

[MEMORANDUM ORDER NO. 51, February 18, 2021]

GRANTING AUTHORITY TO MAKE ADVANCE PAYMENTS FOR THE PROCUREMENT OF COVID-19 VACCINES, PRESCRIBING CONDITIONS THEREFOR, AND FOR OTHER PURPOSES

WHEREAS, Section 15, Article II of the Constitution declares it a policy of the State to protect and promote the right to health of the people;

WHEREAS, Section 11, Article XIII of the Constitution provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all people at affordable cost;

WHEREAS, Proclamation No. 922, s. 2020, declared a state of public health emergency throughout the country due to the COVID-19 disease;

WHEREAS, Proclamation No. 929, s. 2020, declared a state of calamity throughout the Philippines due to the COVID-19 disease, which declaration was extended by Proclamation No. 1021 (s. 2020) until 12 September 2021;

WHEREAS, Section 16 of Republic Act No. 7160 or the Local Government Code of 1991 provides that every local government unit (LGU) shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of (he general welfare;

WHEREAS, Section 338 of the Local Government Code of 1991 prohibits LGUs from making payments on account of any contract under which no services have been rendered or goods have been delivered;

WHEREAS, Presidential Decree No. 1445, s. 1978, or the Government Auditing Code of the Philippines, prohibits advance payments for services not yet rendered or for supplies and materials not yet delivered under any contract therefor, except with prior approval of the President;

WHEREAS, under procurement laws and rules, government agencies including LGUs are currently authorized to make advance payments in an amount not exceeding fifteen percent (15%) of the contract amount in view of the existing State of Calamity, and beyond said limit if with prior approval from the President;

WHEREAS, the immediate access to and early procurement of COVID-19 vaccines is instrumental in the government's fight against the COVID-19 pandemic;

WHEREAS, the Presidential Adviser on Peace, Reconciliation and Unify, having been earlier designated as Chief Implementer of the Philippines' declared policy against