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REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
MANILA

19 November 1992

DEPARTMENT ORDER) SUBJECT: LIABILITY OF CONTRACTORS AND SUB-
CONTRACTORS INCLUDING PUBLIC
NO. 193 ^{TV} OFFICIALS FOR VIOLATIONS OF P.D.
Series of 1992 _{11/92} NO. 1759

Presidential Decree No. 1759 dated 02 June 1981 was disseminated and/or circularized to all heads of offices under this Department. For easy reference, quoted hereunder is the decree:

"PRESIDENTIAL DECREE NO. 1759

PENALIZING CONTRACTORS AND SUB-CONTRACTORS WHO VIOLATE ANY MATERIAL PROVISIONS OF CONTRACTS INVOLVING PUBLIC WORKS PROJECTS OF THE GOVERNMENT, AND PUBLIC OFFICIALS WHO ALLOW SUCH VIOLATIONS, AND FOR OTHER PURPOSES.

WHEREAS, it has been observed that many government projects involving public works are being constructed below specifications as to materials, quality and quantity of work in violation of substantial provisions and requirements of the contract.;

WHEREAS, the government has suffered tremendous losses as a result of said violations; and

WHEREAS, there is a necessity to curb this flagrant irregularities in the prosecution or execution of government projects;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President/ Prime Minister of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Any provisions of law to the contrary notwithstanding, contractors and sub-contractors who violate any material provisions of contracts involving public works projects, either as to materials, quality and quantity of work, resulting to the prejudice of the government, shall suffer the penalty of from twelve (12) years to life imprisonment at the discretion of the Court and shall, in addition suffer perpetual disqualification from participating in any government contracts.

The offending contractor or sub-contractor shall further be liable for the cost of reconstructing such public works project in accordance with the specifications agreed upon.

In case of corporations, partnerships or associations, the President, General Manager or any responsible chief executive officer/officers shall be liable.

SEC. 2. Any public official who, by reason of the duties of his office, shall consent, or through abandonment or negligence, permit the contractor or sub-contractor to commit the violations mentioned in Section 1 hereof, shall suffer the penalty of from twelve (12) years to life imprisonment and perpetual disqualification to hold public office.

SEC. 3. Any provisions of law, decree, executive order or any issuance inconsistent herewith are hereby repealed and/or modified accordingly.

SEC. 4. This Decree shall take effect immediately.

Done in the City of Manila, this 2nd day of January in the year of Our Lord, nineteen hundred and eighty-one.

(SGD.) FERDINAND E. MARCOS
President of the Philippines"

Notwithstanding the dissemination of the provisions of the decree, it has been observed that there had been violations thereof without the corresponding sanctions having been imposed.

In view hereof and in line with the moral recovery program of the government, all public officials are enjoined to see to it that the provisions of the aforesaid decree are complied to the letter, and any violation thereof shall be dealt with accordingly.

This Order shall take effect immediately.


JOSE P. DE JESUS
Secretary