



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
Intramuros, Manila



Certificate No.: AJA15-0048
Central Records

31 MAR 2017
4:52
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MEMORANDUM

TO : ALL REGIONAL DIRECTORS

SUBJECT : UNIFORM IMPLEMENTATION OF DEPARTMENT ORDER NO. 174, SERIES OF 2017

DATE : 31 March 2017

To ensure the uniform implementation of Department Order No. 174, Series of 2017, or the Rules Implementing Articles 106 to 109 of the Labor Code, as amended, please be guided by the following:

1. Effectivity of D.O. No. 174, Series of 2017

D.O. No. 174, Series of 2017 shall take effect on 03 April 2017. Henceforth, all contracting and subcontracting arrangements shall be governed by D.O. No. 174, Series of 2017.

2. Effect of D.O. No. 174, Series of 2017 to D.O. No. 162, series of 2016

D.O. No. 162, Series of 2016, which suspends the registration of new applicants as contractors or subcontractors under D.O. No. 18-A, is effectively lifted upon the effectivity of D.O. No. 174, Series of 2017.

New application for registration shall be processed in accordance with the provisions of D.O. No. 174, Series of 2017.

3. Effect of D.O. No. 174, Series of 2017 to Existing Certificate of Registration of Contractors and Subcontractors under D.O. No. 18-A, Series of 2011

Existing Certificate of Registration of Contractors and Subcontractors under D. O. No. 18-A, Series of 2011 shall remain valid until its expiration. Contractors and Subcontractors registered under D. O. No. 18-A, Series of 2011 need not yet file an application for renewal of registration under D.O. No. 174, Series of 2017.

4. Pending Application for Renewal of Certificate of Registration Under Department Order No. 18-A, Series of 2011

Pending application for renewal of Certificate of Registration under D.O. No. 18-A filed before the effectivity of D.O. No. 174, Series of 2017 shall be processed in accordance with the provisions of D.O. No. 18-A, Series of 2011.

Application for renewal filed before the effectivity of D.O. No. 174, Series of 2017 by contractors or subcontractors whose Certificate of Registration under D.O. No. 18-A has not yet expired or is not yet expiring pursuant to Section 21, D.O. No. 18-A shall be denied.

4. Effect of D.O. No. 174, Series of 2017 on Existing Service Agreement and Employment Contract

Contracts and agreements executed under D.O. No. 18-A, Series of 2011 shall not be impaired or diminished consistent with the provisions of the Labor Code, the Civil Code and existing jurisprudence. Thus, rights, benefits and obligations of parties to an existing Service Agreement or Employment Contract under D.O. No. 18-A, series of 2011 shall be respected until its expiration.

5. Effect of D.O. No. 174, Series of 2017 on Pending Labor Standards Cases and Cancellation of Registration

D.O. No. 174, Series of 2017, has no retroactive effect on cases pending before its effectivity. Thus, resolution of said cases shall be governed by the applicable provisions of D.O. No. 18-A, Series of 2011.

6. Publication of the List of Contractors/Subcontractors with Expiring and Expired Registration in the Region.

All Regional Offices are directed to publish a notice to the public of contractors/subcontractors with expired or expiring registration based on the Registry of Legitimate Contractors/Subcontractors/Service Providers in the Region. Contractors/Subcontractors with expired registration are directed to cease and desist from engaging in contracting/subcontracting activities while those with expiring registration are directed to renew their Certificate of Registration at least 30 days before expiration. The notice to be published should include the following information:

- Name or business name of the contractor/subcontractor and the registered place of business;
- Name/s of the owner/s or proprietor/s for sole proprietorship; and
- Name of the President, General Manager or Chief Executive Officer in the case of corporation, partnership or cooperative.

The notice should also state that pursuant to Section 20 of D.O. No. 174, Series of 2017, subcontractor/contractor operating in a region other than where it is registered should obtain a duly authenticated copy of its Certificate of Registration from the registering DOLE Regional Office, and submit the same, together with a copy of the Service Agreement, to the Regional Office where it is operating for inclusion in the Registry of Legitimate Contractors/Subcontractors/Service Providers in the Region.

7. Pending Application for Renewal of Certificate of Registration and Pending Labor Standards Cases and Cancellation of Registration

All application for renewal of Certificate of Registration, labor standards cases, and cancellation of registration which are still pending shall be resolved without further delay.

For guidance and strict compliance.


SILVESTRE BELLO III
Secretary