

EXECUTIVE ORDER NO. 149

**DEACTIVATION OF THE SOUTHERN PHILIPPINES
DEVELOPMENT AUTHORITY**

WHEREAS, the Southern Philippines Development Authority (SPDA) is one of the agencies attached to the Office of the President;

WHEREAS, some of the functions of SPDA are also being performed by other existing agencies of the Government;

WHEREAS, there is a need to constantly monitor the overlapping of functions among the agencies of Government to avoid duplicity of work and in order to streamline the functions of the bureaucracy;

WHEREAS, under Section 74 of Republic Act No. 9162 or FY 2002 General Appropriations Act, the President may direct changes in the organization and key positions in any department, bureau or agency; and

WHEREAS, Republic Act No. 6656 recognizes the need to protect the security of tenure of civil service officers and employees in the reorganization process without sacrificing the promotion of morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service pursuant to Article IX, B, Section 3 of the Constitution.

NOW, THEREFORE, I, GLORIA MACAPAGAL ARROYO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Deactivation of SPDA. The Southern Philippines Development Authority (SPDA) is hereby deactivated effective immediately. The positions of members of the Board of Directors, Board of Advisers and Administrator are hereby declared vacant.

SECTION 2. Creation of Task Force. A Task Force is hereby created to be chaired by the Presidential Assistant for Mindanao, with representatives from the Department of Budget and Management (DBM), National Economic & Development Authority (NEDA) and the Office of the Presidential Adviser on the Peace Process (OPAPP) as members, that shall oversee the deactivation process of SPDA.

The Task Force shall be assisted by a skeletal force consisting of SPDA personnel or personnel assigned from the members of the Task Force for the task winding-up SPDA's operations and the safekeeping of its resources. Unless otherwise transferred to



other agencies, members of the skeletal force from SPDA shall be deemed separated from the service due to abolition of position pursuant to a *bona fide* reorganization effective 30 June 2003.

SECTION 3. Functions of Task Force. The Task Force shall have, among others, the following functions:

- (a) Recommend to the Office of the President (OP) not later than 30 March 2003 the dispositive action with reference to the functions, personnel, assets and liabilities of SPDA;
- (b) Implement the disposition of functions, personnel, assets and liabilities as approved by the OP in coordination with the appropriate agencies;
- (c) Safeguard the assets of SPDA pending their final disposition;
- (d) Cause the filing of criminal and/or administrative cases against any party who may be found liable for any wrongdoing in the course of the audit of SPDA's operations; and
- (e) Perform such other functions as may be directed by the President.

SECTION 4. Transfer or Re-Employment of SPDA Personnel. SPDA personnel shall be given priority in hiring for existing vacant positions in other government agencies, subject to compliance with established qualification standards set by the receiving agencies. The transfer to or re-employment of SPDA personnel with other agencies shall be exempt from any prohibition on new hiring. All accrued leave credits of SPDA personnel shall be paid within the period provided in the next succeeding section.

SECTION 5. Separation or Retirement of SPDA Personnel. --- Except for those who shall be needed for the skeletal force, all SPDA personnel whether permanent, contractual, consultant or job-hired, etc. shall be deemed separated from the service effective 30 December 2002, pursuant to a *bona fide* reorganization resulting to abolition, redundancy, merger, division, or consolidation of positions in order to meet the exigencies of the service. SPDA personnel qualified for retirement may elect optional retirement as they may deem proper. All benefits, including payment of accrued leave credits, that may lawfully be given to SPDA employees by virtue of their transfer, retirement or separation from services shall be paid within one (1) month from the filing of the necessary clearances and other pertinent documents.

SECTION 6. Support of Other Agencies. The Task Force may request assistance from the Civil Service Commission and the Commission on Audit and such other agencies as may be necessary, to assist in the smooth implementation of this Order.

SECTION 7. Funding Requirements. Funds for existing vacant positions in other agencies to be filled up by SPDA personnel, positions to be transferred to other



agencies, and for the skeletal force shall be sourced from agency savings or, upon request, augmented by the DBM. The DBM shall give preference to the payment of accrued leave credits, separation and retirement benefits to SPDA personnel.

SECTION 8. Final Report. The Task Force shall submit its final report on the deactivation of SPDA to the President not later than 30 July 2003.

SECTION 9. Separability Clause. Any portion or provision of this Executive Order that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions of this Order for as long as such remaining portions can still subsist and be given effect.

SECTION 10. Repealing Clause. All executive orders, rules, regulations and other issuances or parts thereof which are inconsistent with the provisions of this Executive Order are hereby revoked or modified accordingly.

SECTION 11. Effectivity. This Executive Order shall take effect immediately upon its publication in a national newspaper of general circulation.

DONE in the City of Manila, this 18th day of November in the year of Our Lord, two thousand two.

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By the President:

Alberto G. Romulo
ALBERTO G. ROMULO
Executive Secretary



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