



Republic of the Philippines  
Province of Cavite

**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
Trece Martires City



April 20, 2026

**ATTY. KHALID A. ATEGA, JR.**  
Sanggunian Secretary  
City of Bacoor  
This Province

**Dear Atty. Atega:**

May we furnish your good office with copies of the following Resolutions, duly passed by the 12<sup>th</sup> Sangguniang Panlalawigan of Cavite during its 37<sup>th</sup> Regular Session held on April 13, 2026:

1. **RESOLUTION NO. 4735-2026** – A Resolution Approving City Ordinance No. 503-2026 From The City Of Bacoor
2. **RESOLUTION NO. 4736-2026** – A Resolution Adopting Committee Report No. 506-12SP-2026 Of The Committee on Public Works And Infrastructures

For your information and reference.

Thank you.

Very truly yours,

  
**MICHELLE F. ALCID**  
Provincial Board Secretary



Republic of the Philippines

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Trece Martires City



BAGONG PILIPINAS

EXCERPTS FROM THE MINUTES OF THE 37TH REGULAR SESSION OF THE 12TH SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON APRIL 13, 2026 AT THE SANGGUNIANG PANLALAWIGAN CONFERENCE ROOM, LEGISLATIVE BUILDING, NEW PROVINCIAL GOVERNMENT CENTER, TRECE MARTIRES CITY, CAVITE

PRESENT:

Hon. Arnel M. Cantimbuhan Pro-Tempore
Hon. Romel R. Enriquez Acting Majority Floor Leader
Hon. Juan Ysmael R. Gandia SP Member, 1st District
Hon. Lloyd Emman D. Jaro SP Member, 3rd District
Hon. Aidel Paul G. Belamide SP Member, 5th District
Hon. Ivey Jayne A. Reyes SP Member, 5th District
Hon. Kerby J. Salazar SP Member, 6th District
Hon. Maurito C. Sison SP Member, 6th District
Hon. Jhon Kester Aldrin R. Anacan SP Member, 7th District
Hon. Camille Lauren V. del Rosario SP Member, 7th District
Hon. Jasmin Angelli M. Bautista SP Member, 8th District
Hon. Eimeren M. Nazarano SP Member, 8th District
Hon. Edward R. Samala, Jr. CCL President

OFFICIAL BUSINESS:

Hon. Ramon Vicente H. Bautista Vice Governor
Hon. Alde Joselito F. Pagulayan Majority Floor Leader
Hon. Edwin E. Malvar SP Member, 2nd District
Hon. Nickanor N. Austria, Jr. SP Member, 4th District
Hon. Rafael V. Paterno III LNB Provincial Chapter President
Hon. Chelsea Jillian G. Sarno SK Provincial Federation President

ABSENT:

None

RESOLUTION NO. 4735-2026

A RESOLUTION APPROVING CITY ORDINANCE NO. 503-2026 FROM THE CITY OF BACOR

WHEREAS, presented to the Honorable Members of the Sangguniang Panlalawigan, for review and consideration, is an ordinance from the City of Bacoor, entitled:

City Ordinance No. 503-2026 – An Ordinance Adopting And Institutionalizing The Implementation Of The Sustainable Livelihood Program (SLP) Of The Department Of Social Welfare And Development (DSWD) In The City Of Bacoor, Cavite

WHEREFORE, upon careful review and deliberation, on motion of Hon. Jaro and Hon. Enriquez, duly seconded by Hon. Gandia and unanimously approved by the Sangguniang Panlalawigan Members present, be it RESOLVED, AS IT IS HEREBY RESOLVED, that City Ordinance No. 503-2026 from the City of Bacoor be APPROVED.

- over -

(Official Business) HON. RAMON VICENTE H. BAUTISTA

HON. ROMEL R. ENRIQUEZ

(Official Business) HON. ALDE JOSELITO F. PAGULAYAN

HON. JUAN YSMAEL R. GANDIA

(Official Business) HON. EDWIN. E. MALVAR

HON. LLOYD EMMAN D. JARO

(Official Business) HON. NICKANOR N. AUSTRIA, JR.

HON. AIDEL PAUL G. BELAMIDE

HON. IVEE JAYNE A. REYES

HON. KERBY J. SALAZAR

HON. MAURITO C. SISON

HON. JHON KESTER ALDRIN R. ANACAN

HON. CAMILLE LAUREN V. DEL ROSARIO

HON. JASMIN ANGELLI M. BAUTISTA

HON. EIMEREN M. NAZARENO

HON. EDWARD R. SAMALA, JR.

(Official Business) HON. RAFAEL V. PATERNO III

(Official Business) HON. CHELSEA JILLIAN G. SARNO

Attested by: MICHELLE E. ALCID Provincial Board Secretary

Certified by: HON. ARNEL M. CANTIMBUHAN Pro-Tempore

Date Signed: April 20, 2026





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April 13, 2026 Raso. No. 4735-2026

UNANIMOUSLY APPROVED.

I hereby attest that the foregoing resolution was duly passed by the 12<sup>th</sup> Sangguniang Panlalawigan of Cavite during its 37<sup>th</sup> Regular Session held on April 13, 2026.

MICHELLE F. ALCID  
Provincial Board Secretary

MFA/jnc/spj

(Official Business)  
HON. RAMON VICENTE H. BAUTISTA

HON. ROMEL R. ENRIQUEZ

(Official Business)  
HON. ALDE JOSELITO F. PAGULAYAN

HON. JUAN YSMAEL R. GANDIA

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HON. CHELSEA JILLIAN G. SARNO

Attested by:   
MICHELLE F. ALCID  
Provincial Board Secretary

Certified by:   
HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026

CERTIFIED TRUE COPY

Provincial Board Secretary





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 Trece Martires City



**COMMITTEE REPORT NO. 506-135P-2026**

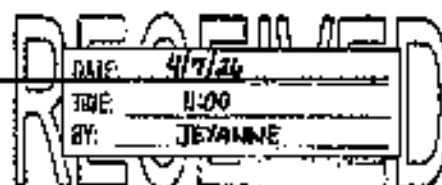
**FOR: THE PRESIDING OFFICER AND HONORABLE MEMBERS OF THE SANGGUNIANG PANLALAWIGAN**

**FROM: HON. JUAN YSMAEL R. GANDIA  
 CHAIR, COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURES**

**SUBJECT: City Ordinance No. 496-2026 from City of Bacoor, Cavite**

**DATE: April 04, 2026**

OFFICE OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE



**PRELIMINARIES**

On 27 February 2026, the Office of the Sangguniang Panlungsod of City of Bacoor submitted<sup>1</sup> to the Office Sangguniang Panlalawigan Secretariat, an ordinance, entitled:

**CITY ORDINANCE No. 496-2026 - "AN ORDINANCE INSTITUTIONALIZING THE AUTHORITY OF THE CITY GOVERNMENT OF THE CITY OF BACOR, CAVITE TO UNDERTAKE INFRASTRUCTURE, REPAIR, AND MAINTENANCE PROJECTS BY ADMINISTRATION, PROVIDING A POLICY FRAMEWORK, PRESCRIBING PENAL SANCTIONS, AND FOR OTHER PURPOSES INCIDENTAL THERETO"**<sup>1</sup>

On 09 March 2026, during the 32<sup>th</sup> Regular Session of the Sangguniang Panlalawigan, the said Ordinance was referred<sup>2</sup> to this Committee for study.

On 12 March 2026, the Committee endorsed<sup>3</sup> the Ordinance to the Office of the Provincial Vice-Governor and to the Office of the Provincial Legal Officer for review and recommendations.

On 25 March 2026, the Committee received<sup>4</sup> the Endorsement Letter No. 46 S. 26 from the Office of the Provincial Vice-Governor.

On 31 March 2026, the Committee received<sup>5</sup> the Endorsement Letter from the Office of the Provincial Legal Officer.

<sup>1</sup>Annex A - City Ordinance No. 496-2026 from City of Bacoor, Cavite

<sup>2</sup>Annex B - Endorsement letter of the Sangguniang Panlalawigan Secretariat dated 09 March 2026, during the 32<sup>th</sup> Regular Session to Committee on Public Works and Infrastructures.

<sup>3</sup>Annex C - Endorsement letter dated 12 March 2026 to the Office of the Vice Governor and the Office of the Provincial Legal Officer.

<sup>4</sup>Annex D - Endorsement Letter No. 46 S. 2026 dated 25 March 2026 from the Office of the Vice Governor.

<sup>5</sup>Annex E - Endorsement Letter dated 31 March 2026 from the Office of the Provincial Legal Officer.





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**Trece Martires City**



The Committee on Public Works and Infrastructures, after conducting a thorough review of the endorsed measure, hereby submits its findings and recommendations regarding **Bacoor City Ordinance No. 496-2026**. This ordinance aims to institutionalize the authority of the City Government of Bacoor to undertake infrastructure, repair, and maintenance projects "by administration," providing a policy framework and prescribing penal sanctions for violations thereof.

**DISCUSSION**

Based on the review conducted by the Office of the Provincial Vice Governor the purpose of the ordinance is to institutionalize the implementation of infrastructure projects through the city government under the city engineering office by administration.

The term "By administration" is defined under Section 5.1 of the ordinance as follows:

*"5.1. 'By Administration' shall mean project implementation using City Government personnel, or skilled residents of Bacoor City, together with equipment and resources, without engaging external-contractors through competitive bidding." (Emphasis and underscoring supplied)*

The definition of the term "By administration" departs from the definition issued by the Government Procurement Policy Board (GPPB) in its Guidelines for the Implementation of Infrastructure Projects By Administration<sup>1</sup>:

"By Administration" refers to the procedure by which the implementation of an infrastructure project is carried out under the administration and supervision of the concerned agency through its own personnel.

The substantial difference between the two terms pertains to the addition by the LGU of the phrase "without engaging external contractors through competitive bidding". The provision is vague considering that it may be read and misconstrued as if the implementation by administration means no competitive bidding at all. When in truth, by administration refers to the implementation of labor and equipment use while procurement of goods, materials, equipment rentals would necessarily require procurement compliance and posting/publication requirements that remain critical under public procurement policies.

The table below summarizes the comparison between the subject ordinance and the GPPB guidelines mention.

Feature	City of Bacoor (Ordinance 496-2026)	National (GPPB Guidelines)
Primary Authority	City Mayor, upon certification by the City Engineer or Implementing Department (Section 8).	Head of the Procuring Entity (HOPE) (Section 3.1).
Standard Cost Limit	Projects up to 5,000,000 PHP (Section 5.1).	Projects up to 5,000,000 PHP (Section 3.3).





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Feature	City of Bacoor (Ordinance 496-2026)	National (GPPB Guidelines)
Emergency Exceptions	Allowed for natural calamities or imminent loss of life/property (Section 6.1.a).	Allowed for natural calamities or preventing loss of life/property (Section 3.3.a).
Bidding Failure	Allowed if the BAC fails to award a contract for valid cause (Section 6.1.c).	Allowed upon failure to award a contract after competitive bidding (Section 3.3.c).
Rescission/Termination	Allowed upon termination or rescission of a contract with a contractor (Section 6.1.d).	Allowed upon termination or rescission of a contract (Section 3.3.d).
Pakyaw System Limit	Not explicitly capped per group within the ordinance text (Section 6.14).	Maximum 500,000 PHP per pakyaw group per project (Section 5.0).
Labor Sourcing	Prioritizes skilled residents of Bacoor to provide local livelihoods (Section 2.5, 5.1).	Sourced from the vicinity or Barangay contiguous to the project site (Section 4.1).
Performance Penalty	Fine up to 5,000 PHP or imprisonment up to 1 year (Section 13).	Not specified in the guidelines; refers to RA 9184 and IRR (Section 3.6).
Negative Slippage	Suspension mandated if delay exceeds 15% (Section 6.12).	N/A

The case of *Tio v. People* (G.R. No. 230132, 19 January 2021) per CJ Peralta, First Division<sup>2</sup>, is also illuminating regarding the matter of implementation by administration.

In this case, the mayor and municipal accountant entered into a Memorandum Agreement with the province for a P 5,000,000.00 road concreting project where the municipality was tasked to implement the project by administration. The COA flagged the payment by the municipality for lack of VAT deduction and absence of supporting documents. The municipal BAC declared that they were unaware of the project and resigned en masse, however the project was later certified as 100% complete with plans.

An administrative complaint led to the filing of criminal charges against the mayor and the municipal accountant under Section 3 (e) of the Anti-Graft and Corrupt Practices Act for causing undue injury to the government. The accused in that case argued that the contract was exempt from public bidding under RA No. 8194 because the project was implemented by administration.

The People countered that the project was not validly exempt from public bidding considering the requirements for by administration were not met. The Sandiganbayan found the mayor and the municipal accountant guilty. When the case reached the Supreme Court affirmed the conviction.

The claim that the project was implemented by administration was rejected, as the requirements for such mode were not met. The Supreme Court relied on GPPB Resolution No. 016-2006 to determine the Conditions and Requirements for the use of "by administration":

*"In order for an infrastructure project to be undertaken by administration, the project must be included in the Annual*



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*Procurement Plan (APP). Under GPPB Resolution No. 20-2015, it cited Executive (EO) No. 662 series of 2007, as amended. EO No. 662, as amended, was the applicable law at the time when the road concreting project was perfected, and when purchase of construction materials and rent of construction equipment were undertaken by the Municipality. It prescribes the contents of the APP: (i) name of project/procurement; (ii) project management office or end-user unit; (iii) general description of the project/procurement; (iv) procurement methods to be adopted; (v) time schedule for each procurement activity; (vi) source of funds; and (vii) budgetary estimate.*

*The implementing agency (Municipality of Luna) must also have a track record of having completed, or supervised a project by administration or by contract, similar to and with a cost of at least fifty percent (50%) of the project on hand; and that the Municipality must own the tools and construction equipment to be used or have access to such tools and equipment owned by other government agencies. A prior authority from the Department of Public Works and Highways (DPWH) Secretary is also needed if the infrastructure project costs at least P5,000,000.00 to P20,000,000.00."*

It is humbly opined that the Section 3.3 of the *Guidelines for the Implementation of Infrastructure Projects By Administration* is crucial as this was likewise directly cited by the Supreme Court in the case of **Tio v. People**. To wit:

*"Any project costing Five Million (P 5,000,000) or less may be undertaken by administration or force account by the implementing agency concerned. A project costing over Five Million (P 5,000,000) may be undertaken by the agency concerned only in the following cases:*

- a. emergency arising from natural calamities or where immediate action is necessary to prevent imminent loss of life or property;*
- b. to comply with government commitments, as certified by the concerned government authority;*
- c. failure to award a contract after competitive bidding for a valid cause;*
- d. termination or rescission of contract;*
- e. areas with critical peace and order problems as certified by the Local Peace and Order Council;*

*PROVIDED, that prior authority shall be obtained from the Secretary of Public Works and Highways, if the project cost is Five Million (P5,000,000) up to Twenty Million (P20,000,000), or from the President of the Philippines, upon the favorable recommendation of the Secretary of Public Works and Highways, if the project cost is more than Twenty Million (P20,000,000)."*

On the other hand, the Implementing Rules and Regulations of Republic Act No. 12009 or the New Government Procurement Act<sup>3</sup> provides for only the following instances when implementation by administration is allowed:



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1. In the case of Infrastructure Projects, the Procuring Entity has the option to undertake the project through Negotiated Procurement or by Administration or, in high security risk areas, through the Armed Forces of the Philippines (AFP) only for emergency cases as enumerated in Section 35.2 of the IRR;
2. If the negotiation fails and there is no bidder left from the previous bidding or if the original awardee is a Single Calculated Responsive Bidder (SCRB) or Single Rated Responsive Bidder (SRRB), the Procuring Entity may opt to take over the contract by Administration or conduct another negotiation by inviting at least three (3) suppliers, contractors or consultants to submit their bids, or resort to any other appropriate mode of procurement, for Take-over of Contracts as defined in Section 35.3 of the IRR;
3. For Agency-to-Agency, in procurement, Infrastructure Projects, from another agency of the government which has the mandate and absorptive capacity to undertake the project, subject to the condition that the servicing agency must have a track record of having completed or supervised a project by Administration, similar to and with a cost of at least 50% of the project at hand and following the requisites enumerated in Section 35.5.1. of the IRR.

Further evaluation by the Office of the Provincial Legal Officer the proposed ordinance is in consonance with the provisions of the Constitution, the Local Government Code of 1991, and other pertinent laws.

Local Government Units (LGUs) are authorized to undertake infrastructure projects, including the repair and maintenance of public facilities, either through their own engineering offices ("by administration") or through private contractors. This authority arises from Republic Act No. 7160, particularly Section 17, which mandates LGUs to deliver basic services and infrastructure, and Section 22, which grants them the corporate powers necessary to implement such projects. However, all procurement related to infrastructure works is now governed primarily by Republic Act No. 12009, which replaced the earlier procurement law and established an updated framework applicable to national agencies, government corporations, and LGUs alike.

Under RA 12009, procurement must follow fundamental principles of transparency, competitiveness, efficiency, accountability, and sustainability, ensuring that infrastructure projects are implemented in a manner that promotes value for money and public oversight. Competitive bidding remains the general rule, but the law allows alternative procurement methods, such as negotiated procurement, small value procurement, and direct acquisition, under specific circumstances, including emergencies, failed biddings, and termination of existing contracts. These mechanisms are particularly relevant to LGUs, which frequently undertake urgent repair and rehabilitation works following calamities or infrastructure failure.

LGUs may still implement projects by administration when they possess the technical capability and when such mode is justified by efficiency or urgency. Even in such cases, they must comply with procurement planning requirements as required under RA 12009's strategic procurement planning provisions. The procurement of construction materials, equipment, and related services must still follow the appropriate procurement procedures prescribed by law.

When implementing nationally funded projects, LGUs must also observe the technical standards, plans, and specifications prescribed by the Department of Public Works and



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Highways, as well as fiscal controls under the annual General Appropriations Act. Funds transferred from the National Government are treated as trust funds and must be used solely for their intended purpose, consistent with Section 305 of RA 7160 on the proper use of public funds.

Lastly, LGUs remain responsible for the maintenance and preservation of infrastructure after completion and turnover, in accordance with the devolution framework of the Local Government Code. Read together, RA 7160 and RA 12009 establish a comprehensive system that allows LGUs to directly implement infrastructure works while ensuring that procurement processes, fund utilization, and technical standards remain transparent, accountable, and aligned with national policies.

The above-cited comments and/or recommendations are solely based on the documents and material facts forwarded to our office as of this writing. All information withheld or communicated thereafter should be considered as outside the scope of this review.

**CONCLUSION**

**WHEREFORE**, premises considered, this Committee recommend the **ADOPTION** of the Endorsement Letter No. 46 S. 26 from the Office of the Provincial Vice-Governor and Endorsement Letter from the Office of the Provincial Legal Officer rendered regarding the **City Ordinance No. 495-2026** from City of Bacoor, Cavite.

Respectfully submitted:

**COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURES**

  
**HON. JUAN YSMAEL R. GANDIA**  
Chair

  
**HON. JASMIN ANGELLI M. BAUTISTA**  
Vice-Chair

  
**HON. CAMILLE LAUREN V. DEL ROSARIO**  
Member

  
**HON. ARNEL M. CANTIMBUHAN**  
Member

  
**HON. JHON KESTER ALDRIN R. ANACAN**  
Member

  
**HON. NICKANOR M. AUSTRIA, JR.**  
Member

  
**HON. AEDE JOSELITO F. PAGULAYAN**  
Member



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EXCERPTS FROM THE MINUTES OF THE 37TH REGULAR SESSION OF THE 12TH SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON APRIL 13, 2026 AT THE SANGGUNIANG PANLALAWIGAN CONFERENCE ROOM, LEGISLATIVE BUILDING, NEW PROVINCIAL GOVERNMENT CENTER, TRECE MARTIRES CITY, CAVITE

PRESENT:

- Hon. Arnel M. Cantimbuhan
Hon. Romel R. Enriquez
Hon. Juan Ysmael R. Gandia
Hon. Lloyd Emman D. Jaro
Hon. Aidel Paul G. Belamide
Hon. Ivey Jayne A. Reyes
Hon. Kerby J. Salazar
Hon. Maurito C. Sison
Hon. Jhon Kester Aldrin R. Anacan
Hon. Camille Lauren V. del Rosario
Hon. Jasmin Angelli M. Bautista
Hon. Eimeren M. Nazareno
Hon. Edward R. Samala, Jr.
Pro-Tempore
Acting Majority Floor Leader
SP Member, 1st District
SP Member, 3rd District
SP Member, 5th District
SP Member, 5th District
SP Member, 6th District
SP Member, 6th District
SP Member, 7th District
SP Member, 7th District
SP Member, 8th District
SP Member, 8th District
CCL President

OFFICIAL BUSINESS:

- Hon. Ramon Vicente H. Bautista
Hon. Alde Joselito F. Pagulayan
Hon. Edwin E. Malvar
Hon. Nickanor N. Austria, Jr.
Hon. Rafael V. Paterno III
Hon. Chelsea Jillian G. Sarno
Vice Governor
Majority Floor Leader
SP Member, 2nd District
SP Member, 4th District
LNB Provincial Chapter President
SK Provincial Federation President

ABSENT:

None

RESOLUTION NO. 4736-2026

A RESOLUTION ADOPTING COMMITTEE REPORT NO. 506-12SP-2026 OF THE COMMITTEE ON PUBLIC WORKS AND INFRASTRUCTURES

WHEREAS, presented to the Honorable Members of the Sangguniang Panlalawigan, is Committee Report No. 506-12SP-2026, submitted by Hon. Juan Ysmael R. Gandia, Chair, Committee on Public Works and Infrastructures, pertaining to an ordinance from the City of Bacoor, entitled:

City Ordinance No. 496-2026 - An Ordinance Institutionalizing The Authority Of The City Government Of The City Of Bacoor, Cavite To Undertake Infrastructure, Repair, And Maintenance Projects By Administration, Providing A Policy Framework Prescribing Penal Sanctions, And For Other Purposes Incidental Thereto

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(Official Business)
HON. RAMON VICENTE H. BAUTISTA

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HON. RAFAEL V. PATERNO III

(Official Business)
HON. CHELSEA JILLIAN G. SARNO

Attested by:

MICHELLE F. ALCID
Provincial Board Secretary

Certified by:

HON. ARNEL M. CANTIMBUHAN
Pro-Tempore

Date Signed: April 20, 2026

Handwritten signature and stamp on the left margin.

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Page 2: EXCERPTS, 37<sup>th</sup> Regular Session  
April 13, 2026 Raso. No. 4736-2026

WHEREAS, after having been reviewed by the said Committee, the Office of the Provincial Vice Governor-Legislative and the Office of the Provincial Legal Officer, it was recommended that the legal opinion rendered be adopted by the Sangguniang Panlungsod of Bacoor:

*Based on the review conducted by the Office of the Provincial Vice Governor, the purpose of the ordinance is to institutionalize the implementation of infrastructure projects through the City Government under the City Engineering Office by administration.*

*The term "By administration" is defined under Section 5.1 of the ordinance as follows:*

*"5.1. 'By Administration' shall mean project implementation using City Government personnel, or skilled residents of Bacoor City, together with equipment and resources, without engaging external-contractors through competitive bidding." (Emphasis and underscoring supplied)*

*The definition of the term "By administration" departs from the definition issued by the Government Procurement Policy Board (GPPB) in its Guidelines for the Implementation of Infrastructure Projects By Administration<sup>1</sup>:*

*"By Administration" refers to the procedure by which the implementation of an infrastructure project is carried out under the administration and supervision of the concerned agency through its own personnel.*

*The substantial difference between the two terms pertains to the addition by the LGU of the phrase "without engaging external contractors through competitive bidding". The provision is vague considering that it may be read and misconstrued as if the implementation by administration means no competitive bidding at all. When in truth, by administration refers to the implementation of labor and equipment use while procurement of goods, materials, equipment rentals would necessarily require procurement compliance and posting/publication requirements that remain critical under public procurement policies.*

- over -

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Attested by:  
  
MICHELLE F. ALCID  
Provincial Board Secretary

Certified by:  
  
HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026

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Arnel M. Cantimbuhan  
Pro-Tempore





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April 13, 2026 Reso. No. 4736-2026

The table below summarizes the comparison between the subject ordinance and the GPPB guidelines mentioned:

Feature	City of Bacoor (Ordinance 496-2026)	National (GPPB Guidelines)
Primary Authority	City Mayor, upon certification by the City Engineer or Implementing Department (Section 8).	Head of the Procuring Entity (HOPE) (Section 3.1).
Standard Cost Limit	Projects up to 5,000,000 PHP (Section 6.1).	Projects up to 5,000,000 PHP (Section 3.3).
Emergency Exceptions	Allowed for natural calamities or imminent loss of life/property (Section 6.1.a).	Allowed for natural calamities or preventing loss of life/property (Section 3.3.a).
Bidding Failure	Allowed if the BAC fails to award a contract for valid cause (Section 6.1.c).	Allowed upon failure to award a contract after competitive bidding (Section 3.3.c).
Rescission/Termination	Allowed upon termination or rescission of a contract with a contractor (Section 6.1.d).	Allowed upon termination or rescission of a contract (Section 3.3.d).
Pakyaw System Limit	Not explicitly capped per group within the ordinance text (Section 6.14).	Maximum 500,000 PHP per pakyaw group per project (Section 5.0). ]
Labor Sourcing	Prioritizes skilled residents of Bacoor to provide local livelihoods (Section 2.5, 5.1).	Sourced from the vicinity or Barangay contiguous to the project site (Section 4.1).
Performance Penalty	Fine up to 5,000 PHP or imprisonment up to 1 year (Section 13).	Not specified in the guidelines; refers to RA 9184 and IRR (Section 3.6).
Negative Slippage	Suspension mandated if delay exceeds 15% (Section 6.12).	N/A

The case of *Tio v. People* (G.R. No. 230132, 19 January 2021) per CJ Peralta, First Division, is also illuminating regarding the matter of implementation by administration.

- o v e r -

(Official Business)  
HON. RAMON VICENTE H. BAUTISTA

HON. ROMEL R. ENRIQUEZ

(Official Business)  
HON. ALDE JOSELITO F. PAGULAYAN

HON. JUAN YSMAEL R. GANDIA

(Official Business)  
HON. EDWIN E. MALVAR

HON. LLOYD EMMAN D. JARO

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HON. JASMINE GELM. BAUTISTA

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HON. EDWARD R. SAMALA, JR.

(Official Business)  
HON. RAFAEL V. PATERNO III

(Official Business)  
HON. CHELSEA JILLIAN G. SARNO

Attested by:  
  
MICHELLE E. ALCID  
Provincial Board Secretary

Certified by:  
  
HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026





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Trece Martires City



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*In this case, the mayor and municipal accountant entered into a Memorandum of Agreement with the province for a P 5,000,000.00 road concreting project where the municipality was tasked to implement the project by administration. The COA flagged the payment by the municipality for lack of VAT deduction and absence of supporting documents. The municipal BAC declared that they were unaware of the project and resigned en masse, however the project was later certified as 100% complete with plans.*

*An administrative complaint led to the filing of criminal charges against the mayor and the municipal accountant under Section 3 (e) of the Anti-Graft and Corrupt Practices Act for causing undue injury to the government. The accused in that case argued that the contract was exempt from public bidding under R.A. No. 8194 because the project was implemented by administration.*

*The People countered that the project was not validly exempt from public bidding considering that the requirements for by administration were not met. The Sandiganbayan found the mayor and the municipal accountant guilty. When the case reached the Supreme Court, it affirmed the conviction.*

*The claim that the project was implemented by administration was rejected, as the requirements for such mode were not met. The Supreme Court relied on GPPB Resolution No. 018-2006 to determine the Conditions and Requirements for the use of "by administration":*

*"In order for an infrastructure project to be undertaken by administration, the project must be included in the Annual Procurement Plan (APP). Under GPPB Resolution No. 20-2015, it cited Executive Order (EO) No. 662 series of 2007, as amended. E.O. No. 662, as amended, was the applicable law at the time when the road concreting project was perfected, and when purchase of construction materials and rent of construction equipment were undertaken by the Municipality. It prescribes the contents of the APP: (i) name of project/procurement; (ii) project management office or end-user unit; (iii) general description of the project/procurement; (iv) procurement methods to be adopted; (v) time schedule for each procurement activity; (vi) source of funds; and (vii) budgetary estimate.*

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HON. RAFAEL V. PATERNO III

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HON. CHELSEA JILLIAN G. SARNO

Attested by:

MICHELLE P. ALCID  
Provincial Board Secretary

Certified by:

HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026

CERTIFIED TRUE COPY  
PWARIN N. BUITA  
Sec. 1 Secretary





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*The implementing agency (Municipality of Luna) must also have a track record of having completed, or supervised a project by administration or by contract, similar to and with a cost of at least fifty percent (50%) of the project on hand; and that the Municipality must own the tools and construction equipment to be used or have access to such tools and equipment owned by other government agencies. A prior authority from the Department of Public Works and Highways (DPWH) Secretary is also needed if the infrastructure project costs at least P5,000,000.00 to P20,000,000.00."*

*It is humbly opined that the Section 3.3 of the Guidelines for the Implementation of Infrastructure Projects By Administration is crucial as this was likewise directly cited by the Supreme Court in the case of Tio v. People. To wit:*

*"Any project costing Five Million (P5,000,000.00) or less may be undertaken by administration or force account by the implementing agency concerned. A project costing over Five Million (P5,000,000.00) may be undertaken by the agency concerned only in the following cases:*

- a. *emergency arising from natural calamities or where immediate action is necessary to prevent imminent loss of life or property;*
- b. *to comply with government commitments, as certified by the concerned government authority;*
- c. *failure to award a contract after competitive bidding for a valid cause;*
- d. *termination or rescission of contract;*
- e. *areas with critical peace and order problems as certified by the Local Peace and Order Council;*

*Provided, that prior authority shall be obtained from the Secretary of Public Works and Highways, if the project cost is Five Million (P5,000,000.00) up to Twenty Million (P20,000,000.00), or from the President of the Philippines, upon the favorable recommendation of the Secretary of Public Works and Highways, if the project cost is more than Twenty Million (P20,000,000.00)."*

- o v e r -

(Official Business)  
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(Official Business)  
HON. CHELSEA JILLIAN G. SARNO

Attested by:  
  
MICHELLE F. ALCID  
Provincial Board Secretary

Certified by:  
  
HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026

CERTIFIED TRUE COPY  
 Per   
 Provincial Board Secretary





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Province of Cavite  
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On the other hand, the Implementing Rules and Regulations of Republic Act No. 12009 or the New Government Procurement Act provides for only the following instances when implementation by administration is allowed:

1. In the case of Infrastructure Projects, the Procuring Entity has the option to undertake the project through Negotiated Procurement or by Administration or, in high security risk areas, through the Armed Forces of the Philippines (AFP) only for emergency cases as enumerated in Section 35.2 of the IRR;
2. If the negotiation fails and there is no bidder left from the previous bidding or if the original awardee is a Single Calculated Responsive Bidder (SCRB) or Single Rated Responsive Bidder (SRRB), the Procuring Entity may opt to take over the contract by Administration or conduct another negotiation by inviting at least three (3) suppliers, contractors or consultants to submit their bids, or resort to any other appropriate mode of procurement, for Take-over of Contracts as defined in Section 35.3 of the IRR;
3. For Agency-to-Agency, in procurement, Infrastructure Projects, from another agency of the government which has the mandate and absorptive capacity to undertake the project, subject to the condition that the servicing agency must have a track record of having completed or supervised a project by Administration, similar to and with a cost of at least 50% of the project at hand and following the requisites enumerated in Section 35.5.1. of the IRR.

Further evaluation by the Office of the Provincial Legal Officer reveals that the proposed ordinance is in consonance with the provisions of the Constitution, the Local Government Code of 1991, and other pertinent laws.

Local Government Units (LGUs) are authorized to undertake infrastructure projects, including the repair and maintenance of public facilities, either through their own engineering offices ("by administration") or through private contractors. This authority arises from Republic Act No. 7160, particularly Section 17, which mandates LGUs to deliver basic services and infrastructure, and Section 22, which grants them the corporate powers necessary to implement such projects. However, all procurement related to infrastructure works is now governed primarily by Republic Act No. 12009, which replaced the earlier procurement law and established an updated framework applicable to national agencies, government corporations, and LGUs alike.

- o v e r -

(Official Business)  
HON. RAMON VICENTE H. BAUTISTA

HON. ROMEL R. ENRIQUEZ

(Official Business)  
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HON. JUAN YSMAEL R. GANDIA

(Official Business)  
HON. EDWIN E. MALVAR

HON. LLOYD EMMAN D. JARO

(Official Business)  
HON. NICKANOR W. AUSTRIA, JR.

HON. AIDEL PAUL G. BELAMIDE

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HON. EDWARD R. SAMALA, JR.

(Official Business)  
HON. RAFAEL V. PATERNO III

(Official Business)  
HON. CHELSEA JILLIAN G. SARNO

Attested by:  
  
MICHELLE F. ALCID  
Provincial Board Secretary

Certified by:  
  
HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026

CERTIFIED TRUE COPY

Dwan N. Vizaya  
Board Secretary





Republic of the Philippines  
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*Under R.A. No. 12009, procurement must follow fundamental principles of transparency, competitiveness, efficiency, accountability, and sustainability, ensuring that infrastructure projects are implemented in a manner that promotes value for money and public oversight. Competitive bidding remains the general rule, but the law allows alternative procurement methods, such as negotiated procurement, small value procurement, and direct acquisition, under specific circumstances, including emergencies, failed biddings, and termination of existing contracts. These mechanisms are particularly relevant to LGUs, which frequently undertake urgent repair and rehabilitation works following calamities or infrastructure failure.*

*LGUs may still implement projects by administration when they possess the technical capability and when such mode is justified by efficiency or urgency. Even in such cases, they must comply with procurement planning requirements as required under RA 12009's strategic procurement planning provisions. The procurement of construction materials, equipment, and related services must still follow the appropriate procurement procedures prescribed by law.*

*When implementing nationally funded projects, LGUs must also observe the technical standards, plans, and specifications prescribed by the Department of Public Works and Highways, as well as fiscal controls under the annual General Appropriations Act. Funds transferred from the National Government are treated as trust funds and must be used solely for their intended purpose, consistent with Section 305 of RA 7160 on the proper use of public funds.*

*Lastly, LGUs remain responsible for the maintenance and preservation of infrastructure after completion and turnover, in accordance with the devolution framework of the Local Government Code. Read together, R.A. No. 7160 and R.A. No. 12009 establish a comprehensive system that allows LGUs to directly implement infrastructure works while ensuring that procurement processes, fund utilization, and technical standards remain transparent, accountable, and aligned with national policies.*

*The above-cited comments and/or recommendations are solely based on the documents and material facts forwarded to our office as of this writing. All information withheld or communicated thereafter should be considered as outside the scope of this review.*

- over -

(Official Business)

HON. RAMON VICENTE H. BAUTISTA

HON. ROMEL R. ENRIQUEZ

(Official Business)

HON. ALDE JOSELITO F. PAGULAYAN

HON. JUAN YSMAEL R. GANDIA

(Official Business)

HON. EDWIN. E. MAIYAR

HON. LLOYD EMMAN D. JARO

(Official Business)

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(Official Business)

HON. RAFAEL V. PATERNO III

(Official Business)

HON. CHELSEA JILLIAN G. SARNO

Attested by:

MICHELLE F. ALCID  
Provincial Board Secretary

Certified by:

HON. ARNEL M. CANTIMBUHAN  
Pro-Tempore

Date Signed: April 20, 2026

CERTIFIED TRUE COPY

Arnel M. Cantimbuhan  
Social Services Officer



Republic of the Philippines  
Province of Cavite  
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Trece Martires City



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NOW, THEREFORE, on motion of Hon. Gandia, duly seconded by Hon. Enriquez and unanimously approved by the Sangguniang Panlalawigan Members present, be it **RESOLVED, AS IT IS HEREBY RESOLVED**, that Committee Report No. 506-12SP-2026 of the Committee on Public Works and Infrastructures be adopted, and that the legal opinion rendered on City Ordinance No. 496-2026 be adopted by the Sangguniang Panlungsod of Bacoor;

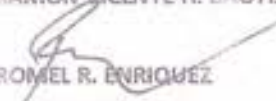
**UNANIMOUSLY APPROVED.**

I hereby attest that the foregoing resolution was duly passed by the 12<sup>th</sup> Sangguniang Panlalawigan of Cavite during its 37<sup>th</sup> Regular Session held on April 13, 2026.

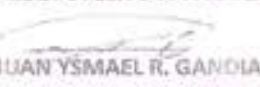
  
**MICHELLE F. ALCID**  
Provincial Board Secretary

MFA/jnc/spj

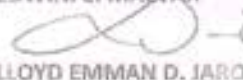
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HON. ROMEL R. ENRIQUEZ

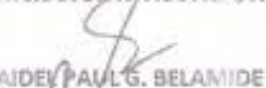
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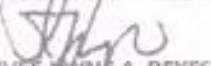
  
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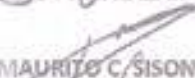
  
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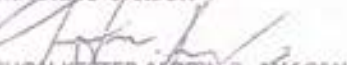
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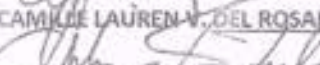
  
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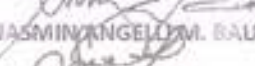
  
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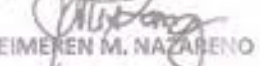
  
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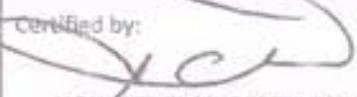
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HON. CHELSEA JILLIAN G. SARNO

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Attested by:  
  
**MICHELLE F. ALCID**  
Provincial Board Secretary

Certified by:  
  
**HON. ARNEL M. CANTIBUHAN**  
Pro-Tempore

Date Signed: April 20, 2026

CERTIFIED TRUE COPY  
  
DINA C. BUITA  
Bacoor, Cavite

