

# **GENERAL PROVISIONS FISCAL YEAR 2018**

## GENERAL PROVISIONS

Sec. 2. FY 2018 Budget with UACS. All items of appropriations in this Act shall be given account codes by the DBM pursuant to the Unified Accounts Code Structure (UACS). This account code shall be used in the release of the appropriations in this Act for a unified accounting, auditing and reporting of all the financial transactions of the government.

Sec. 3. The GAA as the Allotment Order. The GAA, upon its effectivity, shall be considered the allotment authorizing agencies to obligate in accordance with its provisions, except for the following:

- (a) Appropriations that by virtue of law, general or special provisions, and rules and regulations have conditions or requirements before release;
- (b) Lump-sum appropriations in the agency budget and special purpose funds that have no details necessary for release; and
- (c) Those requiring a Special Budget under the general and special provisions in this Act.

In the case of automatic appropriations, the allotment shall be issued by the DBM upon compliance with the conditions provided by law.

The DBM shall identify the items of appropriations in the GAA which are not covered by the above allotment order and submit a copy thereof to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance.

## RECEIPTS AND INCOME

Sec. 4. Receipts or Revenues Collected by Agencies. As a general rule, all fees, charges, assessments, and other receipts or revenues collected by departments, bureaus and offices of the National Government, including Constitutional Offices enjoying fiscal autonomy in the exercise of their mandated functions, at such rates as are now or may be approved by the appropriate approving authority shall be deposited with the National Treasury as income of the General Fund pursuant to Section 44, Chapter 5, Book VI of E.O. No. 292, s. 1987 and Section 65 of P.D. No. 1445.

Exceptions to the foregoing are:

- (a) Receipts authorized by law to be recorded as a Special Account in the General Fund, Trust Fund or a fund other than the General Fund which shall be established in accordance with rules and regulations as may be issued by the Permanent Committee (the "Permanent Committee") created under Section 45, Chapter 5, Book VI of E.O. No. 292. The said special funds may be made available for expenditure, subject to any special provision of the agencies concerned; and
- (b) Other instances authorized by law.

Disbursements or expenditures by agencies from use and/or retention of income absent the above legal authority and/or from income deposited outside of the National Treasury without legal basis shall be void and subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5, and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing laws.

All agencies shall ensure that fees, charges and assessments collected cover the costs of services delivered to the public. They may be allowed to raise their fees and charges in accordance with A.O. No. 31, s. 2012, DOF-DBM-WEDA Joint Circular (J.C.) No. 1-2013 dated January 30, 2013, and such other guidelines issued by the agencies concerned. The schedule of fees, charges and assessments collectible by any government agency, as well as any updates thereon, shall be posted on their respective websites and in big bold characters in a conspicuous place within the agency, including its regional, provincial, field or extension offices.

Sec. 5. Donations. Departments, bureaus, and offices of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs may accept donations, contributions, grants, bequests or gifts, in cash or in kind, from various sources, domestic or foreign, for purposes relevant to their functions. National government agencies may accept donations, in cash or in kind from domestic and foreign sources, for purposes relevant to their functions. In case of grants, in cash or in kind, from governments of foreign countries, their agencies and instrumentalities or multilateral institutions or organizations, acceptance thereof shall be subject to the prior clearance and approval by the President or his authorized representative based on the recommendation of the Secretary of Finance. On the other hand, other donations, in cash or in kind, from foreign governments shall require prior clearance and approval by the President or his authorized representative based on the recommendation of the Secretary of Foreign Affairs.

Receipts from donations, whether in cash or in kind, shall be accounted for in the books of the donee government agency in accordance with accounting and auditing rules and regulations. The receipts from cash donations and proceeds from sale of donated commodities shall be deposited with the National Treasury and recorded as a Special Account in the General Fund and shall be available to the implementing agency concerned through a Special Budget pursuant to Section 35, Chapter 5, Book VI of E.O. No. 292. The cash value of the donations shall be deemed automatically appropriated for the purpose specified by the donor. Donations with a term not exceeding one (1) year shall be treated as trust receipts in accordance with Section 6 hereof.

Disbursements or expenditures by agencies in violation of the above requirements shall be void and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

The donee-agency concerned shall submit the quarterly reports of all donations received, whether in cash or in kind, and expenditures or disbursements thereon with electronic signature to the DBM, through the Unified Reporting System (URS), and to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations, the Senate Committee on Finance and the COA, by posting said reports on the donee-agency concerned websites for a period of three (3) years. The head of the donee-agency concerned shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

Sec. 6. Trust Receipts. The following shall be deposited with the National Treasury and recorded as trust receipts in accordance with E.O. No. 338, s. 1996, as implemented by COA-DBM-DOF J.C. No. 1-97 dated January 2, 1997, and such other guidelines issued thereon:

- (a) Receipts collected or received by departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs: (i) from non-tax sources, such as insurance proceeds, acting as trustee, agent or administrator; (ii) as a guaranty for the fulfillment of an obligation; or (iii) from donations authorized by law or contract with a term not exceeding one (1) year; and
- (b) Those classified by law or regulations as trust receipts.

Trust receipts shall be disbursed in accordance with the purpose for which it is created, subject to the applicable special provisions and accounting and auditing rules and regulations.

Disbursements or expenditures by agencies in violation of the above requirements shall be void and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

The agency concerned shall submit the quarterly reports of all trust receipts collected or received with electronic signature to the DBM, through the URS, and to the Speaker of the House of Representatives, the President of the Senate of the Philippines, and the COA, by posting said reports on the agency websites for a period of three (3) years. The head of the agency concerned shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

Sec. 7. Performance Bonds and Deposits. Performance bonds and deposits filed or posted by private persons or entities with departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs shall be deposited with the National Treasury and recorded as trust receipts in accordance with E.O. No. 338, as implemented by COA-DBM-DOF J.C. No. 1-97, and such other guidelines issued thereon.

Upon faithful performance of the undertaking or termination of the obligation for which the bond or deposit was required, any amount due shall be returned by the agency concerned to the filing party, withdrawable in accordance with accounting and auditing rules and regulations.

Disbursements or expenditures by agencies in violation of the above requirements shall be void and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

The agency concerned shall submit the quarterly reports of all trust receipts collected or received with electronic signature to the DBM, through the URS, and to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations, the Senate Committee on Finance and the COA, by posting said reports on the agency website for a period of three (3) years. The head of the agency concerned shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

**Sec. 8. Receipts from Public-Private Partnership Projects.** Receipts collected or received by departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy, SUCs and GOCCs, such as toll fees, charges and other revenues arising from public sector projects implemented through build-operate-and-transfer arrangement and other variants pursuant to R.A. No. 6957, as amended by R.A. No. 7718, intended for the proponent private company or individual in accordance with the concession agreement shall be deposited in an authorized government depository bank and booked as trust liability account of the agency concerned, notwithstanding the provisions of Section 4 hereof.

The National Government share out of the collections from PPP projects, if any, including interest earned thereon, shall be deposited with the National Treasury as income of the General Fund pursuant to Section 44, Chapter 5, Book VI of E.O. No. 292.

Disbursements or expenditures by agencies in violation of the above requirements shall be void and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

The agency concerned shall submit the quarterly reports of all trust receipts collected or received with electronic signature to the DBM, through the URS, and to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations, the Senate Committee on Finance and the COA, by posting said reports on the agency website for a period of three (3) years. The head of the agency concerned shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

**Sec. 9. Revolving Funds.** Revolving funds shall be established and maintained only if expressly created and authorized by law or this section.

Receipts derived from the following may be constituted into a revolving fund and made available for the purposes stated:

- (a) Rentals for the use of buildings and facilities or from fees imposed for board and lodging, by agencies to be used for the MOOE or Capital Outlay requirements of said buildings and facilities, subject to any guidelines issued by the agency concerned and to budgeting, accounting and auditing rules and regulations; and
- (b) Other business-type activities of agencies, including sale of products, which are authorized by law or by the Permanent Committee to be utilized for the operational expenses of said business-type activity, subject to any conditions prescribed under the special provision of the agency concerned and the rules and regulations as may be prescribed by the Permanent Committee.

Revolving funds shall be separately recorded and deposited in an authorized government depository bank, and considered self-perpetuating and self-liquidating. All eligible obligations or expenditures incurred for the operations of the foregoing activities shall be charged against the revolving fund. In no case shall said fund be used for the payment of discretionary and representation expenses.

Disbursements or expenditures by agencies in violation of the above requirement shall be void and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

The agency concerned shall submit the quarterly reports on income and expenditure with electronic signature to the DBM, through the URS, and to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, by posting said reports on the agency website for a period of three (3) years. The head of the agency concerned shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

**Sec. 10. Reversion, Closure, and Transfer of Balances of Special Accounts, Fiduciary or Trust Funds, Revolving Funds, and Unauthorized Accounts.** Departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs are mandated to close and revert all balances of Special Accounts, Fiduciary or Trust Funds, and Revolving Funds to the General Fund in any of the following instances: (i) when there is no legal basis for its creation; (ii) when their terms have expired; or (iii) when they are no longer necessary for the attainment of the purposes for which said funds were established.

In case an agency fails or refuses to implement such closure, reversion and/or transfer, the Permanent Committee may recommend for approval of the President the closure, reversion and/or transfer of Special Accounts, Fiduciary or Trust Funds, Revolving Funds and Unauthorized Accounts, as the case may be, on any applicable grounds, to wit: (i) in the cases above-mentioned; (ii) when used in violation of the rules and regulations issued by the Permanent Committee; (iii) when they have remained dormant for an unreasonable length of time; or (iv) when needed by the General Fund in times of emergency.

Said agencies shall likewise transfer with the National Treasury all balances of unauthorized accounts with any banking institution. Unauthorized Accounts shall refer to cash account balances maintained by agencies without legal basis or those while legally authorized are maintained outside of the National Treasury in violation of law.

Implementation of this Section shall be subject to Permanent Committee J.C. No. 4-2012 dated September 11, 2012 and such other guidelines issued by the agencies concerned.

Sec. 11. **Transparency on Public Funds.** Consistent with the State policy on full public disclosure of government transactions, the BTr shall post on its official website information relating to all Special Accounts and Funds deposited with the National Treasury, which shall include, but not limited to the following: (i) agency under whose name the account or fund was constituted or created; (ii) funding source/s of the account or fund; (iii) legal basis for the creation of the account or fund; (iv) allowable uses/purposes of the account or fund; (v) monthly balances of each account or fund; and (vi) such other pertinent information as may be reasonably required to be posted on the BTr website.

In like manner, departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy, SUCs, and GOCCs shall post on their respective official websites information relating to public funds deposited, maintained, and invested by them with any banking or financial institution which shall include, but not limited to the following: (i) name of the banking or financial institution/s where public funds are deposited, maintained or invested; (ii) specific income or fund sources; (iii) legal basis for depositing, maintaining or investing said income/fund source/s with the bank/s or financial institution/s; (iv) allowable uses/purposes of the income or fund; (v) monthly balances of each account or fund; and (vi) such other pertinent information as may be reasonably required to be posted by the agency concerned on its website.

The head of the agency concerned and the agency's web administrator or his/her equivalent shall be responsible for ensuring compliance with the foregoing requirements.

Sec. 12. **Conduct of Seminar, Conference, Training, and Oath Taking Programs.** Departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy which conduct training programs in relation to their mandated functions are authorized to collect seminar, conference, training, and oath taking fees from government and private agency participants.

The proceeds derived from each seminar, conference, training, and oath taking activities shall be deposited with the National Treasury as income of the General Fund pursuant to Section 44, Chapter 5, Book VI of E.O. No. 292. However, the agencies which do not have appropriations in their budgets for the purpose may use the proceeds for the conduct of the said seminar, conference, training, and oath taking activities subject to budgeting, accounting and auditing rules and regulations. Any excess proceeds shall be deposited with the National Treasury as income of the General Fund.

The agency concerned shall, upon the conclusion of the seminar, conference, training, or oath taking activities submit to the DBM, either in printed form or by way of electronic document, a report on the fees collected and expenses incurred thereon.

Sec. 13. **Sale of Official Publications.** Departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy are authorized to sell their official publications whether electronically or through other means.

The proceeds derived from such sale shall be deposited with the National Treasury as income of the General Fund pursuant to Section 44, Chapter 5, Book VI of E.O. No. 292. However, the agencies which do not have appropriations in their budgets for the purpose may use said proceeds to defray the cost of preparing, printing and disseminating such official publications, subject to budgeting, accounting and auditing rules and regulations. Any excess proceeds shall be deposited with the National Treasury as income of the General Fund.

The agency concerned shall submit either in printed form or by way of electronic document to the DBM, a report on the proceeds from said sale and the expenses incurred thereon.

Sec. 14. **Sale of Non-Serviceable, Obsolete or Unnecessary Equipment.** Departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy are hereby authorized to sell non-serviceable, obsolete, or unnecessary equipment, including motor vehicles in accordance with Section 79 of P.D. No. 1445, E.O. No. 309, s. 1996 and such other guidelines issued thereon. The proceeds from the sale of such equipment shall be deposited with the National Treasury as income of the General Fund pursuant to Section 44, Chapter 5, Book VI of E.O. No. 292.



Sec. 15. National Internal Revenue Taxes and Import Duties. The amounts pertaining to the following taxes and duties shall be considered as both revenue and expenditure of the government, and are deemed automatically appropriated:

- (a) National internal revenue taxes and import duties payable or assumed by departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs to the Government arising from foreign donations, grants and loans;
- (b) Non-cash tax transactions of the following government agencies: (i) the BTr for documentary stamp taxes on the issuance of foreign and domestic securities, and foreign currency acquisition for payment of debt service; (ii) DND and PNP on importations of military hardware, software, munitions, arms and equipment; (iii) Bureau of Fire Protection on importations of fire-fighting equipment, rescue equipment, and personal protective gears; (iv) the DOTr for the Metro Rail Transit Line 3 System incurred starting FY 1997 in accordance with the provisions of the Build-Lease-Transfer Agreement executed thereon; (v) Philippine Coast Guard (PCG) and National Coast Watch Center (NCWC) of the Office of the President of the Philippines on importation, grants, and donations of hardware, software, munitions, arms, and equipment for maritime security and law enforcement; marine environmental protection; maritime safety; maritime communications; maritime domain awareness and search and rescue; and (vi) other tax obligations assumed by the National Government pursuant to a valid PPP agreement; and
- (c) Tax expenditure subsidies granted by the Fiscal Incentives Review Board to GOCCs, SUCs, and other government instrumentalities whose value-added tax has been repealed, including tax obligations assumed to a valid agreement, the AFP Commissary and Exchange Service, the PNP Service Store System, and the Procurement Service Exchange Warts or PX Warts, in accordance with P.D. No. 776 as amended by E.O. No. 93, s. 1986 and such other guidelines issued thereon.

Implementation of this Section shall be subject to DOF-DBM J.C. No. 1 dated April 30, 2014 and such other guidelines issued by the agencies concerned. (CONDITIONAL IMPLEMENTATION- President's Veto Message, December 19, 2017, Volume I-B, page 651, R.A. No. 10964)

Sec. 16. Loan Agreements. Departments, bureaus, offices and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy, SUCs and GOCCs, except those engaged in banking, shall in no case enter into foreign or domestic loan agreements, whether in cash or in kind, unless the following conditions, as may be applicable are complied with:

- (a) Prior approval of the President of the Philippines;
- (b) Concurrence of the Monetary Board;
- (c) Other Conditions provided by law; and
- (d) Issuance of a Forward Obligation Authority (FOA) by the DBM for project loans or issuance of a DBCC resolution covering the full amount in the case of program loans, except for those undertaken by GOCCs. In the issuance of a FOA, the DBM shall consider the budgetary implications of foreign-assisted projects.

The Monetary Board shall, within thirty (30) days from the end of every quarter, submit to the Congress a report of its decisions on applications for loans to be contracted or guaranteed by the government or GOCCs which have the effect of increasing the foreign debt.

#### **EXPENDITURES**

Sec. 17. Use of Government Funds. Government funds shall be utilized in accordance with the appropriations authorized for the purpose and comply with applicable laws, rules and regulations, such as, but not limited to the following:

- (a) Purchase of goods, infrastructure projects, and consulting services, including common-use supplies, shall be made in accordance with the provisions of R.A. No. 9184, its IRR and GPPB guidelines issued thereon;
- (b) Purchase of motor vehicles shall be made pursuant to A.O. No. 233, s. 2008 as amended by A.O. No. 15, s. 2011, B.C. No. 2016-5 dated August 22, 2016, as amended, and such other pertinent guidelines issued by agencies concerned;
- (c) Payment of foreign travel expenses of any government official and employee for training, seminar or conference abroad when the foreign mission cannot effectively represent our country or travels necessitated by authorized international commitments, in accordance with E.O. Nos. 248 and 248-A, s. 1995 as amended by E.O. No. 298, s. 2004, and such other issuances as may be issued thereon: PROVIDED, That no official or employee may be sent to foreign training, conference or attend international commitments when they are due to retire within one (1) year after the said foreign travel; and
- (d) Provisions for fuel, parts, repair and maintenance of government vehicles. In case of transport crisis, such as that occasioned by street demonstrations, welgang bayan, floods, typhoons and other emergencies, government vehicles of any type may be made available to meet the emergency and may be utilized to transport, for free, commuters on a round-the-clock basis.

Sec. 18. **Strict Adherence to Procurement Laws, Rules and Regulations.** All agencies of the government shall strictly adhere to the provisions of R.A. No. 9184, its IRR and GPPB guidelines in the procurement of goods, infrastructure projects and consulting services.

To promote transparency and achieve efficiency in the procurement process, the Philippine Government Electronic Procurement System shall be the primary source and repository of information on government procurement.

Sec. 19. **Early Procurement Activities.** To ensure full budget utilization, timely contract implementation and efficient delivery of services, agencies are authorized to undertake procurement activities from pre-procurement conference until post-qualification of bids based on their proposed budget in the National Expenditure Program/General Appropriations Bill, Corporate Operating Budgets or Appropriations Ordinance, in accordance with the guidelines issued by the GPPB.

For multi-year projects, the issuance of Multi-Year Obligational Authority (MYOA) or any similar document as may be prescribed by the DBM is required prior to commencement of any procurement activity.

Agencies may only proceed with the awarding of contract upon approval or enactment of their respective appropriations or budget authorization document, as the case may be, and based on the amount authorized therein.

Sec. 20. **Procurement of Common-Use Supplies.** All agencies of the government shall purchase common-use supplies from the Procurement Service (PS) as mandated under LOI No. 755 dated October 18, 1978, E.O. No. 359, s. 1989, A.O. No. 17, s. 2011 and such other guidelines issued thereon. Common-use supplies shall refer to those included in the Electronic Catalogue of the PS which shall be regularly updated to include all items commonly procured by agencies of the government.

Sec. 21. **Procurement of Critical Supplies.** All agencies of the government shall ensure the timely and sufficient provision of critical supplies, particularly those which by its nature, use or characteristic, the quantity and/or exact time of need cannot be accurately pre-determined. Critical supplies shall refer to those vital to the support of operations which owing to various causes are in short supply or are expected to be in short supply. This includes fuel, equipment spare parts and other analogous items.

For this purpose, said agencies shall undertake bulk purchases or resort to the use of Ordering Agreement in the procurement of critical supplies, subject to the provisions of R.A. No. 9184, its IRR, and GPPB guidelines. The inventory thereof shall be subject to the provisions of Section 25 of this Act.

Sec. 22. **Printing Expenditures.** All agencies of the government shall engage the services of the National Printing Office, Bangko Sentral ng Pilipinas and APO Production Unit as recognized government printers (RGPs) for the printing of accountable forms and sensitive, high quality or high volume requirements, subject to the following:

- (a) The recognized government printers shall undertake the printing requirements themselves and shall not sub-contract any portion thereof to other printers; and
- (b) An agency may be allowed to engage private printers for the printing of accountable forms and sensitive, high quality or high volume requirements upon certification by the RGPs that they are unable to service the said requirements. Said engagement of private printers shall be in accordance with R.A. No. 9184 and such other applicable rules and regulations.

Sec. 23. **Use and Procurement of Information Technology Equipment.** The amounts authorized in this Act for Information and Communications Technology (ICT) equipment shall be used for the provision of personal computers inclusive of operating systems, basic software and other essential electronic devices to their respective officials and employees. Said ICT equipment shall be procured exclusively from the Procurement Service as common-use supplies, pursuant to LOI No. 755, E.O. No. 359 and A.O. No. 17.

Sec. 24. **Compliance with the Information Systems Strategic Plan.** The amounts authorized in this Act for ICT requirements shall be used in accordance with the agency's Information Systems Strategic Plan duly endorsed by the Department of Information and Communications Technology.

Sec. 25. **Inventory of Supplies, Materials and Equipment Spare Parts.** The inventory of supplies, materials and equipment spare parts to be procured shall not exceed the agency's two-month requirement.

The head of agencies may increase their inventory of critical supplies, materials and equipment spare parts to be procured in any of the following instances: (i) in anticipation of cost increases; (ii) necessitated by a national emergency; (iii) when there is an impending shortage; and (iv) when otherwise authorized in this Act or in the charter of the agency concerned. The purchase of stocks exceeding an agency's one-year requirement shall be subject to approval by the President of the Philippines, upon the joint recommendation of the Chairperson of the COA and the Secretary concerned.

Agencies may undertake emergency procurement of supplies, materials and equipment spare parts when there is an unforeseen contingency requiring immediate purchase subject to the conditions prescribed under R.A. No. 9184, its IRR and GPPB guidelines.

**Sec. 26. Implementation of Infrastructure Projects.** The following requirements shall be observed in the implementation of infrastructure projects:

- (a) The location, areas or sites of all infrastructure projects are not included in the critical geo-hazard areas or no build zones identified and/or certified by the Mines and Geo-Sciences Bureau (MGB);
- (b) The standards of construction, rehabilitation, improvement or repair of all infrastructure projects in all areas and zones are consistent with the rules determined by the DPWH, which shall consider, among others, the structural strength and climate resilience required for infrastructure projects in all areas and zones; and
- (c) The planning and construction of all infrastructure projects to be implemented within the National Integrated Protected Area System (NIPAS) are done in a way that eliminates or minimizes the risk of biodiversity loss while the specifications thereon are in accordance with those determined by the DPWH, in coordination with the DENR. Major infrastructure projects may only be undertaken in said areas if intended to enhance biodiversity.

**Sec. 27. Installation of Rainwater Collection System.** Rainwater collection system (RWCS) shall be installed in public markets, school sites and government buildings and sites as an adaptation measure to combat climate change and to ensure sufficient water supply, which shall be in accordance with the prescribed design of DPWH. In no case shall the RWCS be constructed in private lots and/or privately-owned or operated market places.

**Sec. 28. Multi-year Contracts.** The DBM shall identify the requirements and/or prescribe guidelines before agencies may enter into multi-year contracts. This includes the issuance of a MYOA or any similar document as may be prescribed by the DBM.

In the case of GOCCs, they shall secure prior authority from their respective governing boards before entering into multi-year contracts.

For multi-year Public-Private Partnership projects approved under R.A. No. 6957, as amended by R.A. No. 7718, the National Government responsibility shall be covered by a letter of commitment issued in accordance with the guidelines issued by the DBM.

In all instances, the disbursements to be incurred for multi-year contracts shall in no case exceed the cash appropriations for the purpose during the year. Procurement of multi-year projects shall be subject to the provisions of R.A. No. 9184 and its IRR and the guidelines issued by the GPPB.

**Sec. 29. Harmonized National Research and Development Agenda.** The DOST, in consultation with government research institutions and other agencies concerned, shall prepare a harmonized national research and development agenda for the government covering all major research and development programs and projects or those costing Ten Million Pesos (P10,000,000) and above. The proposed agenda shall be submitted for approval by the Director General of NEDA.

The harmonized national research and development agenda shall be directly related to the priorities under the Philippine Development Plan (2017-2022).

The DOST shall submit a copy of the approved Harmonized National Research and Development Agenda with electronic signature to the DBM, through the URS, and to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, by posting said reports on the agency website for a period of three (3) years. The head of the agency concerned shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

**Sec. 30. Programs and Projects Related to Gender and Development.** All agencies of the government shall formulate a Gender and Development (GAD) Plan designed to address gender issues within their concerned sectors or mandate and implement the applicable provisions under R.A. No. 9710 or the Magna Carta of Women, Convention on the Elimination of All Forms of Discrimination Against Women, the Beijing Platform for Action, the Philippine Plan for Gender-Responsive Development (1995-2025) and the Philippine Development Plan (2017-2022).

The GAD Plan shall be integrated in the regular activities of the agencies, which shall be at least five percent (5%) of their budgets. For this purpose, activities currently being undertaken by agencies which relate to GAD or those that contribute to poverty alleviation, economic empowerment especially of marginalized women, protection, promotion, and fulfilment of women's human rights, and practice of gender-responsive governance are considered sufficient compliance with said requirement. Utilization of the GAD budget shall be evaluated based on the GAD performance indicators identified by said agencies.



The preparation and submission of the annual GAD Plan and annual GAD Accomplishment Report shall be subject to the guidelines issued by the agencies concerned.

Sec. 31. Programs and Projects Related to Senior Citizens and Persons with Disability. All agencies of the government shall formulate plans, programs and projects intended to address the concerns of senior citizens and persons with disability, insofar as it relates to their mandated functions, and integrate the same in their regular activities.

Moreover, all government infrastructures and facilities shall provide architectural or structural features, designs or facilities that will reasonably enhance the mobility, safety and welfare of persons with disability pursuant to Batas Pambansa Blg. 344 and R.A. No. 7277, as amended.

Sec. 32. Projects Related to the Youth. All agencies of the government are encouraged to provide allocation for youth development projects and activities within the framework of the Philippine Youth Development Plan (2017-2022).

Sec. 33. Institutional Linkage with the National Cultural Agencies. In the implementation of their programs, activities and projects authorized in this Act, agencies identified under Section 32 of R.A. No. 10066 shall consult, coordinate and work closely with the National Commission for Culture and the Arts (NCCA) to ensure that their respective responsibilities embodied under the said law are implemented.

Sec. 34. Protection of Built Heritage, Cultural Properties and Cultural Landscapes. Alteration, renovation or demolition of government buildings and open spaces declared or presumed to be important cultural properties by government cultural agencies concerned shall be undertaken only upon prior approval of the said government cultural agencies and proper consultation with stakeholders and cultural groups to be administered by the NCCA. This includes the protection of the sight line with regard to built heritage, cultural properties and cultural landscapes.

In addition, the DPWH shall be responsible in the planning, design, construction, and maintenance of national roads and bridges as they impact on heritage structures or aspects or heritage conservation pursuant to R.A. No. 10066.

Sec. 35. Disaster Risk Reduction and Climate Change Adaptation and Mitigation Measures Incorporated in All Agency Projects. All agencies of the government should implement projects incorporating risk reduction, climate change adaptation, and where feasible, climate change mitigation.

To ensure that the disaster risk reduction and climate change adaptation measures are appropriate in the light of intensifying hazards, all national government projects should be subjected to multi-scenario, probabilistic analysis. For this purpose, the Climate Change Commission shall extend the necessary technical and capacity building assistance to all agencies of the government in the conduct of risk assessment, as well as adaptation and mitigation planning.

Agencies shall likewise integrate energy-savings solutions and consider climate resilience in the planning and implementation of all infrastructure projects, office programs, and activities, as well as assess their organizational carbon footprint and pursue appropriate emission reduction measures, to mitigate and adapt to the effects of climate change pursuant to the provisions of R.A. No. 9729.

Sec. 36. Disaster and Climate Change Resiliency of Government Facilities. In the design and construction of government facilities, the agency concerned and the DPWH shall ensure that the facilities can withstand wind speed of three hundred (300) kilometers per hour and moderate seismic activity of at least 8.0 magnitude on the richter scale; utilize natural ventilation and rainwater through the inclusion of rainwater catchment/harvesting system.

In the selection of the sites, the DPWH and the agency concerned shall consider site stability and susceptibility to landslide or flooding based on the latest vulnerability and risk assessment and geohazard maps of the DENR. No government facility shall be located on a no-build zone. (CONDITIONAL IMPLEMENTATION- President's Veto Message, December 19, 2017, Volume I-B, page 652, R.A. No. 10964)

Sec. 37. Guiding Principles for Sustainable and Resilient Government Buildings and Facilities. The DPWH shall consider climate data and risk assessment and green building standards in the planning, designing, construction, engineering and renovation of government buildings and facilities.

Sec. 38. Energy Efficiency. All national government agencies, local government units and government owned and controlled corporations shall embark on energy efficiency measures, including the adoption of a standard thermostat level based on the DOE's energy conservation program, and the use of energy efficient lighting, such as light-emitting diode (LED) lamps, in their office buildings, school buildings, hospitals, markets, parks, street lights and other public places.

Sec. 39. **Maintenance and Operation of Dams.** As part of the disaster risk reduction program of the government, agencies and GOCCs that have control or supervision over the major dams shall ensure that said dams are properly maintained, managed and operated with updated and promulgated protocols. The agencies and GOCCs concerned shall take into account climate change and extreme weather events and ensure coordination with the Philippine Atmospheric, Geophysical and Astronomical Services Administration on precipitation forecast. They shall also establish and maintain an efficient and effective early flood warning system and functional water level monitoring system that is periodically tested together with the LGUs and communities at risk of flooding from dam water releases.

Sec. 40. **Protection of Biodiversity.** All agencies of the government shall ensure that protection of biological diversity is integrated and mainstreamed into their development programs and projects.

To align with the 2015-2030 Sustainable Development Goals, the Department of Education shall integrate biodiversity and its conservation in its curriculum, and the Commission on Higher Education, along with the State Universities and Colleges, shall set aside an amount from its research and outreach budgets for biodiversity baselining, inventories and monitoring in protected areas and identified key biodiversity areas.

Moreover, recognizing the vital role of biodiversity in addressing climate change, the DENR, in consultation with the CCC, shall identify equally important natural ecosystems (e.g., lakes, rivers, peatlands and other wetlands, pygmy forests, coastal habitats, deep sea corals, that function to store carbon, to dissipate storm surges, absorb sea level rise, buffer strong typhoon winds, and act as natural gene pool for developing climate-resilient crops, and other food sources, as well as cure for climate-related emerging diseases. The DENR shall coordinate with all agencies concerned, LGUs and the academe for a protection program in the identified areas.

Sec. 41. **Repair and Retrofitting of Government Structures.** The government agencies concerned shall prioritize the repair and retrofitting of government structures in areas considered highly vulnerable to seismic activity and shall ensure that the retrofitting shall result in structural strength required for the area concerned in accordance with the National Structural Code of the Philippines.

Sec. 42. **Employment of Contractual Personnel.** Contractual personnel may be hired by agencies as part of their organization in order to perform agency functions or specific vital activities or services which cannot be provided by the regular or permanent staff of the hiring agency. The total annual Personnel Services requirement for contractual personnel, to cover salaries, and other personnel benefits and fixed expenditures, shall in no case exceed the lump sum appropriations for the purpose, except when there is an urgent need to hire contractual personnel in the implementation of the priority programs, activities or projects, subject to approval of the DBM. In which case, the payment for contractual personnel shall be sourced from the Miscellaneous Personnel Benefits Fund.

Contractual personnel shall be considered as an employee of the hiring agency but only during the period when their services are reasonably required.

Sec. 43. **Extraordinary and Miscellaneous Expenses.** Appropriations authorized in this Act may be used for the annual extraordinary expenses of the following officials with the following ranks and their equivalent, as may be determined by the DBM, not exceeding the amounts indicated:

- (a) P264,000 for each Department Secretary;
- (b) P108,000 for each Department Undersecretary;
- (c) P60,000 for each Department Assistant Secretary;
- (d) P45,600 for each head of bureau or organization of equivalent rank, and for each head of a Department Regional Office including General Manager of Local Water District in Category A and B;
- (e) P26,400 for each head of a Bureau Regional Office or organization of equivalent rank including General Manager of Local Water District in Category C and D; and
- (f) P19,200 for each Municipal Trial Court Judge, Municipal Circuit Trial Court Judge, and Shari'a Circuit Court Judge.

In addition, annual miscellaneous expenses not exceeding Seventy-Two Thousand Pesos (P72,000) for each of the offices under the above named officials and their equivalent are authorized herein.

For the purpose of this Section, extraordinary and miscellaneous expenses include, but not be limited to, expenses incurred for:

- (a) Meetings, seminars and conferences;
- (b) Official entertainment;
- (c) Public relations;
- (d) Educational, athletic and cultural activities;
- (e) Contributions to civic or charitable institutions;
- (f) Membership in government associations;
- (g) Membership in national professional organizations duly accredited by the Professional Regulation Commission;

- (h) Membership in the Integrated Bar of the Philippines;
- (i) Subscription to professional technical journals and informative magazines, library books and materials;
- (j) Office equipment and supplies; and
- (k) Other similar expenses not supported by the regular budget allocation.

In case of deficiency, the requirements for the foregoing purposes shall be charged against available allotments of the agency concerned. No portion of the amounts authorized herein shall be used for the payment of salaries, allowances and other benefits, and confidential and intelligence expenses.

Sec. 44. Cultural and Athletic Activities. An amount not exceeding One Thousand Five Hundred Pesos (P1,500) in a year, may be used for the purchase of uniform or costume and other related expenses in the conduct of cultural and athletic activities per employee-participant.

#### PERSONNEL BENEFITS

Sec. 45. Funding of Personnel Benefits. Notwithstanding any provision of law to the contrary, all personnel benefits costs of government personnel shall be chargeable against the funds from which their salaries are paid. If the personnel benefits costs, in whatever form, are partly sourced from the General Fund and partly from other sources, only the portion attributed to the personnel benefits cost chargeable against the General Fund shall be sourced therefrom in the payment of retirement and terminal leave benefits and pension.

In no case shall personnel benefits costs drawn from Special Accounts, Trust Funds or other sources of funds be chargeable against the General Fund of the National Government.

The personnel benefits costs of officials and employees on detail with other offices, including the representatives and support personnel of auditing units assigned to serve other offices or agencies, shall be chargeable against the appropriations of their parent agencies, except as otherwise authorized by the DBM.

Personnel benefits costs shall include salary increases, step increments, all kinds of authorized allowances, benefits and incentives, monetized vacation and sick leave credits, government share in retirement and life insurance premiums, employees compensation insurance premiums, health insurance premiums and HDMP contributions, and other authorized benefits.

Sec. 46. Appropriations for Personnel Services. The appropriations for Personnel Services under this Act shall be used for the payment of personnel benefits authorized by law to be given to National Government personnel. Any available allotment for Personnel Services within a department or agency may be utilized by said department or agency for the payment of deficiencies in authorized personnel benefits.

Implementation of this Section shall be subject to guidelines issued by the DBM.

Sec. 47. Remittance of Compulsory Contributions. The government and employee share in the compulsory contributions to the Employees' Compensation Commission, PHILHEALTH, GSIS and HDMP pursuant to P.D. No. 626, as amended, R.A. No. 6111, R.A. No. 7875, as amended, R.A. No. 8291, and R.A. No. 9679, respectively, shall be remitted directly by departments, bureaus and offices of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs to the respective recipient agencies unless a different arrangement is agreed upon in writing between the DBM and the recipient agency.

Any proposed increase in government and employee compulsory contributions may only be implemented after consultation by the agency concerned with the DBM in order that the budgetary implications of such proposal be duly considered. The implementation of any increase in government and employee compulsory contributions, after said consultation, shall be made effective only upon inclusion thereof in an appropriations law.

Sec. 48. Authorized Deductions. Deductions from salaries and other benefits accruing to any government employee, chargeable against the appropriations for Personnel Services, may be allowed for the payment of an individual employee's contributions or obligations due to the following, and in the order of preference stated below:

- (a) The BIR, PHILHEALTH, GSIS and HDMP;
- (b) Non-stock savings and loan associations and mutual benefit associations duly operating under existing laws and cooperatives which are managed by and/or for the benefit of government employees;
- (c) Associations or provident funds organized and managed by government employees for their benefit and welfare;
- (d) GFIs authorized by law and accredited by appropriate government regulating bodies to engage in lending;
- (e) Licensed insurance companies; and
- (f) Thrift banks and rural banks accredited by the BSP.

In no case shall the foregoing deductions reduce the employee's monthly net take home pay to an amount lower than Five Thousand Pesos (P5,000).

Sec. 49. **Personnel Economic Relief Allowance.** In order to supplement the salaries of government personnel covered by R.A. No. 6758, as amended, Personnel Economic Relief Allowance (PERA), in the amount of Two Thousand Pesos (P2,000) per month, is granted to the following:

- (a) Civilian government personnel stationed in the Philippines, whether occupying regular, contractual or casual positions, appointive or elective; and
- (b) Military and uniformed personnel.

Government personnel stationed abroad shall be granted overseas allowances to defray the cost of their living expenses and shall no longer be entitled to receive PERA for the duration of their station abroad.

The grant of PERA shall be subject to the rules and regulations prescribed under B.C. No. 2009-3 dated August 18, 2009, as amended, and such other guidelines issued by the DBM.

Sec. 50. **Uniform or Clothing Allowance.** An amount not exceeding Six Thousand Pesos (P6,000) per year is hereby authorized for the payment of uniform or clothing allowance to each qualified government employee, subject to B.C. No. 2012-1 dated February 23, 2012 and such other guidelines issued by the DBM.

Sec. 51. **Magna Carta Benefits.** The payment of magna carta benefits of public health workers, school teachers, social workers, scientists, engineers and researchers, and other science and technology personnel in the government shall be subject to the guidelines of the DBM.

Sec. 52. **Special Counsel Allowance.** Government lawyers designated to assume the duties of a legal officer are hereby authorized an allowance of Two Thousand Five Hundred Pesos (P2,500) for each appearance or attendance to court hearings, subject to the following:

- (a) The government lawyer has been deputized by the Office of the Solicitor General (OSG) or authorized by the head of agency to assist the OSG, prosecutors, or represent the agency or its personnel, as the case may be;
- (b) The court appearance is not pursuant to motions for extension or postponement of hearing; and
- (c) The aggregate allowance shall not exceed fifty percent (50%) of the government lawyer's monthly basic salary per month.

Court as used in this section shall pertain to those under the Judiciary. In no case shall special counsel allowance be granted to government lawyers appearing before quasi-judicial and administrative agencies.

Sec. 53. **Hazard Duty Pay.** Hazard duty pay shall be granted only to government personnel who are actually assigned to, and performing their duties in, strife-torn or embattled areas as may be determined and certified by the Secretary of National Defense and for the duration of such assignment.

The grant of hazard duty pay shall be subject to the rules and regulations prescribed under B.C. No. 2005-4 dated July 13, 2005 and such other guidelines issued by the DBM.

Sec. 54. **Honoraria.** Honoraria may be paid only to the following:

- (a) Teaching personnel of the DepEd, TESDA, SUCs and other educational institutions, engaged in actual classroom teaching, whose teaching load is outside of the regular office hours or in excess of the regular load;
- (b) Those who act as lecturers, resource persons, coordinators and facilitators in seminars, training programs, and other similar activities in training institutions;
- (c) Chairpersons and members of commissions, boards, councils, and other similar entities, including personnel thereof who are not paid salaries nor per diems but compensated in the form of honoraria as provided by laws, rules and regulations;
- (d) Those who are involved in science and technological activities and render services beyond their regular workload;
- (e) Officials and employees assigned to special projects, subject to the following conditions:
  - (i) Said special projects are reform-oriented or developmental, contribute to the improvement of service delivery and enhancement of the performance of the core functions of the agency, and have specific timeframes and deliverables in accomplishing objectives and milestones set by the agency for the year; and
  - (ii) Such assignment entails rendition of work in addition to, or over and above, their regular workload.

In these instances, the rates of honoraria shall depend on the level of responsibilities, nature of work rendered, and extent of individual contribution to produce the desired outputs. The total honoraria received from all special projects shall not exceed twenty-five percent (25%) of the annual basic salaries; and

(f) Officials and employees authorized to received honoraria under R.A. No. 9184 and its IRR.

The grant of honoraria to the foregoing shall be subject to the guidelines prescribed under B.C. No. 2003-5 dated September 26, 2003, as amended by B.C. No. 2007-1 dated April 23, 2007 and M.B.C. No. 2007-510 dated May 8, 2007, B.C. No. 2007-2 dated October 1, 2007, B.C. No. 2004-5A dated October 7, 2005, as amended by B.C. No. 2007-3 dated November 29, 2007, DBM and DOST J.C. No.1 dated June 25, 2013 and such other guidelines issued by the DBM.

Sec. 55. Representation and Transportation Allowances. Government officials with the following ranks and their equivalent, as determined by the DBM, while in the actual performance of their respective functions, are hereby authorized monthly commutable representation and transportation allowances at the rates indicated below, for each type of allowance:

- (a) P14,000 for Department Secretaries;
- (b) P11,000 for Department Undersecretaries;
- (c) P10,000 for Department Assistant Secretaries;
- (d) P9,000 for Bureau Directors and Department Regional Directors;
- (e) P8,500 for Assistant Bureau Directors, Department Assistant Regional Directors, Bureau Regional Directors, and Department Service Chiefs;
- (f) P7,500 for Assistant Bureau Regional Directors; and
- (g) P5,000 for Chief of Divisions, identified as such in the Personnel Services Itemization and Plantilla of Personnel.

The grant of representation and transportation allowances, shall be subject to the following:

- (a) Transportation allowance, whether in full or partial amounts, shall not be granted to officials who are assigned or actually using government motor transportation. Officials who are assigned government motor transportation, but are not able to use said vehicle for justifiable reason, as determined by the DBM, may be granted transportation allowance during the said period;
- (b) Representation and transportation allowances of local government officials who are of equivalent rank to the foregoing officials, as determined by the DBM, shall be at the same percentages of the salary rates authorized for their corresponding income classification in accordance with Section 10 of R.A. No. 6758 and Local Budget Circular No. 103 s. 2013 dated May 15, 2013, and subject to the Personnel Services limitations under Section 325 (a) of R.A. No. 7160; and
- (c) No amount of representation or transportation allowances, whether commutable or reimbursable, which exceed the rates authorized under this Section may be granted to the foregoing officials. Previous administrative authorizations inconsistent with the rates and conditions specified herein shall no longer be valid and payment shall not be allowed.

Sec. 56. Official Vehicles and Transport. Government motor transportation may be used by the following officials with costs chargeable to the appropriations authorized for their respective offices:

- (a) The President of the Philippines;
- (b) The Vice-President;
- (c) The President of the Senate;
- (d) The Speaker of the House of Representatives;
- (e) The Chief Justice and Associate Justices of the Supreme Court;
- (f) The Presiding Justices of the Court of Appeals, Court of Tax Appeals, and the Sandiganbayan;
- (g) The Department Secretaries, Undersecretaries, Assistant Secretaries and officials of equivalent rank;
- (h) Ambassadors, Ministers Plenipotentiary and Consuls in charge of consulates, in their respective stations abroad;
- (i) The Chief of Staff, the Vice-Chief of Staff, and the Commanding Generals of the Major Services of the AFP;
- (j) Heads of Constitutional Commissions and the Ombudsman;
- (k) Bureau Directors, Department Regional Directors and Bureau Regional Directors; and
- (l) Those who may be specifically authorized by the President of the Philippines, with respect to the Executive, the Senate President, with respect to the Senate, the Speaker, with respect to the House of Representatives, and the Chief Justice, in the case of the Judiciary.

Sec. 57. Quarters Privileges. Officials who are transferred from one station to another by virtue of agency policies on reshuffling or rotation of personnel and do not own houses or rooms therein, shall be provided free quarters within their office premises.

Where there is not enough space to be used as quarters, the agency may rent buildings or rooms which shall serve as quarters for said officials, subject to the rules as may be prescribed by the DBM. For those who opt for more expensive quarters other than those rented by their agencies, such preferred quarters may be secured provided that the difference in amount between the one preferred by the officials and that rented by their respective agencies shall be paid by the concerned officials.



Government personnel who are not entitled to quarters privileges but are allowed to use government quarters shall be charged the corresponding cost of rentals subject to guidelines as may be issued by the DBM.

Sec. 58. **Mid-year Bonus.** The Mid-year Bonus equivalent to one (1) month basic salary, shall be granted to all National Government personnel, whether under regular, temporary, casual or contractual status, on full-time or part-time basis, subject to the following:

- (a) Personnel have rendered at least a total or an aggregate of four (4) months of service from July 1 of the immediately preceding year to May 15 of the current year, and who are still in the government service as of May 15 of the current year;
- (b) Personnel have obtained at least a satisfactory performance rating in the immediately preceding rating period; and
- (c) The provisions of B.C. No. 2017-2 dated May 8, 2017 and such other guidelines issued by the DBM.

Personnel of GOCCs covered by the Compensation and Position Classification System (CPCS) under R.A. No. 6758, as amended and LGUs are likewise entitled to Mid-year Bonus chargeable against their respective corporate and local funds.

Sec. 59. **Year-end Bonus and Cash Gift.** The Year-end Bonus equivalent to one (1) month basic salary and additional cash gift of Five Thousand Pesos (P5,000) provided under R.A. No. 6686, as amended by R.A. No. 8441, shall be granted to all National Government personnel, whether under regular, temporary, casual or contractual status, on full-time or part-time basis, subject to the following:

- (a) At least a total of four (4) months of service including leaves of absence with pay from January 1 to October 31 have been rendered during the current year, and who are still in the service by October 31 of the same year;
- (b) Those who have rendered at least a total or an aggregate of four (4) months of service from January 1 of the current year but who have retired or separated from government service before October 31 of the same year shall be granted within the month of retirement or separation, a prorated share of the Year-end Bonus based on the monthly basic pay immediately preceding the date of retirement or separation and a Cash Gift of P5,000; and
- (c) The provisions of B.C. No. 2016-4 dated April 28, 2016 and such other guidelines issued by the DBM.

Personnel of GOCCs covered by the CPCS under R.A. No. 6758, as amended and LGUs are likewise entitled to Year-end Bonus and Cash Gift chargeable against their respective corporate and local funds.

Such Year-end Bonus and Cash Gift shall be given in November of each year pursuant to E.O. No. 201, s. 2016.

Sec. 60. **Use of Appropriations for Retirement Gratuity and Terminal Leave.** Appropriations authorized in this Act to cover the payment of retirement benefits shall be released directly to the agencies concerned computed based on the provisions of, and subject to the conditions prescribed in, applicable retirement laws, rules and regulations.

Unless authorized by law and duly covered by guidelines issued by the DBM, public funds shall not be used for the payment of salary increases or adjustments resulting from automatic promotions with the intent of increasing the retirement and terminal leave benefits of government personnel as provided in CSC-DBM J.C. No. 3 dated November 8, 1991.

The payment of any unauthorized retirement benefits shall be null and void and shall accordingly be refunded by the beneficiary-employee. The officials and employees who authorized, allowed, or connived with others in the payment of any unauthorized retirement benefits shall be subject to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

#### RELEASE AND USE OF FUNDS

Sec. 61. **Availability of Appropriations.** All appropriations authorized in this Act shall be available for release and obligation for the purpose specified, and under the same special provisions applicable thereto, until December 31, 2018.

A report on these releases and obligations shall be submitted to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, either in printed form or by way of electronic document.

Sec. 62. **Meaning of Impoundment.** Impoundment refers to the refusal of the President to release duly appropriated funds for program/activity/project (P/A/P) of government entities such as National Government Agencies (NGAs), State Universities and Colleges (SUCs), Government Owned and Controlled Corporations (GOCCs), and Local Government Units (LGUs) with the intention of cancelling or delaying its utilization, except the Judiciary, Constitutional Offices and Congress of the Philippines. Impoundment may be through:

- a) Rescission - means cancellation of all or part of an enacted appropriation, which has not yet been released; or  
 b) Deferral - means temporarily withholding of the release of all or part of an enacted appropriation of selected government entities. (CONDITIONAL IMPLEMENTATION- President's Veto Message, December 19, 2017, Volume I-B, pages 647-648, R.A. No. 10964)

Sec. 63. Impoundment of Appropriations. The President of the Philippines, upon recommendation of the DBM, may propose the rescission of appropriations from both Houses of Congress, under any of the following:

- (a) If the appropriations are no longer required to fulfill the objectives originally sought to be achieved by the programs, activities and projects covering the same; or  
 (b) In case of an unmanageable National Government deficit.

Unmanageable National Government budget deficit as used in this Section shall be construed to mean that: (i) the actual National Government budget deficit has exceeded the quarterly budget deficit targets consistent with the full-year target deficit as indicated in the BESF submitted by the President to Congress pursuant to Section 22, Article VII of the Constitution; or (ii) there are clear economic indications of an impending occurrence of such condition, as determined by the DBCC and approved by the President.

Both Houses of Congress shall act on the proposed rescission or deferral within forty (40) session days after the receipt of the impoundment proposal from the President by issuing a Joint Impoundment Resolution. Within the same period of forty (40) session days mentioned above, the specific P/A/P indicated in the impoundment proposal is temporarily withheld. Congressional inaction within the forty (40) day session period, is equivalent to disapproval of the impoundment proposal. Impounded funds shall not thereafter be available for expenditure except by subsequent legislative enactment.

(CONDITIONAL IMPLEMENTATION- President's Veto Message, December 19, 2017, Volume I-B, pages 647-648, R.A. No. 10964)

Sec. 64. Prohibition against Retention or Deduction of Funds. Fund releases from appropriations provided in this Act shall be transmitted to the agency concerned, subject to Section 3 hereof, applicable special and general provisions, and budgeting rules and regulations. No retention or deduction as reserves or overhead shall be made, except as authorized by law, the general or special provisions in this Act.

Sec. 65. Direct Release of Funds to Regional Offices and Operating Units. Funds appropriated in this Act shall be released directly to the Regional Offices (ROs) and Operating Units (OUs) of agencies where funds are specifically appropriated to the ROs and OUs of agencies, except as requested by the agencies to the DBM.

The DBM shall furnish copies of fund releases to ROs and OUs to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, either in printed form or by way of electronic document.

Sec. 66. Lump-Sum Appropriations. Release of lump-sum appropriations shall be made upon compliance with the requirements under the applicable general and/or special provisions and submission by the agency concerned of a Special Budget pursuant to Section 35, Chapter 5, Book VI of E.O. No. 292, copy furnished the House Committee on Appropriations and the Senate Committee on Finance. The Special Budget shall include the complete details of the programs, activities and projects covering the lump-sum appropriations with the corresponding cost up to the lowest level i.e., provincial, city or municipal level, as the case may be.

Sec. 67. Fund Transfers to Civil Society Organizations. A government agency may transfer public funds to a Civil Society Organization (CSO) only if all of the following conditions are present:

- (a) The CSO is either:  
 (i) implementing a government program or project jointly with the government agency; or  
 (ii) a beneficiary of a government program or project.
- (b) There is a specific appropriation in the General Appropriations Act or some other appropriation law for such government program or project.
- (c) The government agency has accredited the CSO in accordance with its guidelines. The guidelines shall include, as a minimum, the following requirements:  
 (i) The presence of the CSO in its stated address and area of operation has been validated;  
 (ii) The CSO has an identified membership and leadership and defined organizational structure;  
 (iii) The CSO is in good standing with all government agencies from which the CSO has received public funds;  
 (iv) The CSO is not in default or in delay in liquidating any public funds received from any government agency;  
 (v) For implementing CSOs, the CSO must have a proven track record and good standing in undertaking civil society works; the CSO must not have any Director, Trustee, Officer or key personnel related within the fourth civil degree of consanguinity of affinity to any official involved in the processing of its accreditation, or any official of the government agency

- funding or implementing the program or project to be implemented by the CSO; and the CSO must have proven legal existence; and
- (vi) For Beneficiary CSOs, the CSO must have the appropriate social preparation from the government agency providing the grant of financial assistance.

In case of a cooperative who wishes to become a CSO partner, the submission of certificate of registration and certificate of compliance as issued by the Cooperative Development Authority specifically for that purpose including meeting the minimum requirements as stated herein shall be sufficient for it to qualify as a CSO partner.

Government agencies shall post the lists of their accredited CSOs in their respective websites, and shall update such lists quarterly.

- (d) The CSO has liquidated in accordance with existing COA regulations all fund transfers due for liquidation. Only CSOs with proven absorptive capacity and good track records to implement several projects at the same time shall be considered as implementing CSO of multiple projects.
- (e) The CSO was selected by the government agency in accordance with R.A. No. 9184 and such other applicable rules and regulations.

To ensure the CSOs comply with all pertinent rules and regulations covering the transfer, use, liquidation and audit of public funds, government agencies shall put into place the needed monitoring, evaluation and reporting mechanisms. Government agencies shall remain accountable for funds transferred to CSOs in accordance with government accounting and auditing rules and regulations.

Government agencies shall submit the document, quarterly reports on funds transferred and the government programs or projects involved with electronic signature to the DBM, through the URS, and the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, by posting said reports on the government agencies' websites for a period of three (3) years. The Chairperson of the respective government agencies shall send written notice to the said offices when said reports have been posted on their websites, which shall be considered the date of submission.

Sec. 68. Authority to Use Savings. The President of the Philippines, the President of the Senate of the Philippines, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, the Ombudsman, the Heads of the Civil Service Commission, the Commission on Elections, and the COA are hereby authorized to declare and use savings in their respective appropriations to augment actual deficiencies incurred for the current year in any item of their respective appropriations. An item of appropriation shall pertain to the amount appropriated for a program, activity or project (P/A/P) authorized in this Act. In the case of programs with several activities and/or projects, each activity and/or project shall be considered an item of appropriation.

The foregoing constitutional officers authorized to use savings shall be responsible for ensuring that a semestral and annual report on their respective use of savings shall be submitted to the President of the Senate of the Philippines and the Speaker of the House of Representatives, copy furnished the DBM. The report shall indicate among others, the amount of savings generated, the sources and grounds used therefor, and the existing P/A/P in their respective appropriations augmented. They shall likewise ensure that said reports are posted on their respective websites.

Sec. 69. Meaning of Savings. Savings refer to portions or balances of any released appropriations in this Act which have not been obligated as a result of any of the following:

- (a) completion, final discontinuance, or abandonment of a program, activity or project for which the appropriation is authorized; or
- (b) implementation of measures resulting in improved systems and efficiencies and thus enabled an agency to meet and deliver the required or planned targets, programs and services approved in this Act at a lesser cost.

In case final discontinuance or abandonment is used as basis in the declaration of savings, such discontinued or abandoned program, activity or project shall no longer be proposed for funding in the next two (2) fiscal years.

Allotments that were not obligated due to the fault of the agency concerned shall not be considered savings.

Sec. 70. Rules on Augmentation. Augmentation is the act of the constitutional officers authorized to use savings in their respective appropriations to cover a deficiency in any existing P/A/P within their respective offices. A deficiency in a P/A/P may result from:

- (a) Unforeseen modifications or adjustments in the program, activity or project; or
- (b) Re-assessment in the use, prioritization and/or distribution of resources.

The particulars of the expenditures to be funded from savings should be within the scope of, or covered by an existing program, activity or project. The existence of a P/A/P regardless of the availability of allotment class/es is sufficient for the purpose of augmentation.

In no case shall a non-existent P/A/P be funded by augmentation from savings or by the use of an appropriations authorized in this Act.

Sec. 71. **Priority in the Use of Savings.** In the use of savings, priority shall be given to the payment of compensation, year-end bonus and cash gift, retirement gratuity, terminal leave benefits, old-age pension of veterans and other personnel benefits authorized by law and in this Act, as well as the implementation of priority program, activity or program covered in this Act.

Sec. 72. **Rules on Modification in the Allotment.** As a general rule, departments, bureaus and offices of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs shall spend what is programmed in their respective appropriations in this Act. In exceptional circumstances, agencies may modify the allotment issued within a program, activity, or project subject to approval of the following ensued by the timely submission of reports by all offices concerned:

- (a) The heads of agencies for change in the object of expenditure (Salaries and Wages, Travelling Expenses, or Investment Outlays) within an allotment class (Personnel Services, MOOE, Financial Expenses or Capital Outlays);
- (b) The DBM in the following modifications: (i) for the payment of magna carta benefits authorized under Section 51 hereof; (ii) from one allotment class to another; (iii) from one operating unit to another; and (iv) within a special purpose fund; and
- (c) The President of the Philippines for the payment of intelligence funds within the Executive branch.

All modifications within Capital Outlays may only be made until June 30, 2018, except if due to the occurrence of calamities. All modification in the allotment shall not entail any increase in the total amount appropriated for a program, activity or project. In the case of programs with several activities and/or projects, modifications may only be done within each activity and/or project.

Sec. 73. **Rules in the Grant of Collective Negotiation Agreement Incentive.** Departments, bureaus, and offices of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs may grant collective negotiation agreement (CNA) Incentive sourced from the allowable MOOE allotments identified by the DBM, subject to the following:

- (a) There is a valid CNA executed between the agency and the recognized employee organization which includes a provision on cost-cutting measures to be undertaken collectively by the agency and its personnel;
- (b) The one-time annual payment of CNA Incentive shall be made through a written resolution signed by agency representatives from both labor and management, and approved by the agency head;
- (c) The CNA Incentive that may be granted shall be limited to the amount determined by the DBM; and
- (d) The payment of CNA Incentive shall be subject to approval by the DBM and made only during the validity of appropriations. Any excess amounts therefrom after payment of the CNA Incentive shall revert to the General Fund.

GOCCs and LGUs may likewise grant CNA Incentive to their respective personnel, subject to the policies, rules and regulations issued by the DBM.

#### RELEASE AND USE OF FUNDS

Sec. 74. **Mandatory Expenditures.** The amounts programmed for petroleum, oil and lubricants, water, illumination and power services, telephone and other communication services, and rental expenses shall be disbursed exclusively for such items of expenditures. Any available allotment from these items after taking into consideration the agency's full year requirements may be modified only in the last quarter and subject to the provisions of Section 72 hereof.

Disbursements or expenditures of agencies in violation of this Section shall be void, and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, s. 1987 and to appropriate criminal action under existing penal laws.

Sec. 75. **Expenditures for Business-type Activities.** Funds for the procurement of supplies and materials intended to be utilized in the conduct of business-type activities shall be disbursed exclusively for such business-type activity. In no case shall said appropriations be used for any other purpose.

Disbursements or expenditures by agencies in violation of this Section shall be void, and shall subject the erring officials and employees to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292, and to appropriate criminal action under existing penal laws.

Sec. 76. **Intelligence Funds.** No appropriations authorized in this Act shall be released or disbursed for intelligence activities, including amounts sourced from savings, unless approved by the President of the Philippines, or specifically identified and authorized as intelligence fund in this Act. Agencies utilizing intelligence funds shall submit to the President of the Philippines a quarterly report on the accomplishments in the use of said funds.

Intelligence expenses refer to those related to intelligence information gathering activities of uniformed and military personnel, and intelligence practitioners that have direct impact to national security.

Implementation of this Section shall be subject to COA-DBM-DILG-GCG-DND J.C. No. 2015-01 dated January 8, 2015 and such other guidelines issued thereon.

Sec. 77. **Confidential Funds.** Confidential funds authorized in this Act shall be released or disbursed only upon approval of the Department Secretary concerned. Agencies utilizing confidential funds shall submit to the President of the Philippines and both Houses of Congress a quarterly report on the accomplishments in the use of said funds.

Confidential expenses refer to those related to surveillance activities in civilian government agencies that are intended to support the mandate or operations of the agency.

Implementation of this Section shall be subject to COA-DBM-DILG-GCG-DND J.C. No. 2015-01 dated January 8, 2015 and such other guidelines issued thereon.

Sec. 78. **Limitations on Cash Advance and Reportorial Requirements.** Notwithstanding any provision of law to the contrary, cash advances shall not be granted until such time that the earlier cash advances availed of by the officials or employees concerned shall have been liquidated in accordance with accounting and auditing rules and regulations.

For this purpose, the head of the agency and the COA auditor shall be jointly responsible for the preparation and submission to the House Committee on Appropriations and Senate Committee on Finance, either in printed form or by way of electronic document, the Annual Report on Cash Advances indicating the names of the recipients, the items of expenditures for which said cash advances were disbursed, and the dates of liquidation as reflected in the Agency Books of Accounts.

Sec. 79. **Use of Funds for Foreign-Assisted Projects.** The amounts appropriated in this Act for the implementation of foreign-assisted projects, composed of loan proceeds and peso counterpart components shall be utilized in accordance with the rules and regulations prescribed under DBM-COA-DOF J.C. No. 2-97 dated March 31, 1997, and such other guidelines to be issued thereon.

Sec. 80. **Disbursement of Funds.** Public funds for obligations incurred with proper authorization shall be disbursed only through the BTr and/or authorized government servicing banks under the Modified Disbursement System, subject to guidelines issued thereon.

Sec. 81. **Electronic Payments in Government Disbursements.** Departments, bureaus and offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy, SUCs and GOCCs shall adopt the use of electronic payment in the disbursement of public funds.

In cases when the adoption of electronic payment is impracticable, agencies shall be allowed to continue with the existing payment scheme and shall submit to the DBM, within sixty (60) days from the effectivity of this Act the reasons therefor.

Sec. 82. **Personal Liability of Public Officials and Employees for the Incurrence or Payment of Unauthorized or Unlawful Obligation or Expenditure.** Any and all public officials or employees who will authorize, allow or permit, as well as those who are negligent in the performance of their duties and functions which resulted in the incurrence or payment of unauthorized and unlawful obligation or expenditure shall be, personally liable to the government for the full amount committed or expended and, subject to disciplinary actions in accordance with Section 43, Chapter 5 and Section 80, Chapter 7, Book VI of E.O. No. 292.

Sec. 83. **Reversion of Unexpended Balances of Appropriations.** Notwithstanding any provision of law to the contrary, unexpended balances of appropriations authorized in this Act shall revert to the General Fund at the end of the validity of appropriations provided under Section 61 hereof and shall not thereafter be available for expenditure except by subsequent legislative enactment.



**ADMINISTRATIVE PROCEDURES**

Sec. 84. **Organizational Structure and Staffing Pattern Changes.** Notwithstanding any provision of law to the contrary and within the limits of the appropriations authorized in this Act, the President of the Philippines is authorized to create new offices and modify the existing organizational structure of the agencies in the Executive branch, as well as create new positions or modify existing ones whenever public interest so requires. The DBM may approve minor changes in the organizational structure and staffing pattern of agencies, and create positions up to a division chief and equivalent level under the Executive branch.

In cases when Congress creates or reorganizes an office or agency, the DBM is authorized to determine its organizational structure and provide for positions in its organizational units subject to organization, position classification and compensation standards and policies.

Sec. 85. **Institutional Strengthening and Productivity Improvement in Agency Organization and Operations.** Heads of departments, bureaus, offices, and instrumentalities under the Executive branch shall adopt institutional strengthening measures to enhance productivity and improve service delivery. For this purpose, they shall: (i) conduct a comprehensive review of their respective mandates, missions, objectives and functions, systems and procedures, and programs, activities and projects; (ii) identify areas where improvements are necessary and more resources need to be rechannelled; (iii) determine the functions, programs, activities and projects that could be scaled down, phased out or abolished; and (iv) recommend the corresponding structural, functional and operational adjustments to streamline the organization and operations of the agency and improve its performance and productivity.

In the pursuit of said institutional strengthening efforts, heads of agencies may propose the: (i) creation, abolition, renaming, consolidation or merger of bureaus, offices and units within their coverage; or (ii) creation, abolition, reclassification, conversion or transfer of existing positions, from one unit to another. In either instance, the government shall not incur additional cost.

The President of the Philippines or the DBM, as the case may be, is authorized to approve the organizational and staffing modifications needed in streamlining and improving productivity in agency organization and operations, in accordance with the first paragraph of Section 84 hereof.

Sec. 86. **Foreign Travel of Government Officials.** To ensure that the delivery of services and the operations of the agency is not hampered, all personal and official foreign travels of Department Secretaries in the Executive Department and senior officials and board members of all GOCCs shall require clearance from the Office of the President prior to foreign travel.

~~[Sec. 87. Collection of Fees in Relation to the Retention or Reacquisition of Philippine Citizenship. The Department of Foreign Affairs, Bureau of Immigration and other agencies shall not impose and collect any fee in relation to the retention or reacquisition of Philippine citizenship under the Citizenship Retention and Reacquisition Act of 2003 or R.A. No. 9225.]~~

(DIRECT VETO- President's Veto Message, December 19, 2017, Volume I-B, page 646, R.A. No. 10964)

Sec. 88. **Allocation for the Autonomous Region in Muslim Mindanao in the Budget.** National government agencies shall ensure that the requirements of ARMM are provided in the implementation of nationwide programs, activities and projects. The funds for the purpose shall be released based on, and made only upon submission by the implementing agencies concerned of the allocation for ARMM per province. The disposition, utilization, management and accountability of the amount released directly to the ARMM shall be the responsibility of the ARMM. The respective heads of the national government agencies shall be responsible for ensuring that the amounts allocated for ARMM per province are posted on their respective agency websites.

The ARGMM shall likewise submit to the DBM and the implementing agencies concerned separate quarterly reports on the utilization of said amounts per province, either in printed form or by way of electronic document. The Regional Governor of ARGMM shall be responsible for ensuring that said reports are likewise posted on the website of the ARGMM.

Sec. 89. **Internal Revenue Allotment of LGUs.** The IRA, which is automatically appropriated, shall be apportioned among LGUs, including provinces, cities, and municipalities created, approved, and ratified in 2017 in accordance with the allocation formula prescribed under Section 285 of R.A. No. 7160, taking into consideration the following:

- (a) The land area shall be based on the FY 2001 Land Management Bureau (LMB) certified Masterlist of Land Area unless the FYs 2004 and 2007 LMB certified Masterlist of Land Area has been validated by the DILG, NAMRIA and representatives of the Leagues of Provinces, Cities and Municipalities, and endorsed by the Secretary of DENR and the Regional Secretary of the ARMM to DBM on or before December 31, 2017; and
- (b) The population shall be based on the FY 2015 Census of Population by Province, City, Municipality and Barangay, as approved under Presidential Proclamation No. 1269 dated May 19, 2016.

All valid adjustments, changes, modifications, or alterations in any of the factors affecting the computation of IRA that occurred or happened, including final and executory court decisions made effective, during the current fiscal year, shall only be considered and implemented by the DBM in the subsequent fiscal year from receipt by the DBM of the notice of said change.

LGUs shall include in their budgets income from both local and external sources, including the amount of their IRA, based on the allocation by the DBM, and receipts from borrowings, which shall be approved by their respective sanggunian. Member-municipalities of the Partido Development Administration may charge the capitalization requirement under R.A. No. 7820 against their respective IRA.

Enforcement of the Personnel Services limitations under Sections 325 (a) and 331 (b) of R.A. No. 7160 shall be waived to enable LGUs to: (i) absorb the cost of hospital services transferred from provinces to newly created cities; (ii) pay the CNA incentives of their employees upon compliance with the rules and regulations issued by the DBM; (iii) pay the retirement and terminal leave benefits, including the monetization of leave credits of their employees; and (iv) pay the minimum year-end bonus of One Thousand Pesos (P1,000) for the punong barangay and Six Hundred Pesos (P600) for other mandatory barangay officials, and their cash gifts.

The IRA and all LGU shares appropriated herein shall be directly released by the BTr to the LGU beneficiaries through authorized government servicing banks.

Sec. 90. Implementation of Nationally Funded Projects. Pursuant to Section 17 (c) of R.A. No. 7160, the National Government may designate LGUs as implementing agencies for public works and infrastructure projects and other programs, services and facilities, including the construction of local roads and facilities appropriated in this Act, subject to the following:

- (a) The LGU has the capability to implement the foregoing by administration or contract and in accordance with the design, plan, specifications, and such other standards and policies of the National Government;
- (b) The LGU-recipient of nationally funded public works and infrastructure projects and other programs, services and facilities shall commit to fund the cost of maintenance and repairs thereof; and
- (c) The amount released to the LGUs shall be recorded as trust funds to be used for the specified purpose. Funds which remain unutilized as of December 31, 2019 shall be reverted to the National Treasury.

The LGU-implementing agency shall submit the quarterly reports on fund utilization and accomplishments with electronic signature to the DBM, through the URS, and to the Speaker of the House of the Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, by posting said reports on the LGU-implementing agency website for a period of three (3) years. The Local Chief Executive shall send written notice to the said offices when said reports have been posted on its website, which shall be considered the date of submission.

Sec. 91. Status of Infrastructure Projects. All agencies of the government with infrastructure projects shall post the status of the said projects, including geo-tagged photos on their respective official website. Further, agencies shall post the following details of the projects:

- (1) Name of contractor;
- (2) Location of the project;
- (3) Project cost;
- (4) Start of construction;
- (5) Target date of completion;
- (6) Description of the project;
- (7) Source of Fund;
- (8) Implementing office, responsible official and contact number and e-mail address;
- (9) Completion rate;
- (10) Project status. In case of delay, state the reason/s; and
- (11) Such information that the Commission on Audit may require.

Sec. 92. Submission of Annual Reports and Audited Financial Statements on Accounts Deposited Outside of the National Treasury. All departments, bureaus, offices, and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs authorized by law to retain and/or use income and deposit the same outside of the National Treasury shall submit to the DBM, the Speaker of the House of the Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, their respective audited financial statements, annual reports and narrative report stating therein a detailed description of the utilization of funds. The statement and report shall include the beginning balance, income collected and its sources, expenditures, and ending balance for the preceding fiscal year.

Sec. 93. Report on Commission on Audit Findings and Recommendations. Within sixty (60) days from receipt of the COA Annual Audit Report, agencies concerned shall submit to the COA, either in printed form or by way of electronic document, a status report on the actions taken on said audit findings and recommendations using the prescribed form under COA Memorandum No. 2014- 002 dated March 18, 2014. They shall likewise furnish the DBM, the Speaker of the House of the Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, either in printed form or by way of electronic document, a copy of said reports.

The head of agency concerned and the agency's web administrator or his/her equivalent shall be responsible for ensuring that said status reports are posted on the agency's website.

Sec. 94. Debt Audit. The Congressional Oversight Committee on Official Development Assistance (COCODA) is hereby tasked to conduct a debt audit of the following contracted loans:

1. Philippine Rural Development Project
2. Pampanga Development Flood Control
3. Bohol Irrigation Phase II
4. Angat Water Supply Optimization
5. Sixth Road Project
6. Power Sector Development Program
7. Help for Catubig Agricultural Advancement
8. Agrarian Reform Communities Project
9. Global Maritime Safety
10. Small Water Impounding Management
11. Third Elementary Education Project
12. Emergency Network Project
13. Southern Philippines Irrigation Sector Project
14. CALACA I Coal-fired Thermal Power Plant
15. CALACA II Coal-fired Thermal Power Plant
16. CALACA II Coal-fired Thermal Power Plant Additional Financing
17. Second Agrarian Reform Communities Development Project
18. Second Agrarian Reform Communities Development Project 2
19. Irrigation Systems Improvement
20. South Luzon Expressway Construction Project I

The said debt audit shall focus on the institutional reforms that must be undertaken by NEDA to ensure prudence in entering into new loan agreements.

Sec. 95. Financial Reports. Within fifteen (15) days after the end of each month, departments, bureaus, offices and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs, shall submit to the DBM, the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, either in printed form or by way of electronic document, monthly reports on release, obligations incurred, liquidated obligations, unliquidated obligations, total disbursements, and balance of current and continuing appropriations presented vis-a-vis corresponding P/A/P approved in this Act.

The heads of agencies and the agencies' web administrator or their equivalent shall be responsible for ensuring that said monthly reports are likewise posted on their respective websites.

Sec. 96. Quarterly Financial and Physical Reports. Within fifteen (15) days after the end of each quarter, departments, bureaus, offices and instrumentalities of the National Government, including Constitutional Offices enjoying fiscal autonomy and SUCs, shall submit the following, either in printed form or by way of electronic document:

- (a) Quarterly Financial and Physical Accomplishment Reports, including narrative descriptions to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, copy furnished the DBM and COA; and
- (b) Budget and Financial Accountability Reports to the DBM and COA, subject to COA and DBM J.C. No. 2014-1 dated July 1, 2014.

The DBM shall likewise submit to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance, either in printed form or by way of electronic document, quarterly reports on releases from, and balances of, Special Purpose Funds, Supplemental Appropriations, Continuing Appropriations and Automatic Appropriations as well as modification of funds approved by it pursuant to the general provisions of this Act, including obligations incurred, liquidated, unliquidated obligations and total disbursements on the releases. These reports shall be presented vis-a-vis corresponding P/A/P approved in the GAA.

The heads of agencies and the agencies' web administrator or their equivalent shall be responsible for ensuring that said quarterly reports are likewise posted on their respective websites within fifteen (15) days after the end of each quarter.

Failure to comply with any of the foregoing shall result in the automatic suspension of the salaries of the responsible official and/or employee until they have complied with the above requirements pursuant to Section 57, Chapter 6, Book VI of E.O. No. 292.

Repeated failure or refusal of said official or employee to submit the above reports without any justifiable cause may be a ground for administrative disciplinary action, subject to pertinent civil service rules and regulations. The head of agency shall be responsible for ensuring compliance with this penalty provision.

Sec. 97. **Submission of Post 2018 Budget Status.** The DBM shall submit to the Speaker of the House of Representatives, the President of the Senate of the Philippines, the House Committee on Appropriations and the Senate Committee on Finance a post 2018 budget status report not later than March 31, 2019. The report shall indicate a brief accomplishment on all programs, activities, and projects of agencies of the government as reflected in this Act and including specific programs, activities and projects funded from lump-sum appropriations and special purpose funds.

The DBM shall post the said report on its website. The heads of the agencies and the agencies' web administrators or their equivalent shall be responsible for ensuring that the portion of the status report pertinent to them are likewise posted on their respective websites.

Sec. 98. **Transparency in Infrastructure Projects.** All agencies of the government shall post the following on their respective websites, within the period indicated:

- (a) The project title, location and detailed description; detailed estimates in arriving at the Approved Budget for the Contract; and winning contractor and the detailed estimates of the bid as awarded, within thirty (30) calendar days from entering into contract; and
- (b) The detailed actual cost of the project; and variation orders issued, if any, within thirty (30) calendar days from the issuance of a certificate of completion.

The heads of the agencies and web administrators or their equivalent shall be responsible for ensuring compliance with this Section.

Sec. 99. **Transparency Seal.** To enhance transparency and enforce accountability, all agencies of the government shall maintain a Transparency Seal to be posted on their websites. The Transparency Seal shall contain the following: (i) the agency's mandates and functions, names of its officials with their position and designation, and contact information; (ii) approved budgets and corresponding targets, immediately upon approval of this Act; (iii) modifications made pursuant to the general and special provisions in this Act; (iv) annual procurement plan/s and contracts awarded with the winning supplier, contractor or consultant; (v) major programs and projects categorized in accordance with the five key results areas under E.O. No. 43, s. 2011, as amended, and their target beneficiaries; (vi) status of implementation, evaluation and/or assessment reports of said programs or projects; (vii) Budget and Financial Accountability Reports, pursuant to COA and DBM J.C. No. 2014-1 dated July 2, 2014; and (viii) annual reports on the status of income authorized by law to be retained and/or used and be deposited outside of the National Treasury, which shall include the legal basis for its retention and/or use, the beginning balance, income collected and its sources, expenditures, and ending balance for the preceding fiscal year.

The heads of the agencies and their web administrators or their equivalent shall be responsible for ensuring compliance with this Section.

The DBM shall post on its website the status of compliance by all agencies of the government.

Sec. 100. **Government Information, Monitoring and Evaluation System.** All government agencies shall adopt a web-based system that will improve the dissemination to the public of information on government services, programs and projects.

Likewise, a system of monitoring and evaluation to assess the performance, relevance and effectiveness of the agencies' programs and projects shall also be adopted.

Sec. 101. **Joint Congressional Oversight Committee on Public Expenditures.** The Senate and the House of Representatives shall constitute a Joint Congressional Oversight Committee on Public Expenditures which shall primarily monitor compliance by agencies with the requirements and/or conditions in the utilization of public funds under this Act and pertinent laws.

The Joint Congressional Oversight Committee shall be co-chaired by the Chairperson of the Committee on Finance of the Senate and the Chairperson of the Committee on Appropriations of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall each designate seven (7) Senators and seven (7) members of the House of Representatives, respectively, as members of the Joint Congressional Oversight Committee. The minority group in the Senate and the House of Representatives shall each have at least one (1) seat in the Joint Congressional Oversight Committee.

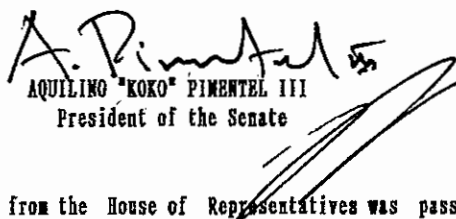
The Joint Congressional Oversight Committee on Public Expenditures shall not intervene, participate, or undertake any role or function in any of the various post-enactment stages of the budget execution, such as, but not limited to, project identification and/or modification, fund releases, and other activities beyond its congressional oversight functions as defined under applicable laws and/or jurisprudence.

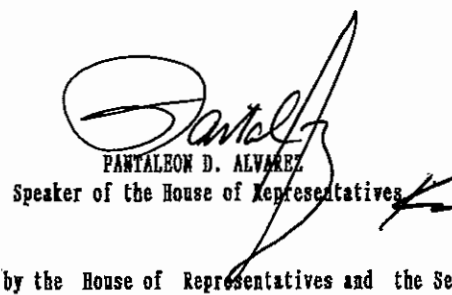
Sec. 102. Exemption from Garnishment, Levy and Execution. It shall be unlawful for any court, agency or office to garnish, or subject to levy and execution all public funds, especially the amounts appropriated under this Act.

Sec. 103. Separability Clause. If for any reason, any section or provision of this Act is declared unconstitutional or invalid, other sections or provisions which are not affected thereby shall continue to be in full force and effect.

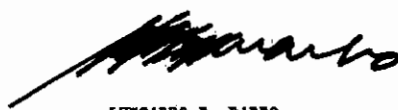
Sec. 104. Effectivity. The provisions of this Act, detailed in Volume Nos. I-A, I-B and II shall take effect on January One, Two Thousand and Eighteen, unless otherwise provided herein.

Approved,

  
AQUILINO "KOKO" PIMENTEL III  
President of the Senate

  
PANTALEON D. ALVAREZ  
Speaker of the House of Representatives

This Act which originated from the House of Representatives was passed by the House of Representatives and the Senate of the Philippines on December 12, 2017.

  
LUTGARDO B. BARBO  
Secretary of the Senate

  
CESAR STRAIT PAREJA  
Secretary General of the House of Representatives

  
RODRIGO ROA DUTERTE  
President of the Philippines



DEC 19 2017

