

SENATE

'18 AUG 14 A10 :41

P. S. RES. NO. 839

---

Introduced by **SENATOR LEILA M. DE LIMA**

---

**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT**  
**AN INQUIRY, IN AID OF LEGISLATION, ON THE BUREAU OF**  
**IMMIGRATION'S FAILURE TO COLLECT EXPRESS LANE FEE**  
**CHARGES FROM JUNE TO DECEMBER 2017, WITH THE END IN VIEW**  
**OF CRAFTING LEGISLATION TO ENSURE ACCOUNTABILITY FOR**  
**GROSS MISINTERPRETATION OF THE LAW BY PUBLIC OFFICIALS**  
**WHO ARE TASKED TO ENFORCE THEM**

1 WHEREAS, Article XI, Section 1 of the Constitution states that "(p)ublic office  
2 is a public trust. Public officers and employees must, at all times, be accountable to the  
3 people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act  
4 with patriotism and justice, and lead modest lives";

5 WHEREAS, Section 4 of Republic Act No. 6713, otherwise known as the Code  
6 of Conduct and Ethical Standards for Public Officials and Employees, states that  
7 "...(a)ll government resources and powers of their respective offices must be employed  
8 and used efficiently, effectively, honestly and economically, particularly to avoid  
9 wastage in public funds and revenues";

10 WHEREAS, on 2016, President Rodrigo Duterte vetoed the proposed use of  
11 express lane charges collected by the Bureau of Immigration in the 2017 General  
12 Appropriations Act;

13 WHEREAS, the Veto Message for Fiscal Year 2017 states that the President is  
14 "constrained to directly veto the use of express lane charges collected by the [Bureau  
15 of Immigration]...for payment of salaries of casual and contractual personnel,  
16 confidential agents and job employees, augmentation of personnel who render  
17 services beyond office hours, and payment of health insurance premium. It is  
18 important to note that said agency have been provided appropriations for overtime

1 pay for FY 2017 and that, a total of seven hundred (700) positions have been created  
2 to address the issue on shortage of personnel of the agency. Without a separate  
3 substantive law as legal basis, the collected fees from the express lane charges should  
4 now be deposited as income of the General Fund”;

5 WHEREAS, misinterpreting this veto, the Bureau of Immigration (BI) stopped  
6 collecting express lane charges;

7 WHEREAS, in the Commission on Audit’s (COA) 2017 audit report, findings  
8 show that the BI lost ₱869.24 million for misinterpreting President Rodrigo Roa  
9 Duterte’s veto message last 22 December 2016 and stopped imposing express lane fee  
10 charges<sup>1</sup>;

11 WHEREAS, the COA emphasized “it is only the use of express lane charges  
12 collected that was vetoed by the President and not the collection from express lane  
13 charges”<sup>2</sup>;

14 WHEREAS, the exact amount lost totalled to ₱869,235,102.71, starting from  
15 when the BI stopped collecting express lane fees (ELF) in June until December 2017 –  
16 a 60.5 percent decrease from over ₱1 billion in fees collected in 2016<sup>3</sup>;

17 WHEREAS, the BI collected ₱568,519,310.92 between January and May 2017,  
18 but the COA noted that only ₱56,851,931.09 of that amount was recognized in the  
19 General Fund, contrary to the President’s instruction, and the remaining  
20 ₱511,667,379.83 was recorded under the Trust Liabilities account<sup>4</sup>;

21 WHEREAS, in its response to COA, BI said they stopped collecting the fees  
22 since they can no longer be used to augment BI employees’ salaries, saying, “Upon  
23 learning that the appeal for reconsideration of the Bureau will unlikely be approved,  
24 the office hours was adjusted to 8:00AM to 5:00PM. In this case, the Bureau  
25 discontinued the collection of the said fee since its purpose has been revoked”<sup>5</sup>;

---

<sup>1</sup> Philippine Daily Inquirer. 10 July 2018. “BI misreads Duterte order, loses P869M in express lane fees”. Retrieved from <http://newsinfo.inquirer.net/1008661/bi-misreads-duterte-order-loses-p869m-in-express-lane-fees>

<sup>2</sup> *Ibid.*

<sup>3</sup> Cabato, Regine. 9 July 2018. “COA: BI errs in implementing Duterte order, loses ₱869 million”. CNN Philippines. Retrieved from <http://cnnphilippines.com/news/2018/07/09/coa-audit-report-bureau-immigration-errs-duterte-order-loses-869-million.html>

<sup>4</sup> *Ibid.*

<sup>5</sup> Buan, Lian. 9 July 2018. “After losing workers due to pay cut, BI now has to answer for profit loss”. Rappler. Retrieved from <https://www.rappler.com/nation/206849-bureau-immigration-express-lane-fees-collection-audit-report-2017>



1           WHEREAS, the BI's gross misinterpretation of the President's veto message  
2 cost the government a substantial amount in revenues which could have been  
3 translated into programs and projects, and responsible officials from which the errant  
4 order emanated should be made accountable for these incurred losses;

5           WHEREAS, there has to be a level of accountability from the officials who  
6 committed this gross misinterpretation of law, lest we continue to suffer from  
7 imprudence or intentional misfeasance by our public officials tasked with  
8 implementing our laws;

9           WHEREAS, there is a need to look into the current laws and regulations among  
10 our revenue generating offices to ensure that there are sufficient safeguards against  
11 losses brought about by misappreciation of laws and similar acts or omissions by the  
12 implementing officials;

13           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the  
14 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the  
15 Bureau of Immigration's failure to collect express lane fee charges in June to December  
16 2017, with the end in view of crafting legislation to ensure accountability for gross  
17 misinterpretation of the law by public officials who are tasked to enforce them.

*Adopted,*

  
**LEILA M. DE LIMA**