



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

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DEPARTMENT ORDER
NO. 130
Series of 2016 *76-23.14*

**SUBJECT: Guidelines For The
Implementation Of The Provisions
Of Republic Act No. 6685 and
Republic Act No. 9710 or the
Magna Carta of Women**

Pursuant to Section 7 of RA 6685 *and in accordance with Republic Act (RA) No. 9710 or the Magna Carta of Women (MCW), relevant labor and social legislations and international standards on decent work and gender equality* the following Implementing Rules and Regulations are hereby issued:

1. The mandatory minimum percentage of 50% of the unskilled labor requirement shall be recruited ***and be equally accessible to both women and men***, as follows:
 - 1.1 First priority shall be recruited from the unemployed bona fide residents of the locality/(barangay) where the project is being undertaken who are ready, willing and able as determined/certified by the City Mayor or Municipal Mayor concerned;
 - 1.2 If the unskilled labor requirement is not fully met by the recruitment pursuant to item 1.1 above, the deficiency shall be recruited from the unemployed bona fide residents of neighboring barangays of the city/municipality where the project is being undertaken who are ready, willing and able as determined/certified by the City Mayor or Municipal Mayor concerned;
 - 1.3 If still the unskilled labor requirement is not fully satisfied after the recruitment pursuant to items 1.1 and 1.2 above, then the deficiency shall be recruited from the unemployed bona fide residents of the province where the project is being undertaken who are ready, willing and able as determined/certified by the Governor.
2. The mandatory minimum 30% of the skilled labor requirement shall be recruited ***and be equally accessible to both women and men***, as follows:
 - 2.1 First priority shall be recruited from unemployed bona fide residents of the locality (barangay) where the project is being undertaken who are ready, willing and able as determined by the City Mayor or Municipal Mayor concerned;
 - 2.2. If the skilled labor requirement is not fully met by the recruitment pursuant to item 2.1 above, the deficiency shall be recruited from the unemployed bona fide residents of neighboring barangays of the city/municipality where the project is being

undertaken who are ready, willing and able as determined/certified by the City Mayor or Municipal Mayor concerned;

2.3 If still the skilled labor requirement is not fully satisfied after the recruitment pursuant to item 2.1 and 2.2 above then deficiency shall be recruited from the unemployed bona fide residents of the province where the project is being undertaken who are ready, willing and able as determined/certified by the Governor.

3. In case of a project traversing two or more barangays/municipalities/cities/provinces, the labor requirement shall be recruited proportionately from the localities traversed by the project.
4. The Implementing Office (DPWH Regional Office/District or City Engineer's Office) shall, upon publication of the Invitation for Prequalification to Bid, advise the concerned City/Municipal Mayor or Governor, as the case may be, of the project to be bid and the labor requirements thereof and shall likewise advise them to submit a list **of sex-disaggregated** able, qualified and willing laborers (unskilled and skilled) in their respective localities, from which listing, the contractor shall select for employment the labor requirements of the project.

This sex-**disaggregated** list of laborers shall be submitted and be made available **and accessible** to the contractor upon award of the contract and before the Notice to Proceed is issued. In case of non-submission of this list within the period above-stated, the contractor has the option to employ the labor requirements, but preferably laborers from the barangay or locality where the project is located. Finally, this process of labor recruitment shall be coordinated with the DOLE Regional Office/Community Employment Center.

5. The above-mentioned Implementing Office shall see to it that the Instructions to Bidders and Tender Documents include a provision for strict compliance with RA 6685 and that the penalty clause provision thereof is included in the Conditions of the Contract to be entered into.
6. In the pre-bid conference, the Prequalification Bids and Awards Committee shall discuss and disseminate to all prequalified bidders the provisions of RA 6685 and emphasize to the bidders concerned that the organization chart for the project under bid, which shall accompany the bid proposal, must indicate the total number of the skilled and unskilled labor requirements of the project in which the mandatory minimum 50-30% local labor recruitment shall be based; otherwise, appropriate sanctions as provided by law/regulation may be imposed.
7. Upon award of the contract and after the contractor has signed the contract and submitted the requirements for the approval of the contract, the contractor shall inform the concerned DOLE Regional Office – (*Community Employment Center-CEC*) **Public Employment Services Office (PESO)** of the (manpower) **human resource** requirements of the project so that the **PESO** can provide recruitment assistance to the contractor. The contractor shall then cause the posting of the "Notice of Labor

Requirements" in conspicuous areas (municipal hall, churches and project site) as specified and designated by the District, Provincial, City or Municipal authorities in either English or Filipino or in any local dialect/*language*, announcing that local residents are needed as laborers for the project. The notice shall contain the basic project information and instruction to responding labor applicants on where and when to register to the DOLE/(CEC)*PESO* and to bring with them the necessary identification papers such as Voter's ID, Residence Certificate and/or certification from the Barangay Captain or in the absence of the Barangay, any other member of the Barangay Council that they are bona fide and actual residents of the place/locality where the project is being undertaken.

8. The "Certificate of Compliance" under oath to be submitted by the contractor/subcontractor as among the requirements for every progress billing, pursuant to Section 5 of RA 6685, shall be counter-checked by the District, Provincial or City/Municipal Engineer concerned before effecting the payment to ensure compliance.
9. ***The DPWH, concerned local government unit/s and Contractors/Sub-contractors shall purposively employ women, to comprise at least 20% of total workforce in skilled or unskilled positions, in various phases and stages of construction/civil work, from planning, design, pre-construction and construction and maintenance for each particular project. To facilitate the implementation of this provision, the aforementioned entities are hereby enjoined to closely coordinate with the Philippine Commission on Women (PCW), the Department of Education (DepEd), the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA) on training provision and the maintenance of a sex-aggregated list of trained and qualified students on non-traditional skills as prescribed in 1.B, Section 16 of the Implementing Rules and Regulations (IRR) of the MCW. Close coordination with local officials of barangays where a project is being implemented is also advised as a means of recruiting sufficient number of females for available positions.***


The DPWH, concerned local government unit/s and Contractors/Sub-contractors are also enjoined to develop their own programs to intensify women's participation in construction/civil work and to support the contractors in meeting the 20% female labor requirement.

10. ***The DPWH, concerned local government unit/s and Contractors/Sub-contractors are also enjoined to develop their own programs to intensify women's participation in construction/civil work. They shall likewise ensure that necessary protective measures and mechanisms, such as RAs 7877 - Anti-Sexual Harassment Policy, 10151 Employment of Night Workers, are set in placed to make the working environment friendly to both women and men.***

- 11. *The DPWH Regional Directors/District Engineers/Project Engineers shall, during periodic site visits, monitor and report on the Contractor's/Sub-contractors compliance to the above-mentioned provision.***

Pursuant to Sections 7 and 8 of RA 6685 these implementing rules and regulations shall take effect immediately upon issuance thereof and shall apply to all contracts for infrastructure projects of the national, provincial, city and municipal government.

This Order supersedes Department Order No. 51 s. 1990 and shall take effect immediately.


ROGELIO L. SINGSON
Secretary

4.1.4 LDMC/RBdR

Department of Public Works and Highways
Office of the Secretary



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