

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



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez*

House Bill No. 3800

EXPLANATORY NOTE

This bill seeks to include any treaty or internationally or executive agreement to which the Philippine government is a signatory, in the scope and application of procurement laws, amending for the purpose Republic Act (RA) No. 9184, otherwise known as the "Government Procurement Reform Act."

Section 4 of RA 9184 expressly excludes any treaty or international or executive agreement on the procurement of infrastructure projects, goods and consulting services regardless of source of funds, whether local or foreign. Hence, bilateral agreements or foreign funded projects signed by the Philippine Government, like the National Broadband Network (NBN) and ZTE Co. contracts, are most likely to end up in controversy on account on onerous terms which are beyond the ambit of our procurement laws.

The proposed measure seeks to ensure that international or executive agreements, which are contractual in nature, should adhere to our procurement processes, particularly the provisions of RA 9184 and its implementing rules and regulations and that these agreements are performed strictly according to specifications.

In view of the foregoing, approval of this bill is highly recommended.

  
RUFUS B. RODRIGUEZ

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AN ACT

INCLUDING ANY TREATY OR INTERNATIONAL OR EXECUTIVE AGREEMENT IN THE SCOPE AND APPLICATION OF THE PHILIPPINE PROCUREMENT LAWS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9184, OTHERWISE KNOWN AS THE "GOVERNMENT PROCUREMENT REFORM ACT"

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

SEC. 1. Section 4 of Republic Act No. 9184 is hereby amended to read as follows:

"Sec. 4. Scope and Application. – This Act shall apply to the Procurement of Infrastructure Projects, Goods and Consulting Services, regardless of source of funds, whether local or foreign, by all branches and instrumentalities of the government, its departments, offices and agencies, including government-owned and/or controlled corporations and local government units, subject to the provisions of Commonwealth Act No. 138.

Any treaty or international or executive agreement affecting the subject matter of this Act to which the Philippine government is a signatory shall [be observed] LIKEWISE BE GOVERNED BY THE PROVISIONS OF THIS ACT."

SEC. 2. Effectivity. – This Act shall take effect fifteen (15) days following publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,