



LEGAL SERVICE
GENERAL ADMINISTRATION AND SUPPORT
SERVICES GROUP
 DSWD-GF-002 | REV 04 | 04 FEB 2025

DRN:LS-LMD-OUS-ORDEN-MEM-25-06-103233-S

FOR : MIRAMEL G. LAXA, RSW, MPA
 Director IV, Sustainable Livelihood Program – National Program Management Office

FROM : THE ASSISTANT SECRETARY FOR GASSG AND CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE

SUBJECT : LEGAL OPINION RELATIVE TO THE TWO PROPOSED RESOLUTIONS OF THE TECHNICAL WORKING GROUP FOR LIVELIHOOD AND INCOME RESTORATION (TWG-LIR) OF THE INTER-AGENCY COMMITTEE FOR RIGHT-OF-WAY (ROW) ACTIVITIES FOR NATIONAL RAILWAY PROJECTS PURSUANT TO THE OFFICE OF THE PRESIDENT'S ADMINISTRATIVE ORDER NO. 19, SERIES OF 2024

This pertains to your Memorandum¹ dated 02 June 2025 requesting a legal opinion or recommendations relative to the two (2) proposed Resolutions by the members of the Technical Working Group for Livelihood and Income Restoration (TWG-LIR) of the Inter-Agency Committee for the Right-of-Way (IAC-ROW) Activities for National Railways Projects, namely:

1. **Resolution A²:** "A Resolution Authorizing the Presidential Commission on Urban Poor, National Housing Authority and Social Housing Finance Corporation, Department of Agriculture, Department of Science and Technology, Department of Trade and Industry, Department of Labor and Employment, Technical Education and Skills Development Authority and Department of Interior and Local Government as Additional Members to the Technical Working Group for Livelihood and Income Restoration (TWGLIR)"; and
2. **Resolution B³:** "A Resolution Authorizing Additional Duties and Responsibilities of the TWG-LIR"

To provide context, the Office of the President issued Administrative Order No. 19, Series of 2024⁴ (A.O. No. 19, s. 2024), entitled "*Creating the Inter-Agency Committee for Right-of-Way Activities for National Railway Projects*," pursuant to Republic Act No. 10752, also known as the "*Right-of-Way (ROW) Act*." Under Section 9 (C) of the Implementing Guidelines (IG)⁵ of A.O. No. 19, s. 2024, three (3) Technical Working Groups were initially created: the TWG-LIR, along with the two other sub-technical working groups under the IAC, namely, TWG for Land Acquisition, Easements, and Utility Relocation (TWGLA) and TWG for Relocation and Resettlement (TWGRR).

During its regular meetings on 25 February 2025 and 08 May 2025, the TWG-LIR discussed the potential adoption of the two proposed resolutions. The rationale for **Resolution A** is that the current composition of the TWG-LIR lacks other government agencies with primary mandates on livelihood, such as the Department of Trade and Industry (DTI), the Department of Labor and Employment (DOLE), and other agencies with relevant livelihood programs or trainings. **Resolution B**, on the other hand, proposes that the chairpersonship and secretariat functions—currently held by the DSWD—be shared and rotated among TWG-LIR members. It also seeks to clarify the roles and responsibilities of member agencies, particularly in securing counterpart support for approved livelihood convergence projects.

¹ Annex "A"

² Annex "B"

³ Annex "C"

⁴ Annex "D"

⁵ Annex "E"



In view of the foregoing, this level is requested to provide legal opinion or recommendation on the following matters:

1. Whether or not it is necessary or recommended to elevate Resolution A to the ROW Committee for a decision on the matter, as it would require a major amendment to the Implementing Guidelines regarding the proposed additional TWG-LIR members, who will not serve merely as resource persons?
2. Whether or not it is necessary or recommended to elevate Resolution B to the ROW Committee for a decision on the matter, as it will also require a major amendment to the Implementing Guidelines on the Rules of the Chairperson Secretariat, and TWG-LIR Members? and
3. Whether or not it is necessary or recommended to defer Resolution B until Resolution A is resolved by the ROW Committee, considering that there is an argument among members that Resolution B should be held in abeyance pending the outcome of Resolution A?

Our Opinion

As the queries are closely interrelated, they shall be jointly discussed by this level.

It is both necessary and recommended to elevate Resolution A and Resolution B to the IAC or the ROW Committee as neither Administrative Order No. 19, s. 2024 nor its Implementing Guidelines (IG) provides the TWGs with the power and authority to reorganize their structure on their own and to introduce additional duties and responsibilities of TWGs.

Under Section 2(g) of Administrative Order (A.O.) No. 19, s. 2024, in relation to Section 5 of its IG, the authority and power to create, convene, and reorganize TWGs is expressly vested in the Inter-Agency Committee (IAC), also referred to as the ROW Committee. Further, Section 10 of the IG outlines the general functions of the TWGs and provides a summary of their duties and responsibilities, including those of the TWG-LIR:

Section 10. Functions of TWGs. TWGs shall perform the following general functions:

- a. Assist the IAC in the formulation of policies, guidelines, and mechanisms in support of land acquisition and utility relocation, resettlement, and livelihood activities;
- b. Coordinate with concerned agencies in the planning and implementation of programs, projects, and activities to include, among others, social services, livelihood, and income restoration; and
- c. Perform other relevant functions pertinent to ROW activities, focusing on the development of an efficient collaborative mechanism to streamline the essential processes in the implementation of all railway projects, as approved by the IAC.

The duties and responsibilities of each TGWs are summarized below:

xxx



C. TWG for Livelihood and Income Restoration

1. Assign dedicated persons to supervise and implement the LRIP;
2. Monitor and use of the compensation capital when provided for by the Rail Project to PAPs;
3. Maximize the use of other livelihood programs where they are available for PAPs; and
4. Arrange employment for PAPs in construction works for the Project.

Based on the foregoing, the issuance of a Resolution regarding the reorganization or restructuring of the composition of TWGs is lodged upon the IAC or the ROW Committee. Nowhere in the above provisions is it indicated that the TWGs themselves have the authority to reorganize their membership or structure on their own. Resolution A, as worded, appears to presume authority on the part of TWG-LIR to approve the inclusion of new agencies, stating:

"NOW, THEREFORE, BE IT RESOLVED, that the TWGLIR shall hereby APPROVE the inclusion of additional members to the TWGLIR; accordingly, the TWGLIR shall now be composed of the following members: xxx"

Moreover, the IAC's power and function to create, convene, and reorganize TWGs is further manifested in Section 9 of the IG which created the TWG-LIR among others:

"Section 9. Technical Working Groups (TWGs).

xxx Should it be necessary, the IAC may create additional TWGs.

TWGs shall adopt and observe simple rules of procedure in its meetings. A quorum consisting of a majority of all members shall be required on matters involving TWG actions. A consensus of all members present, consisting of a quorum, shall be the act of the TWG.

Recommendations of the TWGs to the IAC shall always be in writing.

If any, and based on the foregoing provisions, the TWGs may only provide recommendations or proposals for, among others, the reorganization of the TWG-LIR, particularly the inclusion of other government agencies in the structure and composition of TWG-LIR. However, the power to resolve the issue of whether other agencies may be included lies with the IAC or the ROW Committee. As posed in the first question, the proposed Resolution constitutes a major change not just to the TWG-LIR's composition but also to the IG of A.O. 19, s. 2024 and is outside the scope of the TWG's powers and functions. The proper course of action is for TWG-LIR to formally recommend the inclusion of additional agencies, and for the IAC/ROW Committee to deliberate and approve or disapprove such reorganization.

Consistent with the above discussion regarding the limits of the TWG-LIR's authority, neither A.O. No. 19, s. 2024 nor its IG provides the TWG-LIR with the power and authority to issue Resolution B on its own. As provided in the last paragraph of Section 10 of the IG, the authority to introduce additional duties and responsibilities for any TWG is expressly vested in the IAC:

"Section 10. Functions of TWGs.

XXX

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LS-LMD-OUS-ORDEN-MEM-25-06-103233-S, LEGAL OPINION RELATIVE TO THE TWO PROPOSED RESOLUTIONS OF THE TECHNICAL WORKING GROUP FOR LIVELIHOOD AND INCOME RESTORATION (TWG-LIR) OF THE INTER-AGENCY COMMITTEE FOR RIGHT-OF-WAY (ROW) ACTIVITIES FOR NATIONAL RAILWAY PROJECTS UNDER THE OFFICE OF THE PRESIDENT ADMINISTRATIVE ORDER NO. 19, SERIES OF 2024

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Through a Resolution, the IAC may introduce additional duties and responsibilities of each TWGs.

Notwithstanding this limitation, Resolution B, as drafted, appears to assume authority on the part of the TWG-LIR to expand its functions. It states:


"NOW, THEREFORE, BE IT RESOLVED, that the TWGLIR shall hereby APPROVE the addition of duties and responsibilities of TWGLIR; accordingly, the TWGLIR shall now have the following duties and responsibilities: xxx"

Similar to Resolution A, Resolution B would have the effect of amending the Implementing Guidelines of A.O. No. 19, s. 2024, specifically with respect to the defined roles and responsibilities of the TWG-LIR, the Chairpersonship, and the Secretariat. Accordingly, Resolution B must be elevated to the IAC or ROW Committee for appropriate deliberation and resolution. The proper procedure is for the TWG-LIR to submit a formal recommendation or proposal detailing the suggested revisions to the duties and roles of its members, chairperson, and secretariat for consideration by the IAC. It therefore cannot issue the said Resolution without elevating the matter to the IAC or the ROW Committee.

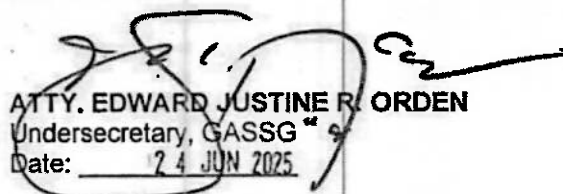
In light of the preceding discussions on the need to elevate both Resolution A and Resolution B to the Inter-Agency Committee (IAC) or ROW Committee for appropriate action, it is recommended that the subject matters of both resolutions be consolidated into a single formal recommendation or proposal, as they are closely related and interdependent. **There is therefore no need to defer the subject matter contained in Resolution B pending the outcome of Resolution A.**

For your consideration.

Thank you.


ATTY. GINA V. WENCESLAO
JEP/10065

Approved by:


ATTY. EDWARD JUSTINE R. ORDEN
Undersecretary, GASSG
Date: 24 JUN 2025

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