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SENATE
S. No. 862

RECEIVED BY: 

Introduced by Senator Ralph G. Recto

**AN ACT
MANDATING THE ANNUAL PUBLIC DISCLOSURE OF ALL CONTINGENT
LIABILITIES INCURRED BY ALL NATIONAL GOVERNMENT AGENCIES, LOCAL
GOVERNMENT UNITS, GOVERNMENT-OWNED OR -CONTROLLED
CORPORATIONS, GOVERNMENT FINANCIAL INSTITUTIONS, AND OTHER
GOVERNMENT INSTRUMENTALITIES**

Explanatory Note

The Philippine Government is mandated by no less than the 1987 Constitution to recognize the role of the private sector in providing adequate social services, promoting full employment, raising the standard of living, and improving the quality of life for all Filipinos.

Encouraging the private sector to participate in the delivery of public services, however, is hampered by the country's market realities marked by stringent regulations, uncertain socio-economic and political environment, and market distortions caused by price control and subsidies.

To tap private sector capital and skills, the government was compelled to make public sector investments more profitable by providing incentives and assuming investment risks. As such, the conferment of government guarantees on public sector investment and borrowings became one of the prominent features of Republic Act No. 6957 as amended, otherwise known as the Build-Operate-Transfer (BOT) Law.

The benefits of government guarantees, however, come at a price. Studies conducted by the University of the Philippines School of Economics¹ showed that government risk management practices severely understate the level of exposure and risk arising from unfettered provision of guarantees. The Philippine Institute for Development Studies (PIOS)² and the Development Budget Coordinating Committee (DBCC)³ raised their concerns over the unexpected public sector obligations that could be brought about by government guarantees, especially on the delivery of public goods and services.

The Senate Economic Planning Office (SEPO)⁴ underscored the importance of effective identification, management, and reporting of contingent liabilities and off-budget risks of government-owned and -controlled corporations (GOCCs), since past fiscal crises in the Philippines were triggered by extra-budgetary activities. Considering the potential of government

¹ Reside, R. (1999). *Estimating the Philippine Government's Exposure to and Risk from Contingent Liabilities and Infrastructure Projects*. Quezon City: University of the Philippines School of Economics.

² Philippine Institute for Development Studies. (2005). *Contingent Liabilities: adding up to the fiscal burden*. Makati: Republic of the Philippines.

³ Development Budget Coordinating Committee. (2012). *2012 Fiscal Risk Statement*. Quezon City: Republic of the Philippines.

⁴ Senate Economic Planning Office. (2004) *Five Pillars of Growth: An Economic and Social Development Framework*. Pasay City: United Nations Development Programme.

Securities Disclosure Of Contingent Environmental Liabilities

Peipei Pang



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The Enigmatic Realm of **Securities Disclosure Of Contingent Environmental Liabilities**: Unleashing the Language is Inner Magic

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