



SENATE

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P.S.R. NO. 760

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Introduced by Senators Hontiveros, Drilon, Aquino, Pangilinan, Trillanes, and De Lima

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**RESOLUTION URGING THE SENATE COMMITTEE ON CIVIL SERVICE AND GOVERNMENT REORGANIZATION TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONFLICT OF INTEREST OF SOLICITOR GENERAL JOSE CALIDA, ARISING FROM SECURITY SERVICE CONTRACTS BETWEEN NATIONAL GOVERNMENT AGENCIES AND VIGILANT INVESTIGATIVE AND SECURITY AGENCY, INC.**

**WHEREAS**, Article VII, Section 13 of the 1987 Constitution states that: "the President, Vice-President, the Members of the Cabinet, and their deputies or assistants shall not, unless otherwise provided in this Constitution, hold any other office or employment during their tenure. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office."

**WHEREAS**, Republic Act No. 6713 states that, "a public official or employee shall avoid conflicts of interest at all times" (Section 9), where a conflict of interest has been defined as one that "arises when a public official or employee is a member of a board, an officer or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties herein, may be opposed to or affected by the faithful performance of official duty; (Section 3.i.)"

**WHEREAS**, the security services firm Vigilant Investigative and Security Agency, Inc., (hereafter VISAI) is owned entirely by the immediate family of Solicitor General Jose Calida<sup>1</sup>, with the Solicitor General still owning 60% of shares as of September 29, 2016 or two months after he assumed office, and his wife and three children owning the remaining 40% of the shares at 10% each<sup>2</sup>;

**WHEREAS**, in a notification sent to the Securities and Exchange Commission (SEC) on July 14, 2016, the President and Chairperson of Vigilante, Inc. was listed as his wife Milagros Calida, the Vice President and Corporate Secretary was listed as his son Josef Calida, and the treasurer, his daughter, Michelle<sup>3</sup>;

**WHEREAS**, from August 2016 to January 2018, VISAI won fourteen government contracts, two of which were with the Department of Justice (DOJ) and amounted to PhP12.4 million, and nine of which were won after he assumed the position of Solicitor General<sup>4</sup>;

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<sup>1</sup> <http://www.thestandard.com.ph/mobile/article/266622>

<sup>2</sup> <https://www.rappler.com/newsbreak/in-depth/203441-jose-calida-security-agency-government-doj-contracts>

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

**WHEREAS**, so involved was the Solicitor General that in nine of the Notices of Award on the Philippine Government Electronic Procurement System (Philgeps) website, he was listed as the "contact" to VISAI<sup>5</sup>;

**WHEREAS**, at the start of the 17<sup>th</sup> Congress, VISAI also clinched two contracts with the House of Representatives worth PhP96,000,000;<sup>6</sup>

**WHEREAS**, the total value of government contracts clinched by VISAI amounts to PhP261,039,000<sup>7</sup>;

**WHEREAS**, other agencies that awarded a contract to VISAI include the National Economic Development Authority (NEDA) in the amount of PHP6,876,737.76<sup>8</sup> and the National Anti Poverty Commission (NAPC) in the amount of PHP2,870,194,32<sup>9</sup>;

**WHEREAS**, considering that the Solicitor General acts and represents the Republic and its people before any court, tribunal, body or commission as the ends of justice may require, it is of highest importance that the person occupying the office remains beyond reproach, acts in a manner that inspires confidence in the civil service and in the rule of law, and conducts himself with utmost integrity and decency;

**BE IT RESOLVED, AS IT IS RESOLVED**, by the Senate of the Philippines to direct the Senate Committee on Civil Service and Government Reorganization to conduct an inquiry, in aid of legislation, on the conflict of interest of Solicitor General Jose Calida, arising from security service contracts between national government agencies and Vigilant Investigative and Security Agency, Inc.

**Adopted,**

*Antonio S. Caraguel*

*Bam Aquino*

*[Signature]*

*[Signature]*

<sup>5</sup> Ibid.

<sup>6</sup> <https://www.rappler.com/newsbreak/in-depth/203622-government-database-additional-contracts-calida-security-agency>

<sup>7</sup> Ibid.

<sup>8</sup> <http://www.neda.gov.ph/wp-content/uploads/2017/05/NOA-Security-Services.pdf>

<sup>9</sup> <http://napc.gov.ph/content/notice-award-vigilant-investigative-and-security-agency-inc?throbber=1>

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