

[EXECUTIVE ORDER NO. 426, October 12, 1990]

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

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

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

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

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

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

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

1. Undertake and evaluate the planning, design, construction and works supervision for the infrastructure projects whose location and impact are confined within the ARMM;

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

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

SEC. 4. *Standard Setting.* The National Building Code and other national engineering and construction standards specified by law and /or prescribed by the Department of Public Works and Highways shall be adopted as minimum standards by the Autonomous Regional Government. The Autonomous Regional Government, however, may adopt stricter standards but at no time shall compromise national engineering and construction standards.

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

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