



JOINT ADMINISTRATIVE ORDER NO. 01
Series of 2022

Strengthening Joint Administrative Order No. 01 Series of 2011

WHEREAS, the parties to the Joint Administrative Order (JAO) No. 01, Series of 2011 are the following: 1) Department of Trade and Industry – through the Construction Industry Authority of the Philippines (DTI-CIAP) and its Implementing Boards— Philippine Contractors Accreditation Board (PCAB), and Construction Manpower Development Foundation (CMDF); 2) Department of Labor and Employment (DOLE); 3) Department of Public Works and Highways (DPWH); 4) Department of the Interior and Local Government (DILG); and the 5) Professional Regulation Commission (PRC);

WHEREAS, JAO No. 01, s. 2011 covers the commitments, agreements and responsibilities among the collaborating agencies, to include other related programs and activities with the end in view of ensuring proper coordination and harmonization of policies and programs to ensure safety and health of workers in the construction industry;

WHEREAS, in line with the standards and guidelines issued by the Inter-Agency Task Force (IATF) on Emerging Infectious Diseases (EID) and the Department of Health (DOH) during public health emergency, and to further strengthen coordination and linkages between and among government agencies the DOLE, DPWH, DTI, DILG and DOH, where CIAP through one of its implementing boards, the Philippine Domestic Construction Board (PDCB), initiated their view of the existing JAO No. 01, s. 2011 and its possible strengthening;

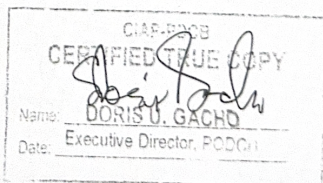
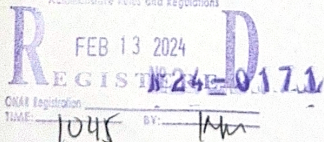
WHEREAS, the PDCB invited the parties of JAO No. 01, s. 2011 to discuss its action plans or ways to protect and promote the welfare of construction workers at all times, especially during public health emergency on 4 February 2021;

WHEREAS, during the meeting, it was agreed to revive the Technical Working Group (TWG) and invite other agencies such as Union of Local Authorities of the Philippines (ULAP) and DILG – Bureau of Local Government Supervision (BLGS) to be a member and Department of Health (DOH) as resource agency;

WHEREAS, during the meeting on 26 February 2021, member agencies agreed to include DTI – Fair Trade Enforcement Bureau (FTEB), which oversees the overall implementation of trade and consumer protection laws to be a member of the TWG;

WHEREAS, during the CIAP Board meeting on 26 October 2021, it was agreed to include the Department of Transportation (DOTr), the primary policy, planning, programming, coordinating, implementing and administrative entity of the executive branch of the government on the promotion, development and regulation of a dependable and coordinated network of transportation systems, as well as in the fast, safe, efficient and reliable transportation services, to be a member of the TWG; and

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Administrative Rules and Regulations



WHEREAS, to safeguard the welfare of construction workers at all times, especially during the period of public health emergency, strengthening the JAO No. 01, s. 2011 is hereby promulgated.

NOW, THEREFORE, this Order is hereby prescribed by the undersigned Departments for the information, guidance and compliance of all concerned:

Section 1: Objective

The main objective of this Joint Administrative Order is to promote the welfare of construction workers at all times, especially during periods of public health emergencies to ensure compliance with prevailing standards and guidelines issued by authorities.

Section 2: Scope

This JAO shall cover the responsibilities of all participating and concerned agencies in accordance with the above-stated objective. Further, existing related programs, activities, and functions already implemented prior to the approval of this JAO shall remain aligned and adopted for purposes hereof and be deemed supplementary in character.

Section 3: Responsibilities of Member Agencies

The member agencies of this Guideline shall promote to all contractors the compliance with the laws/orders, policies, and applicable guidelines on health and safety standards and have the following responsibilities:

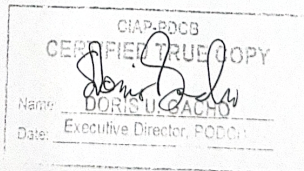
3.1 The Department of Trade and Industry (DTI) – Construction Industry Authority of the Philippines, through the following Boards shall -

3.1.1 The Construction Manpower Development Foundation (CMDF) shall:

- 3.1.1.1 Assist the DOLE-BWC and the Occupational Safety and Health Center (OSHC) in the development of a comprehensive construction safety and health training course; and
- 3.1.1.2 Continue to enhance the programs on safety and health orientation course for Authorized Managing Officers (AMOs) and for construction workers.

3.1.2 The Philippine Domestic Construction Board (PDCB) shall:

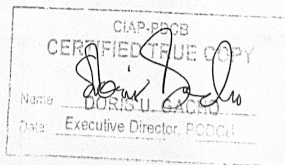
- 3.1.2.1 Disseminate information to contractors and/or professional/trade associations the execution and existence of the JAO for the welfare of construction workers at all times, especially during the period of public health emergency;



- 3.1.2.2 Develop rules and regulations, policies, monitoring tool and remind all concerned agencies on the performance and implementation of this JAO; and
- 3.1.2.3 Consolidate all directories submitted by the DOLE - BWC, DPWH, DILG – Office of Project Development Services (OPDS) & BLGS and DOTr and distribute the same to JAO member agencies annually or as often as necessary.
- 3.1.3 The Philippine Contractors Accreditation Board (PCAB) shall:
- 3.1.3.1 Enhance the program of instilling a culture of safety among contractors and improve and update the safety and health orientation course for AMOs of contractors to include all laws/orders, policies, and guidelines on health and safety standards on public health emergency control and prevention, as part of the requirements for the issuance of a contractor's license;
- 3.1.3.2 Act, investigate, file and hear the appropriate charges with corresponding penalties all reported violations of the safety standards rules and regulations and other pertinent policies set forth in this JAO committed by contractors, subcontractors, or specialty contractors pursuant to Sections 3.2.4 and 3.3.3 of this JAO; and
- 3.1.3.3 Ensure that all its registered contractors comply with the DTI-CIAP Construction Guidelines for Project Implementation during the Period of Public Health Emergency, DPWH D.O. 30, s. 2021, and other related laws, policies, guidelines and guiding principles on the implementation of safety and health of construction workers.

3.2 The Department of Labor and Employment (DOLE) shall -

- 3.2.1 Develop labor and employment standards, including occupational safety and health issuances specific to the construction industry;
- 3.2.2 Enforce through labor inspection, in all construction sites and projects, the labor standards and OSH standards including all protocols on emergency, disaster and pandemics as required by government regulatory authorities through its regional offices and issue the necessary Notice of Results.
- 3.2.3 Notify and coordinate with concerned JAO member agency/ies of cases involving imminent danger situations or Work Stoppage Order (WSO) issued by the Regional Director under existing relevant labor laws and issuances;



- 3.2.4 Ensure that all contractors/subcontractors submit an updated Construction Safety and Health Program (CSHP), to include a Pandemic Control Plan in accordance with the requirements of DOLE D.O. 198 and the Occupational Safety and Health Standards;
- 3.2.5 Prescribe the required trainings, seminars, orientation for construction personnel including contractors, subcontractors and their employees/workers;
- 3.2.6 Develop and institutionalize data management system of all construction workers and contractors that have undergone construction safety and health seminar conducted by the Occupational Safety and Health Center or DOLE Accredited Safety Training Organizations as basis for continuing policy formulation and program development;
- 3.2.7 Refer via a Memorandum Report or Endorsement its findings, and recommendations to CIAP-PCAB for acts and omissions committed by contractors/subcontractors in violation of the safety standards rules and regulations and other pertinent policies hereto set by this JAO on a monthly basis; and
- 3.2.8 Update regularly directory of DOLE – Regional Offices and submit to DTI-CIAP-PDCB for consolidation and distribution to JAO member agencies annually or as often as necessary.

3.3 The Department of Public Works and Highways (DPWH) shall -

- 3.3.1 Issue a Memorandum Circular (MC) directing the Building Officials of LGUs to gather and collate DOLE-approved CSHP and Pandemic Control Plan, and ensure that all contractors / sub-contractors have PCAB license prior to the issuance of construction permits. Likewise, submit list of projects to be implemented within the year to the DOLE's regional offices every first quarter and update regularly and ensure that a provision for an emergency plan is included in the submission of CSHP, in case of disasters and/or calamities;
- 3.3.2 Monitor strict implementation and compliance with all laws/orders, policies, and guidelines on OSHS with public health emergency protocols;
- 3.3.3 Refer via a memorandum report or endorsement all apparent violations of the safety standards rules and regulations and other pertinent policies set forth in this JAO committed by contractors, subcontractors, or specialty contractors to CIAP-PCAB on a monthly basis; and
- 3.3.4 Update regularly directory of DPWH – Regional and District Offices and submit to DTI-CIAP-PDCB for consolidation and distribution to JAO member agencies annually or as often as necessary.

3.4 The Department of the Interior and Local Government (DILG) shall –

CIAP-PCAB
CERTIFIED TRUE COPY

Doris U. Gacho
Name: DORIS U. GACHO
Date: Executive Director, PDCB

- 3.4.1 Issue a Memorandum Circular / Advisory to LGUs reiterating the issuance of the DPWH to gather and collate of DOLE-approved CSHP and Pandemic Control Plan, prior to the issuance of construction permits. Likewise, submit list of projects to be implemented within the year to the DOLE's regional offices every first quarter and update regularly and ensure that a provision for an emergency plan is included in the submission of CSHP, in case of disasters and/or calamities;
- 3.4.2 Issue a Memorandum Circular / Advisory to LGUs requiring all contractors and sub-contractors to have PCAB license prior to the issuance of business and building permits;
- 3.4.3 Issue a Memorandum Circular / Advisory to LGUs to observe strict compliance with the DTI-CIAP Construction Guidelines for Project Implementation During the Period of Public Health Emergency and DPWH D.O. 30, s. 2021 and all laws/orders, policies;
- 3.4.4 Formulate plans, policies and programs on harmonizing the different safety and health protocols amongst LGUs during the period of public health emergency and establish a system of coordination and cooperation to ensure effective and efficient delivery of basic services to the public including construction professionals and workers who are commuting to and from work;
- 3.4.5 Assist LGUs to coordinate with/refer to the proper authorities/agencies, including the CIAP-PCAB, any reported case/incidence of public health emergency and/or violations committed by the contractors, subcontractors, or specialty contractors; and
- 3.4.6 Update regularly directory of DILG – Regional, Provincial and Municipal Offices and submit to DTI-CIAP-PDCB for consolidation and distribution to JAO member agencies annually or as often as necessary.

3.5 The Department of Transportation (DOTr) shall -

- 3.5.1 Issue a Department Order (DO) / Memorandum Circular (MC) to attached sectors (Aviation, Maritime, Railways and Road) to comply with the DOLE-approved CSHP and Pandemic Control Plan and submit to DOTr. Likewise, submit list of projects to be implemented within the year to DOTr every first quarter and update regularly and ensure that a provision for an emergency plan is included in the submission of CSHP, in case of disasters and/or calamities;
- 3.5.2 Issue Memorandum Circular / Advisory to attached sectors (Aviation, Maritime, Railways and Road) to observe strict compliance with the DTI-CIAP Construction Guidelines for Project Implementation During the Period of Public Health Emergency and DPWH D.O. 30, s. 2021 and all laws/orders, policies;



- 3.5.3 Formulate plans, policies and programs on harmonizing the different safety and health protocols amongst the DOTr and its attached sectors (Aviation, Maritime, Railways and Road) during the period of public health emergency and establish a system of coordination and cooperation to ensure effective and efficient delivery of basic services to the public including construction professionals and workers who are commuting to and from work;
- 3.5.4 Assist the attached sectors (Aviation, Maritime, Railways and Road) to coordinate with/refer to the proper authorities/agencies, including the CIAP-PCAB, any reported case/incidence of public health emergency and/or violations committed by the contractors, subcontractors, or specialty contractors; and
- 3.5.5 Update regularly directory of the DOTr and its attached sectors (Aviation, Maritime, Railways and Road) Offices and submit to DTI-CIAP-PDCB for consolidation and distribution to JAO member agencies annually or as often as necessary.

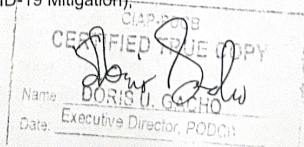
Section 4. Close Coordination with Other Non-Government Agencies

The foregoing agencies are encouraged to coordinate with non-government agencies like the **Union of Local Authorities of the Philippines (ULAP)** and other relevant associations or organizations in furtherance of the objective of this JAO.

Section 5: References and Related Laws, Policies, Guidelines and Guiding Principles

For purposes of this JAO, all safety and health related laws, policies, guidelines and guiding principles including but not limited to the following shall apply:

- 5.1 Republic Act No. 11058 (An Act Strengthening Compliance with Occupational Safety and Health Standards and Providing Penalties for Violations Thereof) and its Implementing Rules and Regulations (DOLE Department Order No. 198, Series of 2018);
- 5.2 DTI-CIAP Construction Guidelines for Project Implementation during the Period of Public Health Emergency, which sets key principles and minimum requirements for responsible, healthy and safe operations related to construction during COVID-19 pandemic ensuring survival of business as well as protection of workers under COVID-19 pandemic;
- 5.3 DTI-DOLE Interim Guidelines on Workplace Prevention and Control of COVID-19;
- 5.4 DOH Department Memorandum No. 2020-0220 (Interim Guidelines on the Return-to-Work);
- 5.5 DOH Administrative Order 2020-0015 (Guidelines on the Risk-Based Public Health Standards for COVID-19 Mitigation);



- 5.6 DILG Memorandum Circulars 2004-65, 2004-65A and 2008-113 on Civil Applications Systems, requiring Local Government Units to ensure that all contractors, subcontractors and specialty contractors are to secure first a license from PCAB prior to the granting of business permit to engage in construction business;
- 5.7 Republic Act No. 4566 (Contractors License Law), Presidential Decree No. 1746 (Creating the Construction Industry Authority of the Philippines) and other applicable trade and industry laws, rules and regulations;
- 5.8 Republic Act No. 9184 (The Government Procurement Reform Act) and its revised Implementing Rules and Regulations, specifically Section 12 Annex E on the implementation of Constructors' Performance Evaluation System (CPES);
- 5.9 DPWH Department Order No. 30 series of 2021 (Revised Construction Safety Guidelines for the Implementation of Infrastructure Projects During the COVID-19 Public Health Crisis, Amending Department Order No. 39, Series of 2020);
- 5.10 DPWH Department Order No. 56 series of 2005 (Guidelines for the Implementation of DOLE D.O. No. 13, series of 1998, On Occupational Safety and Health in the Construction Industry); and
- 5.11 Republic Act No. 11032 series of 2018, "An act promoting ease of doing business and efficient delivery of government services, amending for the purpose Republic Act No. 9485, otherwise known as the Anti-Red Tape Act of 2007, and for other purposes".

Section 6: Procedure and Penalties

Failure or refusal to comply with this JAO shall be deemed willful when done deliberately and intentionally and shall be processed in accordance with the following procedure:

- 6.1 An employer, contractor or subcontractor reported to have committed a violation of the laws and rules mentioned herein shall be referred to the CIAP-PCAB, which shall constitute as prima facie case of construction malperformance of grave consequence due to negligence, incompetence, or malpractice as contemplated under CIAP-PDCB Construction Guidelines and DPWH D.O. No. 56, Series of 2005 in relation to Republic Act No. 4566 (Contractors' License Law).
- 6.2 On violations on occupational safety and health standards (OSHS), the imposition of penalty shall be based on Section 29 of DOLE Department Order No. 198 Series of 2018 and after due notice and hearing as provided in DOLE Department Order 183 Series of 2017 on the Revised Rules on the Administration and Enforcement of Labor Laws pursuant to Article 128 of the Labor Code, as Renumbered;



- 6.3 The penalties imposed shall be based on existing and applicable laws. This is without prejudice to the filing of a criminal or civil case in the regular courts, as the case may be. Fines herein imposed shall be without prejudice to the fines imposable by other appropriate government agencies; and
- 6.4 The PCAB shall, after due notice and hearing, impose the appropriate administrative fines taking into consideration the damage or injury caused and risk involved including the severity and frequency of the violations and size of the establishment.

Section 7: Continued Implementation of Projects

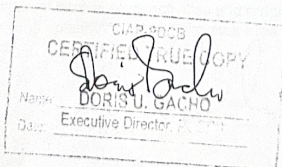
The Contract and project implementation of the Contractor/Subcontractor shall be resumed and finished, notwithstanding the administrative case against it. Provided, however, the contractor undertakes to do corrective actions.

Section 8: Enforcement of Case Resolutions.

Implementation of case resolutions shall be in accordance with the following:

- 8.1 All Board resolutions shall be immediately executory;
- 8.2 All Resolutions issued to licensed and unlicensed contractors/subcontractors by PCAB, may, upon PCAB's request, be executed/implemented by the DOLE, LGUs, DILG, DPWH, and DOTr. PCAB shall be in-charge of the monitoring of the implementation of the Resolutions on any case resulting to the violation of this JAO;
- 8.3 PCAB shall inform the JAO No. 01, s. 2022 member agencies of the result of its resolution and shall ensure that the same is implemented;
- 8.4 Member agencies shall oversee and supervise the execution of the penalties imposed/given and submit to PDCB the list of issued resolutions with penalties, numbers of pending cases, numbers of reprimanded and reported contractors on a monthly basis; and
- 8.5 PDCB shall give the agencies a quarterly report on the status of the implementation of this JAO, including:
- 8.5.1. Implementation of the resolutions with penalties;
 - 8.5.2. Number of contractors reprimanded;
 - 8.5.3. Number of cases pending; and
 - 8.5.4. Number of contractors reported by: 1) DPWH; 2) DILG-OPDS & BLGS; 3) DOLE; 4) DOTr; and 5) ULAP.

In addition, fifteen (15) days shall be given to respondents to file a Motion for Reconsideration (MR) upon receipt of the CIAP-PCAB resolution. MR shall only be applied to fines and other penalties. It shall not apply to violation of medical protocols intended for the welfare of employees.



Section 9: Inter-Agency Construction Task Force

An Inter-Agency Construction Task Force shall be established, with the following composition and functions:

Lead : DTI-CIAP-PDCB
Members : DOLE-BWC
DPWH
DILG-OPDS
DILG-BLGS
DOTr
DTI-FTEB
DTI-CIAP-PCAB
DTI-CIAP-CMDF
NGO such as ULAP.

- 9.1 The concerned agencies shall designate at least two (2) representatives (regular and alternate) as members of the said task force;
- 9.2 It shall formulate and recommend policies and measures for the effective implementation of the JAO;
- 9.3 It shall develop the guidelines, rules and procedure for the implementation of the JAO with the prescribed Memorandum Reports and Endorsement forms and handling of complaints and reports; and
- 9.4 It shall conduct random and/or special joint operations to ensure effective implementation of this JAO.

Section 10: Inter-Agency Action Plan

The DTI-CIAP, through the PDCB, in coordination with the concerned agencies, shall be responsible for the development of an inter-agency action plan and shall act as the coordinating office relative to the inter-agency activities. The PDCB shall likewise provide administrative support as may be needed to ensure the implementation of the inter-agency programs and activities.

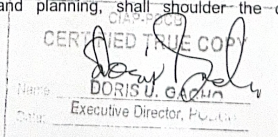
Likewise, a monitoring and evaluation scheme shall be developed for the integration of agency outputs and activities.

There shall be a periodic review of action plans to conform with recent developments in the construction industry.

Capacity building activities shall be undertaken as may be necessary, by JAO member agencies to ensure familiarization and equip members with knowledge to implement this JAO.

Section 11: Funding Requirement

In order to ensure the implementation of inter-agency activities and programs, member agencies through consultation and planning, shall shoulder the cost of the



implementation of activities and programs under their mandate while PDCB shall sponsor inter-agency meetings and administrative or miscellaneous expenses related to random and/or special joint operations.

Section 12: Separability Clause

In the event that any provision of this JAO is declared unconstitutional or invalid, the validity of the other provisions shall not be affected by such declaration.

Section 13: Repealing Clause

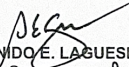
All provisions of related rules and regulations not consistent with this JAO are hereby repealed or amended accordingly.

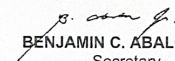
Section 14: Effectivity

This Joint Administrative Order shall take effect fifteen (15) days from publication thereof and submission of a copy thereof to the Office of the National Administrative Register (ONAR) of the University of the Philippines.

Issued this _____ day of _____ 20__ in Makati City, Philippines.

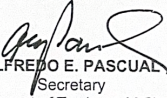


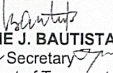

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