



097. 13 DPWH
01-10-2005

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

JAN 10 2005

DEPARTMENT ORDER)
NO. **03**
Series of 2005 *01-10-2005*

SUBJECT: PRIOR CLEARANCE FROM THE SECRETARY
BEFORE UNDERTAKING ANY WORK
OUTSIDE THE COVERAGE OF THE
CONTRACTS ON CIVIL WORKS AND
CONSULTANCY SERVICES

It has been observed that most of the Requests for Prior Clearance to Issue Variation Order on Civil Works submitted to the Office of the Secretary for approval, the works thereof had already been started/completed by the concerned contractor, thus pre-empting the office of its action on said request. This had been prevalent despite the provisions of Item 3.1, Annex E of the IRR of RA 9184. By virtue hereof, it is hereby ordered that:

1. No work shall be commenced covering any Variation Order (Change Order/Extra Work Order) of foreign or locally funded projects without the Request for Prior Clearance being first approved by the Secretary;
2. No Services pertaining to any Addendum/Re-alignment/Supplemental Agreement of foreign or local consultant shall be commenced without first securing approval of the Request for Prior Clearance to Issue Addendum/Re-alignment/Supplemental Agreement;
3. Works undertaken by the Contractor or Services performed by the Consultant in violation of items 1 and 2 hereof shall not be paid by the Department (Implementing Office) and shall be deemed personal liability of the person who authorized the commencement of the work; and
4. All officials and employees who allowed the commencement of such work shall be liable administratively after hearing, pursuant to existing Civil Service Laws Rules and Regulations.

As to the exception provided for under item 3.1a (1&2), b of the IRR of RA 9184, strict adherence thereof is enjoined.

In order that projects needing Variation Order would not be delayed unnecessarily, Annex are the Checklist, Executive Summary and other requirements, and it is incumbent upon the head of the DPWH implementing office to follow-up with the Secretary or Office of the Secretary the approval of the Prior Clearance/Authority.

Any existing Department Order, Memorandum, Regulation or Issuance repugnant hereto shall be deemed repealed, modified, amended or abrogated accordingly. This Order shall take effect immediately.


FLORANTE SORIQUEZ
Acting Secretary