



HOUSE OF REPRESENTATIVES

H. No. 898

INTRODUCED BY HONORABLE BELMONTE JR., BATERINA, VERGARA, TULAGAN, CHIPECO JR., AUMENTADO, PALMA GIL, ESPINA, LORENZO-VILLAREAL, VILLAROSA, LIBAN, LIBANAN, MONFORT, BADELLES, ROMUALDO, MARCOS, ADIONG, ABAD, MANGOTARA, SALAPUDIN, PARCON, REYES (E.), ORTEGA, AGUINALDO, REYES (R.), GONZALES (R.F.), SY-ALVARADO, FAJARDO, TEODORO JR., ABAYA, MALIKSI, SUMULONG, ESPINOSA (V.), FUENTEBELLA, IMPERIAL, SALCEDA, SEACHON JR., ALVAREZ JR. (G.), RODRIGUEZ JR., HERRERA (E.T.), JALA, LORETO-GO, CAYETANO, NACHURA, SALUDO, VELOSO, VICENCIO, CARLOTO, LOBREGAT, FALCON, AMIN, NIEVA, OCAMPO, PONCE, PANTOJA, BANAAG, HIZON, PADILLA JR., MACARAMBON, FARIÑAS, BULUT, CERILLES, SUPICO, RAMIRO, FLOIRENDO JR., PICHAY JR., ALMARIO, BARBERS, BAUTISTA, DATUMANONG, ENRILE, ERMITA, GARCIA (M.), LEVISTE, SANDOVAL II, URRO, FORTUNO, ECHIVERRI, FUA JR., GONZALES II, RODRIGUEZ (O.), LANOT, DILANGALEN, WACNANG, CRUZ-DUCUT, GARCIA JR. (S.), ROMAN, TAÑADA, ESCUDERO, ESPINOSA JR., DURANO, MARTINEZ, ABAYON, ALVAREZ (P.), CAGAS, LOPEZ (R.), LIBARIOS, TAMMANG, VALERA, CANDAZO, BERATIO, TUAZON, CALDERON, MENDOZA, GONZALEZ (R.), APOSTOL, BUNYE, MORENO, EBALLE, GUNIGUNDO I, ALVAREZ (H.), AMATONG, ANDAYA (R.) JR., AQUINO (A.), ARROYO, BRAGANZA, DEFENSOR, GORDON JR., JACOB, LIM, LOZADA JR., MAGTUBO, MONTEMAYOR, ROSALES, SILOS AND ZUBIRI

AN ACT TO ENSURE THE EXPEDITIOUS IMPLEMENTATION OF
GOVERNMENT PROJECTS AND PROVIDING PENALTIES
AND SANCTIONS FOR VIOLATIONS THEREOF

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Government Projects Expeditious Implementation Act.”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of
4 the State to promote the prompt execution of government projects in order
5 to reap the economic and social benefits therefrom.

6 SEC. 3. *Definition.* – “Government projects” shall refer to all
7 current and future government infrastructure, engineering works and
8 service contracts, all projects covered by Republic Act No. 7718, as
9 amended, otherwise known as the Build-Operate-Transfer Law, and other
10 related and necessary activities, including construction, implementation,
11 operation, completion, repair, rehabilitation, improvement, maintenance,
12 and site acquisition, regardless of the source of available funding.

13 SEC. 4. *Prohibition Against the Issuance of Restraining Orders And*
14 *Injunctions Against Government Projects.* – No court, other than the
15 Supreme Court of the Philippines, shall have jurisdiction to issue any
16 temporary restraining order, preliminary injunction, or preliminary
17 mandatory injunction against the government, or any of its subdivisions,
18 officials or any person or entity, whether public or private, acting under
19 the government’s direction, to restrain, prohibit, or compel the following
20 acts:

21 (a) Bidding or awarding of contract for any government project;

1 (b) Commencement, prosecution, execution, implementation,
2 operation or completion of any such contract/project;

3 (c) Termination or rescission of any such contract/project;

4 (d) The undertaking or authorization of any other lawful activity
5 necessary for such bidding, award, commencement, prosecution,
6 execution, implementation, operation, completion, termination or
7 rescission of the contract/project.

8 This limitation on jurisdiction shall apply in all cases, disputes or
9 controversies instituted by a private party, including but not limited to
10 cases filed by bidders or those claiming to have rights through such
11 bidders involving a government contract/project.

12 This Act however, shall not in anyway modify, alter, amend or
13 abrogate Sections 28 and 29 of Republic Act No. 7279.

14 SEC. 5. *Remedies.* – If, after due hearing the court finds that both
15 the government official or agent, or any person or entity claiming to act
16 under his direction, and the contractor have acted contrary to the
17 Constitution, or fraudulently or in violation of the Anti-Graft and Corrupt
18 Practices Act, or in violation of any other law, rules and regulations:

19 (a) The contractor shall be barred and disqualified from continuing
20 the project and shall be blacklisted from all government projects. If the
21 erring contractor is a corporation or entity, the responsible officers thereof
22 shall be ineligible to participate by themselves or through another

1 corporation or entity in any competitive bidding for government projects;
2 and

3 (b) The government or any of its authorized subdivisions or
4 officials may thereafter award by negotiation to the second lowest
5 complying bidder the contract for the completion of the unfinished
6 government project as an exemption to the requirement of public bidding.
7 In case the second complying bidder refuses to accept the award, the
8 government may award the contract by negotiation to the third lowest
9 complying bidder. In the event that the third lowest complying bidder
10 refuses to accept the contract for the completion of the project, the
11 government may now award the contract under simplified bidding.

12 SEC. 6. *Unjust Interlocutory Order.* – Any judge who shall issue, in
13 violation of this Act, a temporary restraining order or preliminary
14 injunction and/or mandatory injunction against the government or any of
15 its subdivisions, officials or any person or entity, whether public or
16 private, acting under the government's direction shall be guilty of the
17 crime of knowingly rendering an unjust interlocutory order penalized
18 under Article 206 of the Revised Penal Code.

19 SEC. 7. *Limitation on Local Government Units.* – Any provision of
20 law to the contrary notwithstanding, the approval of any local government
21 unit where the project is located including issuances of permits to extract
22 gravel, sand and other quarry resources as provided by the Local

1 Government Code of 1991, shall not be required before any national
2 government project is implemented. It must be understood that
3 consultation with the local government unit may be secured or obtained:
4 *Provided, however,* That neither will such local government unit nor any
5 national government agency or any official thereof, have the authority to
6 suspend or stop the quarrying or extraction of said gravel and sand or other
7 quarry resources needed in government projects nor stop the
8 commencement, prosecution, execution, implementation, operation or
9 completion of such government projects for any reason whatsoever, except
10 that the local government unit may charge reasonable fees for such
11 quarrying or extraction.

12 The above limitation shall not apply when the project may
13 contravene existing land use ordinances in which case consultation with
14 the local government unit concerned shall be required.

15 SEC. 8. *Separability Clause.* – If, for any reason, any provision of
16 this Act is declared unconstitutional or invalid, the other parts or
17 provisions hereof which are not affected thereby shall continue to be in
18 full force and effect.

19 SEC. 9. *Repealing Clause.* – All laws, decrees, orders, rules and
20 regulations, or portions thereof, including among others, Sections 27 and
21 138 of Republic Act No. 7160, otherwise known as the Local Government

1 Code of 1991, except consultation, inconsistent with this Act are hereby
2 repealed or modified accordingly.

3 SEC. 10. *Effectivity.* – This Act shall take effect on the day
4 following its complete publication in at least two (2) newspapers of
5 general circulation.

Approved,

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