



LEGISLATIVE RESEARCH SERVICE
KEY POINTS OF PLENARY PROCEEDINGS
Second Regular Session, 19th Congress

Session No. 25
Wednesday, 20 September 2023

1. Senate Bill No. 2233 under Committee Report No. 71

An Act Strengthening Public-Private Partnerships, Appropriating Funds Therefor, and for Other Purposes

Sponsor: Sen. Joseph Victor "JV" G. Ejercito

Amendments of Senator Ejercito

Senator Ejercito proposed, and the Body approved, among others, these amendments, to wit:

- On page 21, line 26, between the word "bonus" and the comma (,), insert the phrases AND THE PROPOSAL OF THE CHALLENGER IS MORE ADVANTAGEOUS TO THE PUBLIC.
- On page 24, line 16, between the words "publish" and "guidelines", insert a comma (,) and the phrase IN COORDINATION WITH THE PPP CENTER and a comma (,) afterwards.
- On page 27, line 22, between the word "contract" and the semicolon (;), insert a comma (,) and the phrase UNLESS ALREADY REGULATED AND PUBLICLY-DISCLOSED.
- On page 40, lines 27 to 30, delete the subsection (k) in its entirety and replace it with: IN CASE OF TWO OR MORE PRIVATE PROPONENTS, AGREEING AND SUBMITTING DIFFERENT BIDS AS IF THEY WERE BONAFIDE, WHEN THEY KNEW THAT ONE OR MORE OF THEM COULD NOT BE ACCEPTED, AND THAT THE PPP CONTRACT WILL SURELY BE AWARDED TO THE PRE-ARRANGED MOST RESPONSIVE BID, followed by a semicolon (;).
- On page 40, line 31, delete the phrase "When a Private Proponent maliciously submits" and replace it with IN CASE OF A PRIVATE PROPONENT, MALICIOUSLY SUBMITTING.

2. Senate Bill No. 2432 under Committee Report No. 118

An Act Defining the Crimes of Agricultural Economic Sabotage, Providing Penalties Therefor, Creating the Anti-Agricultural Economic Sabotage Council, Repealing Republic Act No. 10845 or the Anti-Agricultural Smuggling Act Of 2016, and for Other Purposes

Sponsor: Sen. Cynthia A. Villar

Interpellation of Senator Hontiveros

Senator Hontiveros inquired if the intent of the proposed measure is to provide stiffer penalties for hoarding, profiteering, and cartels which are presently considered acts of price manipulation punished under RA 7581 or the Price Act. In reply, Senator Villa (C) affirmed that under the proposed Anti-Agricultural Economic Sabotage Act, stiffer penalties would be imposed, but unlike the Price Act, which covers basic necessities and prime commodities, they shall be limited to agriculture and fishery products like rice, sugar, corn, beef, pork, poultry, dairy, garlic, onion, carrots, fruits, fish and other aquatic products, vegetables, and tobacco.

Moreover, the Sponsor stated that all the stakeholders with relevant experience in enforcement and prosecution insofar as the Price Act was concerned were consulted, such as the Bureau of Customs (BOC), NBI, DOJ, DTI, the Philippine Competition Commission, and even the PNP.

Asked if the Committee was able to find out the difficulties that the law enforcement agencies had encountered in going after the rice hoarders, profiteers, and cartels, Senator Villar (C) replied that the Committee precisely included hoarding, profiteering, and cartel in the proposed measure because they were not mentioned in the Anti-Agricultural Smuggling Act; and although said acts are punishable under the Price Act, the penalties are not that stiff or heavy. She also cited the difficulty of filing a case under the Anti-Agricultural Smuggling Act, which, she admitted, was vague. And in the implementing rules and regulations (IRR), the spirit of the law was lost because all the powers were lodged in the BOC. She surmised that there could have been a conflict of interest because seven years since the enactment of the law, nobody was ever prosecuted, and neither was there a case that prospered in court.

The Sponsor agreed with Senator Hontiveros that the bill addresses the cited vagueness and even the conflict of interest that made the prosecution of said prohibited acts difficult. She cited specifically the following:

- creation of the Anti-Agricultural Economic Sabotage Council, the members of which are the Department of Agriculture, DTI, DOJ, DOF, DILG, DOT, the Anti-Money Laundering Council, Philippine Competition Commission, and representatives from the private sector;
- creation of a Special Team of Prosecutors from the DOJ;
- creation of the Anti-Agricultural Economic Sabotage Enforcement Group composed of the NBI, PNP, Philippine Coast Guard, Philippine Ports Authority, BFAR, DA Directorate, BIR, and representatives from the concerned agricultural sector;
- provision on Daily Price Index that would serve as a basis in the computation of the confiscated goods;
- prima facie violations;
- repeal of all existing laws covering the 14 agricultural and fishery products mentioned in the proposed law;

- imposition of life imprisonment, a fine thrice the value of the products, and perpetual disqualification to hold public office on government officials and employees who facilitated the commission of the crime;
- prohibition for farmers' cooperatives and associations from leasing their warehouses provided by the government to non-members;
- authorizing any member of the agricultural sector whose agricultural and fishery products are subject of the complaint, or any person who has been helping the said agricultural sector, to file a case under the law;
- mandatory record keeping of transactions of those involved in the business of agricultural and fishery products, without which shall be considered *prima facie* evidence of violation;
- creation of Anti-Agricultural Economic Sabotage Court; and
- provision of budget to the implementing agencies,

Asked to explain the crime of hoarding, which under the proposed measure can only be committed when there is an existing shortage, Senator Villar (C) clarified that hoarding can be committed regardless of whether the shortage is artificial or real.

Asked who would determine the existence of a shortage and what is the basis of the 30% threshold insofar as the usual inventory is concerned, above which would be considered hoarding, the Sponsor replied that it would be the Anti-Agricultural Economic Sabotage Council that would determine the existence of a shortage, while the 30% threshold was recommended by the DOJ borne out of experience.

Senator Hontiveros, however, feared that the lowered threshold may lead to a reduction in competition which is contrary to the intent of creating an environment conducive to competition. She said that a lower threshold may discourage legitimate stakeholders from increasing their stocks for fear of being accused of hoarding.

Given that the NFA and the PSA have not been up-to-date in their monitoring inventories of rice and corn, Senator Hontiveros asked who would determine the "usual inventory" of traders, warehouses, and importers, for instance. In reply, the Sponsor stated that the DA should be required to determine the supply and demand to find out if there is really a shortage.

As regards the offense of profiteering, Senator Villar (C) stated that she is open to any amendment from Senator Hontiveros to clarify the real intent of the bill insofar as to what stage the offense is committed, even as she pointed out that the Daily Price Index would show the reasonable price of goods, thereby preventing price manipulation.

Asked to comment on the recent price cap, the Sponsor believed that the retailers were taken advantage of by the traders.

Adverting to Section 11 on penalties for economic sabotage, Senator Villar (C) clarified that if the value of the product is below P1 million when found guilty, the Price Act would apply; beyond P1 million, the proposed measure would apply. She said that the Daily Price Index would serve as a basis for the determination of the value of a certain product and which law should apply.

As regards the percentage of the market for rice that would be covered by the P1-million threshold, the Sponsor admitted that the DA has no records.

As to the contemplation of the phrase "aiding and abetting" found in Section 11, the Sponsor agreed with Senator Hontiveros that the phrase contemplates a government official or employee helping in the commission of the crime. She further agreed to an amendment that there is no need of a direct monetary benefit on the part of the government official or employee before liability is attached to them.

Senator Hontiveros stated that she would also propose a provision to the effect that any importation without a permit should give rise to the presumption against the entity or individual who supposedly would issue the permit.

On Section 16, the Sponsor affirmed Senator Hontiveros' understanding that smuggled agricultural and fishery products from abroad could only be disposed of through destruction, while those locally sourced agricultural and fishery products would be donated to KADIWA and to succeeding programs of the DA. However, Senator Hontiveros suggested additional flexibility that would allow these locally sourced products to be used for disaster relief. The Sponsor proposed also allowing said products to be sold to the National Disaster Risk Reduction and Management Council.

Asked to comment on the criticisms from some experts that the KADIWA Program can be a tool of political patronage and might not be financially sustainable, the Sponsor pointed out that the program has been successful in most places where it was held. She nevertheless agreed to consider any proposal that would introduce some flexibility.

On Section 19, Senator Hontiveros asked for the specific types of data that would serve as the basis in coming up with the Daily Price Index, Senator Villar (C) mentioned the retail price of the agricultural products. She said that the DA-Agribusiness and Marketing Assistance Service and the Bureau of Agricultural Research would be responsible for the implementation of the Daily Price Index. She added that it would be the Anti-Agricultural Economic Sabotage Council that would see to it that the Daily Price Index is implemented.

As regards the inclusion of tobacco which is not related to food security and neither is it an agricultural commodity, the Sponsor cited the World Trade Organization, which defined tobacco as an agricultural product, and the Customs Code, which classified it as part of agricultural products.

3. Senate Bill No. 2444 under Committee Report No. 134

An Act Lowering the Optional Retirement Age of Government Workers From Sixty (60) Years To Fifty-Six (56) Years, Amending For the Purpose Section 13-A of Republic Act 8291, Otherwise Known as "the Government Service Insurance System Act of 1997"

Sponsor: Sen. Ramon Bong Revilla Jr.

Sponsorship Speech of Senator Revilla Jr.

Senator Revilla stated that the proposed measure is in response to the clamor of civil servants who, if given the option, would wish to enjoy their retirement days at a much earlier time. He said that the Committee had to strike a balance between responding to this clamor and ensuring the capability of the Government Service

Insurance System (GSIS), as administrator of the contributions of government employees, to protect and provide security to the GSIS Fund.

He narrated that the hearings, technical working group meetings, and consultations revealed not only the earnest desire of the government workers to be given the option to retire earlier but, more importantly, the true numbers which unveiled that lowering the optional retirement age will not be detrimental to or cause fatigue to the actuarial life of the GSIS Fund.

Senator Revilla clarified that the proposed measure offers a civil servant the option or choice to retire earlier. He informed the Body that based on the data from the Civil Service Commission, only about 18% of the almost 2 million employees in government are 56 years old and above, and almost 3% only or about 50,000 aged 60 years are quitting or have been separated from government service for whatever reason.

The Sponsor further revealed that in the survey recently conducted by the CSC on its counterparts in the nine ASEAN member-states, which compiled pertinent data on retirement age, retirement package, health benefits, and other retirement incentives, it was found that compared to the other civil servants in the region, Filipino civil servants retire later; in fact, the Philippines has one of the oldest retirement age pegged at 60 years and 65 years old.

He also cited a World Bank report that Filipinos have a life expectancy of 72 years, much lower than the life expectancy in other ASEAN countries, which ranges from 76 to 84 years.

Thus, Senator Revilla underscored the need to give an option to those who wish to enjoy their retirement earlier and have a longer life to spend with their family and loved ones. This measure, he said, will be opening doors to younger generations who wish to become part of government service.

Manifestation of Senator Villanueva that his cosponsorship speech and those of Senators Legarda and Gatchalian be inserted into the *Record*

4. Senate Bill No. 2432 under Committee Report No. 118 (Continuation)

An Act Defining the Crimes of Agricultural Economic Sabotage, Providing Penalties Therefor, Creating the Anti-Agricultural Economic Sabotage Council, Repealing Republic Act No. 10845 or the Anti-Agricultural Smuggling Act Of 2016, and for Other Purposes

Sponsor: Sen. Cynthia A. Villar

Interpellation of Senator Pimentel III

Senator Pimentel noted that the proposed measure only prescribes one penalty—life imprisonment—which shall be imposed on the person who commits any of the prohibited acts, as well as on any person who aids or abets the commission of any of the prohibited acts in the bill. He then inquired if it is the intent of the bill to disregard or do away with the levels of criminal liability—principal, accomplice, and accessory—as provided in the Revised Penal Code.

In reply, Senator Villar underscored the need to make the law stricter to ensure that those who would violate this law would be punished, as she expressed her frustration that seven years since the Anti-Agricultural Smuggling Law was passed, not even one has been punished.

Senator Pimentel commented that the problem lies not in the law but in the enforcement, noting that the existing law, RA 10845, already covered a government official or employee as among those who would be punished should they violate the law. The Sponsor pointed out that the problem with the existing law was the issue of conflict of interest because in its Implementing Rules and Regulations (IRR), the Bureau of Customs (BOC), which prepared the IRR, became both the regulator and implementor of the law.

Senator Villar (C) confirmed that under the proposed law, the BOC is no longer a member of the Council nor of the enforcement group. She said that the BOC, exercising its power pursuant to the Customs Modernization and Tariff Act, will acquire jurisdiction only over cases where the product involved is worth below P1 million and the applicable law is the Price Act. Senator Pimentel commented with the BOC still involved, even in products valued below P1 million, the problem would still persist. The Sponsor replied that an amendment could be considered imposing the penalty of life imprisonment if the smuggling of products worth below P1 million is committed thrice.

At this juncture, Senator Escudero stated that for several days, he has been reading newspaper reports regarding several raids conducted by the BOC following reports of alleged hoarding of rice. He then questioned why no one has been held liable, much less identified, for the hoarding of rice after the BOC discovered so much quantities of rice during those raids. He pointed out that under the existing law, hoarding is considered economic sabotage.

Senator Villar (C) admitted that she too felt frustrated why not even a single person was prosecuted under the existing law. She noted that even in the report given to her, only the names of the companies were mentioned.

Senator Escudero further noted that according to the reports on those raids, one warehouse owner claimed that he bought the rice discovered in his warehouse from local farmers; that being the case, the BOC would not have jurisdiction over it. He then inquired what the basis was for the confiscation, under what law and under what agency should have been, especially since the confiscated product was not imported.

Responding thereto, the Sponsor noted that according to its report, the BOC filed 33 cases before the DOJ (11 cases for unlawful importation of agricultural products and 22 cases for violation of the Anti-Agricultural Smuggling Act. On the other hand, according to the data from the DOJ's National Prosecution Service, within the period 2016 up to February 2023, 159 cases for violation of RA 10845 were filed by the BOC before the DOJ, 79 of which were dismissed for lack of documents, affidavits, and other required evidence, and only nine (9) cases were filed in court after finding probable cause. As additional information, the Sponsor stated that a case can only be filed if there is approval of the BOC Commissioner.

Senator Villanueva interjected, saying that he has been telling Senator Pimentel that the BOC should not be included as among the agencies that would implement the Anti-Agricultural Economic Sabotage Law for failing to implement the Anti-Agricultural Law, as well as for failing to implement the National Single Window System which is supposed to computerize all the importation of all products in the country.

Adverting to the cases mentioned by the Sponsor and the low conviction rate, Senator Pimentel asked who were the prosecutors that handled those cases involving violations of the Anti-Agricultural Smuggling Act. Senator Villar replied that it was the DOJ prosecutors but she pointed out that cases can only be filed with the approval of the BOC Commissioner. She stated that under the proposed law, there will no longer be a need for the DOJ prosecutors to get approval from the BOC Commissioner.

Citing the DA's membership in the council, Senator Pimentel asked if there would not be a conflict of interest since it is the agency that issues the permits to import. Senator Villar (C) replied that it is not the DA head, but the Bureau of Plant Industry that would issue the permit, and issuing a permit does not necessarily mean allowing smuggling. She said that the problem was really in the IRR which the BOC itself prepared.

That being the case, Senator Pimentel commented that the Committee could just have revisited RA 10845 and addressed Section 6 thereof which was about the IRR.

Senator Villar (C), however, argued that the present law did not mention cartels, profiteering, and hoarding, which were now included in the proposed law under consideration.

Senator Pimentel suggested revisiting the provision that mentioned "*prima facie* evidence of strong guilt, which renders the offense non-bailable" because under the Constitution, the suspects are given a day in court to prove that the evidence against them is not strong and that the determination of whether or not the evidence is strong should be left with the judge.

On whether it is the intent of the bill to empower any member of the enforcement team to enter, search, and confiscate without a search or seizure warrant issued by the proper court, the Sponsor replied that the basis of the provision is the Customs Modernization and Tariff Act (CMTA), specifically Section 219 thereof, and the Fisheries Code. Senator Pimentel suggested revisiting the cited provision.

Asked to explain the phrase "parallel pricing" and whether it is considered a punishable act, the Sponsor replied that it is not a crime but it is indicative of the existence of a cartel, as she affirmed that it is a term to characterize the acts of an individual who will be charged as part of the cartel.

Referring to the definition of "smuggling," in particular the phrase "with or without full knowledge that the same has been fraudulently imported," Senator Pimentel asked if this would mean that good faith is not a defense, the Sponsor stated that the person being charged must prove in court that he had no full knowledge.

Interpellation of Senator Cayetano (P)

Senator Cayetano (P) asked what are the existing laws that currently govern anything similar to agricultural economic sabotage, Senator Villar (C) cited the Anti-Agricultural Smuggling Act, the Price Act, the CMTA, and the Philippine Competition Commission Act, but insofar as agricultural products that would be imported and would be subject of a penalty, the applicable law would be the Anti-Agricultural Smuggling Act.

Asked what are the products that the proposed law added to the existing 10 agricultural products listed in the Anti-Agricultural Smuggling Act, the Sponsor cited tobacco, beef, dairy, and fruits.

Senator Cayetano (P) then questioned why tobacco was included and how it could “threaten food security,” which is one of the elements of economic sabotage as defined in the proposed measure.

Senator Villar (C) argued that the WTO and the CMTA consider tobacco as an agricultural product and the intent of the bill is to prevent the smuggling of tobacco, thus preventing, in the process, the proliferation of cheap tobacco; in turn, tobacco, with the heavy taxes imposed on it, would not be easily accessed by the youth.

Senator Cayetano (P) countered that it is common sense to the average person that tobacco would not be part of the list of agricultural products that are truly essential to food security. The Sponsor maintained that tobacco farming is the livelihood of the majority of the people in Northern Luzon.

Asked if the bill covers cruciferous vegetables only or whether it covers all kinds of vegetables, the Sponsor replied that the bill only covers cruciferous vegetables because they are the ones commonly smuggled.

Adverting to Section 11 on penalties, Senator Cayetano (P) admitted that she felt conflicted hearing for the first time the penalty of “perpetual absolute disqualification to engage in any business involving importation, transportation, storage and warehousing, and domestic trade of agricultural and fishery products.” She doubted if it is constitutional to prevent someone from engaging in business. The Sponsor pointed out that the same penalty can be found in Anti-Agricultural Smuggling Act.

Senator Cayetano (P) also questioned the proviso which listed the properties that could be subject of confiscation when used in the commission of any of the crimes of agricultural economic sabotage. For instance, she asked why a warehouse should be confiscated when it was only rented or the warehouse owner had no knowledge that his warehouse was used in the commission of the crime. Definitely, she said, it is a deprivation of property which is in violation of the Constitution.

Senator Cayetano (P) further asked about how the power of the Council to freeze the funds and properties, etc. of the suspect would be implemented. The Sponsor stated that an amendment will be introduced, stating that an application to freeze will be filed before the Anti-Agricultural Economic Sabotage Court, which will be established under the bill.

Interpellation of Senator Pimentel (*continuation*)

On page 6 of the bill, Senator Pimentel questioned the inclusion of resorts in the perpetuation of economic sabotage, Senator Villar (C) cited as an example the private ports in Zamboanga City that were used in the smuggling of rice.

On Section 7, on whether the shortage or emergency must be officially declared, the Sponsor replied that it would be the Council that would formally declare that there is a shortage or emergency.

As regards the concept of “unreasonably increase the price,” Senator Villar (C) explained that the price is considered unreasonable when it is more than 10% higher than the Daily Price Index. She agreed to consider an amendment to clarify

the concept even as she pointed out that the Price Act already used the “unreasonable increase” concept, which is 10%.

Senator Pimentel observed that authorizing any member or a combination of members of the enforcement group is tantamount to deputizing, and so he asked if the person deputized would have the same powers as the members of the enforcement group. The Sponsor replied that it would not necessarily be so, and she agreed to clarify it by way of amendment.

Adverting to Section 10 on mandatory record keeping, Senator Pimentel noted that failing to produce records will be *prima facie* evidence of violation leading to the charge of large-scale economic sabotage. His worry, he said, is with those involved in small-scale business operations who are most likely not too meticulous and professional with their record keeping. In reply, Senator Villar (C) agreed to revisit the section and she proposed to exempt micro and small enterprises.

Regarding the power of the Council to grant monetary rewards and other incentives to informers, Senator Pimentel asked if this could be used as a basis to ask for confidential and intelligence funds (CIF), the Sponsor replied that proceeds from confiscated products could be used for that purpose.

On the disposition or the use of the properties used in the commission of the crimes, Senator Pimentel suggested that whatever proceeds from the confiscated products should be remitted to the General Fund instead of allowing the enforcement group and some other parties to receive monetary benefits from their actions, the Sponsor maintained that the proceeds may remain with the Council under a special account because it would be very difficult to access it when the need arises once it is remitted to the General Fund.

Senator Pimentel stated that what bothered him was the confiscated vessel, vehicle, aircraft, and the like which could be declared for official use by the council.

The Senator also questioned the mandatory destruction of confiscated smuggled goods, considering that they are evidence of smuggling, saying that he was also uncomfortable with the idea of punishing the government officer or employee who does not destroy the evidence. He instead proposed that the evidence should be preserved.

Regarding the creation of special courts, Senator Villar (C) stated that it would be the subject of an amendment of Senator Tolentino.

5. Senate Bill No. 2441 under Committee Report No. 122

An Act Mandating Private Higher Education Institutions to Waive College Entrance Examination Fees and Charges of Certain Students Qualified to Apply For College Admission

Sponsor: Sen. Francis G. Escudero

Sponsorship Speech of Senator Escudero

At the outset, Senator Escudero stated that the waiver of examination fees, as decreed in the bill, is not a blanket waiver of fees and does not disenfranchise private colleges from collecting such. Instead, it only exempts a small subset of fee-

exempt entrance takers, enumerated in the bill. He noted that the free exam could be a recruiting tool aimed at the best and the brightest.

Saying that the free exam does not swing the school portals open but merely allows the poor to set a foot on the door, Senator Escudero said that some requirements, reasonable and not designed as hurdles to discourage takers, could be imposed.

He explained that when qualified takers proceed to enroll in the school, the latter's investment would yield a higher return through tuition paid. The free tuition could be seen as a marketing device that can lure potential bright enrollees.

Manifestation of Senator Villanueva that he be made coauthor of Senate Bill No. 2441 together with Senators Dela Rosa and Padilla

Manifestation of Senator Legarda that she be made coauthor of Senate Bill No. 2441

Manifestation of Senator Villanueva that his cosponsorship speech and those of Senators Revilla and Estrada be inserted into the *Record*

6. Senate Bill No. 2442 under Committee Report No. 123

An Act Establishing the Philippine Entrepreneurs' Academy, Appropriating Funds Therefor and For Other Purposes

Sponsor: Sen. Francis G. Escudero

Sponsorship Speech of Senator Escudero

In sponsoring the bill, Senator Escudero stated that under the bill, the proposed Philippine Entrepreneurial Academy will be initially comprised of two campuses which will be in Clark and Baguio City.

He explained that the creation of the Academy does not duplicate degrees offered by some SUCs. Alternatively, it will offer specialized courses within the particular discipline.

The Senator noted that out of the 1,080,810 registered businesses in the country, 1,076,279 are micro, small and medium enterprises (MSMEs), or 99.5% of the recorded business. Almost two in three jobs today are found in MSMEs. As to economic output, he said that they contributed 35.7% in terms of value added to the national total, as shown in the country's export performance.

Senator Escudero lamented that despite MSMEs' value to the fortunes and future of the country, they are relegated to the margins in the universities, and there are insufficient curricular offerings tailor-made for incubating, managing, and growing MSMEs.

In closing, Senator Escudero stated that the bill answers a need that is integral to national economic development plans of manufacturing resurgence, high value-

chain creation, jobs generation, and enterprises that pay taxes that are plowed back to the people.

Manifestation of Senator Villanueva that the cosponsorship speech of Senator Estrada be inserted into the Record

7. House Bill No. 7564 under Committee Report No. 135

An Act Allowing the Incumbent President of the Mountain Province State Polytechnic College to Become the First President of the Mountain Province State University, Amending for the Purpose Republic Act No. 10583, Entitled "An Act Converting the Mountain Province State Polytechnic College in the Municipality of Bontoc, Mountain Province Into a State University to be Known as the Mountain Province State University, With Campuses in the Municipalities of Tadian, Bauko, Paracelis and Barlig, All Located in Mountain Province and Appropriating Funds Therefor"

Sponsor: Sen. Francis G. Escudero

Sponsorship Speech of Senator Escudero

Preliminarily, Senator Escudero stated that before the Chamber is a bill that answers the clamor of Cordillerans that a state college they are truly proud of, to finally acquire the status of a state university.

Senator Escudero narrated that the MPSC got its university charter in 2012 through Republic Act No. 10583, which authorized its conversion into a state university upon determination and declaration by the CHED that the MPSC has complied with the requirements for university status.

He noted that the period for compliance was only until January 1, 2016; hence, Congress passed Republic Act No. 11011, extending indefinitely such compliance period. However, the pandemic delayed MPSC's ascension to the league of state universities, but this time, according to its officials, they have substantially met all the requisites and are now ready to embrace their new status as a state university.

For a seamless transition, according to the Senator, MPSC's officials argued that the leadership should remain in office, to minimize disruption and ensure the continuity of programs; thus, the bill filed in the House of Representatives mandates that the incumbent president of the MPSC shall serve as the first president of the university.

8. Senate Bill No. 2233 under Committee Report No. 71 (Continuation)

An Act Strengthening Public-Private Partnerships, Appropriating Funds Therefor, and For Other Purposes

Sponsor: Sen. Joseph Victor "JV" G. Ejercito

Amendments of Senator Ejercito

Senator Ejercito proposed, and the Body approved, among others, these amendments, to wit:

- On page 3, between lines 23 and 24, insert new subsections (i), (j), and (k) to read as follows:

(i) GOVERNMENT FINANCIAL INSTITUTIONS (GFIS) REFER TO FINANCIAL INSTITUTIONS OR CORPORATIONS IN WHICH THE GOVERNMENT DIRECTLY OR INDIRECTLY OWNS MAJORITY OF THE CAPITAL STOCK AND WHICH ARE EITHER: (I) REGISTERED WITH OR DIRECTLY SUPERVISED BY THE BANGKO SENTRAL NG PILIPINAS; OR (II) COLLECTING OR TRANSACTING FUNDS OR CONTRIBUTIONS FROM THE PUBLIC AND PLACES THEM IN FINANCIAL INSTRUMENTS OR ASSETS SUCH AS DEPOSITS, LOANS, BONDS AND EQUITY INCLUDING, BUT NOT LIMITED TO, THE GOVERNMENT SERVICE INSURANCE SYSTEM AND THE SOCIAL SECURITY SYSTEM

(j) GOVERNMENT INSTRUMENTALITIES WITH CORPORATE POWERS (GICPS)/GOVERNMENT CORPORATE ENTITIES (GCES) REFER TO INSTRUMENTALITIES OR AGENCIES OF THE GOVERNMENT, WHICH ARE NEITHER CORPORATIONS NOR AGENCIES INTEGRATED WITHIN THE DEPARTMENTAL FRAMEWORK, BUT VESTED BY LAW WITH SPECIAL FUNCTIONS OR JURISDICTION, ENDOWED WITH SOME IF NOT ALL CORPORATE POWERS, ADMINISTERING SPECIAL FUNDS, AND ENJOYING OPERATIONAL AUTONOMY USUALLY THROUGH A CHARTER;

(k) GOVERNMENT-OWNED OR -CONTROLLED CORPORATION (GOCC) REFERS TO ANY AGENCY ORGANIZED AS A STOCK OR NONSTOCK CORPORATION, VESTED WITH FUNCTIONS RELATING TO PUBLIC NEEDS WHETHER GOVERNMENTAL OR PROPRIETARY IN NATURE, AND OWNED BY THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES DIRECTLY OR THROUGH ITS INSTRUMENTALITIES EITHER WHOLLY OR, WHERE APPLICABLE AS IN THE CASE OF STOCK CORPORATIONS, TO THE EXTENT OF AT LEAST A MAJORITY OF ITS OUTSTANDING CAPITAL STOCK: PROVIDED, THAT THE TERM GOCC SHALL INCLUDE GICP/GCE AND GFI;

And reletter the subsections accordingly.

- On page 4, line 24, between the words “arrangement” and “where”, insert a comma (,) and the phrase WHETHER SOLICITED OR UNSOLICITED and a comma (,) afterwards.
- On page 5 lines 4 to 6, delete from the phrase “as defined” until the word “Act”.
- On the same page, lines 6 and 7, insert a new subsection (R) to read as follows:

(R) LOCAL UNIVERSITIES AND COLLEGES (LUCS) REFERS TO COMMISSION ON HIGHER EDUCATION (CHED) ACCREDITED PUBLIC

HIGHER EDUCATION INSTITUTIONS (HEIS) ESTABLISHED BY LGUS THROUGH AN ENABLING ORDINANCE, FINANCIALLY SUPPORTED BY THE LGU CONCERNED, AND COMPLIANT WITH THE POLICIES, STANDARDS, AND GUIDELINES OF THE CHED.

- On page 5, between lines 15 and 16, insert a new subsection (S) to read as follows:

(S) MOST RESPONSIVE BID REFERS TO A BID THAT CONFORMS IN ALL MATERIAL RESPECTS TO THE REQUIREMENTS STATED IN THE BID SOLICITATION, PURSUANT TO THE APPROVED BID PARAMETER, AND THAT IS MOST ADVANTAGEOUS TO THE GOVERNMENT.
- On page 6, between lines 10 and 11, insert a new subsection (Y) to read as follows:

(Y) STATE UNIVERSITIES AND COLLEGES (SUCS) REFERS TO PUBLIC HEIS ESTABLISHED BY THE NATIONAL GOVERNMENT AND ARE GOVERNED BY THEIR RESPECTIVE INDEPENDENT BOARDS OF TRUSTEES OR REGENTS, and reletter the subsections accordingly.
- On page 15, line 11, after the term “Implementing Agency”, delete the period (.) and insert a colon (:), and the phrase:

PROVIDED, THAT THE POSTING OF INVITATION TO PRE-QUALIFY AND BID SHALL BE THROUGH THE OFFICIAL WEBSITE OF THE IMPLEMENTING AGENCY AND/OR THE PPP CENTER WITH THE OBJECTIVE OF PROMOTING COMPETITION.
- On page 18, delete line 24 starting with the word “Exemption” and replace it with ADDITIONAL EXEMPTIONS FROM ANY TAX OTHER THAN THOSE PROVIDED FOR BY LAW.
- On page 19, line 10, after the word “website”, insert the phrase AND/OR THE PPP CENTER.
- On the same page, line 12, after the term “Unsolicited Proposal” and the period (.), insert the sentence: THE INFORMATION POSTED SHALL INCLUDE THE PROJECT TITLE, THE PROPOSED SCOPE, AND OTHER INFORMATION THAT ARE NOT CONFIDENTIAL BUSINESS INFORMATION.
- On the same page, line 31, after the semicolon (;), insert the phrase PROVIDED FURTHER, THAT UNSELECTED PROPONENTS WILL HAVE THE OPPORTUNITY TO SUBMIT A COMPARATIVE PROPOSAL DURING THE COMPARATIVE CHALLENGE.
- On page 21, line 4, after the term “one (1) year” and before the period (.), insert a semicolon (;) and the phrase PROVIDED FURTHER, THAT THE POSTING OF INVITATION TO SUBMIT COMPARATIVE PROPOSALS SHALL BE THROUGH THE OFFICIAL WEBSITE OF THE IMPLEMENTING AGENCY AND/OR THE PPP CENTER WITH THE OBJECTIVE OF PROMOTING COMPETITION.

- On page 22, line 12, between the phrase “or agreement”, insert INCLUDING VETO RIGHTS IN FAVOR OF THE GOVERNMENT.
- On page 40, lines 19 to 22, delete the entire text of the subsection (k) and replace it with: IN CASE TWO OR MORE PRIVATE PROPONENTS AGREE AND SUBMIT DIFFERENT BIDS AS IF IT IS BONAFIDE, WITH THE KNOWLEDGE THAT SUCH WILL NOT BE ACCEPTED, AND THAT THE PPP CONTRACT WILL BE AWARDED TO THE PRE-ARRANGED MOST RESPONSIVE BID, followed by a semicolon (;).
- on page 10, line 15, between the word “assets” and the period (.), insert the phrase BASED ON ITS LATEST AUDITED FINANCIAL STATEMENTS AND OTHER PERTINENT DOCUMENTS AND SUBJECT TO SECTION 3(Z) OF THIS ACT.
- On page 3, line 1, on Section 3, paragraph (d), delete the phrase “or may not”.
- On page 17, line 11, delete the phrase “The determination of completeness” and replace it with THE DETERMINATION OF COMPLETENESS, WHETHER BY THE IMPLEMENTING AGENCY OR THE PPP CENTER.
- On page 17, line 12, after the term “unsolicited proposal”, insert the sentence THE PPP CENTER SHALL THEREAFTER REFER THE SAME TO THE APPROPRIATE APPROVING BODY.
- On page 19, line 19, after the word “shall”, delete the word “conduct” and replace it with COMPLETE.
- On page 28, line 30, delete the phrase “For avoidance of doubt”.
- On page 39, line 2, after the word “to”, delete the word “call” and replace it with AVAIL.

Approved on Second Reading

The session was adjourned at 9:22 p.m.