



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

097.13 DPWH
01-09-2004



JAN 09 2004

DEPARTMENT ORDER)
No. **3**)
Series of 2004: 01-09-04)

SUBJECT : Amendments to D.O 276, s.2003
re MOA and "Pakyaw" Contracts
under the President's Program
"Kalsada Natin, Alagaan Natin!"

Results of the Luzon-wide implementation of the Program necessitates the addition of the following provisions to the earlier issued pro-forma Memorandum of Agreement (MOA) attached under Department Order No. 276, s. 2003, to wit :

ARTICLE IV – EFFECTIVITY

Section 4.1 : This MOA shall take effect upon signing by the Parties hereto and shall remain in force up to June 2004.

DESCRIPTION OF THE PROJECT (Annex "A")

2. SCOPE OF PROJECT ACTIVITIES:

(Note: Items indicated under a. to g. shall remain the same)

- h. Sanitation concerns – the conduct of fumigation activities/defogging operations of drainage canals and structures simultaneous with the desilting/declogging activities, where warranted.
- i. Minor repair to curbs and gutters (i.e., repair of chipped-off concrete on curb; paint reconditioning of concrete curb and gutter, ex. "zebra" painting or reflectorized painting)

3. MAINTENANCE METHODS AND PROCEDURES

a. Desilting of drainage canals:

(Note: Items indicated under 1 and 2 shall remain the same)

- (3) Where warranted, fumigation activities/defogging operations shall be conducted simultaneous with the conduct on the removal of silt/debris blocking the free flow of rainwater on canals and drainage structures.

All other provisions of the afore-cited MOA under D.O. 276, s. 2003, which are not subject or in direct reference to the above amendments are understood to remain in full force and effect until another amendment relative to the MOA is issued to the contrary.


FLORANTE SORIQUEZ
Acting Secretary
Chairman, Road Board



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

097.13 DPH -
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DEPARTMENT ORDER)
No. **276**)
Series of 2003 *11-10-03*)

SUBJECT : Roadside Maintenance of
National Roads under the
President's Program
"Kalsada Natin, Alagaan Natin!"

This has reference with the priority program: "*Kalsada Natin, Alagaan Natin!*" of Her Excellency, President Gloria Macapagal Arroyo, which involves the maintenance of roadsides along National Roads to be undertaken with the participation of the Barangay work forces within their respective territorial jurisdiction.

The subject maintenance is to be implemented either **By Administration** or through a "**Pakyaw**" Contract, sourced from the Motor Vehicle Users Charge (MVUC) Funds established by Republic Act 8794.

Where the subject maintenance is to be implemented **By Administration** by the Barangay-Local Government Unit (LGU), all District Engineers and others concerned shall adopt the enclosed pro-forma Memorandum of Agreement (MOA) in Attachment "I". If the maintenance is to be done through a "**Pakyaw**" Contract, the District Engineers and others concerned shall comply with the provisions of Department Order No. 57, series of 1987, entitled "Standard Agreement and Guidelines for Application of Pakyaw Contracts", with the respective modifications thereto, shown in Attachment "II", which are only applicable to the "*Kalsada Natin, Alagaan Natin!*" Program.

This Order takes effect immediately and any Department Orders, Memoranda, and other issuances, which are inconsistent hereof, are hereby deemed amended and/or accordingly modified.


FLORANTE SORIQUEZ
Acting Secretary

WHEREAS, in accordance with the Implementing Rules and Regulations of R.A. 8794, as amended, projects or activities funded from MVUC may be implemented by administration by LGUs determined by DPWH as technically capable of undertaking said projects or activities by administration;

NOW THEREFORE, for and in consideration of the foregoing premises, the Parties to this MOA hereby agree on the following terms and conditions:

ARTICLE I – DESCRIPTION OF THE PROJECT

Section 1.1 : This MOA covers the implementation by administration by the BARANGAY-LGU of the Project involving the scope of maintenance activities along roadsides of the national road section within its geographical area described in Annex "A", pages 4 to 6 of this MOA, hereinafter called the **"PROJECT"**

ARTICLE II – RESPONSIBILITIES OF THE DPWH

The DPWH shall undertake the responsibilities defined in Annex " B ", pages 7 to 8 of this MOA.

ARTICLE III – RESPONSIBILITIES OF THE BARANGAY-LGU

The BARANGAY-LGU shall undertake the responsibilities defined in Annex " C ", pages 9 to 10 of this MOA.

ARTICLE IV – EFFECTIVITY

Section 4.1 : This MOA shall take effect upon signing by the Parties hereto and shall remain in force up to December 31, 2003.

Section 4.2 : Either Party to this MOA may initiate the termination of this Agreement in the event of a default by the other Party of any of its obligations herein defined.

ARTICLE V- SPECIAL PROVISIONS

All Annexes and other documents attached to this MOA, including all amendments mutually agreed by both Parties, shall be understood as forming part of this MOA. Provisions and contents thereof are, therefore, binding on both Parties.



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



Attachment "I"

**MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE DPWH AND THE BARANGAY- LOCAL GOVERNMENT
UNIT (LGU) OF _____ FOR THE MAINTENANCE
OF ROADSIDES ALONG NATIONAL ROADS**

This Memorandum of Agreement (MOA) entered into on _____
(date)
at _____ by and between :
(place)

The Department of Public Works and Highways, herein represented by
its Assistant District Engineer, _____
(name of the Assistant District Engineer and
and hereinafter referred to as the DPWH;
the District Engineering Office)

-and-

The Barangay Unit of _____
(Name of Barangay, Municipality, and Province/City)
herein represented by its Barangay Chairman, _____
(Name of Barangay Chairman)
and hereinafter referred to as the BARANGAY- LGU,

W I T N E S S E T H

WHEREAS, President Gloria Macapagal Arroyo launched on 02 October 2003 the priority program "*Kalsada Ko, Aalagaan Ko!*", funded from revenues derived from the Motor Vehicle User Charge (MVUC) under Republic Act 8794 as approved by the Road Board established under the said Act, and involving the maintenance of roadsides along national roads to be undertaken with the participation of Barangays;

WHEREAS, this program aims to generate employment among marginalized workers within the barangay, ensure proper year-round and all weather maintenance of the roadsides by involving the beneficiary Barangays themselves, and pump-prime the local economy; and,

IN WITNESS WHEREOF, the Parties hereto have affixed their signatures at _____, on this _____ day of _____, 200__.

For the BARANGAY-LGU

For the DPWH :

Barangay Chairman

DPWH-Assistant District Engineer

Signed in the presence of :

Barangay Treasurer

Chief Accountant, DPWH-DEO

Approved by :

DPWH District Engineer

Copy furnished : The DPWH Secretary and Road Board Chairman (Attn : Bureau of
Maintenance
Congressman concerned
DPWH Regional Director

DESCRIPTION OF THE PROJECT

1. **NAME OF PROJECT** : Roadside maintenance activities along _____, Km. _____ to Km. _____, Barangay _____, _____ (Municipality), _____ (Province).

2. **SCOPE OF PROJECT ACTIVITIES :**

- a. Desilting of longitudinal drainage canals and pipes and cross drains.
- b. Cutting of vegetation along shoulders up to the road-right-of-way limits, including sight distance clearing.
- c. Removal of obstructions within the road-right-of-way, per Department Order No. 52, series of 2003.
- d. Manual reshaping of gravel/earth shoulders.
- e. Cleaning of sidewalks.
- f. Immediate response to calamities and emergencies.
- g. Planting and maintenance of appropriate plants for slope protection and other uses (e.g. vetiver and ornamental plants).

3. **MAINTENANCE METHODS AND PROCEDURES :**

a. **Desilting of drainage canals:**

- (1) All foreign objects blocking the free flow of water in the canals and drainage structures should be removed and neatly stockpiled outside the drainage/canal lines for later disposal.
- (2) Sediments, such as sand, mud, dirt, broken twigs/branches of trees etc., should be removed and neatly stockpiled outside the drainage lines, likewise for later disposal.

b. **Vegetation control:**

- (1) Grass, weeds, and other plants should be removed from the carriageway, and cut to the specified height (not higher than 5 cm, or 2 in.) within the shoulders.

- (2) Bushes and other plants outside the shoulders but within the road-right-of-way should be cut so as not be higher than 60 cm (24 inches or 2.0 ft.)
- (3) On blind curves (horizontal or vertical), vegetation should be removed within the sight distance specified by the District Engineer.

c. Removal of obstructions (per DO 52 series of 2003)

- (1) Broken trees, stumps, branches, carcasses of animals, etc, must be removed from the pavement and shoulders.
- (2) All other illegal structures, e.g. shanties, makeshift stores, advertisements, etc. must be removed from the road right-of-way.

d. Manual Reshaping of shoulders

- (1) Gravel or earth shoulders found to be uneven should be reshaped to achieve an even surface.
- (2) Shoulders with deep potholes should be filled-in by gravel or any suitable filling materials available specified by the District Engineer.

e. Cleaning of sidewalks

All sidewalks must be clear of litter/garbage at all times.

f. Immediate response to calamities:

- (1) Barangay workers must do the above-mentioned works, especially in times of calamities, and emergencies, such as floods, heavy rains and typhoons.
- (2) Workers must assist and direct motorists and pedestrians for their safe travel through the road during times of calamities and emergencies.

g. Assistance to motorists :

- (1) Barricades on the roads temporarily put up by school authorities in front of their respective schools and which may cause traffic to slow down shall be removed at scheduled periods of the day, i.e., when schoolchildren are already inside the school premises or after they have gone home.

- (2) Barangay workers should likewise direct pedestrian traffic where necessary, i.e., in front of schools, hospitals, government buildings, etc.

h. Planting :

- (1) Existing plants should be well maintained to enhance the environment along the road.
- (2) Plants (e.g. vetiver grass) may be planted for slope protection or land erosion prevention.

**ARTICLE II
RESPONSIBILITIES OF THE DPWH**

1. Evaluate the following documents of the BARANGAY-LGU to ensure the compliance and conformity to the requirements of the MOA, viz:
 - a) Letter of intent as mentioned under Article III-Responsibilities of the BARANGAY-LGU.
 - b) Sangguniang Barangay Resolution authorizing the Barangay Chairman to enter into a MOA with the DPWH for the implementation of the Project.
 - c) Certification that the Barangay workers to be hired for the Project meet the following qualifications :
 - i) The workers are residents of the BARANGAY-LGU for at least six months before the signing of this MOA.
 - ii) The workers belong to the marginalized sector of the BARANGAY-LGU, i.e., unemployed or underemployed, out-of-school youth, off-peak season agricultural workers, informal settlers, etc.
 - iii) The workers are not first-degree relatives of the Barangay Chairman.
 - iv) One female worker is hired to comprise the workforce of the BARANGAY-LGU per kilometer.
 - v) Only one worker for each work Barangay workforce shall come from the same immediate family.
2. Provide technical support and supervision to the BARANGAY-LGU in the proper implementation of maintenance activities of the PROJECT.
3. Provide to the Barangay Chairman, thru a Memorandum Receipt, the following basic maintenance tools passing the Specifications detailed under Annex " D", page 12 of this MOA:

- a) One shovel.
- b) One pick mattock.
- c) One Scythe or bolo for grass cutting.
- d) One rake.
- e) One wheelbarrow (to be shared by two Barangay workforce).
- f) One set of signages.

(Note : The above-cited maintenance tools may vary depending on whether the roadsides to be maintained are in the urban or in the rural areas. Other tools, not specified above may be provided by the District Engineering Office when necessary).

- 4. Provide to the Barangay Captain, thru a Memorandum Receipt the following materials for the workers in the Project :
 - a) Two T-shirts per worker (Dark blue with logo-print of the Program "Kalsada Ko, Aalagaan Ko!").
 - b) One Raincoat- yellow, waistline length with rain hood and logo-print of the Program.
 - c) One pair of Rubber/plastic boots.
 - d) One buntal hat with the logo-print of the Program
- 5. Conduct periodic inspection to evaluate the performance of the BARANGAY-LGU in the implementation of the PROJECT and require the Barangay Chairman to replace workers noted to be performing their assigned tasks unsatisfactorily.
- 6. Prepare a Program of Work for the PROJECT, issue a Certificate of Availability of Funds covering the approved PROJECT cost, and obligate the said funds in the name of the BARANGAY-LGU as creditor, in the book of accounts of the District Engineering Office.
- 7. Verify and approve the periodic Statements of Work Accomplished (SWAs) submitted by the Barangay Chairman which shall be used as basis for progress payments to the Barangay.
- 8. Make progress payments to the BARANGAY-LGU based on the approved SWA.

**ARTICLE III
RESPONSIBILITIES OF THE BARANGAY-LGU**

- 1) Submit to DPWH a letter of intent and a Sangguniang Barangay Resolution authorizing the Barangay Chairman to enter into a MOA with the DPWH for the implementation of the PROJECT;
- 2) Undertake the PROJECT utilizing a workforce of four (4) workers per kilometer. For this purpose, submit to the DPWH a Certification that the workers to be hired meet the following qualifications:
 - a. The workers are residents of the BARANGAY-LGU for at least six months before the signing of this MOA.
 - b. The workers belong to the marginalized sector of the barangay, i.e., unemployed or underemployed.
 - c. The workers are not first degree-relatives of the Barangay Chairman;
 - d. One female worker is hired to comprise the workforce of the BARANGAY-LGU per kilometer.
 - e. Only one worker for each workforce shall come from the same immediate family.
- 3) Employ the workers meeting the above-cited qualifications, whose names are listed under Annex "C-1", page 11 of this MOA.
- 4) Implement, by administration, the scope of maintenance activities of the PROJECT as detailed under Annex "A", pages 4 to 6 of this MOA.
- 5) Use labor-based/tools-supported methods in undertaking the PROJECT.
- 6) Receive, thru a Memorandum Receipt and ensure the proper use and care of the following DPWH-issued basic maintenance tools and materials :
 - a.) One shovel.
 - b.) One pick mattock.

- c.) One Scythe or bolo for grass cutting;
 - d.) One rake;
 - e.) One wheelbarrow (to be shared by two Barangay workforce);
 - f.) One set of signages.
 - g.) Other tools as provided by the District Engineer.
7. Receive from the DPWH, thru a Memorandum Receipt, and ensure the proper use and care of the following materials for the workers in the PROJECT :
 - a) Two T-shirts per worker (Dark blue with logo-print of the Program "Kalsada Ko, Aalagaan Ko!").
 - b) one raincoat- yellow, waistline length with rain hood and logo-print of the Program.
 - c) one pair of rubber/plastic boots.
 - d) one buntal hat with the logo-print of the Program.
 8. Ensure that the workers are on the job everyday and are promptly deployed during emergencies and calamities.
 9. Prepare, sign and submit the SWAs to support each Progress Billings to be filed with the DPWH.
 10. Pay the Barangay workers promptly based on the accomplishment indicated in the SWA.
 12. Keep a timely and accurate record of all funds received and disbursed. Fund transactions shall be through the Barangay Treasurer in accordance with existing government laws and regulations.

ANNEX "C-1"

NAME OF PROJECT: Roadside maintenance activities along Km.____ to Km.____, Barangay _____, _____
(Municipality) (Province)

INFORMATION

T O : The DPWH District Engineer
_____ District Engineering Office

(Location)

F R O M : _____
(Name of Barangay Chairman)

S U B J E C T : **MAINTENANCE WORKERS PROPOSED FOR THE PROJECT**

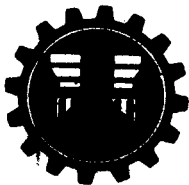
| Name of Workers | Birthdate (day/month/year) | a. Age b. Status c. Sex | Address |
|-----------------|-------------------------------|-------------------------------|---------|
| 1. | | a. b. c. | |
| 2. | | a. b. c. | |
| 3. | | a. b. c. | |
| 4. | | a. b. c. | |

CERTIFIED CORRECT :

(Barangay Chairman)

ANNEX "D "

**DETAILS (Specifications) OF BASIC MAINTENANCE TOOLS
FOR USE BY WORKERS OF BARANGAY-LGUs
IN THE PROGRAM "KALSADA KO, AALAGAAN KO!"**



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Attachment " II "

**MODIFICATIONS TO
STANDARD AGREEMENT AND GUIDELINES FOR APPLICATIONS
OF PAKYAW CONTRACTS, under Department Order No. 57, s. 1997**

1. On page 1 to 2 : GUIDELINES ON THE USE OF THE PAKYAW SYSTEM, sub-section : WORKFORCE - Modification should read as follows :
 - (a) THE WORKERS ARE RESIDENTS OF THE BARANGAY WHERE THE PROJECT IS LOCATED FOR AT LEAST SIX MONTHS BEFORE THE SIGNING OF THE PAKYAW CONTRACT;
 - (b) THE WORKERS BELONG TO THE MARGINALIZED SECTOR OF THE BARANGAY, I.E., UNEMPLOYED OR UNDEREMPLOYED, INFORMAL SETTLERS, OUT-OF-SCHOOL YOUTH, OFF-PEAK SEASON AGRICULTURAL WORKERS, ET. AL.
 - (c) THE WORKERS ARE NOT FIRST DEGREE-RELATIVES OF THE BARANGAY CHAIRMAN;
 - (d) AT LEAST ONE WORKER OUT OF THE BARANGAY-LGU WORKFORCE PER KILOMETER SHALL BE A FEMALE;
 - (e) ONLY ONE WORKER FOR EACH WORK FORCE SHALL COME FROM THE SAME IMMEDIATE FAMILY.
2. On page 2, AWARD OF PAKYAW AGREEMENT, sub-item (a) - Modification should read as follows :
 - (a) LABOR-ONLY PAKYAW CONTRACT SHALL BE LIMITED TO A MAXIMUM COST OF ONE HUNDRED FIFTY THOUSAND PESOS (PhP150,000.00) PER CONTRACT.

3. On page 4, PAKYAW PAYMENTS, sub-item (b) - Modification should read as follows :

(b) THE PAKYAW AGREEMENT SHALL BE DESIGNED TO ENSURE COMPLETION OF THE WORK WITHIN ONE TO THREE CALENDAR MONTHS. THE WORKERS WILL BE PAID AT LEAST ONCE A MONTH.

4. On page 11, - "ANNEX "A" TO PAKYAW AGREEMENT, GENERAL CONDITIONS OF PAKYAW AGREEMENT (LABOR ONLY) - Modifications TO ITEM 3 should read as follows:

3 (A) THE WORKERS COMPRISING THE GROUP SHALL BE RESIDENTS OF THE BARANGAY WHERE THE NATIONAL ROAD SECTION TO BE MAINTAINED IS LOCATED FOR AT LEAST SIX MONTHS BEFORE THE SIGNING OF THE PAKYAW CONTRACT;

(B) THE WORKERS SHALL COME FROM THE MARGINALIZED SECTOR OF THE BARANGAY, I.E., UNEMPLOYED OR UNDEREMPLOYED, INFORMAL SETTLERS, OUT-OF-SCHOOL YOUTH, OFF-PEAK SEASON AGRICULTURAL WORKERS, ET. AL.

(C) THE WORKERS ARE NOT FIRST DEGREE-RELATIVES OF THE BARANGAY CHAIRMAN.

(D) AT LEAST ONE WORKER OUT OF THE BARANGAY WORKFORCE PER KILOMETER SHALL BE A FEMALE

(E) ONLY ONE WORKER FOR EACH WORKFORCE SHALL COME FROM THE SAME IMMEDIATE FAMILY.

APPROVED
Modification to D.O. 57, s. 1997
(for dissemination to all concerned)

FLORANTE SORIQUEZ
Acting Secretary