



DEPARTMENT ORDER NO. 2020-005
Series of 2020 (May 14, 2020)

**GUIDELINES FOR THE COMMENCEMENT OR RESUMPTION OF REAL ESTATE BUSINESS,
DEVELOPMENT AND CONSTRUCTION OPERATIONS AND ACTIVITIES COVERED BY THE
DEPARTMENT OF HUMAN SETTLEMENTS AND URBAN DEVELOPMENT
DURING THE COVID-19 STATE OF PUBLIC HEALTH EMERGENCY**

WHEREAS, on 8 March 2020, in response to the Corona Virus Disease 2019 (COVID-19), the President issued Proclamation No. 922 declaring a State of Public Health Emergency;

WHEREAS, on 16 March 2020, the Office of the President through the Executive Secretary issued a Memorandum declaring a Community Quarantine Over the Entire Luzon and Further Guidelines for the Management of the Coronavirus Disease 2019 (COVID-19) Situation, until 13 April 2020, to impede the spread thereof;

WHEREAS, the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) in Resolutions No. 28 (dated 23 April 2020), 29 (dated 27 April 2020), 30 (dated 29 April 2020) and 35 (11 May 2020), recommended the extension or imposition of Enhanced or General Community Quarantine (ECQ/GCQ) in certain regions, provinces, and areas;

WHEREAS, in the above Resolutions, the IATF recommended the implementation of GCQ starting May 1, 2020 for low-risk or moderate-risk administrative regions, provinces, or areas; subject to a precondition that minimum health standards as defined by the Department of Health (DOH) are achieved and continually observed;

WHEREAS, the DOH issued Administrative Order No. 2020-0015 (dated 27 April 2020) entitled, "Guidelines on the Risk-Based Public Health Standards for COVID-19 Mitigation" (hereinafter, "DOH Guidelines/Standards");

WHEREAS, DOH AO No. 2020-0015 (dated 30 April 2020), which specifies minimum public health standards that must be followed by all sectors under quarantine (per IATF Resolution No.28) as a guide in institutionalizing key Non-Pharmaceutical Interventions to combat COVID-19, also mandates:

- A) Other National Government Agencies to: 1) develop and submit their sector-specific plans and guidelines on the operationalization of the risk-based public health standards to the DOH, which shall be consolidated and endorsed by the Secretary of Health to the IATF, and 2) submit to the DOH sector-specific monitoring tools to track compliance; and,



B) The industries and private sector to comply with the risk-based public health standards set by DOH, sector-specific policies and plans set by other NGAs, and other relevant rules and regulations;

WHEREAS, the IATF issued the Omnibus Guidelines on the Implementation of the Community Quarantine in the Philippines (hereinafter, "IATF Omnibus Guidelines"; dated 29 April 2020, adopted by the President under Executive Order No. 112 s. 2020, dated 30 April 2020), as amended by IATF Resolution No. 30-A (dated 01 May 2020), to harmonize and codify existing policies of the IATF and member-agencies pertaining to community quarantine, which shall be applied to all regions, provinces, cities, municipalities and barangays placed under community quarantine;

WHEREAS, under the IATF Omnibus Guidelines, the DTI was mandated to determine the business activities falling under Category I, II, III, and IV Industries according to the definition of the IATF;

WHEREAS, the DTI issued Memorandum Circular No. 20-22 (dated 5 May 2020), setting forth the allowed activities and the business establishments that may commence or resume operations/activities under the GCQ;

WHEREAS, Section 4.2 of the Implementing Rules and Regulations of Republic Act No. 11201 provides that the DHSUD shall be the sole and main planning and policy-making, regulatory, program coordination, and performance monitoring entity for all housing, human settlement and urban development concerns. For this purpose, in accordance with Section 25 of the Act, the following functions of HLURB are hereby transferred to the Department:...the regulatory functions, including the formulation, promulgation, and enforcement of rules, standards and guidelines over subdivisions, condominiums and similar real estate developments, and imposition of fines and other administrative sanctions for violations, pursuant to PD 957, as amended, BP 220 and other related laws;

Section 1. Objectives. This Department Order aims to provide a uniform procedure to guide all developers and other entities covered herein on the commencement, resumption or continuation of real estate business, development and construction operations/activities in areas covered by the Community Quarantine due to the COVID-19 State of Public Health Emergency (hereinafter, "COVID-19 Emergency"), and within the period thereof.

It seeks to ensure that the mandatory requirements and health and safety protocols/standards set by this Department Order (and future issuances of the DHSUD, affecting the conduct of operations/activities covered herein during the Community Quarantine/COVID-19 Emergency, shall be strictly followed by the abovementioned companies, to help the government and the country continue to mitigate and suppress the transmission of COVID-19.

Section 2. Coverage. This Department Order shall cover all developers and other entities engaged in real estate development, construction and/or related businesses covered by Certificates of Registration and Licenses to Sell issued by the Department (or previously, by the Housing and Land Use Regulatory Board) and thereby falling under the regulatory

mandate of the DHSUD (hereinafter referred to collectively as, "Covered Entities" and "Covered Operations/Activities", respectively), who seek to commence, resume or continue such Covered Operations/Activities in their offices and/or project sites in areas where they are allowed to fully, partially or conditionally operate during the Community Quarantine/COVID-19 Emergency.

This Department Order shall also cover and apply to entities with pending or future applications for Registration Certificates/License to Sell with the DHSUD, who shall be deemed as Covered Entities upon the grant/issuance thereof.

Section 3. Mandatory Minimum Requirements. Prior to the resumption of their Covered Operations/Activities during the Community Quarantine/COVID-19 Emergency, the Covered Entities shall ensure that the following minimum conditions/requirements are accomplished, provided or complied with:

A. Conduct of company/contractor-funded prior testing for COVID-19 (using Rapid Testing Kits, at the least) or five (5) - day quarantine of all employees/personnel/staff/workers (regardless of their status or nature of employment/engagement) who are required, allowed or permitted to report for any on-site work in their offices or development/construction sites (hereinafter referred to collectively as, "Workers"); and, prior re-testing or five (5) - day quarantine of those Workers who leave for a period of time the on-site or near-site quarters provided by the Concerned Entities before they are allowed to resume work;

B. Provision of safe/hygienic on-site quarters or near-site quarters for Workers who are required/allowed/permitted to do on-site work in their office or development/construction sites;

C. Provision of adequate assistance package for Workers who contract COVID-19 in the course of their employment/engagement/work with the Covered Entities from the time of the commencement, resumption or continuation of their Covered Operations/Activities, including the continued payment of their salaries/wages and benefits, for the entire duration of their illness/treatment.

D. Provision of group health or self insurance coverage for all Workers, with illness, death and other assistance/benefits for all COVID-19-related risks;

E. Mandatory wearing of face mask, temperature scanning, periodic sanitation/dis-infection of worksites/premises (including quarters) and observance of social/physical distancing at all times.

Section 4. Notice and Inspection/Monitoring Requirements and Procedures.

A. Before resuming any Covered Operations/Activities that are allowed to commence, resume or continue during Community Quarantine on a full or limited scale and subject to the protocols/standards and conditions under existing government issuances, the Covered Entities shall:

1. Formally (by way of a letter-notice which may be sent electronically, the template of which is attached as Annex "A") inform the concerned Regional Office (in the region where the subject office or development/construction project, the operations/activities of which they seek to commence, resume or continue are located) of their intention to commence, resume or continue operations/activities (enumerating the list of the subject offices/project sites and their locations) and the proposed date/s thereof, and coordinate with the Regional Office thereon;
2. Together with their formal notification above, submit a sworn Certification and Undertaking (the template of which is attached hereto as Annex "B"), which shall include affirmation of their specific compliance with the mandatory requirements in this Department Order signed by them through their concerned office manager or duly-authorized representative and/or designated project manager or site engineer in the construction site (for each office/branch and/or project development/construction site wherein they seek to commence, resume or continue operations/activities).

This shall be without prejudice to their compliance with such other guidelines/protocols/standards as may be required by the DHSUD.

- B. The Regional Office concerned shall, within twenty-four (24) hours from receipt of the formal notification and duly-signed/sworn Certification and Undertaking (with the fully accomplished Checklist of Requirements and Compliance, and complete attachments):
 1. Conduct an inspection of the project site and/or office subject of the notification;
 2. After inspection of the subject project site and/or office, decide whether to allow or dis-allow the commencement, resumption or continuation of operations/activities therein.

To avoid undue delay in the commencement, resumption or continuation of Covered Operations/Activities, if the Regional Office fails to act/decide within the above period, the Covered Entity concerned may proceed with its Covered Operations/Activities in the project site and/or office subject of the notification, in which case the Regional Office shall conduct post-inspection of the said project site/office.

In all cases, the Regional Office shall ensure strict compliance with this Department Order by the Covered Entities, by requiring periodic compliance reports/updates from them and monitoring their actual compliance through regular inspections of their offices/project sites.

- C. All Covered Entities who have not stopped or have already resumed operations/activities prior to this Order shall notify the Regional Office of such continued operation/resumption and comply with notice/coordination and sworn Certification and Undertaking requirements in Section 4.A.2 above, within a period of five (5) working days from the issuance of this Order.

Section 5. Monitoring of Office and Project Site Operations/Activities. The Regional Office shall regularly monitor the offices/project sites where the Covered Operations/Activities of the Covered Entities are being conducted, anytime during the Community Quarantine/COVID-19 Emergency to ensure strict compliance with all existing (and future) safety and health guidelines/standards/protocols issued by the DHSUD relative to the Community Quarantine/COVID-19 Emergency.

In this connection, the Covered Entities are required to regularly submit to the Regional Office concerned electronically (or by courier or personal service, only if the electronic mode is not available/feasible or timely, and such Regional Office is not under ECQ), proof of their continued compliance with this Department Order in the form of scanned certified documents, photos or videos, as part of the regular monitoring and post-audit process.

Section 6. Dissemination. The Public Assistance Service in the Central Office and the Regional Offices, shall undertake information campaigns using all appropriate media/platforms, to ensure the speedy and widespread dissemination of this Department Order to the Covered Entities.

Section 7. Penalties. Any non-compliance with the prior notification and certification procedure or violation of any mandatory requirement or provision in this Department Order shall warrant the imposition of a Cease and Desist Order against the Covered Entities concerned by the Regional office, without prejudice to the imposition of other/further sanctions, as may be appropriate.

Section 8. Separability. Should any provision of this Department Order or any part thereof be declared unconstitutional or contrary to law, the same shall not affect the validity of the other provisions.

Section 9. Publication and Effectivity. This Department Order shall take effect immediately upon publication in the Official Gazette. A copy hereof shall also be transmitted to the Office of the National Administrative Register, UP Law Center.



EDUARDO D. DEL ROSARIO
Secretary

Annex "A"
(of DHSUD DO No. 005
Series of 2020)

___ May 2020

OIC, Regional Director
Region _____
Department of Human Settlements and
Urban Development
_____(Address)_____

Dear _____:

In compliance with DHSUD Department Order No. ____, series of 2020, please be informed that _____ (Name of Company/Owner/Developer) , _____ (intends to commence, resume or continue ; or has not stopped) the operations/activities of its office/s and/or development/construction project/s, as follows:

Name of Office/Project	Location of Office/ Project

We intend to commence, resume or continue the operations/activities of the abovementioned office/s and/or project/s, by _____ 2020.

Attached herewith is the required Sworn Certification and Undertaking under the abovementioned Department Order.

Very truly yours,

(Signature)
Name
Position
Contact Details: _____

CERTIFICATION and UNDERTAKING
(DHSUD DO No. 005, s. 2020)

Pursuant to DHSUD Department Order No. 005 (s. 2020), the undersigned (name and position) of (name of company and address) , owner/developer of (office/project name and address/location) , duly authorized to act for and in behalf of the said corporation/company (as evidenced by Board Resolution/Secretary's Certificate/Special Power of Attorney dated _____), hereby:

1. attest that, in relation to our office/s and/or project/s stated/enumerated in our letter-notice to the DHSUD dated _____ 2020), our corporation/company has duly complied with all the requirements for the commencement/resumption/continuation of the operations/activities thereof during the Community Quarantine/COVID-19 Emergency, as set forth in the abovementioned DHSUD Department Order; and,
2. undertake to:
 - a) ensure continued/sustained compliance with the abovementioned Department Order (as set forth in the Checklist attached hereto as Annex "1") and any DHSUD issuances that may be issued in the future in relation to the Community Quarantine/COVID-19 Emergency;
 - b) allow and fully cooperate with the DHSUD Regional Office personnel concerned for the initial and regular inspection and monitoring of our abovementioned office/s and/or project/s pursuant to the abovementioned DHSUD Department Order; and,
 - c) regularly submit (at the end of each month, beginning on the month following the resumption of operations/activities of our company's abovementioned office/s and/or project/s) to the DHSUD Regional Office concerned electronically (or by courier or personal service, if the latter mode is not available/feasible or timely, and such Regional Office is not under ECQ), proof of our continued compliance with the existing or subsequently-issued requirements of the DHSUD relative to the Community Quarantine/COVID-19 Emergency, in the form of scanned certified documents, photos or videos, as part of the regular monitoring and post-audit process.

Name of Corporation/Company
Address
Contact Nos./Email Address

By:

(Signature)

Name
Position/Designation
Date

SUBSCRIBED AND SWORN to before me this _____ day of _____ 2020, affiant exhibiting to me his/her competent evidence of identity/valid government ID/Passport No. _____ issued on _____ at _____.

Doc. No: _____;
Page No. _____;
Book No. _____;
Series of 2020.

ANNEX "1"
 (of Certification/Undertaking
 under DHSUD DO No. 005
 Series of 2020)

MINIMUM REQUIREMENTS AND COMPLIANCE CHECKLIST
 (DHSUD DEPARTMENT ORDER NO. 005 SERIES OF 2020)

MINIMUM REQUIREMENTS	COMPLIANCE (Please affirm/indicate here compliance with the corresponding requirements and list down the documentary proof thereof, which shall also be submitted the Regional Office)
<p>A. Conduct of company/contractor-funded prior testing for COVID-19 (using Rapid Testing Kits, at the least) or five (5) - day quarantine of all employees/personnel/staff /workers (regardless of their status or nature of employment/engagement) who are required, allowed or permitted to report for any on-site work in their offices or development/ construction sites (hereinafter referred to collectively as, "Workers"); and, prior re-testing or five (5) - day quarantine of those Workers who leave for a period of time the on-site or near-site quarters provided by the Concerned Entities before they are allowed to resume work.</p>	
<p>B. Provision of safe/hygienic on-site quarters or near-site quarters for Workers who are required/allowed/permitted to do on-site work in their office or development/ construction sites.</p>	

<p>C. Provision of adequate assistance package for Workers who contract COVID-19 in the course of their employment/engagement/work with the Covered Entities from the time of the commencement, resumption or continuation of their Covered Operations/Activities, including the continued payment of their salaries/wages and benefits, for the entire duration of their illness/treatment.</p>	
<p>D. Provision of group health or self insurance coverage for all Workers, with illness, death and other assistance/benefits for all COVID-19-related risks.</p>	
<p>E. Mandatory wearing of face mask, temperature scanning, periodic sanitation/dis-infection of worksites/premises (including quarters) and observance of social/physical distancing at all times.</p>	