

EXECUTIVE ORDER NO. 419

PROMULGATING THE RULES AND REGULATIONS TO IMPLEMENT REPUBLIC ACT NO. 6960 ENTITLED "AN ACT APPROPRIATING THE SUM OF TEN BILLION PESOS FOR THE AID, RELIEF, AND REHABILITATION SERVICES TO PERSONS AND AREAS AFFECTED AND FOR THE SURVEY, REPAIR AND RECONSTRUCTION OF GOVERNMENT INFRASTRUCTURE DAMAGED OR DESTROYED BY THE EARTHQUAKES OF JULY 16, 1990 AND THEIR AFTERSHOCKS"

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

SECTION 1. This Executive Order hereby promulgates the rules and regulations implementing Republic Act No. 6960 which was approved on August 7, 1990 and became effective on August 9, 1990, the said law having been published on said date in two (2) national newspapers of general circulation.

SEC. 2. As used in this Executive Order, the following definition of terms shall govern:

- a) The term "victims" refers to individuals who sustained serious injuries or suffered death in the family as a result of the earthquakes which occurred on 16 July 1990, and their aftereffects. It shall include individuals whose homes have been destroyed or rendered uninhabitable.
- b) The term "aid" or "relief" refers to any assistance in the form of food, clothing, shelter, money or any other form of assistance to the end that life may return to normal at the earliest possible time.
- c) The term "repair" refers to the action of making a facility or infrastructure usable or serviceable even on a partial or temporary basis within a short period of time.
- d) The term "reconstruction" refers to the action of restoring a facility or infrastructure to the original condition and whenever necessary strengthening or putting in appropriate improvements to make it more resistant to calamities such as earthquakes. It shall also include the action of constructing a

similar facility or infrastructure in another location in place of the damaged facility or infrastructure.

- e) The "Presidential Task Force on Rehabilitation" refers to the Task Force created pursuant to Memorandum Order No. 311 dated 1 August 1990.

SEC. 3. The projects that will be funded by the appropriation contained in Republic Act No. 6960 must contribute to any or all of the following objectives:

- a) Preservation of life;
- b) Restoration of home; and,
- c) Resumption of production.

The following agencies shall be responsible for the identification of the projects within their respective jurisdiction and whenever necessary, in consultation with local government units, viz.:

- a) Department of Public Works and Highways - for Roads, Highways and Bridges, Flood Control and Seawalls, Water Supply (level I), and Other Public Buildings and Facilities;
- b) Philippine National Railways - for Railways;
- c) Philippine Ports Authority - for Ports;
- d) Air Transportation Office/Department of Transportation and Communications - for Airports;
- e) Postal Services Office/Department of Transportation and Communications - for Post Offices;
- f) Telecommunications Office/Department of Transportation and Communications - for Telecommunication Facilities;
- g) National Power Corporation - for Power Facilities;
- h) National Electrification Administration - for Electrification Facilities;
- i) National Irrigation Administration - for Irrigation Facilities;

- j) Department of Education, Culture and Sports - for Schoolbuildings;
- k) Department of Health - for Hospitals/Health Centers and Public Health Programs;
- l) National Housing Authority - for Housing Facilities;
- m) Department of National Defense - for Defense Facilities;
- n) Export Processing Zone Authority - for Export Processing Zone Facilities;
- o) Department of Social Welfare and Development - for Social Welfare Projects;
- p) Local Water and Utilities Administration - for Water Supply Facilities (Levels II and III); and,
- q) Departments of Agriculture, Agrarian Reform, Environment and Natural Resources, Labor and Employment and Trade and Industry, Education, Culture and Sports, Local Government, Tourism, and the National Livelihood Support Fund - for Livelihood and Emergency Employment Assistance Projects.

The above enumerated agencies shall also be responsible for the implementation of the projects except those projects determined by the Presidential Task Force to be more appropriately implemented by local government units.

SEC. 4. In general, the repair or reconstruction of infrastructure projects shall be prioritized by using the following factors:

- a) Economic importance of the facility, with preference to facilities which significantly contribute to or support production and distribution of essential goods in substantial volumes over large geographical areas;
- b) Social significance of the facility, with emphasis on facilities which provide basic shelter, health, and education services affecting large/depressed communities;
- c) Structural condition of the facility, with attention to facilities which are structurally unsafe for use or prone to further damage; and,

- d) Feasibility of the repair/reconstruction works, with emphasis on those which can be started quickly and be completed within a relatively short period.

On the basis of the above enumerated factors, the following general types of infrastructure shall be given priority:

- a) Immediate opening and rehabilitation of blocked or hardly passable major interregional/interprovincial and secondary intermunicipal transport routes in order to restore the major movements of goods, services and people;
- b) Restoration of power, water, irrigation, flood control and communication services;
- c) Rehabilitation of social infrastructure such as schools, hospitals and public markets with structural damage and temporary shelters for homeless families.

SEC. 5. The levels of repair and reconstruction work shall be as follows:

- a) Level I: This consists of basic emergency repair not necessarily to restore in the original condition but merely for the purpose of quickly making the facility or infrastructure usable or serviceable even on a partial or temporary basis, e.g. temporary bailey bridge on one-way pilot road. These projects can generally be completed within a short period of time, i.e. one or two months.
- b) Level II: This consists of the reconstruction or restoration to the original condition of the facility or infrastructure and whenever necessary includes strengthening, improvement or relocation of the facility to make it resistant to natural calamities like earthquake e.g. removal of slides, reconstruction of damaged embankment and pavement, or slope protection works. These projects are normally completed between the period of six (6) months to two (2) years;
- c) Level III: This consists of the reconstruction of damaged infrastructure and facilities and development of new facilities to minimize the disruption of infrastructure services in case natural calamities such as earthquake should occur in the

future e.g. new alternative route, new towns, relocated production areas and reconfigured transport networks. These projects are normally completed between the period of two (2) years to five (5) years.

The projects that will be implemented and funded pursuant to the provisions of Republic Act No. 6960 will normally be those falling under Levels I and II. However, projects falling under Level III may also be implemented and funded if they are found to be extremely urgent and necessary, after due consultation with concerned sectors and officials of the national and local government.

SEC. 6. The Presidential Task Force shall undertake the identification, prioritization, programming of projects and fund allocation within three (3) months from 9 August 1990. For this purpose, the procedure shall be as follows:

- a) Each concerned agency mentioned in Section 3 hereof shall identify the earthquake-damaged infrastructure facilities under its responsibility, and define the extent and impact of the damage thereto and submit the same to the Presidential Task Force for consideration and approval. All possible sources of information shall be used, including its own agency reports, as well as those of other concerned national agencies and officials, local government units, non-governmental organization, media and the general public.
- b) The agency shall then determine the repair and reconstruction works required on the damaged infrastructure using the levels defined in Section 5 hereof, prepare an estimate of their cost and implementation periods, and prioritize them based on the criteria enumerated in Section 4 of this Executive Order. The prioritized schedule be submitted to the Presidential Task Force for consideration and approval.
- c) The agency shall thereafter prepare a preliminary program for the repair and reconstruction of the damaged infrastructure, which shall contain the following information:
 1. List of projects and their locations;

2. Description of extent and impact of damage for each project;
 3. Description of work to be done for each project;
 4. Estimated cost per project at each level of action; and,
 5. Implementation schedule per project, and approximate quarterly cash flow.
- d) Implementing agency must provide appropriate information to and consult with concerned local and national officials from the area on rehabilitation projects to be implemented therein.
- e) The agency program shall be submitted by the Presidential Task Force to the President for final approval.

SEC. 7. The procurement and implementation procedures shall be as follows:

A. Engineering Services

Prior to project implementation, the concerned agency shall provide appropriate engineering preparations:

Whenever deemed necessary, the agency may engage in each affected area, project or cluster of projects, in-house consultants from reputable firms to assist and advise it.

B. Actual Project Implementation

The implementing agencies or local government units responsible for the actual repair and reconstruction of the infrastructure facilities shall determine the most appropriate mode of implementing each project in the program. For this purpose, the agencies or local government units may adopt any of the following options, whichever is appropriate:

1. Administration or force account shall generally be adopted as a mode of project implementation for Level I or when the scope is difficult to quantify for contracting

purposes and it is within the implementing capability of the agency or local government unit.

2. Negotiated contract may be adopted as a mode of project implementation for Levels I and II when the works are urgent and beyond the force account capability of the concerned agency or local government unit especially those involving structural damage, imminent danger to life and property, significant social and economic losses and where time is of the essence in project implementation. Negotiated contracts may be entered into not later than six (6) months from the effectivity of Republic Act No. 6960 and in accordance with Section 5 thereof.
3. Contract after public bidding may be adopted as a mode of project implementation for Levels II and III projects which are less urgent and cannot be completed within one year. As much as possible the provisions of Presidential Decree No. 1594 and its implementing rules and regulations, as amended, shall be followed. However, in so far as advertisement for the project, prequalification of contractors and award of contracts are concerned, the implementing agencies or local government units may shorten the requirements for notice and evaluation periods.

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All funds covering contracts entered into under Republic Act No. 6960 and this Executive Order shall be obligated within one (1) year from the effectivity of the said Act.

SEC. 8. The supervision of the repair and reconstruction works shall be performed by the concerned implementing agency or local government unit, through its own units and/or through consultants, in accordance with existing technical standards and procedures.

The implementing agency or local government unit shall give preference to the residents of the affected areas, especially the victims, in the hiring or employment of the workers required in the repair and reconstruction of damaged infrastructure under the approved program.

SEC. 9. The assistance to earthquake victims shall primarily address the immediate concern of survival and normalization of their lives. In this

regard, the assistance shall encompass the basic needs for food, clothing, shelter and emergency employment.

Assistance for the survival of earthquake victims may take any of the following forms:

- a) Shelter;
- b) Communal meal service;
- c) Subsidized source of foodstuffs and clothing;
- d) Health services; or
- e) Money to cover medical and funeral expenses.

Assistance for the normalization of the lives of the earthquake victims may take any or all of the following forms:

- a) Resettlement assistance;
- b) Employment placement assistance;
- c) School placement assistance;
- d) Loan or grant for livelihood projects; or
- e) Deferment or restructuring of some obligations such as real estate taxes, salary loans and the like, when so warranted or authorized.

SEC. 10. The Department of Social Welfare and Development shall be primarily responsible for identifying the persons eligible for assistance mentioned in Section 9 hereof and the nature of assistance needed. The assistance shall be extended by the concerned agencies in coordination with the DSWD.

SEC. 11. All concerned agencies shall submit to the President, through the Presidential Task Force on Rehabilitation, for consolidation and transmittal to Congress, a quarterly report on the fund allocated for aid or relief services and funds allocated for the repair and reconstruction of vital and essential infrastructure projects, the list of such infrastructure which shall be financed, the list of names of approved individual beneficiaries, the purpose for which the appropriations was utilized and the accomplishments for the expanded appropriations, including the percentage of completion of

repair and reconstruction projects, as well as an evaluation of the effectiveness of the delivery system of relief services.

SEC. 12. The Department of Justice shall, upon a complaint or upon its own initiative, investigate and prosecute persons or entities charged with violations of pertinent provisions of penal laws, rules and regulations in relation to the provisions of Republic Act No. 6960 particularly on the utilization and application of the funds provided therein.

The Department of Justice is hereby authorized to avail itself of the services of all law enforcement agencies as may be necessary in the performance of its tasks.

SEC. 13. This Executive Order shall take effect immediately upon its publication in two (2) national newspapers of general circulation.

DONE in the City of Manila, this 22nd day of August, in the year of Our Lord, nineteen hundred and ninety.



By the President:



CATALINO MACARAIG, JR.
Executive Secretary