

TWENTIETH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

25 AUG -4 A 8 :09

SENATE

RECEIVED BY



S. No. 783

Introduced by **Senator Francis G. Escudero**

AN ACT

DISQUALIFYING RELATIVES OF PUBLIC OFFICIALS WITHIN THE FOURTH CIVIL DEGREE OF CONSANGUINITY AND AFFINITY IN ALL GOVERNMENT CONTRACTS

EXPLANATORY NOTE

Republic Act No. 12009, otherwise known as the "New Government Procurement Act," provides for the mandatory disclosure of relationship between the bidder and the Head of Procuring Entity, Procurement Agent, members and secretariat of the Bids and Awards Committee, Technical Working Group, head of the Project Management Office or the End-User or Implementing Unit, and the project consultants, by consanguinity or affinity up to the third civil degree, and automatically disqualifies bidders related to such persons from participating in the procurement of contracts of the Procuring Entity concerned. Despite this stringent provision, government contracts are still marred with irregularities that result in corruption and undermine the integrity of the procurement process and public service as a whole.

This measure proposes to expand this disqualification by prohibiting relatives of public officials within the fourth civil degree of consanguinity or affinity from entering into contracts with any government agency or instrumentality, including government owned or controlled corporations and local government units. By improving such safeguard, the bill seeks to eliminate potential avenues for corruption, and uphold fairness, transparency, impartiality, and accountability in the procurement process and the utilization of public funds.

Given the above premises, consideration and approval of this bill is respectfully requested.


FRANCIS G. ESCUDERO



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

1 Section 1. *Disqualification on the Basis of Relations.* – Notwithstanding any
2 provision of the law to the contrary, all relatives of public officials within the fourth
3 civil degree of consanguinity or affinity shall be barred from entering into any
4 government contract.

5 For the purposes of this Act, the term “public official” shall refer to heads of
6 agency, heads of procuring entity, members of governing board, or any public officer
7 or employee exercising policy-determining, supervisory, or managerial functions,
8 whether in the career or non-career service, including military and uniformed
9 personnel, whether or not they receive compensation, regardless of amount.

10 Moreover, the term “government contract” shall refer to any contract between
11 a private entity and any government agency or instrumentality, including government
12 owned or controlled corporations (GOCCs) and local government units, that pertains
13 to a) supplies, materials, machinery, equipment, and services; (b) infrastructure
14 projects; (c) joint ventures; (d) public-private partnership projects; and (e) other
15 similar or analogous agreements or undertaking to which the latter is the procuring
16 party, partner, shareholder, implementing agency, end user, or a party contributing

1 public funds or property: *Provided*, That this shall exclude contracts that are highly
2 technical, proprietary, or confidential in nature.

3 *Sec. 2. Implementing Rules and Regulations.* – Within sixty (60) days from the
4 effectivity of this Act, the Government Procurement Policy Board, Department of the
5 Interior and Local Government, Public-Private Partnership Center, and Governance
6 Commission for GOCCs, in coordination with other government agencies concerned,
7 shall jointly promulgate the rules and regulations to effectively implement the
8 provisions of this Act.

9 *Sec. 3. Effectivity.* – This Act shall take effect fifteen (15) days after its complete
10 publication in the *Official Gazette* or in at least two (2) newspapers of general
11 circulation.

Approved,