NATIONAL ADMINISTRATIVE REGISTER · [DA ADMINISTRATIVE ORDER NO. 01, S. 2014, JANUARY 16, 2014] · DECEMBER 3, 2013

REVISED GUIDELINES ON THE ACCREDITATION AND PROJECT EVALUATION, FUND RELEASES, INCLUDING THE IMPLEMENTATION AND MONITORING OF PROJECTS FUNDED BY DA REGULAR FUNDS AWARDED TO NON-...

Read online (full-text search, related cases, audio case brief): https://batas.org/library/72f135ced8c9/

REFERENCES:

- Constitution of the Philippines;

- Decision of the Supreme Court in Belgica VS Executive Secretary, G.R. No. 208566, November 19, 2013;

- Advisory Guidance from the Office of the Deputy Executive Secretary for Legal Affairs (Letter dated December 3, 2013);

- COA Circular No. 2012-001 in relation to COA Circular No. 2007-001;

- COA Circular No. 96-003, February 27, 1996;

- GPPB Resolution No. 12-2007

WHEREAS, Article II, Section 23 of the 1987 Philippine Constitution provides that the “State shall encourage non-government, community-based or sectoral organizations to promote the welfare of the nation;”

WHEREAS, the Department of Agriculture recognizes the valuable assistance of Non-Government Organizations/Peoples Organizations (NGOs/POs) to the Department’s mandates and programs, and acknowledges NGOs/POs’ expertise and technical capability as required by the Department to guarantee success in the implementation of such programs and projects in the community;

WHEREAS, Administrative Order NO. 23, Series of 2012 was issued for the accreditation of NGOs/POs in the implementation of projects funded by PDAF and DA regular funds;

WHEREAS, brought about by recent developments particularly on the PDAF funds which the Supreme Court has declared that the same is unconstitutional and in the interest of transparency as well as encouraging competitiveness in the selection of NGOs/POs as project partners of the DA, there is a need to revise DA Administrative Order No. 23, Series of 2012;

WHEREAS, DA received guidance from the Office of the President that “with respect to the disbursement of the DA regular funds to NGOs implementing DA projects, this Office notes that currently, there is no legal impediment to the disbursement of funds from the executive departments to NGOs as implementers of projects, provided that such projects do not involve the participation of legislators in the “post-enactment stages” referred to in the Belgica ruling”;

NOW, THEREFORE, I, PROCESO J. ALCALA, Secretary of the Department of Agriculture do hereby issue the following revised guidelines that shall govern the Department including its Bureaus, Attached Agencies and

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Corporations, and Regional Field Offices in partnering with NGOs/POs.

ARTICLE I
OBJECTIVES, DEFINITION OF TERMS AND COVERAGE

Section 1. Objectives. The objectives of these guidelines are as follows:

1.1

To encourage people's participation in agricultural development based on the principle of good governance;

1.2

To ensure that only genuine NGOs/POs can participate in the DA projects and programs;

1.3

To promote transparency and accountability;

1.4

To improve the system of check and balance;

1.5

To safeguard the use/allocation of government resources;

1.6

To ensure efficient, economic, ethical, and effective program implementation;

1.7

To ensure compliance to existing pertinent laws, rules and regulations;

Section 2. Definition of Terms. The terms used in this Order are hereby defined as follows:

2.1

ACCREDITATION - refers to the process of assessing the qualifications and track records of NGOs/POs to determine their eligibility to undertake DA projects;

2.2

AGRICULTURE PROJECTS - cover interventions under any of the following DA banner programs: rice, corn, high value crops (HVC), fisheries, and livestock;

2.3

DEPARTMENT or DA - refers to the Department of Agriculture, its Bureaus, Regional Field Offices as well as Attached Agencies and Corporations;

2.4

DA PROJECT COORDINATOR - refers to the DA official/office assigned to coordinate and monitor implementation of projects covered under this Order;

2.5

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INTEGRITY - refers to NGOs/POs not having any conviction, pending case or blatant negative reputation as an organization, whether criminal, civil or administrative, including its Board of Directors, Trustees and key officers;

2.6

LIQUIDATION - refers to the submission of necessary documents in a particular transaction to include the issuance of a credit notice by the Resident Auditor as well as copies of official receipts for the refund for the unexpended or unutilized balance of the fund transfer;

2.7

MOA - refers to the Memorandum of Agreement that shall be entered into by the NGO/PO and the Department or its agencies;

2.8

NGO - refers to a non-government organization, or a non-profit/non-stock and voluntary organization, that is committed to the task of rural and agricultural development and established primarily for public service. Such services may involve assisting its members as well as other citizens and people's organizations in various ways, e.g. education, training, projects/ programs;

2.9

PO - refers to a people's organization, or an independent community and/or class based non-profit/non-stock organization established to protect and advance the interest of specific cause-oriented group or sector, e.g. farmers, fishermen, women, and other marginal sector;

2.10

PROJECT PROPOSAL - refers to a document intended to implement the priority programs, projects and activities of the Department which can be undertaken by the NGOs/POs;

2.11

SECRETARY - refers to the Secretary of the DA;

2.12

TECHNICAL CAPABILITY - refers to the ability of the NGO /PO in handling agriculture and socially oriented programs using scientifically-based or appropriate technology;

2.13

TRACK RECORD - refers to the reputation as well as the record of performance of NGOs/POs in running their organization and in handling projects/programs;

Section 3. Coverage. This Order covers the following:

3.1

Types of NGOs/POs Qualified for Accreditation:

- Civic Organizations

- Academe-based NGOs

- Private Foundations

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- People's Organizations

- Religious Organizations

- Alliances/Networks/Federations of NGOs/POs

- Development-oriented NGOs/POs

- DA Program-induced NGOs/POs

- Government Organized NGOs/POs

- Agri-based Professional Organizations

- Agri-based Cooperatives

3.2

These guidelines cover the following processes:

- Accreditation

- Project proposal evaluation

- Fund release d. Monitoring

3.3

Eligible projects and programs can fall under any of the following project clusters:

- Production support services

- Irrigation services

- Postharvest and other infrastructure

- Extension support services

- Credit facilitation

- Research and development

- Market development

- Regulatory services

- Plans and policies

3.4

NGO/PO Partnership. Resort to NGO/PO Partnership must first be approved by the Secretary accompanied by a certification to the effect that NGO/PO Partnership is being availed of because of a clear lack of competency (in terms of technical know-how, experience and related factors) and manpower to undertake the activity by itself detailing in said certificate the status of the requesting office. The certificate must also show that there is no other DA office that has the capability to undertake said activity.

ARTICLE II
SPECIAL BIDS AND AWARDS COMMITTEE (SBAC)

Section 4. SBAC Structure. The Department of Agriculture/Regional Offices/Bureaus and Attached Agencies/Corporations shall establish the Special Bids and Awards Committee in order to facilitate the accreditation of NGO's/PO's, the evaluation of proposals and award of projects to the winning proponent.

4.1

National SBAC Composition. The SBAC shall be composed of the following:

4.1.1

Regular Members:

a. Chairperson, who is at least third ranking permanent official
b. Vice Chairperson
c. Members:

- An officer, who is at least a fifth ranking permanent official, representing the legal area of the Department;

- An officer, who is at least a fifth ranking permanent official, representing the administrative area of the Department;

4.1.2

Provisional Members:

An officer who has technical expertise relevant in the accreditation, evaluation and monitoring of projects being implemented by the Department

The DA-BAC Secretariat shall act as the Secretariat of the National SBAC.

4.2

Counterpart SBAC

4.2.1

Regular Members:

a. Chairperson
b. Vice Chairperson
c. Members:

- An officer, who is at least third ranking permanent personnel, representing the legal area of the Regions/Bureaus/ Attached Agencies and Corporations;

- An officer, who is at least third ranking permanent personnel, representing the administrative area of the Regions/Bureaus/ Attached Agencies and Corporations;

- An officer who has technical expertise in the accreditation, evaluation and monitoring of projects being implemented by the concerned Regions/Bureaus/Attached Agencies and Corporations.

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Section 5. Functions:

5.1

The SBAC shall have the following functions:

a. Accreditation of NGOs/POs

- Accept applications for accreditation;

- Review/Validate submitted documentary requirements for accreditation, including the conduct of ocular inspection and interview of interested applicants for accreditation;

- Review and validate the submitted recommendations of counterpart SBAC;

- Recommend for the approval of the Secretary the qualified NGOs/POs for accreditation;

b. Evaluation of Proposals, both for unsolicited and listed priority projects

- Accept project proposals of accredited NGOs/POs;

- Undertakes the processing of project proposals;

- Conducts the procurement process in accordance with RA 9184;

- Recommend for approval of the Secretary the award of the project to the winning proponent;

- Preparation of the Memorandum of Agreement to be entered into with by the Department and the winning proponent;

5.2

The Counterpart SBAC shall have the following functions:

a. Accreditation of NGOs/POs

- Accept applications for accreditation;

- Review/Validate submitted documentary requirements for accreditation, including the conduct of ocular inspection and interview of interested applicants for accreditation;

- Submit to the National SBAC the NGOs/POs recommended for accreditation;

b. Evaluation of Proposals, both for unsolicited and listed priority projects

- Accept project proposals of accredited NGOs/POs;

- Undertakes the processing of project proposals;

- Conducts the procurement process and the award of the project to the winning proponent in accordance with RA9184, following DA-GMO No. 01, series of 2012 otherwise known as the “Delegation of Authority;”

- Preparation of the Memorandum of Agreement to be entered into with by the Department and the winning proponent

ARTICLE III
ACCREDITATION OF NGOs/POs

Section 6. Accreditation Criteria. Selection of NGOs/POs which can best address the pressing needs of the people

as set in the goals and objectives of DA shall be based on the following:

6.1

Organization with known integrity and commitment to develop and progress;

6.2

With good reputation and acceptability to the community that they serve;

6.3

Locally-based and with adequate basic resources (i.e. manpower, equipment, etc.);

6.4

With technical and financial capability; and

6.5

With proven track record

For this purpose, an appropriate rating system will be developed based on the above criteria.

Section 7. Documentary Requirements for Accreditation. The NGOs/ POs applying for accreditation shall submit the original and/or certified true copy of the following requirements:

7.1

Accomplished NGO/PO data sheet with Organizational Set-up;

7.2

Bio-data with recent photo of all officers and staff of the NGO/PO;

7.3

Certificate of good standing from Chief, Local Government Unit/s, or Head of a local religious organization, where the program/project will be implemented;

7.4

Certificate of Membership in a national organization (e.g. CODE-NGO or its equivalent);

7.5

Valid Mayor's Permit, Tax Clearance, and Barangay Clearance;

7.6

Current National Bureau of Investigation (NBI) clearance of all NGO/PO Officers;

7.7

Certificate of Registration with the Securities and Exchange Commission (SEC), and/or Cooperative Development Authority (CDA), or Department of Labor and Employment (DOLE) as the case may be, depending on the nature of services required to be rendered;

7.8

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Certificate of Good Standing from SEC/CDA;

7.9

Authenticated copy of the latest Articles of Incorporation/Cooperation, showing the original incorporators/organizers and the Secretary's certificate for incumbent officers, together with the Certificate of Filing with the SEC/Certificate of Approval by the CDA;

7.10

Financial Reports, duly audited by an independent Certified Public Accountant (CPA) for the last three (3) years. For NGO/PO which has been in operation for less than three (3) years, report of accomplishment or any equivalent proof certified by its President and Secretary that it had previously implemented similar projects shall be required, in addition to financial reports for the years it has been in operation;

7.11

Disclosure by the NGO/PO and/or its officers of other related business, if any, and extent of ownership therein;

7.12

Sworn affidavit of the Secretary of NGO/PO that none of its incorporators, organizers, directors or official is an agent of or related by consanguinity or affinity up to the fourth civil degree to the officials of the implementing agency who are authorized process/approved MOA and the release of funds;

7.13

Certificate of PhilGEPS Registration;

Section 8. Accreditation Process. The following procedures shall be strictly observed in the accreditation/renewal of accreditation:

8.1

The NGO/PO shall submit duly accomplished application for accreditation in triplicate to the SBAC Secretariat;

8.2

The SBAC Secretariat shall immediately check the application form, as well as the completeness and validity of requirements submitted by NGO/PO;

8.3

Improper application and applications with incomplete/invalid document/s shall be immediately returned to the NGO/PO;

8.4

The SBAC shall post in the DA Website and in two (2) conspicuous places in the vicinity of the NGO/PO's principal place of business such as bulletin board of the Provincial Capitol, City/Municipal Hall, and Barangay Hall for a period of seven (7) days, the following information:

- Registered Name of NGO/PO;

- Names of NGO/PO Incorporators;

- Names of NGO/PO Officers;

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- Target Beneficiaries;

8.5

For applications for accreditation directly submitted to the Office of the Secretary, the National SBAC shall conduct the background investigation/verification/ocular inspection not later that fifteen (15) calendar days. Certification of posting of application for accreditation in at least three (3) conspicuous places, e.g. bulletin board of Provincial Capitol, City/Municipal Hall, and Barangay Hall of NGOs/POs principal place of business, containing the following information:

- Registered Name of NGO/PO;

- Names of NGO/PO Incorporators;

- Names of NGO/PO Officers;

- Target Beneficiaries;

For applications filed with Regional/Bureaus and Attached Agency/ Corporation, the same process shall be undertaken by the counterpart SBAC

8.6

Ocular inspection shall include:

- Interview of NGO/PO officers and staff;

- Inspection of records and office equipment;

- Taking of pictures of the NGO/PO's office;

- Securing lease contract of office or Certificate of Ownership of Building;

- Interview of neighbors and barangay officials;

8.7

Upon the receipt of the report, the SBAC and its counterparts shall process, validate and evaluate the application within fifteen calendar days (15) from the date of receipt of complete documentary requirements;

8.8

The SBAC shall conduct a panel interview of all officers of NGOs/POs to properly assess their application for accreditation, as well as their technical and financial capability/capacity to implement the program successfully;

8.9

The SBAC shall immediately return denied application for accreditation to the concerned NGO/PO;

8.10

All Bureaus, Regional, and Attached Agency/Corporation SBACs shall submit to the national SBAC, the list of NGOs/POs recommended for accreditation, with complete documentary requirements, for the automatic review and validation of accreditation issued by the SBACs. For this purpose, the list shall be accompanied by a certification by the Chairman of the Regional/Bureau/Attached Agency Corporation SBAC that all of the requirements for accreditation have been duly complied with;

Section 9. Approval of the Secretary. All recommendations for accreditation of NGOs/POs shall be submitted to the Secretary for approval and issuance of Certificate of Accreditation.

Section 10. Duration and Effectivity. The accreditation shall be effective and valid for a period of two (2) years unless sooner revoked for violation of any of the grounds under Article VI hereof and for failure of the NGOs/POs to submit their updated documents, such as, but not limited to Business Permit, Barangay Clearance Certificate, Tax Clearance Certificate, NBI Clearance of officers, etc.;

Section 11. Masterlist of Accredited NGOs/POs. The SBAC shall maintain and regularly update the master list of accredited NGOs/POs which shall be posted in the DA website;

ARTICLE IV
MODE OF AWARD

Section 12. Public Bidding. If there are more than three (3) NGOs/POs accredited and qualified to undertake a particular project, the mode of award should be through public bidding.

Section 13. Negotiated. If there are three (3) or less accredited and qualified NGOs/POs, for a particular project, the mode of award may be through negotiation.

ARTICLE V
EVALUATION OF PROJECT PROPOSALS

Section 14. Documentary Requirements. The NGOs/POS applying for financial assistance shall submit a project proposal and work and financial plan indicating among others the NGO/PO equity equivalent to 20% of the total project cost, which may be in the form of labor, land for the project site, facilities, equipment and the like, to be used in the project, accompanied by the following requirements:

14.1

Certificate of Accreditation issued by the Secretary;

14.2

NGO/PO Board Resolution requesting for funding assistance indicating total project cost, requested funding assistance and counterpart funding;

14.3

NGO/PO Board Resolution authorizing representative who shall transact with DA for and in behalf of the NGO/PO;

14.4

Notarized certification from the Head of Local Government Unit that the proponent had successfully implemented for the last three years and/or is currently implementing successful projects in the community, or it has the institutional capability and proven integrity and track record to implement the proposed project;

14.5

Detailed list of completed and on-going project (with source of fund, pictures and status of implementation) duly certified by the President/ Secretary of the NGO/PO;

14.6

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Certification from a Government Funding Institution that the proponent is of good credit standing (no past due loan/record of property foreclosure, or its equivalent, if applicable);

14.7

Sworn affidavit of the President of the Chief Executive Officer of the NGO/PO that none of its incorporators, organizers, directors or official is an agent of or related by consanguinity or affinity up to the fourth civil degree to the official authorized to process and/or approve the proposal, MOA and the release of funds;

14.8

Audited financial statement for the last three (3) years of operations, if applicable;

14.9

Proof that the organization is professionally managed by competent staff;

14.10

Endorsement or proof of project feasibility from any appropriate government office, if applicable.

Section 15. Other Project Specific Requirements. Depending on the nature of the project, the NGOs/POS shall also submit the following requirements:

15.1

For Agricultural production projects:

- Fertilizer and Pesticide Authority (FPA) Certificate of Registration for the fertilizer and pesticides product to be used;

- FPA license for fertilizer and pesticides supplier and dealers;

- Bureau of Plant Industry (BPI) certification for seeds and planting materials;

- BPI accreditation for supplier and dealers of plants and/or seeds; and/or

- Bureau of Agriculture and Fisheries Standards (BAFS) certificate of accreditation for projects related to organic agriculture;

15.2

For infrastructure projects:

- Copy of Deed of Donation or long-term lease of agreement based on project life for the land to be used for the project, authenticated from the original copy of the document by the DA Project Coordinator;

- Notarized NGO/PO Board Resolution authorizing the use of the land for the project, if the proponent is the owner of the said land, or Sangguniang Panlalawigan/Bayan Resolution if the land is owned by the Local Government Unit;

- Verified undertaking signed by the president and treasurer of the NGO/PO that it shall post a performance security in the form of surety bond, callable on demand, issued by the Government Service Insurance System or any insurance company duly accredited by the Insurance Commission in the amount equivalent to thirty percent (30%) of the total financial assistance. If the project is not completed within ninety (90) days after the prescribed completion, the bond shall be forfeited in favor of DA;

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15.3

For fisheries and aquaculture projects:

- Municipal permit or lease agreement; and/or

- Permit from the Laguna Lake Development Authority (LLDA) and/or Bureau of Fisheries and Aquatic Resources (BFAR).

Section 16. Processing of Proposal. The proposal submitted by the NGOs/POs shall be processed following the procedures below:

16.1

All project proposals shall be evaluated by the concerned SBAC as to the completeness of the project proposal/s and attachments, together with other documentary requirements submitted by the Proponent and evaluate the feasibility of the proposed project within thirty (30) days upon submission of the complete requirements;

16.2

Project Proposals involving financial assistance not exceeding P10M in each case shall be approved/disapproved by the concerned DA agency in accordance with General Memorandum Order No. 1, Series of 2012;

16.3

For projects above P10M, evaluation shall still be made in the appropriate RFO, bureau or Attached Agency/Corporation. However, the proposal shall be submitted to the Secretary through the SBAC with a recommendation as to the mode of procurement;

16.4

Such proposal shall then be subjected to public bidding or negotiated procurement;

16.5

After the procurement process is completed, a MOA shall be prepared by the concerned DA Agency, and executed by and between the concerned DA Agency and the winning project proponent;

ARTICLE V
MEMORANDUM OF AGREEMENT (MOA)

Section 17. Terms and Conditions of the MOA. The MOA with the NGO/PO shall embody the following:

17.1

Project title, objectives of the project, intended beneficiaries, benefits to be delivered, project cost estimates, a brief description of the project, its site/location and other relevant information;

17.2

Documents on systems and procedures to implement the project, such as, but not limited to, the procurement of goods and services by the NGO/PO and their distribution shall be appended as Annexes of the MOA;

17.3

Time schedule of the release of funds, periodic inspection/evaluation, reporting, monitoring requirements, date of commencement and date of completion;

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17.4

Posting of a performance bond and a warranty, if applicable;

17.5

Submission of the required periodic financial and physical status reports;

17.6

Specific period to liquidate the funds granted to the proponent;

17.7

The amount of equity of the proponent to the project which shall not be less than 20% of the total project cost, which may be in the form of labor, land for the project site, facilities, equipment and the like, to be used in the project;

17.8

In case of construction projects like building and other similar structures, and acquisition of assets like equipment, a stipulation of ownership of the structure or fixed asset;

17.9

In case the asset shall be owned by a specific beneficiary, a stipulation that a Deed of Donation shall be executed and attached as Annex to the MOA;

17.10

The contracted NGO/PO shall not be allowed to assign the performance of his obligations under the MOA to any other party;

17.11

Monitoring and inspection of project implementation and verification of financial records and reports of the proponent to be undertaken by the concerned DA team assigned for the purpose;

17.12

Maintenance by the proponent of a separate savings account for each fund received from the DA agency concerned;

17.13

In case of voluntary or involuntary dissolution of the legal personality of the proponent, the lien of the DA agency concerned on its assets, in accordance with existing laws, to the extent of the unexpended or unutilized portion of the fund;

17.14

The refund by the proponent, to the DA agency concerned, of any amount not utilized to complete the project including interest, it there is any;

17.15

The name or office who/which shall act as Project Coordinator of DA;

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ARTICLE VI
DISBURSEMENT OF FUNDS

Section 18. Disbursement of Fund. The fund to be utilized for the implementation of the project shall be directly released to Proponent subject to the existing government accounting and auditing rules and regulations and the following schedules and requirement:

18.1

If the project is for implementation within a period of three (3) months, the assistance shall be released as follows:

- For projects worth P300,000.00 or less, the fund shall be released in full;

- For projects worth more than P300,000.00, release may be made in three (3) tranches:

- Fifteen percent (15%) of the total project cost upon approval and signing of the MOA;

- Thirty five percent (35%) after 50% project completion;

- Fifty percent (50%) upon completion of the project, subject to the favorable evaluation/inspection by the Project Coordinator of the results of the previous release(s);

18.2

If the project is to be implemented for more than three (3) months, the first release shall cover two (2) months operation but not to exceed 30% of the total assistance, subject to the release of the remaining balance upon submission of accomplishment reports evidenced by pictures of the accomplishment and/or report of inspection by the Project Coordinator and certifications of receipt by beneficiaries/payrolls/invoices, etc.;

18.3

Project proponents may revise their WFP, if the project requires, provided no additional funds are involved and within the same MOOE subject to approval of the DA concerned agency;

ARTICLE VII
MONITORING AND EVALUATION

Section 19. Implementation, Monitoring and Post-Project Evaluation. The implementation, monitoring and post project evaluation shall be guided by the following:

19.1

All project shall be monitored by the concerned DA Project Coordinator to ensure that they are progressing in line with timeframes, budgets, and methods specified in the approved MOA;

19.2

The regular monitoring of the actual implementation of projects shall be done by the concerned DA Project Coordinator, to include but not limited to the following:

- Actual usage of total fund release;

- Status of implementation/completion of projects;

- Status of project operation;

- Employment generated and other social benefits gained;

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- Value-added on project;

- Gender concerns;

- Other relevant information;

19.3

All project proponents must submit a Terminal Report within two (2) months after completion of the project as indicated by the proponent in the project proposal. This shall be the basis for the issuance of the Certificate of Acceptance of the Project by the implementing agency. A project is deemed completed after all funds have been utilized and duly liquidated;

19.4

Any proponent whose project has not met the Monitoring and Terminal Report requirements and have unliquidated funds shall be ineligible to qualify for any future project;

19.5

All completed projects should be given final Result evaluation by the concerned DA agency on measuring project success and impact evaluation;

19.6

The DA Internal Audit Service (DA-IAS) shall conduct periodic audit of fund transfer as well as the revalidation of NGOs/POs program accomplishments;

ARTICLE VIII
GROUNDS FOR CANCELLATION, PENALTIES AND ADMINISTRATIVE SANCTIONS

Section 20. Grounds for Cancellation of the MOA. The MOA may be recommended for cancellation on the following grounds:

20.1

If the MOA was obtained through fraud, misrepresentation, or omission of facts at the time of application;

20.2

Failure to commence the project within one (1) month from the disbursement of the fund;

20.3

Voluntary surrender of the MOA by the proponent for cause;

20.4

Violation of any conditions of, or failure to comply with, or perform the obligations as stipulated in the MOA;

20.5

Violation of any provision of these guidelines, policies or pertinent laws affecting the implementation of the project;

Section 21. Penalties. In the case of the proponent's misrepresentation of facts at any stage of implementation or

violations committed on grounds enumerated in Section 17 above, the following sanctions shall apply:

21.1

Cancellation of the MOA and Certificate of Accreditation; and

21.2

Perpetual disqualification and/or blacklisting, without prejudice to criminal prosecution/ civil prosecution to apply as warranted;

ARTICLE IX
MISCELLANEOUS PROVISIONS

Section 22. Miscellaneous Provision. The following conditions shall apply:

22.1

Funds released to Proponent under these guidelines shall retain their character as public funds. Failure of the proponent to liquidate the funds in accordance with the signed MOA shall create the presumption that the funds have been misappropriated. Within one (1) year from the time that the liquidation of the fund release become due and on recommendation of the Project Coordinator, the DA through the Legal Service shall initiate the proper legal action against the NGO/PO;

22.2

Since funds released to NGOs/POs remain public in character, the procurement of goods and services by NGOs/POs for projects supported in whole or in part by funds from the DA shall be subject to the provisions of RA 9184, otherwise known as the Philippine Government Procurement Reform Act;

22.3

NGOs/POs are not allowed to simultaneously implement two or more projects;

22.4

NGOs/POs shall acknowledge the role of the Department as partner in the implementation of the project through the putting up of signage at the project site indicating the Department's logo and project name. There should be no reference to any name of a person or position;

ARTICLE X
REPEALING CLAUSE AND EFFECTIVITY

This Order supersedes DA Administrative Order No. 23, series of 2012, other administrative orders, circulars, memoranda, and administrative issuances which are inconsistent with these guidelines, or amended accordingly as may be applicable.

This order shall take effect fifteen (15) days from the date of publication in the Official Gazette or at least two (2) newspapers of general circulation. The UP Law Center’s Office of National Administrative Register shall be provided copy of this order.

Issued this 16th day of January 2014, in Quezon City, Metro Manila, Philippines.

(SGD) PROCESO J. ALCALA
Secretary

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