



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
1100 Quezon City

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November 12, 2021

MEMORANDUM

FOR : MYER G. MULA, Ph.D.
Program Director, Special Area for Agricultural Development

FROM : DA LEGAL SERVICE

**SUBJECT : REQUEST FOR LEGAL CLEARANCE ON THE VALIDITY OF SAAD AS
LOCALLY FUNDED PROJECT AND AS A SPECIAL PROJECT OF THE
DEPARTMENT OF AGRICULTURE**

We received your request for legal clearance on the above subject.

In our virtual meeting last November 5, 2021, our questions¹ in our Legal Opinion dated October 21, 2021 were answered in the affirmative which meets the requirements of the Guidelines² definition of what a special project is – a ***“duly authorized inter-office or intra-office undertaking of a composite group of government officials and employees which is not among the regular and permanent functions of their respective agencies. Such undertaking may be locally funded or foreign-assisted, reform oriented or developmental in nature and is contributory to the improvement of service delivery and enhancement of the performance of the core functions of an agency or member agencies.”*** [Emphasis supplied]

As mentioned in our legal opinion, a special project plan should be *“prepared in consultation with all personnel assigned to a project and approved by the department/agency/lead agency head,”* containing the following:

- 1) *title of the project;*
- 2) *objectives of the project, including the benefits to be derived therefrom;*
- 3) *outputs or deliverables per project component;*

¹ Does SAAD have approved plan of activities for its special project, which is the basis of the grant of honoraria?
Does it have target accomplishment and deliverables to support the grant of incentives?
Does it have authority to grant additional allowances, incentives, or compensation?

² DBM-Budget Circular No. 2007-2 “Guidelines on the Grant of Honoraria Due to Assignment in Government Special Projects”.

- 4) *project timetable;*
- 5) *skills and expertise required;*
- 6) *personnel assigned to the project and the duties and responsibilities of each;*
- 7) *expected deliverables per personnel assigned to the project per project component at specified timeframes; and*
- 8) *cost by project component, including the estimated cost for honoraria for each personnel based on man-hours to be spent in the project beyond the regular work hours; personnel efficiency should be a prime consideration in determining the man-hours required.*³

On the payment of honorarium, it is mandatory that payment is made **only upon completion and acceptance by the agency head of the deliverable per project component.** [Emphasis supplied]⁴

Again, we wish to emphasize the other requirements of Republic Act (RA) No. 9524, Section 46(e)(i); and RA No. 9970, Section 49(e)(i) on special project, to wit:

- a) *additional work (over and above the regular workload of personnel);*
- b) *reform-oriented or developmental*⁵;
- c) *specific timeframes and deliveries for accomplishing objectives and milestones set by the agency for the year; x x x.*⁶

We recommend that the foregoing requirements (of the laws) be strictly and completely complied with by the officers of the SAAD.

We do hope we have addressed your concerns. Should you have any additional inquiries, please feel free to inform our Office.


ATTY. ARMANDO R. CROBALDE, JR.
 OIC-Director

³ Paragraph 4.3 of DBM Circular No. 2007-2

⁴ Paragraph 4.5 of DBM Circular No. 2007-2

⁵ It contributes to the improvement of service delivery and enhancement of the performance of the core functions of the agency.

⁶ Republic Act (RA) No. 9524, Section 46(e)(i); and RA No. 9970, Section 49(e)(i).