

AN ACT APPROPRIATING FUNDS FOR PUBLIC WORKS AND FOR OTHER PURPOSES

REPUBLIC ACT NO. 2093, July 07, 1958

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

SECTION 1. 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, subject to the provisions hereinafter set forth, for the purposes mentioned hereunder:

[Itemized portion omitted due to lack of space]

Total Appropriation from General Fund P66,951,050.00

SEC. 2. Apportionment of Portworks Special Fund.— The following sums or so much thereof as may be necessary are hereby apportioned out of the Portworks Special Fund that have accrued under Act No. 3592 as amended by Commonwealth Act No. 130 and by Republic Act No. 1216, not otherwise apportioned, to be released by the Secretary of Public Works and Communications pursuant to the provisions hereinafter set forth and for the purposes mentioned hereunder:

Total Appropriations from Portworks Special Fund P7,084,000.00

SEC. 3. The following sums or so much thereof as may be necessary are hereby appropriated in consonance with Republic Act Numbered 1789, subject to the provisions and for the purposes hereunder set forth;

- For the prefabrication of materials into school-room units for elementary school buildings, including the purchase or necessary spare parts, tools, materials other than lumber, and supplies and the erection thereof: Provided, That the President of the Philippines may authorize the pre-cutting and crating of school-room units by contract thru public bidding with operators of private sawmills or lumber yards in every Congressional District of the Philippines, where the capacity of such sawmills or lumber yards is adequate, to handle contracts amounting to not more than P20,000 at one time, in which case the school-room units so produced shall be allocated in accordance with the proportion established in Republic Act No. 836 as amended P5,000,000.00
- For the partial implementation of the remaining phases of the elementary school building program provided in Republic Act No. 836 as amended P5,000,000.00
- Reparations goods for the dredging phases of river control and seaports projects, especially in Mindanao P5,000,000.00

SEC. 4. Program of Work Required before Prosecuting Public Works.—Before prosecuting any public works, the district, city or project engineer concerned shall prepare, and secure competent approval thereof, a program of work which shall include 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, may this margin of contingencies be more than ten per

cent of the cost of the work nor the allowance for profit be more than ten per cent. For work being undertaken by administration, the engineer concerned may, however, be allowed to submit a revised program of work before the completion of the project if, due to unforeseen rise in price of materials or to changes in field conditions or to other such circumstance, it becomes evident that the allowance for contingencies is not sufficient to absorb the increase and, therefore, he cannot successfully accomplish the work according to his original program. With the exception of projects the estimated cost of any of which is ten thousand pesos or less, under no circumstance shall the District or City or Project Engineer start work without first securing approval of the corresponding program of work from the Head of the Bureau or Office concerned or from the latter's duly designated representative, and no program of work for any project which requires special site investigation, survey and construction plans shall be approved unless such plans are used as basis of the program. The Auditor General or his authorized representative shall be furnished a copy of the program of work for his guidance and shall have access to the data on which the program was based.

SEC. 5. Recognition of Civic Organizations in the Prosecution of Community Improvement Projects.—Whenever the appropriation amounting to not more than fifteen thousand pesos for any project authorized in this Act is released and made available for expenditure, wholly or partly, such project may be undertaken by administration, the provisions of existing laws or regulations to the contrary notwithstanding.

When any such project does not require complicated methods of construction or highly specialized techniques, it may be awarded through a negotiated contract to the most concerned civic organization in the locality which has filed an application therefor in the manner herein provided. The application shall be filed by the organization concerned with the District Engineer or his official counterpart, as the case may be, specifying, among other things, the payment to be received for the work. After evaluating the offer and the terms proposed by comparing them with the corresponding program of work and estimate, the project may be awarded by the official concerned to the applicant through a negotiated contract for an amount not to exceed ninety percent of the cost of the work as originally estimated and programmed pursuant to section four of this act. In case two or more civic organizations offer to undertake the project, the official concerned shall award the contract to the organization offering the lowest quotation, determined by sealed bidding be opened in the municipal building of the municipality where the project is located within ten days, but not earlier than seven days, after notice of such bidding is Posted on the public Bulletin Board of said municipality: Provided, That, in prequalifying bidders and awarding contracts, no bid nor performance bonds will be required.

The authority of the District Engineer or his official art to undertake any work by administration or negotiated contract as herein provided for shall be deemed to have been duly secured upon receipt by the Provincial or City Auditor of the official advice to the head of the bureau or office concerned to so prosecute the work.

Under no circumstance shall the provisions of this section be construed to deprive the District Engineer or his official counterpart, as the case may be, of his supervisory control over any of the projects referred to in this section nor to relieve him of any responsibility, administrative or otherwise, for any defect in procedure, control or technical surveillance, resulting in waste of money, destruction of, or damage to, property or lowering of engineering standards. In cases where the work is undertaken through negotiated contract with a civic organization, the District Engineer, or his counterpart, may not charge against the fund of the project any expense for inspection by him or his assistant but he may designate as his representative and assign to the project as worker-inspector any competent craftsman whose compensation and travel expenses for the duration of the assignment shall be chargeable against the funds of the project but not against the contract and shall not exceed one percent of the contract price. The District Engineer, or his official counterpart, may make any other suitable arrangement to enable him to maintain supervisory control over the project without however exceeding the

compensation limitation herein imposed.

SEC. 6. Prohibition 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 engaged in the work or assigned officially to projects and as specifically provided in Title I, Section one of this Act: Provided, That the rates of compensation shall not be higher than those authorized under the General Appropriation Act for the same rank or position in the Bureau concerned.

SEC. 7. Suspension of Work Done by Administration Before General Elections.—The provisions of any existing law to the contrary notwithstanding, regardless of the source of funds, within forty-five 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 on existing and/or completed public works projects: Provided, That there is no increase over the number of usual laborers or employees employed therein sixty days prior to the beginning of this forty-five-day period: Provided, further, That no extra gang of laborers are employed within the said period of forty-five days;
- Work undertaken by contract through public bidding held before the forty-five-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 equipment, 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 over the number hired when the project or projects were commenced;
- Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility and shall further be "rnited to funds available for maintenance.

SEC. 8. Payment of Labor and Readjustment of Contracts.—All contracts for the furnishing of materials or supplies and for the construction of any project authorized in this Act executed by any person, association or corporation with the government shall contain provisions adequately covering the following:

- The contractor shall provide and have on hand every payday, in addition to the usual requirement of cash outlay for the prosecution of the contract work, a labor fund in an amount sufficient to cover each fifteen-day labor payroll for the project and payment to the laborers and employees shall be made within three days after the end of every pay period. Payment of wages and salaries to laborers and employees engaged in the project shall be witnessed by the engineer incharge of the work or his representatives, who shall certify to such payment. Upon failure of the contractor to pay his laborers and employees within the period herein stated, the government shall forthwith make such payment out of the funds of the project, in which case the sum paid out plus a surcharge of one per cent shall be deducted from any amount due or to become due the contractor without prejudice to the right of the government to rescind the contract.
- Should the government, at any time during the effectivity of a contract, impose, abolish, modify any tax, custom duties, license, impost, fee or other similar charges, or enact, amend or repeal any law affecting the number of hours of labor permissible a day or the number of days a week or the wages or salaries to be paid to laborers and employees, which would directly increase or decrease the cost of materials or the cost of the construction work

beyond or under the amount stipulated in the contract, the contract amount shall be readjusted accordingly by a committee, hereby created for this purpose, composed of the Auditor General as Chairman, the Secretary of Public Works and Communications and the Commissioner of the Budget as members: Provided, That the party seeking adjustment shall first apply for same in writing, stating therein the reasons justifying the change as well as the data and computations in sufficient detail which would determine accurately the amount of the change.

SEC. 9. Preference to Local Labor.—In the execution and construction of community projects and of school building projects, preference shall be given to laborers the place or municipality where the project is being undertaken.

SEC. 10. Use of Excess Funds.—Whenever any school building project or other community project is completed and a balance of appropriation remains, the district or city engineer, as the case may be, may use such balance for the purchase or acquisition of essential school equipment or for any urgent improvement work within the school premises and for covering deficiency of appropriation of any project of the same category within the municipality.

SEC. 11. Publication of Call for Bids in Newspaper Sufficient.—Any law, rule or regulation to the contrary notwithstanding, in the calling for bids, as required by law, for the execution of any project with appropriation in this Act or in any of the previous Public Works Acts, advertisement thereof in any newspaper of general circulation in Manila and/or the locality, or province, or region where the project is located is sufficient compliance to the pertinent provisions of the Revised Administrative Code.

SEC. 12. Purchase of Project Sites Included in Appropriation.—Unless otherwise specified in the project item, appropriations herein authorized for any construction of project shall be understood as including the acquisition or purchase of sites if such acquisition or purchase is impliedly necessary for the prosecution and completion of the project.

SEC. 13. Engineering Surcharges.—Any provision of law, rule or regulation to the contrary notwithstanding, no personal surcharge shall be collected from the appropriations or expenditures authorized in this Act; and provincial surcharge on appropriations or expenditures Jded herein shall not exceed two per cent.

SEC. 14. Public Works Appropriations under This Act are National Disbursing Funds: Exceptions.—Any provision of existing law to the contrary notwithstanding, all appropriated under the provisions of this Act shall, leased, 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 the provinces, chartered cities and municipalities, as the case may be: Provided, That provincial funds allocated as counterpart shall not be considered as national funds.

SEC. 15. Except for projects under paragraphs (f) and (g) of Title M and projects already started or continuing in character, the sums appropriated under this Act shall, be released only after the appropriations under previous Public Works Acts have been released: Provided, That appropriations released for paragraph (f) of Title "M" of section one shall be prorated to all Congressional Districts and made available simultaneously.

SEC. 16. Rental of Equipment.—Rental of equipment shall not be deducted at the time of the release of funds for public works or ever in anticipation of use of the equipment but shall be paid based on actual use: Provided, That no rental shall be charged or collected for use of equipment on any project authorized under this Act or under previous Public Works Acts when undertaken by administration.

SEC. 17. All appropriations under Republic Act Numbered Nine hundred and twenty remaining unreleased upon the approval of this Act are repealed.

SEC. 18. Any violation of any provision of sections four, six, seven and fifteen of this Act shall be a crime punishable with imprisonment from six months to six years and a fine of from five hundred to five thousand pesos; if the offender is a public officer or employer, he shall be in addition to the above penalty, be dismissed from the service with prejudice to reinstatement and deprived of all retirement benefits and privileges.

SEC. 19. 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 and to the President, in printed and bound form, which shall include the appropriations unexpended balances, released portions of said appropriations as of date of said report and the percentage of work accomplished and work yet to be done to accomplish the program of broad categories of public works including his recommendations, if any, for transfer of appropriations or for program changes to be incorporated in the next Public Works Appropriation Act: Provided, That report on individual projects incorporating the aforementioned data will be supplied whenever deemed relevant.

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

Approved, July 7, 1958, except sections 15, 16 and 18 and the following provisions of subsection f, Title M, section 1: "Provided, That the various appropriations for the different projects under this subsection f shall, upon formal written request by the representative of the district where such project or projects are located, be partially or wholly allocated by the Secretary of the Department of Public Works and Communications to cover new or different projects as may be indicated by said representative in said written request: Provided, further, That the same shall apply to community projects in Republic Acts Nos. 1613 and 1900."

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