

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

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12-5-2000



November 28, 2000

DEPARTMENT ORDER)
NO. 224)
Series of 2000 12/5/2000)


FOR/TO ALL :

Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Service Chiefs
Project Directors
Project Managers
District Engineers
Regional Equipment Engineers
Heads of Attached Agencies
This Department

X ----- X

For your information and guidance, attached is a copy of Republic Act No. 8975 dated November 7, 2000, entitled "AN ACT TO ENSURE THE EXPEDITIOUS IMPLEMENTATION AND COMPLETION OF GOVERNMENT INFRASTRUCTURE PROJECTS BY PROHIBITING LOWER COURTS FROM ISSUING TEMPORARY RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS OR PRELIMINARY MANDATORY INJUNCTIONS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND FOR OTHER PURPOSES."

For dissemination to, and guidance of all concerned.


TEODORO T. ENCARNACION
Undersecretary

4.4d/GMB

S. No. 2038
H. No. 898

Republic of the Philippines
Congress of the Philippines
Metro Manila

Eleventh Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fourth day of
July, two thousand.

[REPUBLIC ACT NO. 8975]

AN ACT TO ENSURE THE EXPEDITIOUS
IMPLEMENTATION AND COMPLETION OF
GOVERNMENT INFRASTRUCTURE PROJECTS BY
PROHIBITING LOWER COURTS FROM ISSUING
TEMPORARY RESTRAINING ORDERS, PRELIMINARY
INJUNCTIONS OR PRELIMINARY MANDATORY
INJUNCTIONS, PROVIDING PENALTIES FOR
VIOLATIONS THEREOF, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of
the Philippines in Congress assembled:*

SECTION 1. *Declaration of Policy.* - Article XII, Section 6 of the Constitution states that the use of property bears a social function, and all economic agents shall contribute to the common good. Towards this end, the State shall ensure the expeditious and efficient implementation and completion of government infrastructure projects to avoid unnecessary increase in construction, maintenance and/or repair costs and to immediately enjoy the social and economic benefits therefrom.

SEC. 2. *Definition of Terms.* -

(a) "National government projects" shall refer to all current and future national government infrastructure, engineering works and service contracts, including projects undertaken by government-owned and -controlled corporations, all projects covered by Republic Act No. 6957, as amended by Republic Act No. 7718, otherwise known as the Build-Operate-and-Transfer Law, and other related and necessary activities, such as site acquisition, supply and/or installation of equipment and materials, implementation, construction, completion, operation, maintenance, improvement, repair and rehabilitation, regardless of the source of funding.

(b) "Service contracts" shall refer to infrastructure contracts entered into by any department, office or agency of the national government with private entities and nongovernment organizations for services related or incidental to the functions and operations of the department, office or agency concerned.

SEC. 3. *Prohibition on the Issuance of Temporary Restraining Orders, Preliminary Injunctions and Preliminary Mandatory Injunctions.* - No court, except the Supreme Court, shall issue any temporary restraining order, preliminary injunction or preliminary mandatory injunction against the government, or any of its subdivisions, officials or any person or entity, whether public or private, acting under the government's direction, to restrain, prohibit or compel the following acts:

(a) Acquisition, clearance and development of the right-of-way and/or site or location of any national government project;

(b) Bidding or awarding of contract/project of the national government as defined under Section 2 hereof;

(c) Commencement, prosecution, execution, implementation, operation of any such contract or project;

(d) Termination or rescission of any such contract/project; and

(e) The undertaking or authorization of any other lawful activity necessary for such contract/project.

This prohibition shall apply in all cases, disputes or controversies instituted by a private party, including but not limited to cases filed by bidders or those claiming to have rights through such bidders involving such contract/project. This prohibition shall not apply when the matter is of extreme urgency involving a constitutional issue, such that unless a temporary restraining order is issued, grave injustice and irreparable

injury will arise. The applicant shall file a bond, in an amount to be fixed by the court, which bond shall accrue in favor of the government if the court should finally decide that the applicant was not entitled to the relief sought.

If after due hearing the court finds that the award of the contract is null and void, the court may, if appropriate under the circumstances, award the contract to the qualified and winning bidder or order a rebidding of the same, without prejudice to any liability that the guilty party may incur under existing laws.

SEC. 4. *Nullity of Writs and Orders.* - Any temporary restraining order, preliminary injunction or preliminary mandatory injunction issued in violation of Section 3 hereof is void and of no force and effect.

SEC. 5. *Designation of Regional Trial Courts.* - The Supreme Court may designate regional trial courts to act as commissioners with the sole function of receiving facts of the case involving acquisition, clearance and development of right-of-way for government infrastructure projects. The designated regional trial court shall within thirty (30) days from the date of receipt of the referral, forward its findings of facts to the Supreme Court for appropriate action.

SEC. 6. *Penal Sanction.* - In addition to any civil and criminal liabilities he or she may incur under existing laws, any judge who shall issue a temporary restraining order, preliminary injunction or preliminary mandatory injunction in violation of Section 3 hereof, shall suffer the penalty of suspension of at least sixty (60) days without pay.

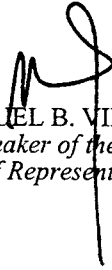
SEC. 7. *Issuance of Permits.* - Upon payment in cash of the necessary fees levied under Republic Act No. 7160, as amended, otherwise known as the Local Government Code of 1991, the governor of the province or mayor of a highly-urbanized city shall immediately issue the necessary permit to extract sand, gravel and other quarry resources needed in government projects. The issuance of said permit shall consider environmental laws, land use ordinances and the pertinent provisions of the Local Government Code relating to environment.

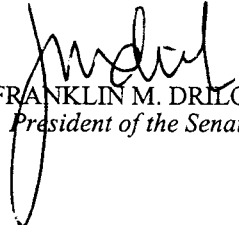
SEC. 8. *Separability Clause.* - If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be of full force and effect.

SEC. 9. *Repealing Clause.* -All laws, decrees, including Presidential Decree Nos. 605, 1818 and Republic Act No. 7160, as amended, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

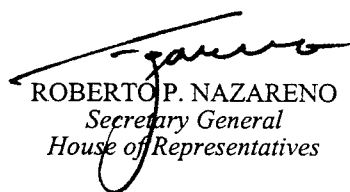
SEC. 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.


Approved,


MANUEL B. VILLAR, JR.
*Speaker of the House
of Representatives*


FRANKLIN M. DRILON
President of the Senate

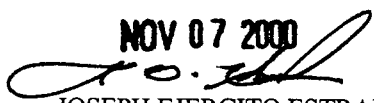
This Act, which is a consolidation of Senate Bill No. 2038 and House Bill No. 898 was finally passed by the Senate and the House of Representatives on August 29, 2000 and October 10, 2000, respectively.


ROBERTO P. NAZARENO
*Secretary General
House of Representatives*


OSCAR G. YABES
Secretary of the Senate

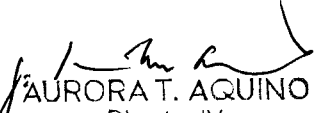
Approved:

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JOSEPH EJERCITO ESTRADA
President of the Philippines



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AURORA T. AQUINO
Director IV
Malacañang Records Office