



Republic of the Philippines
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
CENTRAL OFFICE
Manila

097.7 DPWH

08.30.2022

August 25, 2022

DEPARTMENT MEMORANDUM)

CIRCULAR NO. 42)
Series of 2022)
dt 8/30/2022

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

For information and guidance, attached is certified copy of COMELEC Resolution No. 10820 dated August 09, 2022, entitled "**RULES AND REGULATIONS GOVERNING PUBLIC WORKS BAN AND RELEASE, DISBURSEMENT AND EXPENDITURES OF PUBLIC FUNDS IN CONNECTION WITH THE SEPTEMBER 17, 2022 PLEBISCITE TO RATIFY THE DIVISION OF THE PROVINCE OF MAGUINDANAO INTO TWO (2) DISTINCT AND INDEPENDENT PROVINCES, TO BE KNOWN AS MAGUINDANAO DEL NORTE AND MAGUINDANAO DEL SUR, PURSUANT TO REPUBLIC ACT NO. 11550 APPROVED ON MAY 27, 2021.**"

A copy of the said COMELEC Resolution 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.

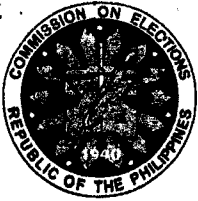
For dissemination to all concerned.

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

Encl: COMELEC Resolution No. 10820, dated August 09, 2022

cc: Office of the Secretary

10.1.4 JSC/VGV/MSV



REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
Intramuros, Manila

Office of the Deputy Executive Director for Operations

August 9, 2022

HON. MANUEL M. BONOAN
Department of Public Works and Highways
Bonifacio Drive
Port Area, Manila

Dear Secretary Bonoan,

Greetings!

Please find hereto attached the advance copy of Resolution No. 10820 entitled, "RULES AND REGULATIONS GOVERNING PUBLIC WORKS BAN AND RELEASE, DISBURSEMENT AND EXPENDITURES OF PUBLIC FUNDS IN CONNECTION WITH THE SEPTEMBER 17, 2022 PLEBISCITE TO RATIFY THE DIVISION OF THE PROVINCE OF MAGUINDANAO INTO TWO (2) DISTINCT AND INDEPENDENT PROVINCES, TO BE KNOWN AS MAGUINDANAO DEL NORTE AND MAGUINDANAO DEL SUR, PURSUANT TO REPUBLIC ACT NO. 11550 APPROVED ON MAY 27, 2021."

For your information, Sir.

Respectfully yours,


TEOPISTO E. ELNAS, JR.
Deputy Executive Director for Operations

Attachment:

- Advance copy of Resolution No. 10820

TEEjr/MCTN/GTPR/jgb/Letter ResoNo.10820 PublicWorksBan COA



Republic of the Philippines
COMMISSION ON ELECTIONS
Manila

**RULES AND REGULATIONS
GOVERNING PUBLIC WORKS
BAN AND RELEASE,
DISBURSEMENT AND
EXPENDITURES OF PUBLIC
FUNDS IN CONNECTION WITH
THE SEPTEMBER 17, 2022
PLEBISCITE TO RATIFY THE
DIVISION OF THE PROVINCE
OF MAGUINDANAO INTO
TWO (2) DISTINCT AND
INDEPENDENT PROVINCES,
TO BE KNOWN AS
MAGUINDANAO DEL NORTE
AND MAGUINDANAO DEL
SUR, PURSUANT TO
REPUBLIC ACT NO 11550,
APPROVED ON MAY 27, 2021.**

x-----x

INTING, SOCORRO B.
CASQUEJO, Marlon S.,
FEROLINO, Aimee P.,
BULAY, Rey E.

Acting Chairperson
Commissioner
Commissioner
Commissioner

Promulgated : July 27, 2022

RESOLUTION NO. 10820

WHEREAS, the Commission on Elections (Commission) has promulgated on June 22, 2022 COMELEC Resolution No. 10797 entitled IN THE MATTER OF SETTING THE DATE OF THE PLEBISCITE TO RATIFY THE DIVISION OF THE PROVINCE OF MAGUINDANAO INTO TWO (2) PROVINCES, NAMELY: MAGUINDANAO DEL NORTE AND MAGUINDANAO DEL SUR IN ACCORDANCE WITH REPUBLIC ACT NO. 11550 APPROVED ON MAY 27, 2021 AND PRESCRIBING THE CALENDAR OF ACTIVITIES AND PERIODS OF CERTAIN PROHIBITED ACTS IN CONNECTION WITH THE SAID PLEBISCITE.

NOW, THEREFORE, pursuant to the powers vested in it by the Constitution, the Omnibus Election Code, R.A. No. 11550 and other election laws, the Commission has **RESOLVED**, as it hereby **RESOLVES** to promulgate, the following rules to enforce the provisions of Section 261, subsections (v) and (w) of the Omnibus Election Code in connection with the conduct of the September 17, 2022 Plebiscite to ratify the division of the Province of Maguindanao into two (2) provinces, namely: Maguindanao del Norte and Maguindanao del Sur.

SECTION. 1. Coverage. – The provisions of this Resolution shall be applicable only in the Province of Maguindanao.

SEC. 2. Prohibition on release, disbursement or expenditure of public funds. – Effective August 16, 2022 (TUESDAY) to September 16, 2022 (FRIDAY), no public official or employee including *barangay* officials and those of government-owned or controlled corporations and their subsidiaries concerned, shall release, disburse or expend any public funds for:

1. Any and all kinds of public works, except the following:
 - (a) Maintenance of existing and/or completed public works project:

no additional laborers shall be employed for maintenance work starting August 16, 2022 (TUESDAY) until September 16, 2022 (FRIDAY);

(b) Work undertaken by contract through public bidding held, or by negotiated contract awarded, before August 16, 2022 (TUESDAY): *Provided*, That for the purpose of this Section work undertaken under the so-called "takay" or "paquiao" system shall not be considered as work by contract;

(c) Payment for the usual cost of preparation for 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 office and field storehouses before August 16, 2022 (TUESDAY): *Provided*, That the number of such laborers shall not be increased over the number hired when the project or projects were commenced; and

(d) Emergency work necessitated by the occurrence of a public calamity, but such work shall be limited to the restoration of the damaged facility.

No payment shall be made within five (5) days before the date of plebiscite to laborers who have rendered services in projects or works in the Province of Maguindanao, except those falling under subparagraphs (a), (b), (c), and (d), of this Section.

The prohibition shall not apply to on-going public works projects commenced before the plebiscite period or similar projects under foreign agreements, being undertaken in the Province of Maguindanao. For purposes of this provision, it shall be the duty of the government officials or agencies concerned to report to the Commission the list of all such projects undertaken by them as provided for under Sec. 2 of this Resolution.

2. The Department of Social Welfare and Development and any other office in other departments of the government performing functions similar to said department, located in the Province of Maguindanao, except for salaries of personnel, and for such other routine and normal expenses, and for such other expenses as the Commission may authorize after due notice and hearing. Should a calamity or disaster occur, all releases normally or usually coursed through the said departments and offices of other departments shall be turned over to, and administered and disbursed by, the Philippine National Red Cross, subject to the supervision of the Commission on Audit (COA) or its representatives ; and

3. The Human and Urban Development Coordinating Council and any other office in any other department of the government performing functions similar to said department, located in the Province of Maguindanao, except for salaries of personnel and for such other necessary administrative or other expenses as the Commission may authorize after due notice and hearing.

SEC. 3. Prohibition against construction of public works, delivery of materials for public works and issuance of treasury warrants and similar devices. - Effective August 16, 2022 (TUESDAY) until September 16, 2022 (FRIDAY), no person shall:

1. Undertake the construction of any public works, in the Province of Maguindanao, except for projects or works exempted in the preceding Section; or

2. Issue, use or avail of treasury warrants or any device undertaking future delivery of money, goods, or other things of value chargeable against public funds.

SEC. 4. Submission to the Commission of lists of authorized public works projects. - On or before August 16, 2022 (TUESDAY) the Minister of Public Works and Highways, the Provincial Governor of Maguindanao, the Mayors of the municipalities of the Province of Maguindanao and the Barangay Chairmen of the barangays in the Province of Maguindanao shall submit to the Commission a list of authorized public works projects.

undertaken by contract through public bidding or by negotiated contracts, undertaken before August 16, 2022 (TUESDAY) in the Province of Maguindanao.

Any public works not included in the list herein required to be submitted by the Minister of Public Works and Highways, the Provincial Governor of Maguindanao, the Mayors of the municipalities of the Province of Maguindanao and the Barangay Chairmen of the barangays in the Province of Maguindanao, which are not among the exceptions under Section 261, subsection (v) of the Omnibus Election Code shall be considered as falling under the public works ban.

SEC. 5. How to apply for a Certificate of Exception. – A written request for the issuance of Certificate of Exception shall be filed before the Campaign Finance Office, Intramuros, Manila, accompanied by documentary requirements and payment of Certification Fee in the amount of One Hundred Pesos (P100.00).

SEC. 6. Immediate payment of laborers required. – Any laborer who may have worked on construction and maintenance of provincial, city, municipal, and barangay-funded roads and bridges which have to be suspended pursuant to the ban shall be paid immediately his complete earned wage upon the suspension of said projects. In no case shall the earned wage or any portion thereof be retained to be paid only within five (5) days before or on the day of the plebiscite.

SEC. 7. Other expenses not covered by Section 261 (v). – Salaries of personnel, routine or normal expenses, other operating expenses of the Provincial Government of Maguindanao, Municipal Governments of the Province of Maguindanao, barangays in the Province of Maguindanao and other government agencies concerned, including government-owned or controlled corporations, are not covered by the ban.

Subject to such COA rules and regulations, authority to release or disburse funds hereof does not need prior authority from the Commission.

SEC. 8. Injunction. – The Department of Budget and Management and the Commission on Audit, including all its field offices, are hereby enjoined not to release or authorize the release of any appropriation, or to pass in audit payments or expenditures of public funds that may directly or indirectly be used in violation of the prohibitions contained in Section 261 (v) and (w) of the Omnibus Election Code and Sec. 2 and 3 hereof.

The concerned field office of the Commission, including those of its deputized agencies and citizens arm therein, are directed to monitor compliance with the requirements under Sec. 2 and 3 hereof by the local executive officers of the Province of Maguindanao and submit immediately to the Commission a written report on any violation of said provisions.

SEC. 9. Penalty. – Any violation of the provisions of this Resolution shall, consistent with Sections 261 and 264 of the Omnibus Election Code, constitute an election offense and shall be punishable by imprisonment of not less than one (1) year but not more than six (6) years, among other penalties provided for by law.

SEC. 10. Effectivity. – This Resolution shall take effect on the seventh (7th) day after its publication in two (2) daily newspapers of general circulation in the Philippines.

SEC. 11. Dissemination. – The Office of the Deputy Executive Director for Operations shall furnish the Executive Minister, the Commission on Audit, the Department of the Budget and Management, the Department of Public Works and Highways, the Provincial Governor of Maguindanao, the Mayors of the municipalities of the Province of

BARMM, the Provincial Election Supervisor of Maguindanao, and the respective Election Officers of the municipalities of the Province of Maguindanao.

SO ORDERED.

SOCORRO B. INTING

Chairperson

MARLON S. CASQUEJO

Commissioner

AIMEE P. FEROLINO


Commissioner

REY E. BULAY

Commissioner

CERTIFICATION

APPROVED by the Commission En Banc during the regular online meeting on **July 27, 2022**, pursuant to COMELEC RESOLUTION NO. 10671, promulgated June 9, 2020 entitled: "Supplemental Resolution to COMELEC Resolution 9936 Promulgated March 25, 2015, Rule on the Enactment and promulgation of Executive Administrative Resolutions providing for other format of meetings to include online meeting applicable in times of COVID-19 pandemic and the imposition of Community Quarantines and similar emergency situations.


ATTY. CONSUELO B. DIOLA
Acting Director IV
Office of the Commission Secretary