

[MEMORANDUM CIRCULAR NO. 57, February 07, 2019]

REMINDING ALL GOVERNMENT OFFICES, AGENCIES AND INSTRUMENTALITIES, INCLUDING GOVERNMENT-OWNED OR -CONTROLLED CORPORATIONS, GOVERNMENT FINANCIAL INSTITUTIONS, STATE UNIVERSITIES AND COLLEGES, AND LOCAL GOVERNMENT UNITS, TO ENSURE THE TIMELY COMPLETION OF GOVERNMENT INFRASTRUCTURE PROJECTS

WHEREAS, pursuant to Sections 3 (e), 3 (f) and 9 of Republic Act (RA) No. 3019, or the "Anti-Graft and Corrupt Practices Act," a public officer who causes undue injury to the Government, through gross negligence in the discharge of his or her functions, and who neglects or refuses, without sufficient justification, to act within a reasonable time on any pending matter, for the purpose of obtaining some material or pecuniary benefit or advantage, shall be punished with imprisonment and perpetual disqualification from public office;

WHEREAS, Section 65, Rule XXI of the revised Implementing Rules and Regulations of RA No. 9184, or the "Government Procurement Reform Act," provides that public officers, including private individuals in collusion with such public officers, who delay without justifiable cause the screening for eligibility, opening of bids, evaluation and post evaluation of bids, and awarding of contracts, including those for government infrastructure projects, shall suffer the penalty of imprisonment, in addition to the penalty of temporary disqualification from public office, without prejudice to the provisions of RA No. 3019 and other penal laws;

WHEREAS, Section 46 (b), Chapter 7, Subtitle A, Title I, Book V of Executive Order (EO) No. 292 or the "Administrative Code of 1987," considers neglect of duty and inefficiency in the performance of official duties as grounds for disciplinary action;

WHEREAS, unfinished government infrastructure projects cause great inconvenience and serious damage to the prejudice of the general public, and adversely affect the delivery of basic services;

WHEREAS, the development goals of accelerating infrastructure development and ensuring efficient governance remain as overriding objectives of the government under the Philippine Development Plan 2017-2022;

WHEREAS, pursuant to EO No. 24 (s. 2017), the Department of Public Works and Highways (DPWH), as Chair of the Infrastructure Cluster, is tasked to lead in (i) enhancing the delivery of public infrastructure by ensuring efficient and transparent management of assets and resources; (ii) improving the quality and reliability of public infrastructure and public investment efficiency; (iii) strengthening implementation capacity and budget execution of government agencies which are involved in infrastructure development; and (iv) ensuring equitable access to infrastructure services.