

AN ACT APPROPRIATING FUNDS FOR PUBLIC WORKS

REPUBLIC ACT NO. 1613, August 24, 1956

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

SECTION 1. Long-range Program of Capital Improvements with General Funds.—For the purpose of implementing the 1956-1957 phase of the long-range program of capital improvements of the Administration as contained in Appendix A hereof, the following sums or so much thereof as may be necessary are hereby appropriated out of the General Funds in the National Treasury not otherwise appropriated, for projects indicated opposite the General Revenue (GR) Finance Method, subject to the provisions hereinafter set forth, for the purposes mentioned hereunder:

[Itemized portions omitted for lack of space]

Total for miscellaneous

P 3,670,000.00

Total under section 1

P47,620,000.00

SEC. 2. Short Term Projects.—The following sums or so much thereof as may be necessary are hereby appropriated out of the General Funds in the National Treasury not otherwise appropriated, for short-term projects subject to the provisions hereinafter set forth, for the purposes mentioned hereunder: Provided, That all waterworks and artesian wells projects herein authorized shall be undertaken by the National Waterworks and Sewerage Authority:

[Itemized portions omitted for lack of space]

Total for paragraph g

P15,802,200.00

Total under section 2

P30,188,700.00

Total appropriations from General Funds

P77,808,700.00

SEC. 3. School Building Program under Republic Act No. 836 as amended.—For the purpose of implementing Republic Act Numbered Eight hundred and thirty-six, as amended by Republic Act Numbered One thousand two hundred and forty-seven, the provisions of the same as to the method of financing to the contrary notwithstanding, the Secretary of Finance is hereby authorized to negotiate for the sale of bonds or to borrow under existing laws the necessary funds to carry out the purposes of said Act. The itemized schedules appearing in Appendix B hereof

are approved, as revised, and the sums indicated therein are hereby appropriated; PROVIDED, That no part of the amount appropriated herein shall be released until after the amount appropriated under Republic Act Numbered Fourteen hundred eleven for this purpose shall have been totally released—P20,000,000.

SEC. 4. Public Works Projects to be Financed from Bond Issue.—The following sums or so much thereof as may be necessary are hereby appropriated from the proceeds of the sales of bonds issued and/or from loans that may be negotiated under existing laws, to be allocated by the President of the Philippines under the terms thereof:

Total for Portworks

P 6,550,000.00

Total amount authorized from Bond Issue

P239,369,200.00

SEC. 5. Apportionment of Portworks Special Fund.—The following sums or so much thereof as may be necessary are hereby apportioned out of the construction portion of the Portworks Special Fund that have accrued under Act Numbered Three thousand five hundred and ninety-two as amended by Commonwealth Act Numbered One hundred and thirty and by Republic Act Numbered One thousand two hundred and sixteen, not otherwise apportioned, for portworks projects contained in the 1956-1957 phase of the Five-Year Program of Capital Improvements as indicated opposite Finance Method "130", to be released by the Secretary of Public Works and Communications pursuant to the provisions hereinafter set forth, for the purposes mentioned hereunder:

[Itemized portions omitted for lack of space]

Total for Lighthouses

P 300,000.00

Total Appropriation from Port works Special Fund

P 5,965,000.00

SPECIAL PROVISIONS

SEC. 6. Authority to Parent-Teacher Associations and Civic Organizations to Undertake Work on School Building and Community Improvement Projects.—Any school building project and any community improvement project not requiring complicated, technical methods of construction or is not national in scope, such as Park, Playground, Plaza, Public Midden Shed, Civic Center building, and the like authorized in this Act shall be constructed by contract through public bidding in accordance with the usual contract procedures of the Bureau of Public Works in such cases, but if there are no bidders or if the project can be done at a reasonably lower cost than the lowest bid, such project shall be prosecuted by administration upon the approval of the highway district engineer without the necessity of securing the usual permit from the Office of the President through the Secretary of Public Works and Communications and the General Auditing Office: Provided, That in such case, preference shall be given in the matter of school buildings to Parent-Teacher Associations and in the matter of Community Improvement projects to duly registered Civic Organizations in the municipality, city or province, as the case may be, in the construction thereof on a negotiated contract basis with the, intervention of the Office of the Highway District Engineer only in an advisory capacity and to acquire, such data or information for the preparation of a cost-performance report thereon: Provided, further, That when any such project is apparently abandoned or unnecessarily delayed, the Highway District Engineer shall promptly take over said work upon notice, either by letter or by telegram, to the Head of the Bureau concerned: Provided, still further, That in communities where

there is an adequate supply of local materials adaptable to the requirements of the project, the Parent-Teacher Association or Civic Organization concerned may utilize such materials in the prosecution of work: Provided, still further, That regardless of fund limitations for the purpose of this section, the President of the Philippines may authorize any school building project to be undertaken by administration as an exception to pertinent provisions of the Revised Administrative Code as amended: Provided, finally, That where two or more civic organizations are willing to undertake the prosecution of any project covered by this section, the Highway District Engineer shall negotiate the contract with the organization offering the lowest quotation.

SEC. 7. Suspension of Work Done by Administration Before General Elections.—The provisions of any existing law to the contrary notwithstanding, regardless of the sources of funds, within thirty days before every general election, no laborer shall be employed or money spent in any public works project even if the money is actually released before or within such period except for:

- Ordinary maintenance work or existing and/or completed public works projects: Provided, That there is no increase in the number of usual laborers or employees employed thereon sixty days prior to the beginning of this thirty-day period;
- Work awarded by contract before the thirty-day period: Provided, That work for the purpose of this section undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;
- Payment for the usual cost of preparation of working drawings, specifications, bills of materials, estimates, and other procedures preparatory to actual construction, including the purchase of materials and equipments, and all incidental expenses for wages of watchmen and other laborers employed for such work in the central offices and field storehouses before the beginning of such period: Provided, That the number of such laborers shall not be increased beyond that employed when the project or projects were commenced; and
- Emergency work necessitated by the occurrence of a public calamity within the thirty-day period, but such work shall be limited to the restoration of the damaged facility.

SEC. 8. Engineering Surcharges.—Except in the case of school building projects implemented under Republic Act Numbered Eight hundred and thirty-six as amended, all provincial engineering surcharges on projects provided for herein shall not exceed four per cent.

SEC. 9. Program of Work Required before Prosecuting Public Works.—Before prosecuting any public works, the district, city or project engineer concerned shall prepare a program of work including among other things the total cost of materials and labor required, the anticipated duration of the work in men-days, the margin of contingencies, above his estimates if the work is to be undertaken by administration, and in addition, an estimate of what he deems as a reasonable profit for the contractor if the work is to be undertaken by contract. In no case, however, shall this margin of contingencies be more than ten per cent of the cost of the work if undertaken by administration, or more than fifteen per cent if undertaken by contract. He shall, however, be allowed to submit a revised program of work before the completion of the project if, due to unforeseen fluctuation in price of labor and materials or to other such circumstances, it becomes evident that he cannot successfully accomplish his original program. With the exception of projects the estimated cost of which is four thousand pesos or less, under no circumstance shall the district or city engineer start work without first obtaining approval of said program from the Head of the Bureau concerned or his representative not lower in rank than that of a Division Engineer, and no program of work for individual projects requiring site investigation and survey and the preparation of special construction plans based thereon shall be approved unless such plans are made the basis of the program. The Auditor General or his authorized representative shall have access to the program of work or data required in this section.

SEC. 10. Purchase of Building Sites Included in Appropriations.—Any appropriation herein authorized for the construction of buildings shall be understood as including the acquisition or purchase of sites, if such acquisition or purchase is necessary for the prosecution and completion of the project.

SEC. 11. Prohibitions in Use of Sums Appropriated Herein.—No appropriation herein authorized shall be used to pay obligations or overdrafts previously incurred, nor be made available for the purchase of office equipment, supplies and automobiles or station wagons, nor be used to pay salaries of employees except those directly connected with the work or project, and as otherwise specifically provided in Title I, Section 1 of this Act.

SEC. 12. Purchase of Materials, Equipment and Supplies for Buildings, Waterworks and Artesian Wells.—The sums necessary for the purchase of materials, equipment and supplies, including galvanized iron or other roofing materials and other common use building materials, for the construction of the various individual projects for buildings under Title A, for artesian wells under Title C, for waterworks systems under Title D, and particularly asphalt, cement and reinforcing steel for highways under Title B, of sections one and four of this Act may be released in advance and pooled in lump sum and disbursed by the disbursing officer of the bureau or office concerned in lieu of the usual piecemeal acquisition of materials, equipment and supplies by individual projects, in order to effect a reduction in prices and avoid delays in construction resulting from the testing of every piecemeal purchase. After such wholesale purchase is made, the head of the bureau concerned shall distribute the materials, equipment and supplies in accordance with individual project needs.

SEC. 13. Re-Adjustment of Contracts.—All contracts for the furnishing of materials, supplies and equipment, or for the construction, reconstruction, improvement or repair of any building, road, bridge, or other structure authorized in this Act, executed by the government with private persons, associations or corporations shall contain a provision that should the government at any time during the effectivity of any such contract impose, abolish or modify any tax, custom duties, license, impost, fee or other similar charges, or enact, amend or repeal any law affecting the number of hours or labor permissible a day or the wages or salaries to be paid to laborers, which directly increase or decrease the cost of materials, supplies and equipment or the cost of the construction work, beyond or under the amount stipulated in the contract, the said amount shall be readjusted by a Committee, hereby created for this purpose, composed of the Auditor General as chairman and the Secretary of Public Works and Communications and the Commissioner of the Budget as members by adding thereto or subtracting therefrom a sum equivalent to the increase or decrease represented by the tax, duty, license, impost, fee or other charges or the abolition or modification thereof, or the difference in the cost of labor as a result of the change in the number of working hours or the amount of the wages or salaries.

SEC. 14. Status of Five-Year Capital Improvement Program.—The Five-Year Capital Improvement Program and Estimates annexed hereto as Appendix A is hereby approved and shall serve as the official guide of the proper Department Head in undertaking construction, investigation, survey, and preliminary studies, including design and preparation of final estimates, plans and specifications that may be undertaken in advance with funds authorized under sub-title a of Title I of section one of this Act; in determining special fund allocation; and for future recommendation for the implementation of 'public works projects programmed for subsequent years thereunder.

SEC. 15. Authority to Collect Tolls.—The Secretary of Public Works and Communications is empowered to authorize the collection of the necessary tolls in projects mentioned in Appendix A which are to be financed exclusively from tolls. The tolls herein collected shall be disposed of in accordance with existing laws.

SEC. 16. Reports.—Thirty days before the opening day of every regular session of Congress, the proper Department Head shall make a report to both Houses of Congress and to the President, in printed and bound form,

which shall include a detailed statement of the work done, final estimates of cost for completion and status of each individual project, including project sites and right-of-way acquired, tolls collected, and amortizations paid on loans for project funds made available during the fiscal year against the sums appropriated under this Act, and the unexpended balances and unreleased portions of said appropriations as of date of said report, including a statement of the extent of the relief of unemployment effected by the prosecution of public works during the year and a summary of performance by classes of public works indicating in such summary the percentage of work accomplished and work yet to be done to accomplish the program, together with his recommendations, if any, for transfer of appropriations or for program changes to be incorporated in the next Public Works Appropriation Act to be enacted during the ensuing session of Congress.

SEC. 17. Public Works Appropriations under this Act are National Disbursing Funds; Exceptions.—Any provision of existing law to the contrary notwithstanding, all funds appropriated under the provisions of this Act shall, when released, be carried in the account books of the treasurers as national disbursing funds and all the projects herein specified are classified as national projects unless such funds are appropriated specifically as aid to provinces, chartered cities and municipalities, as the case may be: Provided, That all projects in the City of Manila financed by national funds shall be undertaken by the Bureau of Public Works or the Bureau of Public Highways, as the case may be, the provisions of any law or the city charter to the contrary notwithstanding.

SEC. 18. Authority to Finance Projects Programmed under Appropriation from General Revenue with Proceeds from the Issue of Bonds.—The President of the Philippines is authorized to modify the financial program contained in Appendix A hereof so as to enable the Department concerned to undertake projects with the proceeds from the sales of bonds should sufficient amounts be unavailable from the National Treasury for the complete execution of the projects authorized under this Act to be financed from the general funds, and for such purpose the necessary sums are appropriated from said proceeds: Provided, That the projects or projects for which funds shall be provided from said proceeds are certified to by the National Economic Council as self-liquidating and/or revenue-producing or as a project or projects which will be revenue-producing in a few years.

SEC. 19. Release of Project Funds.—Upon request of the Department Head concerned, the sums appropriated under sections one and two hereof shall be released by the Commissioner of the Budget in lump sums, partially or fully, prior to authorized appropriations other than for the ordinary operation of the National Government, to be apportioned in individual project releases by the Department Head concerned: Provided, That the Department Head concerned shall give priority, in individual project releases, to projects already commenced or are continuing in character: Provided, further, That in releasing funds and in initiating public works projects under this Act, releases shall be made simultaneously in equal proportions of the amounts appropriated under Titles A to H inclusive of section one and under subsections f and g of section two hereof: Provided, still further, That fund releases of projects under section two hereof directly bearing on roads, streets, elementary school buildings, national buildings, hospitals and sanitarium, artesian wells, waterworks, river control works, portworks and irrigation projects shall, until totally released, have priority over all other projects contained under said section, except the amount appearing under Title I, section one, or so much thereof as the Secretary of Public Works and Communications may determine, which shall have precedence over all other releases: Provided, finally, That when a project is not divisible, and release of funds by quarter will operate to delay unnecessarily the execution of the works, the funds appropriated for such projects shall be released in whole, the provisions of Republic Act Numbered Nine Hundred Ninety-two and similar provisions of Republic Act Numbered One Thousand Three Hundred Fifty and other appropriation Acts to the contrary notwithstanding.

SEC. 20. This Act shall take effect upon its approval.

Approved, August 24, 1956.

[Appendices A and B omitted for lack of space]

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