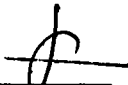


'18 JUL -3 P3:18

SENATE
P.S. Res. No. 777

RECEIVED 

Introduced by Senator Grace Poe

RESOLUTION

DIRECTING THE SENATE COMMITTEES ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS, AND PUBLIC ORDER AND DANGEROUS DRUGS, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NUMEROUS IRREGULARITIES FOUND BY THE COMMISSION ON AUDIT WITH REGARD TO THE PURCHASE OF PHP 1.89 BILLION WORTH OF MAHINDRA ENFORCER AND MAHINDRA SCORPION VEHICLES IN 2015, ON POSSIBLE MISFEASANCE, MALFEASANCE, AND NONFEASANCE THEREOF

1 WHEREAS, enshrined in Article 11, Section 1 of the 1987 Constitution is the
2 principle that "Public office is a public trust";

3 WHEREAS, Article 2, Section 5 of our fundamental law also declares that
4 "...the maintenance of peace and order, the protection of life, liberty, and property,
5 and promotion of the general welfare are essential for the enjoyment by all the
6 people of the blessings of democracy";

7 WHEREAS, the above-mentioned state policy on the maintenance of peace
8 and order is reiterated in the following provisions:

- 9 a.) Article 10, Section 21: "The preservation of peace and order within
10 the regions shall be the responsibility of the local police agencies
11 which shall be organized, maintained, supervised, and utilized in
12 accordance with applicable laws. The defence and security of the
13 regions shall be the responsibility of the National Government"
14 (emphasis supplied);

15

1 b.) Article 16, Section 6: "The State shall establish and maintain one
2 police force, which shall be national in scope and civilian in
3 character, to be administered and controlled by a national police
4 commission. The authority of local executives over the police units
5 in their jurisdiction shall be provided by law" (emphasis supplied);

6 WHEREAS, pursuant to the Constitutional provisions cited above, Section 24
7 of Republic Act No. 6975, otherwise known as the *"Department of the Interior and*
8 *Local Government Act of 1990"*, the Philippine National Police (PNP) is granted the
9 following powers and functions:

- 10 a.) Enforce all laws and ordinances relative to the protection of lives and
11 properties;
- 12 b.) Maintain peace and order and take all necessary steps to ensure public
13 safety;
- 14 c.) Investigate and prevent crimes, effect the arrest of criminal offenders,
15 bring offenders to justice and assist in their prosecution;
- 16 d.) Exercise the general powers to make arrest, search and seizure in
17 accordance with the Constitution and pertinent laws;
- 18 e.) Detain an arrested person for a period not beyond what is prescribed by
19 law, informing the person so detained of all his rights under the
20 Constitution;
- 21 f.) Issue licenses for the possession of firearms and explosives in accordance
22 with law;
- 23 g.) Supervise and control the training and operations of security agencies and
24 issue licenses to operate security agencies, and to security guards and
25 private detectives, for the practice of their professions; *and*
- 26 h.) Perform such other duties and exercise all other functions as may be
27 provided by law.

28 WHEREAS, inherent in the PNP's powers is the responsibility to regularly
29 procure and maintain adequate equipment necessary to preserve peace and order
30 and serve the people;

1 WHEREAS, in a recent report, the Commission on Audit (COA) noted that the
2 purchase of Php 1.893 billion worth of Mahindra Enforcer and Mahindra Scorpio
3 vehicles in 2015 was riddled with the following irregularities:

4 a.) The purchase of the vehicles was done "without the benefit of operational
5 needs assessment";

6 b.) The purchase was also marked by numerous "unsound changes in
7 NAPOLCOM minimum standard specifications restricting in effect wider
8 latitude in selecting the most suitable mobility assets";

9 c.) The actual performance of the initial 1,656 Mahindra vehicles was not
10 evaluated;

11 d.) 206 units were not effectively utilized due to "frequent breakdowns, poor
12 after sales services, and limited availability of spare parts";

13 e.) The PNP incurred additional costs of Php 59.379 million in the form of
14 service fees which "...could have been otherwise used to acquire
15 approximately 67 units of patrol jeeps";

16 WHEREAS, the COA report validates concerns raised way back in 2014, during
17 which it was reported that the terms of reference for the purchase were modified to
18 eliminate other bidders, and that Mahindra was not even qualified in the first place
19 due to their lack of service centers;

20 WHEREAS, in procuring equipment, the PNP must abide by applicable laws,
21 notably Republic Act No. 9184, otherwise known as the "*Government Procurement*
22 *Reform Act*";

23 WHEREAS, the Governing Principles of R.A. 9184 provide that for "streamlined
24 procurement process that will uniformly apply to all government procurement" and
25 for a "...system of accountability where both the public officials involved in the
26 procurement process and the private parties that deal with government are, when
27 warranted by circumstances, investigated and held liable for their actions relative
28 thereto" (emphasis supplied);

29 WHEREAS, public funds and resources ultimately belong to the people, and
30 the government should thus be judicious in its use in order to avoid wastage;

31

1 WHEREAS, all forms of government misfeasance, malfeasance, and
2 nonfeasance, especially with regard to government funds, must be prosecuted to the
3 fullest extent of the law;

4 WHEREAS, the damage done by the lemon Mahindras compromised security,
5 crippled the police, and left citizens vulnerable;

6 NOW THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate of
7 the Philippines, to direct the Senate Committees on Accountability of Public Officers
8 and Investigations, and Public Order and Dangerous Drugs, to conduct an inquiry, in
9 aid of legislation, on the numerous irregularities found by the Commission on Audit
10 with regard to the purchase of Php 1.89 billion worth of Mahindra Enforcer and
11 Mahindra Scorpion vehicles in 2015, on possible misfeasance, malfeasance, and
12 nonfeasance thereof.

13 *Adopted,*



GRACE POE *res*