

Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad

FILE

A-113
PROV' ORDINANCE

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Regular Meeting, February 5, 1996

PRESENT: HON. WASING D. SACLA, Vice Governor, Presiding
Officer

HON. VICTORINA P. ALIPIT, Board Member
HON. JAMES M. MALAYA, Board Member
HON. FRANCISCO E. GOLINGAB, JR. Board Member
HON. BIAL A. PALAEZ, Board Member
HON. MARCIANO T. INSO., SR., Board Member
HON. SAMSON C. PARAN, Board Member
HON. DANIO L. BOLISLIS, Board Member
HON. FERNANDO M. ARITAO, Board Member
HON. JAIME A. GALASGAS, Board Member
HON. REYNALDO B. TELLO, SKF President, Member
HON. LIMSON A. OGAS, Liga ng mg Brgy. President
Member
HON. DOMINGO B. BAY-AN, PCL President, Member

ABSENT: HON. AGOSTO P. SANTOS, Board Member (sick)

PROVINCIAL ORDINANCE NO. 96-16

MANDATING FOR THE ACCREDITATION OF "PAKYAW" CONTRACTORS IN
THE PROVINCE OF BENGUET AND PROVIDING GUIDELINES THEREOF.

EXPLANATORY NOTE

The Province of Benguet thru the Provincial Engineering Office (PEO) and other government agencies had been implementing public works projects utilizing the "PAKYAW" or "PACQUIAO" method of contracting where the workers come into an agreement and put up a common capital to render public service to the community on a cooperative basis, otherwise known as the "Bayanihan Spirit". This noble system of community contracting was initially recognized by our lawmakers in 1964 enshrined in the middle pages of the voluminous Revised Administrative Code of the Philippines, an old code not known to many. It was brought to fore by two (2) presidential decrees of the Marcos Regime (PD. Nos. 950 and 1948) but was not fully utilized by the agencies then tasked to implement it unlike today. The provincial government is now geared in fully utilizing the same, especially in the rehabilitation of its provincial roads.

"Pakyaw" contracts, however, are being implemented without the specific guidelines for the implementing agencies to follow nor the necessary tool to determine or classify people undertaking "pakyaw" contracts. Various provincial projects had been haphazardly done and some have failed due mainly to unconcerned individuals who are not

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direct beneficiaries of these projects. The main target of pakyaw contracting is to involve the residents- recipients or beneficiaries in order that they themselves will protect and preserve these developmental projects for them and the generations to come.

There is a need then to promote the use of the "pakyaw" system as an effective means of undertaking public works projects by Labor intensive methods. To effectively do this, it is very important to accredit "pakyaw" leaders and groups who wish to undertake or implement provincial projects as "pakyaw" contractors or for projects implemented "by administration". It is also necessary to provide guidelines for the implementation of the same.

Hence, this ordinance for favorable action of this august body.

NOW THEREFORE, on motion of HON. SAMSON C. PARAN, duly seconded, be it

ORDAINED, AS IT IS HEREBY DONE:

SECTION 1. All interested individuals or groups, unless disqualified, residing in the barangay where the project shall be implemented, who wish to undertake a public works project within the province through the "pakyaw" or "pacquiao" contract shall be accredited first before entering into the contract and undertaking or implementing the project.

A "PAKYAW" or "PACQUIAO" CONTRACT partakes of the nature of undertaking public works projects in the province under the Filipino bayanihan or "tulongan" spirit where the workers are all residents of the barangay or barangays where the project shall be implemented, moved by a sense of unity, put up a common capital and render services to the community on a cooperation basis. The workers or laborers under the pakyaw contract shall be called the PAKYAW CONTRACTORS while their leader shall be called the PAKYAW LEADER.

SECTION 2. The accreditation committee shall be the Provincial Prequalification, Bids and Awards Committee (PBAC) with the additional membership of the President of the Liga ng mga Barangay of Benguet;

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SECTION 3. The PBAC shall meet within TEN (10) DAYS from the approval of this ordinance to formulate the necessary rules and regulations for accrediting pakyaw contractors which shall include, among others, the attendance in seminars for pakyaw contractors, capitalization requirements, residency, and equipment required, if necessary;

SECTION 4. The accreditation of pakyaw contractors shall be a continuing process and shall be held at least once a month or as the need arises upon the discretion of the PBAC. Accredited contractors shall apply for re-accreditation every year on the same month and day they were previously accredited, unless if it falls on a weekend or legal holiday where the same shall be on the next business day;

SECTION 5. Any ²aggroupment, association, organization, or cooperative ^{may} qualify for accreditation. A group applying for accreditation shall authorize in writing one among them as their "pakyaw" leader, who shall represent them in the accreditation process and shall attend seminars and comply with other requirements as mandated by the PBAC.

SECTION 6. Licensed contractors, including persons or individuals known in the community or barangay as one who had not performed well, below par or unsatisfactory, in the implementation, negotiation, contracting, or undertaking of any public or private works project/s, shall not be qualified to undertake pakyaw contracts or enter into contract for the same. ^{Barangay} officials, unless disqualified by law, ordinance, rules or regulations, maybe accredited as pakyaw contractors and undertake pakyaw contracts but only in representation of their respective barangays and utilizing their own barangay funds as duly authorized by a barangay resolution. Profits derived, if any, from the project shall go to barangay coffers.

SECTION 7. Only actual residents or beneficiaries in the barangay or barangays where the project shall be implemented as duly qualified by the Punong Barangay concerned shall be accredited as pakyaw contractors and workers in the same barangay.

SECTION 8. A barangay resolution recommending an accredited "pakyaw" contractor to undertake the "pakyaw" project shall be required if the project shall be implemented in only one (1) barangay. "Pakyaw" projects to be implemented in two (2) or more barangays or on a municipal wide basis shall require the recommendation of the municipal council concerned.

SECTION 9. The pakyaw contract document shall contain the length of time in completing the work, volume of work to be done, wage or through payroll on labor-only contracting, and warranty or guarantee period of the work done, among others.

SECTION 10. The length of time in completing the work under the pakyaw contract shall be based upon the quantity of work required or of the material to be furnished, unless otherwise authorized by the Provincial Engineer due to control of the pakyaw contractors. The contract shall in no case last for more than TEN (10) MONTHS from the date of the copy of the contract is delivered to the contractor and receipt thereof is acknowledged.

SECTION 11. The Provincial Engineer shall advertise locally pakyaw works for a period not less than TEN (10) DAYS by posting in public and conspicuous places, including provincial capital, in the municipalities and in the barangays where the project is located, notices covering the title of the project, the work to be performed, and listing the approximate quantities and prices to be paid for the different items of work or materials required.

SECTION 12. No final payment to pakyaw contractors of the last TEN (10%) PERCENT of the contract price

[Handwritten signatures and initials]

results of causes beyond the control of the contractors as duly certified by the Provincial Engineer. These conditions shall all be incorporated in the pakyaw contract documents covering the project.

SECTION 16. The Provincial Governor *may* authorize the Provincial Engineer or heads of other implementing agencies concerned to enter into negotiated pakyaw contracts or by administration for the province.

SECTION 17. The limit or ceiling of the capital outlay for pakyaw contracts on public works projects implemented by the province shall be FIVE HUNDRED THOUSAND (P500,000.00) PESOS per contract but not less than FIFTY THOUSAND (P50,000.00) PESOS, unless otherwise increased or decreased by law or ordinance.

SECTION 18. The provisions of this ordinance are declared separable. If any clause, sentence, provisions or any circumstances should be declared invalid, such invalidity shall not affect the other provisions of this ordinance;

SECTION 19. All ordinances, resolutions, rules and regulations inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

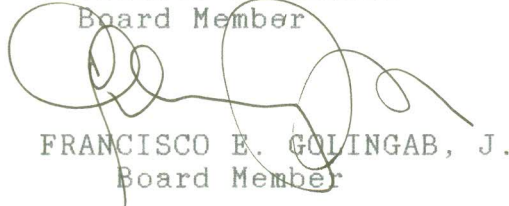
SECTION 20. This ordinance shall take effect upon its approval.

APPROVED.



VICTORINA P. ALIPIT
Board Member

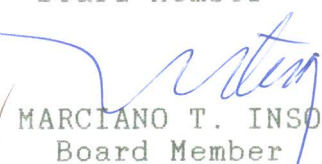
JAMES M. MALAYA
Board Member



FRANCISCO E. GOLINGAB, J.
Board Member



BIAL A. PALAEZ
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MARCIANO T. INSO
Board Member



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SAMSOL C. PARAN
Board Member


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SKF Pres., Member


DOMINGO B. BAY-AN
PCL Pres., Member


LIMSON A. OGAS
Liga ng mga Brgy. Pres., Member

CERTIFIED CORRECT:


WASING DU SACLA
Vice Governor
Presiding Officer

ATTESTED:


NOEL S. SABOG
Provincial Secretary

APPROVED:


RAUL M. MOLINTAS
Provincial Governor

Date: **FEB 26 1996**