



RESOLUTION NO. 21-2016

APPROVING THE SUBMISSION OF COMMENTS ON THE PROPOSED HOUSE BILLS ON FREEDOM OF INFORMATION

WHEREAS, the Government Procurement Policy Board-Technical Support Office (GPPB-TSO) received several versions of House Bill on Freedom of Information, thus:

1. **House Bill No. 32** entitled “*An Act to Strengthen the Right of Citizens to Information Held by the Government*” introduced by Representative Raul V. Del Mar;
2. **House Bill No. 63** entitled “*An Act Strengthening the Right of Citizens to Information Held by the Government*” introduced by Representatives Karlo A. B. Nograles and Jericho Jonas B. Nograles;
3. **House Bill No. 75** entitled “*An Act Strengthening the Right of Citizens to Information Held by the Government*” introduced by Representative Alfredo D. Vargas III;
4. **House Bill No. 77** entitled “*An Act Strengthening the Right of Citizens to Information Held by the Government*” introduced by Representative Emmeline Y. Aglipay-Villar;
5. **House Bill No. 112** entitled “*An Act Strengthening the Right of Citizens to Information Held by the Government*” introduced by Representative Teddy Brawner Baguilat;
6. **House Bill No. 120** entitled “*An Act Implementing the People’s Right to Information and the Constitutional Policies of Full Public Disclosure and Honesty in the Public Service and for Other Purposes*” introduced by Representative Angelina “Helen” D.L. Tan; and
7. **House Bill No. 127** entitled “*An Act to Strengthen the People’s Right to Information*” introduced by Representative Gus S. Tambunting;

WHEREAS, the proposed legislations are additional transparency measures that aim to mandate the disclosure and availability of official documents to the public;

WHEREAS, Section 9(b) of House Bill Nos. 32, 63, 75, 77 and 112; Section 8(b) of House Bill No. 120; and Section 13(b) of House Bill No. 127 provide that all agencies of all branches of government are required to publish in their websites, and update on a monthly basis, a register containing among others, public interest documents or records which include Annual Procurement Plan and Procurements List; Items for Bidding; Bid Results on Civil Works, and Goods and Services; Abstract of Bids, as calculated; Procurement contracts

entered into by a government agency; and Construction or concession agreements or contracts entered into by a government agency with any domestic or foreign person or entity;

WHEREAS, Section 10(a)(8) of House Bill Nos. 32, 63, 75, 77 and 112, and Section 9(9) of House Bill No. 120 require government agencies to regularly publish, print and disseminate to the public through the website, a timely, accurate and updated information on bidding processes and requirements, among others;

WHEREAS, during the 8th Inter-Agency Technical Working Group (IATWG) Meeting on 9 September 2016, the GPPB-TSO presented the salient features of the aforementioned House Bills and recommended the issuance of a Position Paper or Comment on the said House Bills based on the following observations:

1. Similar to Republic Act (RA) No. 9184, the proposed Bills are transparency initiatives aimed to respond to citizens' requests for information and public access to government activities, as well as improvement in compliance with existing standards;
2. The proposed provisions related to disclosure of procurement activities or transactions are already covered and provided under RA 9184, its revised Implementing Rules and Regulations (IRR) and other allied rules (*e.g.*, National Budget Circular No. 542 and Executive Order No. 662, s. 2007); and
3. It is noted that the requirement of the proposed legislations is to consolidate the agencies' procurement activities in a register to be populated by government agencies.

WHEREAS, during the said IATWG Meeting, the members discussed the comments, observations and recommendation of the GPPB-TSO, and resolved to recommend for approval of the GPPB the submission of a Position Paper or Comment to the House of Representatives, through the Department Legislative Liaison Office (DLLO) of the Department of Budget and Management (DBM), stating that:

- a. The proposed provisions under the respective FOI Bills can be supported as they are in accord with existing law, rules and regulations; and
- b. The documents uploaded or posted in the websites of government agencies as required under existing laws, rules and regulations (*e.g.*, National Budget Circular No. 542, RA 9184 and its IRR, Executive Order No. 662, s. 2007) may be used to validate the contents of the required "register" under the proposed legislations;

WHEREAS, the comments and observations of the GPPB-TSO as well as the recommendation of the IATWG were presented to the GPPB during its 10th Regular Meeting on 23 September 2016;

WHEREAS, after due deliberation and careful review, the GPPB resolved to adopt the recommendation of the IATWG with the additional recommendation that the Comment to be submitted to the House of Representatives, through the DBM DLLO, shall point out existing mechanisms on transparency measures that are already in place, and that the

proposed legislations may require the disclosure of information or data which are not yet covered by existing laws, rules and regulations;

NOW, THEREFORE, for and in view of all the foregoing, **WE**, the Members of the **GOVERNMENT PROCUREMENT POLICY BOARD**, by virtue of the powers vested on **US** by law and other executive issuances, hereby **RESOLVE** to confirm, adopt, and approve, as **WE** hereby confirm, adopt, and approve, subject to the proposals made, the submission of the attached Comments on House Bill Nos. 32, 63, 75, 77, 112, 120 and 127.

This resolution shall take effect immediately.

APPROVED this 23rd day of September 2016 at the City of Manila, Philippines.

(SGD)

**DEPARTMENT OF BUDGET AND
MANAGEMENT**

**NATIONAL ECONOMIC AND
DEVELOPMENT AUTHORITY**

(SGD)

(SGD)

DEPARTMENT OF EDUCATION

DEPARTMENT OF ENERGY

(SGD)

(SGD)

DEPARTMENT OF FINANCE

DEPARTMENT OF HEALTH

(SGD)

**DEPARTMENT OF INFORMATION AND
COMMUNICATION TECHNOLOGY**

**DEPARTMENT OF INTERIOR AND
LOCAL GOVERNMENT**

(SGD)

**DEPARTMENT OF NATIONAL
DEFENSE**

**DEPARTMENT OF PUBLIC WORKS
AND HIGHWAYS**

(SGD)

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**DEPARTMENT OF SCIENCE AND
TECHNOLOGY**

**DEPARTMENT OF TRADE AND
INDUSTRY**

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DEPARTMENT OF TRANSPORTATION

PRIVATE SECTOR REPRESENTATIVE