

REPUBLIC OF THE PHILIPPINES

CONGRESSIONAL OVERSIGHT COMMITTEE ON THE OFFICIAL DEVELOPMENT ASSISTANCE ACT OF 1996, AS AMENDED (RA NO. 8182), September 09, 2010

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RULES OF PROCEDURE

ARTICLE 1

THE OVERSIGHT COMMITTEE

SECTION 1. Composition.—The Congressional Oversight Committee on the Official Development Assistance Act of 1996, created pursuant to Section 8 of Republic Act No. 8182, as amended, shall be composed of the Chairman of the Committee on Ways and Means of the Senate, five (5) members representing the majority and two (2) members representing the minority to be designated by the leaders of the majority and minority in the respective chambers.

The Chairman of the Committee on Ways and Means in the Senate shall be the Chairman of the Oversight Committee.

SEC. 2. Duties and Functions.—The Oversight Committee shall, in aid of legislation, perform the following functions;

2.1

Set the guidelines and over-all framework to monitor and ensure the proper implementation of Republic Act No. 8182, as amended;

2.2

Determine that the proceeds of all Official Development Assistance (ODA) loans or loans and grants are equitably distributed and that the utilization of ODA funds to all provinces is consistent with the provisions of R.A. 8182;

2.3

Monitor all ongoing ODA-assisted projects;

2.4

Approve the internal budget and budget for all programs of the Oversight Committee, including the compensation of its personnel;

2.5

Submit periodic reports to Congress;

2.6

Determine inherent weaknesses in the law and recommend necessary remedial legislation; and

2.7

Perform such other duties and functions as may be necessary.

SEC. 3. Powers and Authority.—The Oversight Committee shall the following powers and authority:

3.1

Require the National Economic Development Authority (NEDA) to submit all information/report relative to the monitoring of ODA-assisted projects including but not limited to: contracts, physical targets and accomplishments; budget allocation, project expenditures and loan and loan and grant disbursements; statement of expenses submitted to funding agencies; implementation delays experienced and actions taken; recommended actions or action plan to resolve implementation problems; and other information which may be relevant in assessing the progress of implementation of ODA-assisted projects;

3.2

Adopt its internal rules and procedures;

3.3

Conduct hearings and receive testimonies, reports, and other technical advice;

3.4

Invite or summon by subpoena ad testificandum any public official, private citizen or any other person to testify before it, or require any person by subpoena duces tecum to produce before it such records, reports, documents or other materials as it may require;

3.5

Organize its secretariat, appoint an Executive Director and retain consultants as the Oversight Committee may deem necessary;

3.6

Adopt its internal budget, approve all disbursements therefrom for instance, operating expenses, traveling expenses as well as other expenses necessary in the performance of the mandated duties and functions of the Oversight Committee members; and

3.7

Generally exercise all the powers necessary to attain the purposes for which it was created.

ARTICLE II

OFFICERS

SEC. 4. Chairperson.—The Chairman of the Committee on Ways and Means in the Senate shall be the Chairman of the Oversight Committee.

SEC. 5. Powers and Functions of the Chairman.—The Chairman of the Oversight Committee shall have the following powers and functions:

5.1

To propose rules and regulations pertaining to the Oversight Committee's internal functions, and such other rules as may be necessary to carry out its functions for the approval of the Oversight Committee;

5.2

To administer oaths, sign subpoenas issued by the Oversight Committee requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, statement of accounts, agreements and other documents as may be material to a just determination of the matter under investigation, and to testify in any investigation or hearing,

5.3

To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor as may be sanctioned by the Oversight Committee;

5.4

To enter into any obligation or contract essential to the proper administration of the Oversight Committee's affairs, the conduct of its operations or the accomplishment of its mandate;

5.5

To determine and approve the financial requirements of the Oversight Committee including the budget of its operations, the conservation and administration of its assets and the servicing of its liabilities especially those which shall mature from time to time;

5.6

To disburse funds in accordance with its approved budget;

5.7

To organize its staff and technical panel, and hire and appoint such employees and personnel, whether temporary, contractual or on consultancy, and determine their compensation subject to applicable civil service laws, rules and regulations with the end in view of ensuring a competent and efficient Secretariat; and

5.8

To exercise all the powers necessary to attain the purposes of the Oversight Committee.

SEC. 6. Vice-Chairman.—There shall be a Vice-Chairman who shall be authorized to preside over the Oversight Committee hearings or meetings in the event that the Chairman is unavailable.

SEC. 7. Secretariat Staff.—The Oversight Committee shall be supported by staff and technical personnel headed by an Executive Director. The staff and Committee Secretary of the Senate shall assist the Oversight Committee in the performance of its functions.

SEC. 8. Qualifications, Duties and Responsibilities of the Executive Director.— The Executive Director, who must have adequate knowledge and experience in reviewing contracts or in the preparation of feasibility studies, shall have the following duties and responsibilities:

8.1

To prepare the agenda for all meetings or hearings of the Oversight Committee and to submit for consideration thereof the policies and measures which are necessary to carry out the affairs of the Oversight Committee;

8.2

To execute and administer the policies and decisions of the Oversight Committee;

8.3

To establish and assign duties and responsibilities of the members of the staff and delegate such authority as he may deem appropriate;

8.4

To direct and supervise the day-to-day operations of the Oversight Committee;

8.5

To submit for the approval of the Oversight Committee the annual and/ or supplemental budget of the Oversight

Committee;

8.6

To maintain official records, files and proceedings of the Oversight Committee; and

8.7

To perform such other functions as may be assigned by the Chairman.

SEC. 9. Consultants.—The Chairman may engage the services of consultants to assist the Oversight Committee, under such terms and conditions and with such authority and duties as they may determine.

ARTICLE III MEETINGS

SEC. 10. Regular Meetings.—The regular meeting of the Oversight Committee shall be once a month, the date of which shall be determined by the Committee and expressed through a resolution. The determination of the business to be considered shall be made by the Chairman. A regularly scheduled meeting need not be held if there is no business to be considered.

SEC. 11. Special Meetings.—A special meeting may be called by the Chairman as he may deem necessary or at the request of a majority of the members of the Oversight Committee, but notice, including the agenda of the meeting, shall be given three (3) calendar days in advance to every member.

SEC. 12. Presiding Officer.—All meetings and hearings of the Oversight Committee shall be presided by the Chairman of the Senate panel. If the chairperson is not present at any of its meetings, the Vice Chairman shall preside the meeting.

SEC. 13. Quorum for a Meeting.—The presence of at least (2) members of the Oversight Committee shall constitute a quorum to hold a meeting.

SEC. 14. Proxies.—No vote by any member of the Oversight Committee may be cast by proxy.

SEC. 15. Conduct of Meetings.—Each meeting for the transaction of business of the Oversight Committee shall be open to the public except when it determines by a vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, compromise sensitive law enforcement information, or lend to defame, degrade, or incriminate any person, or otherwise violate any law or rule of both Houses. No such vote shall be required to close a meeting that relates solely to internal budget or personal matters.

No persons other than the members of the Oversight Committee, and such other staff and such witnesses as they may authorize, shall be present in any business or meeting which has been closed to the public.

SEC. 16. Transcripts and Minutes of the Meeting.—There shall be a transcript and minutes of all meetings of the Oversight Committee. However, transcripts and minutes of meetings, or parts thereof which have been closed to the public shall be available only to the members of the Oversight Committee and may not be released, in whole or in part, to any other person unless authorized by the Oversight Committee.

ARTICLE IV

HEARINGS

SEC. 17. Public Notice.—The Secretariat shall, upon the instruction by the Chairman, make public notice of the date, place and subject matter of any hearing to be conducted on any measure or matter at least three (3) days before the commencement of that hearing unless the Oversight Committee determines that there is a good cause to begin such hearing at an earlier date. In the latter case, the Chairman, or the secretariat, shall make announcement at the earliest possible time.

SEC. 18. Quorum for Hearings.—The presence of at least two (2) members of the Oversight Committee shall constitute a quorum to conduct a hearing.

SEC. 19. Hearings of Sub-Committees.— Sub-Committees, as may hereafter be established by the Committee, may conduct public hearings in accordance with the provision of these rules and such other rules as may be adopted by the Oversight Committee.

SEC. 20. Selection of Witnesses.— Selection of witnesses/resource persons for hearings shall be made under the direction of the Chairman. A list of proposed witnesses/resource persons shall be submitted to the members of the Oversight Committee for review sufficiently in advance of the hearings to permit suggestions by the members of the Oversight Committee to receive appropriate consideration.

SEC. 21. Written Statements of Witnesses.—As far as practicable, all witnesses appearing before the Oversight Committee shall file advance written statements of their proposed testimonies at least one (1) day in advance of their appearance, and their oral testimony shall be limited to brief summaries. Limited insertions of additional germane materials will be received for the record, subject to the approval of the Chairman.

SEC. 22. Presentation Materials of Resource Persons.—All resource persons required to appear before the Oversight Committee shall furnish in advance the Oversight Committee their presentation materials at least one (1) day before the scheduled hearing to allow the members sufficient time to formulate clarificatory questions.

SEC. 23. Questioning of Witnesses.—The Chairman shall provide adequate time for questioning of witnesses by all members, and the rule of germaneness shall be enforced in all hearings.

SEC. 24. Official Transcripts.—An accurate stenographic record shall be kept of all Oversight Committee proceedings and actions. Brief supplement materials when required to clarify the transcripts may be inserted in the record.

SEC. 25. Executive Session and Public Hearing.—(1) If the Oversight Committee believes that the interrogation of a witness in a public hearing might endanger national security, it may, *motu proprio* or upon motion of any interested party, conduct its inquiry in an executive session for the purpose of determining the necessity or advisability of conducting such interrogation thereafter in public hearing; (2) Attendance at executive sessions shall be limited to members of the Oversight Committee, its Secretariat, and other persons whose presence is requested or allowed by the Chairman; and (3) Testimony taken or material presented in an executive session, or any summary thereof, shall not be made public, in whole or on part, unless authorized by the Committee.

SEC. 26. Confidential Information.—The information contained in any books, papers, contracts or other documents furnished to the Oversight Committee or any of its standing Sub-Committees by an individual, partnership, corporation, government agency or other legal entity shall, upon the request of the individual, partnership, corporation, head of agency or entity furnishing the same, be maintained in strict confidence by the Members and staff of the Oversight Committee, except that any such information or parts thereof may be released outside of executive session of the Oversight Committee if the release thereof is effected in a manner, and as determined by

the Oversight Committee, that the same will not reveal sensitive or confidential information which the individual, partnership, corporation head of agency or entity would wish to protect.

ARTICLE V

REPORTS OF THE OVERSIGHT COMMITTEE

SEC. 27. Reports.—The Oversight Committee shall submit to Congress periodic reports of its findings and recommendations, with a program of implementation and recommended adoption of legislative and executive measures pursuant to its findings.

ARTICLE VI

OTHER PROCEDURES AND REGULATIONS

SEC. 28. The Chairman of the Oversight Committee may establish such other procedures and take such actions as may be deemed necessary to carry out the foregoing Rules or facilitate the effective operation of the Oversight Committee.

SEC. 29. These Rules shall take effect on the date of their adoption and shall remain in force until they are amended or repealed.

Adopted this 9th day of September 2010.

(Sgd.) RALPH G. RECTO

Chairman

Senate of the Philippines

Members:

(Sgd.) FRANKLIN M. DRILON

(Sgd.) "COMPAÑERA" PIA S. CAYETANO

(Sgd.) TEOFISTO GUINGONA III

(Sgd.) "COMPANERO" ALAN S. CAYETANO

(Sgd.) JUAN MIGUEL F. ZUBIRI

Sgd.) FRANCIS JOSEPH "CHIZ" ESCUDERO

PANFILO M. LACSON

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