



MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

MEMORANDUM ORDER NO. 51

**GRANTING AUTHORITY TO MAKE ADVANCE PAYMENTS FOR THE
PROCUREMENT OF COVID-19 VACCINES, PRESCRIBING
CONDITIONS THEREFOR, AND FOR OTHER PURPOSES**

WHEREAS, Section 15, Article II of the Constitution declares it a policy of the State to protect and promote the right to health of the people;

WHEREAS, Section 11, Article XIII of the Constitution provides that the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all people at affordable cost;

WHEREAS, Proclamation No. 922, s. 2020, declared a state of public health emergency throughout the country due to the COVID-19 disease;

WHEREAS, Proclamation No. 929, s. 2020, declared a state of calamity throughout the Philippines due to the COVID-19 disease, which declaration was extended by Proclamation No. 1021 (s. 2020) until 12 September 2021;

WHEREAS, Section 16 of Republic Act No. 7160 or the Local Government Code of 1991 provides that every local government unit (LGU) shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, Section 338 of the Local Government Code of 1991 prohibits LGUs from making payments on account of any contract under which no services have been rendered or goods have been delivered;

WHEREAS, Presidential Decree No. 1445, s. 1978, or the Government Auditing Code of the Philippines, prohibits advance payments for services not yet rendered or for supplies and materials not yet delivered under any contract therefor, except with prior approval of the President;

WHEREAS, under procurement laws and rules, government agencies including LGUs are currently authorized to make advance payments in an amount not exceeding fifteen percent (15%) of the contract amount in view of the existing State of Calamity, and beyond said limit if with prior approval from the President;

WHEREAS, the immediate access to and early procurement of COVID-19 vaccines is instrumental in the government's fight against the COVID-19 pandemic;

THE PRESIDENT OF THE PHILIPPINES

WHEREAS, the Presidential Adviser on Peace, Reconciliation and Unity, having been earlier designated as Chief Implementer of the Philippines' declared policy against COVID-19 (Chief Implementer), was vested with the additional function of leading the implementation of the country's COVID-19 vaccination program; and

WHEREAS, there is a need to capacitate the LGUs to procure COVID-19 vaccines to supplement the national government's COVID-19 vaccination program and to make these vaccines available to more people;

NOW THEREFORE, I, RODRIGO ROA DUTERTE, President of the Republic of the Philippines, by virtue of the powers vested in me by the Constitution and existing laws, do hereby order:

Section 1. Authority to Make Advance Payments. The National Task Force against COVID-19 (NTF) and the Department of Health are hereby authorized to make advance payments exceeding fifteen percent (15%) of the total contract amount for the procurement of COVID-19 vaccines.

LGUs that are allowed to procure COVID-19 vaccines under existing laws and issuances, including those relevant to Emergency Use Authorizations, may also make advance payments exceeding the above-stated 15% limit, provided they are authorized to do so by the Chief Implementer, subject to the criteria and limits to be established by the NTF and the Department of Health, consistent with applicable laws, rules, and regulations.

All advance payments to be made pursuant to this Order shall be subject to procurement laws, auditing rules and regulations, and other pertinent issuances.

Section 2. Best Interest of the Government and the Public. In the procurement of COVID-19 vaccines, government agencies and LGUs concerned shall ensure that any arrangement to be entered into shall be to the best interests of the government and the public.


Section 3. Separability. If any section or provision of this Order is held invalid or unconstitutional, the other portions not otherwise affected shall remain in full force and effect.

Section 4. Effectivity. This Order shall take effect immediately. The authority granted herein shall remain in force and effect until the lifting of the State of Calamity due to COVID-19.

DONE, in the City of Manila, this 18th day of February in the Year of our Lord, Two Thousand and Twenty-One.

By the President:




SALVADOR C. MEDIALDEA
Executive Secretary

