/or -controlled corporations, or local government or district units shall set
11 up their respective service standards to be known as the Citizen's Charter in
12 the form of information billboards which should be posted at the main entrance
13 of offices or at the most conspicuous place, and in the form of published
14 materials written either in English, Filipino or in the local dialect that detail:

- 15 (a) The procedure to obtain a particular service;
16 (b) The person/s responsible for each step;
17 (c) The maximum time to conclude the process;
18 (d) The document/s to be presented by the customer, if necessary;
19 (e) The amount of fees, if necessary; and
20 (f) The procedure for filing complaints.

1 SEC. 7. *Accountability of the Heads of Offices and Agencies.* – The
2 head of the office or agency shall be primarily responsible for the
3 implementation of this Act and shall be held accountable to the public in
4 rendering fast, efficient, convenient and reliable service. All transactions and
5 processes are deemed to have been made with the permission or clearance
6 from the highest authority having jurisdiction over the government office or
7 agency concerned.

8 SEC. 8. *Accessing Frontline Services.* – The following shall be adopted
9 by all government offices and agencies:

10 (a) *Acceptance of Applications and Requests* – (1) All officers or
11 employees shall accept written applications, requests and/or documents being
12 submitted by clients of the office or agency.

13 (2) The responsible officer or employee shall acknowledge receipt of
14 such application and/or request by writing or printing clearly thereon his/her
15 name, the unit where he/she is connected with, and the time and date of receipt.

16 (3) The receiving officer or employee shall perform a preliminary
17 assessment of the request so as to promote a more expeditious action on the
18 requests.

19 (b) *Action of Offices* – (1) All applications and/or requests submitted
20 shall be acted upon by the assigned officer or employee during the period
21 stated in the Citizen's Charter which shall not be longer than five working days

1 in the case of simple transactions and ten (10) working days in the case of
2 complex transactions from the date the application or request was received.
3 Depending on the nature of the frontline services requested or the mandate of
4 the office or agency under unusual circumstances, the maximum time
5 prescribed above may be extended. For the extension due to the nature of
6 frontline services or the mandate of the office or agency concerned, the period
7 for the delivery of frontline services shall be indicated in the Citizen's Charter.
8 The office or agency concerned shall notify the requesting party in writing of
9 the reason for the extension and the final date of release for the extension and
10 the final date of release of the frontline service/s requested.

11 (2) No application or request shall be returned to the client without
12 appropriate action. In case an application or request is disapproved, the officer
13 or employee who rendered the decision shall send a formal notice to the client
14 within five working days from the receipt of the application and/or request,
15 stating therein the reason for the disapproval including a list of specific
16 requirement/s which the client failed to submit.

17 (c) Denial of Request for Access to Government Service -- Any denial
18 of request for access to government service shall be fully explained in writing,
19 stating the name of the person making the denial and the grounds upon which
20 such denial is based. Any denial of request is deemed to have been made with

1 the permission or clearance from the highest authority having jurisdiction over
2 the government office or agency concerned.

3 (d) Limitation of Signatories – The number of signatories in any
4 document shall be limited to a maximum of five signatures which shall
5 represent officers directly supervising the office or agency concerned.

6 (e) Adoption of Working Schedules to Serve Clients – Heads of offices
7 and agencies which render frontline services shall adopt appropriate working
8 schedules to ensure that all clients who are within their premises prior to the
9 end of official working hours are attended to and served even during lunch
10 break and after regular working hours.

11 (f) Identification Card – All employees transacting with the public
12 shall be provided with an official identification card which should be visibly
13 worn during office hours.

14 (g) Establishment of Public Assistance/Complaints Desk – Each office
15 or agency shall establish a public assistance/complaints desk in all their offices.

16 SEC. 9. *Automatic Extension of Permits and Licenses.* – If a
17 government office or agency fails to act on an application and/or request for
18 renewal of a license, permit or authority subject for renewal within the
19 prescribed period, said permit, license or authority shall automatically be
20 extended until a decision or resolution is rendered on the application for
21 renewal: *Provided,* That the automatic extension shall not apply when the

1 permit, license or authority covers activities which pose danger to public
2 health, public safety, public morals or to public policy including, but not
3 limited to, natural resource extraction activities.

4 SEC. 10. *Report Card Survey.* – All offices and agencies providing
5 frontline services shall be subjected to a report card survey to be initiated by
6 the Civil Service Commission (CSC), in coordination with the Development
7 Academy of the Philippines (DAP), which shall be used to obtain feedback on
8 how provisions in the Citizen’s Charter are being followed and how the agency
9 is performing.

10 The report card survey shall also be used to obtain information and/or
11 estimates of hidden costs incurred by clients to access frontline services which
12 may include, but is not limited to, bribes and payment to fixers.

13 A feedback mechanism shall be established in all agencies covered by
14 this Act and the results thereof shall be incorporated in their annual report.

15 SEC. 11. *Violations.* – After compliance with the substantive and
16 procedural due process, the following shall constitute violations of this Act
17 together with their corresponding penalties:

18 (a) Light Offense – (1) Refusal to accept application and/or request
19 within the prescribed period or any document being submitted by a client;

1 (2) Failure to act on an application and/or request or failure to refer
2 back to the client a request which cannot be acted upon due to lack of
3 requirement/s within the prescribed period;

4 (3) Failure to attend to clients who are within the premises of the office
5 or agency concerned prior to the end of official working hours and during
6 lunch break;

7 (4) Failure to render frontline services within the prescribed period on
8 any application and/or request without due cause;

9 (5) Failure to give the client a written notice on the disapproval of an
10 application and/or request; and

11 (6) Imposition of additional irrelevant requirements other than those
12 listed in the first notice.

13 Penalties for light offense shall be as follows:

14 First Offense – Thirty (30) days suspension without pay and
15 mandatory attendance in Values Orientation Program;

16 Second Offense – Three months suspension without pay; and

17 Third Offense – Dismissal and perpetual disqualification from
18 public service.

19 (b) Grave Offense – Fixing and/or collusion with fixers in
20 consideration of economic and/or other gain or advantage.

21 Penalty – Dismissal and perpetual disqualification from public service.

1 SEC. 12. *Criminal Liability for Fixers.* – In addition to Section 11(b),
2 fixers, as defined in this Act, shall suffer the penalty of imprisonment not
3 exceeding six years or a fine of not less than Twenty thousand pesos
4 (P20,000.00) but not more than Two hundred thousand pesos (P200,000.00),
5 or both fine and imprisonment at the discretion of the court.

6 SEC. 13. *Civil and Criminal Liability, Not Barred.* – The finding of
7 administrative liability under this Act shall not be a bar to the filing of
8 criminal, civil or other related charges under existing laws arising from the
9 same act or omission as herein enumerated.

10 SEC. 14. *Administrative Jurisdiction.* – The administrative jurisdiction
11 on any violation of the provisions of this Act shall be vested in either the CSC,
12 the Presidential Anti-Graft Commission (PAGC) or the Office of the
13 Ombudsman as determined by appropriate laws and issuances.

14 SEC. 15. *Immunity; Discharge of Co-Respondent/Accused to be a*
15 *Witness.* – Any public official or employee or any person, having been charged
16 with another under this Act and who voluntarily gives information pertaining to
17 an investigation or who willingly testifies therefore, shall be exempt from
18 prosecution in the case/s where his/her information and testimony are given.
19 The discharge may be granted and directed by the investigating body or court
20 upon the application or petition of any of the respondent/accused-informant
21 and before the termination of the investigation: *Provided, That:*

1 (a) There is absolute necessity for the testimony of the
2 respondent/accused-informant whose discharge is requested;

3 (b) There is no other direct evidence available for the proper
4 prosecution of the offense committed, except the testimony of said
5 respondent/accused-informant;

6 (c) The testimony of said respondent/accused-informant can be
7 substantially corroborated in its material points;

8 (d) The respondent/accused-informant has not been previously
9 convicted of a crime involving moral turpitude; and

10 (e) Said respondent/accused-informant does not appear to be the most
11 guilty.

12 Evidence adduced in support of the discharge shall automatically form
13 part of the records of the investigation. Should the investigating body or court
14 deny the motion or request for discharge as a witness, his/her sworn statement
15 shall be inadmissible as evidence.

16 SEC. 16. *Implementing Rules and Regulations.* – The Civil Service
17 Commission, in coordination with the Development Academy of the
18 Philippines, the Office of the Ombudsman and the Presidential Anti-Graft
19 Commission, shall promulgate the necessary rules and regulations within
20 ninety (90) days from the effectivity of this Act.

1 SEC. 17. *Separability Clause.* – If any provision of this Act shall be
2 declared invalid or unconstitutional, such declaration shall not affect the
3 validity of the remaining provisions of this Act.

4 SEC. 18. *Repealing Clause.* – All provisions of laws, presidential
5 decrees, letters of instruction and other presidential issuances which are
6 incompatible or inconsistent with the provisions of this Act are hereby deemed
7 amended or repealed.

8 SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after
9 its publication in the *Official Gazette* or in two national newspapers of general
10 circulation.

Approved,

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