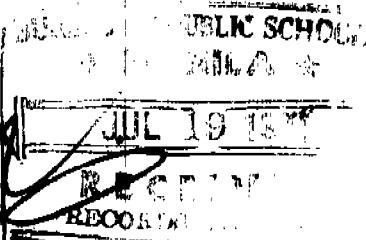


REPUBLIKA NG PILIPINAS
Republic of the Philippines
KAGAWARAN NG EDUKASYON
Department of Education
Maynila



TANGGAPAN NG KALIHIM
Office of the Secretary

May 27, 1971

DEPARTMENT ORDER
No. 12 ,s. 1971

CONSTRUCTION OF SCHOOL BUILDINGS FINANCED FROM THE
SPECIAL EDUCATION FUND UNDER REPUBLIC ACT NO. 5447

To The Director of Public Schools, and
The Director of Vocational Education:

1. In connection with the construction and repair of school buildings financed from the Special Education Fund or aid for the same purpose from the Special Education Stabilization Fund, there is herewith quoted a portion of Opinion 71, s. 1971 of the Honorable, the Secretary of Justice regarding the administration and supervision of such construction and the surcharge to be charged by the Bureau of Public Works.

"Under Republic Act No. 5447 (1968), in cases where the cost of the school project does not exceed ₱10,000.00, the construction and repair may be undertaken by negotiated contract by the Parents Teachers Association or the Barrio Council concerned under the supervision and direction of the Bureau of Public Works." (Section 1(b))

In Opinion No. 54, s. 1971 of this Office x x x, we held that the supervision of school projects financed from the Special Education Fund pertains to the Bureau of Public Works, and that Section 19 of R. A. No. 5979, (Public Works Act of 1969), which allows the collection by the district or city engineer's office of a surcharge not exceeding 10% of expenditures of appropriation for any public works project, is applicable to school projects financed from the Special Education Fund created by R. A. No. 5447. However, we invited attention to Section 12 of R. A. No. 5979, which imposes a compensation limitation of 2% of the contract price for the compensation and travel expenses of the worker-inspector designation by the District or City Engineer, in case of minor community development projects prosecuted by civic organizations, barrio councils and Parents-Teachers' Associations.

Hence, while the Public Works District Engineer is authorized to retain the 10% national surcharge authorized by Section 19 of R.A. No. 5979 in the prosecution of school projects financed from the Special Education Fund, in cases

of minor projects undertaken by negotiated contract by express authority of R. A. No. 5447, the 2% compensation limitation provided in Section 12 of R. A. No. 5979 is applicable.

2. From the above opinions of the Honorable Secretary of Justice, it is clear that construction of school buildings financed from the Special Education Fund is subject to 10% national surcharge as provided under Section 19 of R.A. No. 5979 if the contract cost of such projects exceed ₱10,000.00 and for minor projects the 2% compensation limitation provided in Section 2 of Republic Act No. 5979 is applicable.

3. As regards the programming, administration and supervision of school building projects financed from Republic Act No. 5447, the Honorable Secretary of Justice in Opinion No. 54, s. 1971 in a 3rd Indorsement dated April 13, 1971 stated:

By express provisions of the law, then, the supervision of school projects financed from the Special Education Fund clearly pertain to the Bureau of Public Works. The provisions of R. A. No. 5185 (1967) authorizing the creation of the position of Provincial Engineer to enable the provincial government to administer directly the public works highway projects which are financed out of local funds, are believed to be not applicable to school projects financed from the Special Education Fund, disbursements from the provincial, city or municipal share in which are authorized by the local school board. (Section 6, 9, R. A. 5447) The local funds referred to in R. A. No. 5185 are those appropriated by the municipal, city or provincial government for public works projects, and can have no reference to the Special Education Fund established by special law.

4. It is therefore very clear that the school building projects financed from the Special Education Fund, municipal or provincial and aid from the Stabilization Fund should be supervised by the Public Works District Engineer.

5. Immediate dissemination of this Department Order is hereby desired for the information and guidance of all concerned.

(SGD.) JUAN L. MANUEL
Acting Secretary of Education

