

EXECUTIVE ORDER NO. 460

DEVOLVING TO THE AUTONOMOUS REGIONAL GOVERNMENT OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO THE POWERS AND FUNCTIONS OF THE DEPARTMENT OF AGRICULTURE, THE CONTROL AND SUPERVISION OVER ITS OFFICES IN THE REGION AND FOR OTHER PURPOSES

WHEREAS, Sections 15 to 19, Article XII of Republic Act No. 6734, otherwise known as the Organic Act for the Autonomous Region in Muslim Mindanao (ARMM) vest in the Autonomous Regional Government (ARG) responsibility over agriculture, fisheries and aquatic resources in the said region;

WHEREAS, the Oversight Committee created under the said Act recommends that the powers and functions as well as the control and supervision over the offices of the Department of Agriculture (DA) within the ARMM be placed under the Autonomous Regional Government (ARG);

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION 1. Transfer of Powers and Functions. The following powers and functions of the Department of Agriculture (DA), including those enumerated under Section 5 of Executive Order No. 116, series of 1987, are hereby transferred to the Autonomous Regional Government (ARG):

- a. Provide integrated services to farmers and fishermen and other food producers on production, utilization, conservation and disposition of agricultural and fishery resources;
- b. Plan, formulate policies, implement and monitor programs and projects relating to agriculture/food production and supply;
- c. Promulgate and enforce all laws, rules and regulations governing the conservation and proper utilization of agricultural and fishery resources;

- d. Establish a central information system to serve the production, marketing and financing data requirements of the farmers as well as investors in agri-business ventures;
- e. Provide comprehensive and effective extension services and training to farmers and other agricultural entrepreneurs on the production, marketing and financing aspects of agricultural enterprises;
- f. Conduct, coordinate and disseminate research studies on appropriate technologies for the improvement and development of ARMM's agricultural crops, fisheries and other allied commodities, in coordination with the DA;
- g. Provide the mechanism for the participation of farmers and fishermen and entrepreneurs at all levels of policy making and plan/program formulation;
- h. Coordinate with and/or call upon other public and private agencies for cooperation and assistance on matters affecting ARG's plans, policies and programs;
- i. Issue clearance for the importation and exportation of fishery and agricultural commodities in accordance with existing guidelines, laws, rules and regulations of concerned national agencies. In this regard, the ARG shall take note of the list of exportable items and banned commodities, subject to future revision as deemed necessary; and
- j. Approve charter contracts and issue special commercial fishing boat licenses (SCBLF) for chartered foreign fishing boats within the jurisdiction of the ARMM or up to and including all waters within twelve (12) nautical miles from the coastline. The ARG's approval of SCBLF shall be in accordance with the policies, rules and regulations and guidelines of national agencies concerned



including the Philippine Coast Guard, Marine Industry Authority, Departments of Foreign Affairs, Agriculture and Labor.

The following functions of the Secretary of Agriculture, insofar as the ARMM is concerned, are hereby devolved to the ARG:

- a. Promulgation of rules, regulations and other issuances relative to agriculture and fishery;
- b. Establish policies and standards for the efficient and effective operations of the ARG in accordance with the programs of the ARMM;
- c. Promulgate and enforce laws, rules, regulations, and other issuances necessary in carrying out the ARMM's mandate, objectives, policies, plans, programs and projects;
- d. Exercise supervision and control over all functions and activities pertaining to agriculture, fisheries and aquatic resources;
- e. Delegate authority for the performance of any administrative or substantive function to any officer of rank in the ARG; and
- f. Perform such other functions as may be provided for by Regional law.

The ARG shall exercise within its territorial limits, the following powers and functions of the Bureau of Fisheries and Aquatic Resources (BFAR) as provided in Presidential Decree No. 704, as amended:

- a. Determination and designation of fish landing points for all commercial fishing boats;
- b. Jurisdiction over fish pens and seaweed culture in municipal centers;
- c. Regulation and supervision of the production, capture and gathering of fish and fishery/aquatic products; and
- d. Designation of an area or areas in the ARMM as fishery reservations for the exclusive use

of the ARG or of any of its political subdivisions, agencies or instrumentalities, or of the inhabitants therein, or for the culture of fish and other aquatic animals for educational, research and scientific purposes.

SEC. 2. Powers and Functions Retained. All powers and functions not specified herein including those with national implications shall be retained by the Department of Agriculture.

SEC. 3. Programs and Projects. All regular locally-funded projects and programs of the Department of Agriculture which are being implemented by the provincial offices within the ARMM shall be transferred to the ARG.

SEC. 4. Personnel. (1) All plantilla positions, filled or unfilled, assigned to the affected provincial agriculture offices shall be transferred to the ARG.

(2) All personnel holding these plantilla positions shall be absorbed by the ARG and shall retain their seniority rights, compensation and other benefits.

(3) Personnel who decline to transfer or be absorbed by the ARG shall have the following options as outlined by the Civil Service Commission:

- a. Retirement, if eligible;
- b. Remain with the DA in another region subject to availability of vacant positions;
- c. Transfer to another government agency subject to availability of positions; or
- d. Voluntary resignation.

SEC. 5. Assets and Equipments. All assets and equipments already existing and being utilized in the four provinces covered by the ARMM shall be turned-over to the ARG.

SEC. 6. Properties. All DA properties within the ARMM shall be transferred to the ARG.

SEC. 7. Budget. Balances of budgetary allocations for the four provinces in the ARMM for FY 1991 as of the date of transfer shall be turned over to the ARG. Budgetary allocations shall include appropriations for personal services, maintenance and other operating expenses, and capital outlay.

SEC. 8. Technical Assistance. The DA shall make available to the ARG the technical expertise of its six (6) bureaus, namely:

- a. Bureau of Animal Industry;
- b. Bureau of Plant Industry;
- c. Bureau of Fisheries and Aquatic Resources;
- d. Bureau of Soils and Water Management;
- e. Bureau of Agricultural Research; and
- f. Bureau of Agricultural Statistics.

SEC. 9. Attached Agencies, Councils and Corporations. (1) The functions, together with the personnel, assets and equipments, the corresponding budgets, programs and projects being implemented in the ARMM by the Philippine Coconut Authority and Philippine Fisheries Development Authority shall be transferred to the ARG.

(2) Existing foreign-assisted projects of the above mentioned agencies shall remain under their direct supervision and shall be turned over only upon their completion.



(3) The DA Secretary shall instruct all other DA-attached agencies whose areas of expertise are relevant to the ARMM to assist the ARG in carrying out its agriculture and fisheries programs.

SEC. 10. Date of Transfer. The date of transfer shall be set thirty (30) days after the effectivity of this Executive Order.

SEC. 11. Separability Clause. If, for any reason, any part or provision of this Executive Order shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 12. Effectivity. This Executive Order shall take effect fifteen (15) days following its publication in a national newspaper of general circulation and one (1) local newspaper of general circulation in the ARMM.

DONE, in the City of Manila, this 17th day of May, in the year of Our Lord, nineteen hundred and ninety-one.

*Corazon S. Aquino*

By the President:



OSCAR M. ORBOS  
Executive Secretary