



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Bonifacio Drive, Port Area, Manila

097.7 DPWH
12.06.2021

December 3, 2021

DEPARTMENT MEMORANDUM)

CIRCULAR NO. 77)
Series of 2021)
d 12/06/2021

FOR / TO : Undersecretaries
Assistant Secretaries
Bureau Directors
Service Directors
Regional Directors
Heads of UPMOs
District Engineers
This Department

For information and guidance, attached is a certified copy of Administrative Order No. 44 dated October 20, 2021 entitled "**DIRECTING THE ADOPTION AND IMPLEMENTATION OF THE NATIONAL COMPETITION POLICY.**"

A copy of the said Administrative Order may also be downloaded from the DPWH website: <http://dpwhweb>. If an office cannot access the DPWH website, a hard copy may be obtained from the Records Management Division, HRAS, upon request.

For dissemination to all concerned.

MARICHU A. PALAFOX, CESO III
Assistant Secretary for Support Services

Encl: Administrative Order No. 44 dated October 20, 2021

cc: Office of the Secretary

10.1.4 JVL/CDP/VGV/MSV

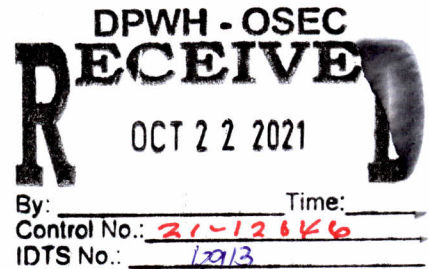
**Office of the President
of the Philippines
Malacañang**

MALACAÑANG RECORDS OFFICE



Manila, October 21, 2021

ACTING SECRETARY ROGER G. MERCADO
Department of Public Works and Highways
Manila



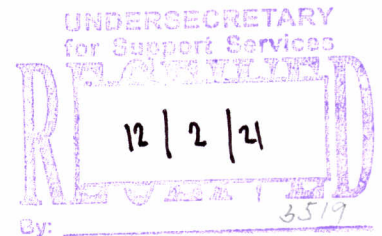
Sir :

I have the honor to transmit for your information and guidance, a certified copy of Administrative Order No. 44 dated October 20, 2021 entitled "**DIRECTING THE ADOPTION AND IMPLEMENTATION OF THE NATIONAL COMPETITION POLICY.**"

Thank you.

Very truly yours,


ATTY. CONCEPCION ZENTIA B. FERROLINO-ENAD
Director IV





MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 44

**DIRECTING THE ADOPTION AND IMPLEMENTATION OF THE
NATIONAL COMPETITION POLICY**

WHEREAS, Section 19, Article XII of the Constitution provides that the State shall regulate or prohibit monopolies when the public interest so requires, and that no combinations in restraint of trade or unfair competition shall be allowed;

WHEREAS, Republic Act (RA) No. 10667 or the "Philippine Competition Act," declares it a policy of the State to: (i) promote free and fair competition in trade, industry and all commercial economic activities; (ii) prevent economic concentration that unduly stifles competition, as well as those that lessen, manipulate or constrict the discipline of free markets; and (iii) penalize all forms of anti-competitive behavior for the purpose of protecting consumer welfare and advancing trade and economic activity;

WHEREAS, Section 2(a) of RA No. 10667 provides that the State shall establish a National Competition Policy, to be implemented by the National Government and all of its political agencies;

WHEREAS, Section 12(o) of RA No. 10667 mandates the Philippine Competition Commission (PCC) to assist the National Economic and Development Authority (NEDA), in consultation with relevant government agencies and sectors, to prepare and formulate a National Competition Policy and implement the same;

WHEREAS, on 30 July 2020, the NEDA and PCC issued the National Competition Policy through NEDA-PCC Joint Memorandum Circular No. 01-2020 (s. 2020);

WHEREAS, the National Competition Policy is in accordance with the strategic outcomes envisioned under the Updated Philippine Development Plan 2017-2022, to create an enabling and supportive economic environment with a strong and credible competition policy that will level the playing field and encourage more investments;

WHEREAS, the adverse effects of the COVID-19 pandemic to the economy require swift and strong government actions to maintain market efficiency and stimulate economic recovery; and

WHEREAS, an effective National Competition Policy is key in ensuring that government responses and interventions follow competition principles in order to address the market failures and distortions that may arise from the COVID-19 crisis;

NOW, THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

THE PRESIDENT OF THE PHILIPPINES

SECTION 1. Adoption and Implementation of the National Competition Policy (NCP). All national government agencies (NGAs), including departments, bureaus, offices and instrumentalities, government-owned or -controlled corporations (GOCCs), as well as local government units (LGUs), are directed to adopt and implement, in accordance with their respective mandates, the NCP and its key elements, as contained in NEDA-PCC Joint Memorandum Circular No. 01-2020 (s. 2020).

All government policies, rules, regulations and interventions shall support the objectives of the NCP and foster a culture of competition.

For purposes of this Order, the term "GOCC" shall include government instrumentalities with corporate powers, government financial institutions, and government corporate entities as defined by RA No. 10149 or the "GOCC Governance Act of 2011."

SECTION 2. Integration with Performance-Based Bonus (PBB) and Seal of Good Local Governance (SGLG). The Inter-Agency Task Force under Administrative Order No. 25 (s. 2011) on the Harmonization of National Government Performance, Monitoring, Information and Reporting Systems, in coordination with the Civil Service Commission and the Career Executive Service Board, and the Department of the Interior and Local Government (DILG), as Chairperson of the Council of Good Local Governance under RA No. 11292 or "The Seal of Good Local Governance Act of 2019," are directed to integrate, as far as practicable, the adoption of and compliance with the NCP and its key elements as part of the good governance conditions criteria for the grant of PBB to government personnel, and the conferment of the SGLG on LGUs, respectively. The AO No. 25 Task Force and the DILG shall prescribe the corresponding conditions for eligibility for said benefits.

SECTION 3. Separability. If any part or provision of this Order shall be held unconstitutional or invalid, the other parts or provisions which are not affected shall continue to be in full force and effect.

SECTION 4. Repeal. All other orders, rules, regulations or issuances inconsistent with this Order are hereby repealed or modified accordingly.

SECTION 5. Effectivity. This Order shall take effect immediately after its publication in the Official Gazette or in a newspaper of general circulation.

DONE in the City of Manila, this 20th day of October, in the year of our Lord, Two Thousand and Twenty One.

By the President:


SALVADOR C. MEDIALDEA
Executive Secretary

