Republic Act No. 9184, otherwise known as the Government Procurement Reform Act, was hailed as a landmark piece of legislation. Its enactment in 2003 was envisaged to employ the much needed reforms in the country's procurement system. More than a decade since its enactment, however, the procurement system is still plagued with collusion, abuse of discretionary criteria, malfeasance, misfeasance, and other forms of corruption.

On a lighter note, the Philippines has improved in the 2012 global survey, ranking countries in terms of perceived corruption up 24 places from 2011 to 105th, among 180 countries surveyed by Transparency International. Much of the corruption transpires during government procurement, or its acquisition of goods and services.

To further improve and address transparency of the country's procurement system, or its lack thereof, it is imperative to strengthen public monitoring of the procurement process. The public deserves nothing less but the highest standards of transparency and honesty in the execution of government policies. This is consistent with Article II, Section 28 of the 1987 Constitution which declares that subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

In this light, this Act seeks to strengthen the present procurement law by mandating the video recording of all procurement-related conferences. This measure provides that the video recording may be subpoenaed and may be used as evidence in court, as deemed appropriate, in case of legal action filed with reference to the enforcement or violation of the Government Procurement Reform Act. It is hoped that the enactment of this measure will tighten the patent loopholes of the Procurement Law.

In view of the foregoing, immediate approval of this measure is earnestly sought.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List
AN ACT
ENHANCING THE TRANSPARENCY OF THE PROCUREMENT PROCESS BY MANDATING THE VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES, THEREBY AMENDING REPUBLIC ACT NUMBERED 9184, OTHERWISE KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM ACT OF 2003", PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER RELATED PURPOSES

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

SECTION 1. Title.— Republic Act No. 9184 is hereby amended by inserting a new Article VII and new Sections 20, 21, 22, 23, 24, 25, 26, 27, and 28 therein, to read as follows:

ARTICLE VII
VIDEO RECORDS OF ALL BIDDING CONFERENCES

"SEC. 20. VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES. — TO ENHANCE THE TRANSPARENCY OF THE PROCUREMENT PROCESS, THE PROCURING ENTITY SHALL KEEP A VIDEO RECORDING OF ALL PROCUREMENT-RELATED CONFERENCES INCLUDING BUT NOT LIMITED TO PRE-PROCUREMENT CONFERENCE, PRE-BID CONFERENCE, BID OPENING, AND ALL MEETINGS OF THE BIDS AND A WARDS COMMITTEE (BAC), FOR ALL PROCUREMENT PROJECTS EQUAL OR EXCEEDING THE AMOUNT OF ONE MILLION PESOS (PHP 1,000,000.00).

ALL PROCUREMENT RELATED CONFERENCES MAY NOT COMMENCE WITHOUT A VIDEO RECORDING INITIATED BY THE CHAIR OF THE BAC.

SEC. 21. SPECIFICATIONS OF THE VIDEO RECORDING.— THE VIDEO RECORDING SHALL BE CLEAR AND SHALL PROVIDE A


SEC. 23. WRITTEN AND VIDEO RECORDS AS EVIDENCE IN COURT. – IN CASE OF ANY PERTINENT LEGAL ACTION, THE VIDEO RECORDS MAY BE SUBJECT TO SUBPOENA DUCESE TECUM, AND MAY BE USED AS EVIDENCE IN COURT AS IT FINDS APPROPRIATE.

THE BAC, GPPB, AND COA SHALL STORE THE VIDEO RECORDS FOR NOT LESS THAN TWENTY (20) YEARS AND MAY DISPOSE OF THEM THEREAFTER.

THE BAC AND THE GPBB SHALL ENSURE THAT THE COPIES OF THE RECORDING ARE REGULARLY CHECKED TO ASCERTAIN THAT THEY ARE IN GOOD CONDITION AND NOT DETERIORATING, SUBJECT TO THE RECOMMENDED CONSERVATION PRACTICES FOR THE STORAGE OF THE SAME.

SEC. 24. LOGISTICS OF VIDEO RECORDING. – THE BAC OF EACH PROCURING ENTITY SHALL BE IN CHARGE OF THE LOGISTICS OF VIDEO RECORDING AND OTHER RELATED TECHNICAL MATTERS, SUCH AS BUT NOT LIMITED TO AUDIO, ARCHIVING, AND SUCH OTHER MATTERS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT.

SEC. 25. PROCUREMENT OF VIDEO RECORDING EQUIPMENT. – THE GPPB SHALL BE IN CHARGE OF THE PROCUREMENT OF THE VIDEO RECORDING EQUIPMENT AND RELATED SUPPLIES TO BE ALLOCATED TO THE PROCURING ENTITIES.

SEC. 26. PENAL PROVISION. – VIOLATIONS OF ARTICLE VII OF THIS ACT SHALL BE METED OUT PENALTIES AS PRESCRIBED UNDER ARTICLES XXI, XXII, AND XXIII OF THE SAME. IN ADDITION TO
THE AFOREMENTIONED SANCTIONS, THE CONTRACT IN FAVOR OF
THE ERRANT PARTY SHALL BE NULLIFIED IF THE BID HAS BEEN
AWARDED.

SEC. 27. APPROPRIATION. – THE AMOUNT NECESSARY TO CARRY
OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE
ANNUAL GENERAL APPROPRIATIONS ACT.

SEC. 28. IMPLEMENTING RULES AND REGULATIONS. – WITHIN
NINETY (90) DAYS FROM THE EFFECTIVITY OF THIS ACT, THE
GPBB SHALL PROMULGATE THE NECESSARY RULES AND
REGULATIONS FOR THE PROPER IMPLEMENTATION OF THE
PROVISIONS OF THIS ACT. SUCH RULES AND REGULATIONS SHALL
TAKE EFFECT IMMEDIATELY THEREAFTER.

XXX"

SEC. 2. Renumbering of Affected Articles and Sections. – The current Article VII
and subsequent Articles and Sections of Republic Act No. 9184 affected by this amendment
shall be amended and re-numbered accordingly, to reflect the insertion of the new article on
"Video Records of All Bidding Conferences" as Article VII thereof.

SEC. 3. 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. 4. Repealing Clause. – All laws, rules, regulations, orders, circulars, and
memoranda inconsistent with any provisions of this Act are hereby repealed or modified
accordingly.

SEC. 5. Effectivity Clause. – This Act shall take effect fifteen (15) days after its
complete publication in the Official Gazette or in at least two (2) newspapers of general
circulation.

Approved,