



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



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DEPARTMENT MEMORANDUM)

CIRCULAR NO. 37)
Series of 2024)

05/15/2024

FOR / TO : SENIOR UNDERSECRETARY
UNDERSECRETARIES
ASSISTANT SECRETARIES
REGIONAL DIRECTORS
BUREAU DIRECTORS
SERVICE DIRECTORS
HEADS OF UPMOs
DISTRICT ENGINEERS
HEADS OF ATTACHED AGENCIES
OTHERS CONCERNED
This Department

For information and guidance, attached is a copy of the **Executive Order No. 59** dated April 30, 2024 signed by Executive Secretary Lucas P. Bersamin, with the subject: **"STREAMLINING THE PERMITTING PROCESS FOR INFRASTRUCTURE FLAGSHIP PROJECTS"**.

A copy of the said Executive 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.


Atty. MICHAEL S. VILAFRANCA, CESO III
Officer-in-Charge, Office of the Assistant Secretary for Support Services

Encl: As stated

cc: Office of the Secretary

10.1.4 FJED/CDP/GME





MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 59

**STREAMLINING THE PERMITTING PROCESS FOR INFRASTRUCTURE
FLAGSHIP PROJECTS**

WHEREAS, Section 27, Article II of the Constitution provides that the State shall maintain honesty and integrity in public service, and shall take positive and effective measures against graft and corruption;

WHEREAS, Section 2 of Republic Act (RA) No. 9485 or the "Anti-Red Tape Act of 2007," as amended by RA No. 11032 or the "Ease of Doing Business and Efficient Government Service Delivery Act of 2018," declares it a policy of the State to take appropriate measures to promote transparency in each agency with regard to the manner of transacting with the public, which shall encompass initiating and maintaining a program for the adoption of simplified procedures that will reduce red tape and expedite business and non-business related transactions in government;

WHEREAS, RA No. 8792 or the "Electronic Commerce Act" aims to promote the universal use of electronic transactions in the government;

WHEREAS, under Section 3 of Executive Order (EO) No. 170 (s. 2022), all national government agencies (NGAs) are directed, and all local government units (LGUs) are encouraged, to adopt digital payments for their respective disbursements and collections;

WHEREAS, the Philippine Development Plan 2023-2028 recognizes the need to expand and upgrade the country's infrastructure to achieve meaningful economic transformation;

WHEREAS, there are currently 185 Infrastructure Flagship Projects (IFPs) that have been approved by the National Economic and Development Authority (NEDA) Board;

WHEREAS, there is a need to further streamline the process for issuance of required licenses, clearances, permits, certifications or authorizations to expedite the implementation of IFPs, consistent with RA No. 9485, as amended; and

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all Executive departments, bureaus, and offices, and the mandate to ensure the faithful execution of laws;

THE PRESIDENT OF THE PHILIPPINES

NOW THEREFORE, I, FERDINAND R. MARCOS, JR., President of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Coverage. Pursuant to Section 3 of RA No. 9485, as amended, this Order shall apply to all NGAs, including government-owned or -controlled corporations and other government instrumentalities, as well as LGUs, involved in the issuance of licenses, clearances, permits, certifications or authorizations that are required for projects included in the NEDA Board-approved list of IFPs.

Section 2. Streamlined Requirements for IFPs. No other national or local permit or clearance shall be required in the construction, installation, repair, operation, and/or maintenance of IFPs except for the following:

- a. Environmental Compliance Certificate/Certificate of Non-Coverage issued by the Department of Environment and Natural Resources;
- b. Building Permit/Occupational Permit/Certificate of Occupancy issued by the City/Municipal Building Official;
- c. Excavation Permit issued by the concerned LGU, National Commission for Culture and the Arts, Metropolitan Manila Development Authority, Department of Public Works and Highways (DPWH), and/or the Bases Conversion and Development Authority; and
- d. Other requirements as mandated by the Constitution and existing laws.

The streamlined requirements shall apply to all pending and new applications submitted by NGAs and LGUs for projects included in the NEDA Board-approved list of IFPs.

Section 3. Simplification and Streamlining Process. All NGAs and LGUs are hereby directed to comply with the provisions of RA No. 9485, as amended, and its Implementing Rules and Regulations (IRR). To this end, all NGAs and LGUs involved in the issuance of licenses, clearances, permits, certifications or authorizations for IFPS shall review their respective Citizen's Charters in order to remove redundant and burdensome procedures and requirements, and ensure that the revised procedures and requirements are accessible to the transacting public, in accordance with existing laws, rules and regulations.

Consistent with Section 9 of RA No. 9485, as amended, the number of signatories in any document shall be limited to a maximum of three (3) signatures pertaining to the officers directly supervising the office or department responsible. When applicable, NGAs and LGUs are encouraged to apply and utilize the Philippine National Public Key Infrastructure service of the Department of Information and Communications Technology (DICT).

Section 4. Online and/or Electronic Submission and Acceptance. Pursuant to the Zero-Contact Policy under RA No. 9485, as amended, all NGAs and LGUs are hereby directed to adopt a system for online and/or electronic submission and acceptance of applications for, and issuance of licenses, clearances, permits, certifications or authorizations relative to the implementation of IFPs.

Further, NGAs and LGUs shall accept electronic copies of documentary requirements needed for applications for licenses, clearances, permits, certifications or authorizations for IFPS, and recognize electronic or digital signatures, subject to RA No. 8792 and other existing laws, rules and regulations.

Section 5. Simultaneous Processing of Applications. All NGAs and LGUs involved in the issuance of licenses, clearances, permits, certifications or authorizations for implementation of IFPs shall process the same with the presumption that relevant documents from other agencies have already been issued consistent with Rule VII Section 3(c) of the IRR of RA No. 9485, as amended. The applicant shall execute an Affidavit of Undertaking, stating that it has secured all relevant documents from specific NGAs or LGUs and/or that it shall submit the complete documentary requirements within thirty (30) working days. For this purpose, the NGA or LGU may coordinate with other relevant offices or agencies to check or verify the status of applications pending with them. The concerned agency shall then issue the corresponding permits or licenses, with an annotation that it shall be subject to the completion of requirements covered by the undertaking.

Section 6. Digital Payment of Fees. To supplement over-the-counter payments, all NGAs are directed, and all LGUs are encouraged to set up a payment gateway for acceptance of digital payments relative to applications for licenses, clearances, permits, certifications or authorizations for IFPS, consistent with the Zero-Contact Policy under RA No. 9485, as amended, and EO No. 170. In this regard, NGAs and LGUs may provide alternative digital payment options through service agreements with *Bangko Sentral ng Pilipinas* (BSP)-regulated private and/or public Payment System Providers (PSP) or electronic Payment and Collection System Providers, subject to existing laws, rules and regulations.

Section 7. Action on the Application. All covered applications not acted upon within the prescribed period as provided under existing laws, shall be deemed approved pursuant to Section 10 of RA No. 9485, as amended; Provided, that all documentary requirements have been submitted and all required fees have been paid, as indicated in the Citizen's Charter of concerned NGAs and LGUs.

Similarly, if an NGA or LGU fails to act on an application or request for renewal of a license, clearance, permit, certification or authorization relative to the implementation of IFPs within the prescribed processing period, the validity of said license, clearance, permit, certification, or authorization shall be deemed extended.

Section 8. One-Stop Shop for IFPs. All NGAs and LGUs shall set up or designate within their offices a One-Stop Shop for IFPs, which will provide frontline services to applicants who are securing licenses, clearances, permits, certifications or authorizations for IFPs, subject to existing laws, rules and regulations.

The One-Stop Shop for IFPs shall not be duplicative of existing One-Stop Shops or One-Stop Action Centers established under existing laws, issuances, rules and regulations. In this regard, NGAs and LGUs may opt to integrate this One-Stop Shop for IFPs into their existing One-Stop Shops or Action Centers. For this purpose, an Account Officer, who shall serve as the focal person for facilitating the permits and licenses for IFPs, and coordinating with other permitting and licensing agencies or offices, shall be designated in every One-Stop Shop for IFPs.

Section 9. Data Sharing System. To ensure seamless data and information sharing among concerned departments, offices, and agencies, all NGAs shall automate and computerize their database in accordance with RA No. 10173 or the "Data Privacy Act of 2012," and other existing laws, rules and regulations.

LGUs, in coordination with the DICT, are encouraged to adopt the electronic-LGU (eLGU) system or any similar program developed and maintained by the DICT, and ensure the interoperability of their respective Information and Communications Technology platforms for the expedited processing of licenses, clearances, permits, certifications and/or authorizations for IFPs.

Section 10. Implementation. The NEDA Board Committee on Infrastructure shall serve as the Steering Committee tasked to provide policy direction for effective implementation of this Order.

Within thirty (30) working days from the effectivity of this Order, the Steering Committee shall, in coordination with the Anti-Red Tape Authority, Department of the Interior and Local Government, and other relevant agencies, promulgate the necessary guidelines to ensure effective and efficient implementation of this Order, including, among others, the establishment of a mechanism to: (a) track and report the compliance of NGAs and LGUs involved in the issuance of licenses, clearances, permits, certifications and/or authorizations for IFPs; and (b) encourage NGAs and LGUs to prioritize and facilitate the review and approval of licenses, clearances, permits, certifications or authorizations for the NEDA Board-approved IFPs.

Section 11. Separability. If any part or provision of this Order shall be held invalid or unconstitutional, the provisions not affected thereby shall remain in full force and effect.

Section 12. Repeal. All orders, rules and regulations, and other issuances or parts thereof which are inconsistent with the provisions of this Order are hereby repealed or modified accordingly.

Section 13. Effectivity. This Order shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this 30th day of April, in the year of our Lord, Two Thousand and Twenty-Four.

By the President:


LUCAS P. BERSAMIN
Executive Secretary

