

OCT 18 1990

EXECUTIVE ORDER NO. 426

PLACING THE CONTROL AND SUPERVISION OF THE OFFICES OF THE  
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS WITHIN THE  
AUTONOMOUS REGION IN MUSLIM MINDANAO UNDER THE  
AUTONOMOUS REGIONAL GOVERNMENT, AND FOR OTHER  
PURPOSES

WHEREAS, the second paragraph of Section 4, Article XIX of Republic Act No. 6734 provides that: "[O]ther National Government offices and agencies in the Autonomous Region which are not excluded under paragraph (9), Section 2, Article V of this Organic Act, together with their personnel, equipment, properties and budgets shall be placed under the control and supervision of the Regional Government pursuant to a schedule prescribed by the Oversight Committee mentioned in Section 3, Article XIX of this Organic Act: *Provided, however,* That the transfer of these offices and agencies and their personnel, equipment, properties and budgets shall be accomplished within six (6) years from the organization of the Regional Government".

WHEREAS, the Oversight Committee has identified that the offices of the Department of Public Works and Highways in the Autonomous Region in Muslim Mindanao may be immediately transferred to implement the regional public works of the Autonomous Regional Government;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. *Transfer of Control and Supervision.* The offices of the Department of Public Works and Highways (DPWH) within the Autonomous Region in Muslim Mindanao (ARMM) including their functions, powers and responsibilities, personnel, equipment, properties, budgets and liabilities are hereby placed under the control and supervision of the Autonomous Regional Government.

In particular, these offices are identified as the four (4) District Engineering Offices (DEO) in each of the four provinces respectively and the three (3) Area Equipment Services (AES) located in Tawi-Tawi, Sulu and Maguindanao (Municipality of Sultan Kudarat).

SEC. 2. *Functions Transferred.* The Autonomous Regional Government shall be responsible for highways, flood control and water resource development systems, and other public works within the ARMM and shall exercise the following functions:

1. Undertake and evaluate the planning, design, construction and works supervision for the infrastructure projects whose location and impact are confined within the ARMM;
2. Undertake the maintenance of the infrastructure facilities within the ARMM and supervise the maintenance of such local roads and other infrastructure receiving financial assistance from the National Government;
3. Ensure the implementation of laws, policies, programs, rules and regulations regarding infrastructure projects as well as all public and private physical structures within the ARMM;
4. Provide technical assistance related to their functions to other agencies within the ARMM, especially the local government units;
5. Coordinate with other national and regional government departments, agencies, institutions, and organizations, especially the local government units within the ARMM in the planning and implementation of infrastructure projects;
6. Conduct continuing consultations with the local communities, take appropriate measures to make the services of the Autonomous Regional Government responsive to the needs of the general public and recommend such appropriate actions as may be necessary; and,
7. Perform such other related duties and responsibilities within the ARMM as may be assigned or delegated by the Regional Governor or as may be provided by law.

SEC. 3. *Functions Retained by the National Government.* Functions not specified herein shall be retained by the DPWH. These include, among others, the reserved powers of the National Government in accordance with Article V, Section 2, as well as those subject to specific provisions, of Republic Act No. 6734; *Provided, That, the DPWH and the Autonomous Regional Government may enter into a Memorandum of Agreement with reference to operationalizing these functions within the ARMM subject to the approval of the Office of the President; Provided, however, That the operations of the National Government are not prejudiced.*

SEC. 4. *Standard Setting.* The National Building Code and other national engineering and construction standards specified by law and/or

prescribed by the Department of Public Works and Highways shall be adopted as minimum standards by the Autonomous Regional Government. The Autonomous Regional Government, however, may adopt stricter standards but at no time shall compromise national engineering and construction standards.

SEC. 5. *Programs and Projects.* Locally funded projects of the offices mentioned in Section 1 hereof are hereby transferred to the Autonomous Regional Government including project-hired staff, budgets, liabilities and assets acquired.

Foreign-funded projects covered by existing loans or grant agreements shall continue to be the responsibility of the DPWH. A Memorandum of Agreement may be entered into between the DPWH and the Autonomous Regional Government insofar as implementation arrangements within the ARMM are concerned subject to the approval of the President.

SEC. 6. *Assets, Equipment, Buildings and Land.* All existing assets and equipment of the four District Engineering Offices and three Area Equipment Services within the ARMM are hereby turned over to the Autonomous Regional Government.

Buildings and the land wherein these edifices are built, of the aforementioned offices within the ARMM are hereby transferred to the Autonomous Regional Government.

SEC. 7. *Budget.* The balance of allotments outstanding for the current fiscal year as of the date of effectivity of this Executive Order and the fiscal accountability for capital outlays of locally-funded projects undertaken by the four District Engineering Offices and three Area Equipment Services as well as the current operating expenses of the said offices shall be transferred to the Autonomous Regional Government thru the withdrawal of the appropriate advices of allotment by the Department of Budget and Management from the Department of Public Works and Highways and subsequent release to the Autonomous Regional Government.

SEC. 8. *Liabilities.* The contract obligations entered into by the aforementioned District Engineering Offices and Area Equipment Services will be assumed by the Autonomous Regional Government; *Provided*, that the contract obligations of the DPWH regional office for projects within the ARMM shall continue to be paid by the DPWH regional office; *Provided, further*, That the National Government shall continue such levels of expenditures as may be necessary to carry out the functions devolved under Republic Act No. 6734 and this Executive Order; *Provided, finally*, That the

annual operating budget support for these offices devolved to the Autonomous Regional Government shall terminate as soon as practicable.

SEC. 9. *Personnel.* All regular plantilla positions, whether filled or unfilled, of the aforementioned District Engineering Offices and Area Equipment Services effectively assigned to or located in the four (4) provinces within the ARMM as their official station, shall immediately be placed under the control and supervision of the Autonomous Regional Government. The corresponding personal services budget shall henceforth be transferred to the Autonomous Regional Government.

All personnel in the career service of the aforementioned District Engineering Offices and Area Equipment Services shall be absorbed by the Autonomous Regional Government and shall retain their seniority rights, compensation and other benefits in accordance with the rules and regulations of the Civil Service Commission.

Those who refuse to transfer to the Autonomous Regional Government shall have the following options: regular retirement; absorption by their line department in another office or region based on the availability of position and at the discretion of management; transfer to another department based on availability of position; or resignation. Personnel separated from the service as a result of the implementation of this Executive Order shall, if entitled thereto under existing laws, be given separation or other benefits.

SEC. 10. *Attached Agencies.* The control and supervision of DPWH-attached corporations and agencies, namely the Local Water Utilities Administration, National Irrigation Administration and the National Water Resources Board, despite having projects within the ARMM, shall be retained by the DPWH. The three attached agencies, however, shall coordinate all their plans, programs and projects within the ARMM with the Regional Planning and Development Board.

The Autonomous Regional Government, in the Provinces of Lanao del Sur and Maguindanao, will be vested with similar authorities given to DPWH regional directors and district engineers as provided in the Water Code including the power to grant temporary water permits and permits to drill wells subject to final approval of the National Water Resources Board. In the Island Provinces of Tawi-Tawi and Sulu, the Autonomous Regional Government shall assume all levels of authority including approval and regulation with reference to water rights.

SEC. 11. *Special Assistance.* The DPWH Regional Office shall provide the Autonomous Regional Government technical assistance with reference to the implementation of the National Building Code, highway standards and other national engineering and construction standards as specified by law and/or as prescribed by the Department of Public Works and Highways.

SEC. 12. *Separability Clause.* If, for any reason, any part or provision of this Executive Order shall be held unconstitutional or declared contrary to law, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 13. *Effectivity.* This Executive Order shall take effect fifteen days after publication in one (1) national newspaper of general circulation and one (1) local newspaper of general circulation in the ARMM.

DONE in the City of Manila, this 12th day of October, in the year of our Lord, nineteen hundred and ninety.

*Francisco T. Fernandez*

By the President:

*Catalino Macaraig, Jr.*  
CATALINO MACARAIG, JR.  
Executive Secretary

CERTIFIED COPY,  
*Francisco T. Fernandez*  
DIRECTOR