

MFN 126

MALACAÑANG
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 265

**AMENDING EXECUTIVE ORDER NO. 315, AS AMENDED, THEREBY
TRANSFERRING AND RATIONALIZING THE POWERS AND FUNCTIONS OF
THE PRESIDENTIAL COMMITTEE ON THE BATAAN NUCLEAR POWER
PLANT TO VARIOUS GOVERNMENT AGENCIES**

WHEREAS, under Section 31, Book II of the Administrative Code of 1987, the President has continuing authority to reorganize the administrative structure of the Office of the President "in order to achieve simplicity, economy and efficiency,"

WHEREAS, the Presidential Committee on the Bataan Nuclear Power Plant (BNPP) was created under Executive Order No. 315 dated 04 January 1988, as amended by Executive Order No. 13 dated 19 August 1992, to oversee, supervise and coordinate all legal claims and options, loans and financial obligations, and maintenance and preservation, including the disposition or liquidation of all assets relating to BNPP;

WHEREAS, the Committee has fully implemented and enforced all legal claims and actions relating to BNPP other than the pendency of the appellate proceeding in the U.S. Third Circuit Court of Appeals and the anticipated ruling of the Arbitral Tribunal in the International Chamber of Commerce;

WHEREAS, Executive Order No. 55, s. of 1986, as amended by Executive Order No. 98, s. of 1986, transferred the ownership of the BNPP, its equipment, materials, facilities, records and uranium fuel from the National Power Corporation to the National Government or its duly designated agency, subject to such obligations as may be legally enforceable against the National Government;

WHEREAS, with the creation of the Department of Energy under Republic Act No. 7638 and the existing government agencies, there is a need to rationalize the various powers and functions of the Presidential Committee on the BNPP to such agencies;

NOW, THEREFORE, I, FIDEL V. RAMOS, President of the Philippines, by virtue of the powers vested in me by law, do hereby order:

SECTION. 1. Section 1 of Executive Order No. 315, s. of 1988, as amended by Executive Order No. 13, s. of 1992, is hereby amended to read as follows:

"SECTION 1. Name and Function. - The Presidential Committee on the Bataan Nuclear Power Plant (BNPP) shall be the coordinating and policy-making body on the BNPP, including policies arising from negotiations for a fair commercial settlement of all pending legal claims that will provide a substantial net benefit to the country. The Committee

IN REPLYING, PLEASE CITE:

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shall submit its recommendations on BNPP-related policies to the President for approval.”

SEC. 2. Section 2 of Executive Order 315, s. of 1988, as amended, is hereby modified to read as follows:

“Sec. 2. Composition. - The Committee shall be composed of the Secretary of Energy as Chairman, the Secretary of Finance as Vice-Chairman, both in an ex-officio capacity, and the Secretary of Budget and Management, Secretary of Trade and Industry, Chairman of Presidential Commission on Good Government, Governor of Bangko Sentral ng Pilipinas, Solicitor General, President of National Power Corporation, and President of the Philippine National Oil Company, as Members.”

SEC. 3. Sections 3, 4 and 5 of Executive Order No. 315, s of 1988, as amended, are hereby repealed.

SEC. 4. Transfer and Rationalization of Powers and Functions. - To ensure continuity, economy and efficiency and to avoid unnecessary duplication of efforts, the following powers and functions of the Committee are hereby devolved and transferred to the following government agencies:

The Office of the Solicitor General shall have primary supervisory responsibility for the enforcement of all claims and/or legal options relative to the BNPP. Funds from the Contingent Fund of the Office of the President, National Power Corporation and any other Fund which the President may authorize shall provide the necessary funding requirements to support and discharge effectively this transfer, subject to the availability of funds and the usual accounting and auditing rules and regulations.

- b. The National Power Corporation, in coordination with the Department of Energy for policy direction, shall continue as the caretaker of the BNPP, undertaking the necessary and requisite preservation and maintenance therefor pursuant to Executive Order No. 55, s. of 1986, as amended, with the expenditures necessarily connected thereto to be shouldered by the National Government for which purpose there shall likewise be an annual appropriation of such sums out of the General Fund in the National Treasury not otherwise appropriated. The National Power Corporation is further directed to supervise and coordinate the disposition and liquidation of any unserviceable property at the BNPP and to use the funds generated therefrom to support its caretaker’s operations.
- c. The Department of Energy shall have primary responsibility to coordinate and implement the policy directive proclaimed on May 27, 1993 to rationalize and integrate the country’s energy program taking into consideration the conversion of BNPP into a non-nuclear power plant.

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The Department of Finance shall have primary responsibility for the monitoring and coordination of the restructuring, whenever legally enforceable, of all loans and financial obligations relating to BNPP.

In coordination with the Department of Energy, the Committee on Privatization shall supervise and monitor the disposition and liquidation of the BNPP assets, structures, equipment, spare parts, uranium fuel, and other related items, which will not be needed and utilized for the conversion of the BNPP into a non-nuclear power plant.

SEC. 5. Secretariat. - The Secretary of Energy is hereby directed to constitute a Secretariat which shall provide all the necessary staff support to the Committee.

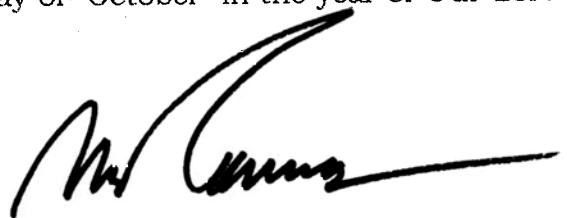
For purposes of continuity and economy, savings generated from the operations of the Presidential Committee on the BNPP from the period January to June 1995 shall be used to support the personnel services and its maintenance and other operating expenditure requirements of the Secretariat for the rest of 1995, subject to the usual accounting and auditing rules and regulations.

SEC. 6. Funds. - The sum of **FIVE MILLION (P5,000,000.00) PESOS** is hereby set aside from the funds allocated for the Contingent Funds of the Office of the President for the use of the Committee. In case of a deficiency, such sums as may be necessary to support the Committee's operations shall be provided by the participating agencies and by such other entities willing to contribute upon request of the Committee.

SEC. 7. Separation Gratuity. - In the interest of service, the twenty-five (25) remaining personnel of the Presidential Committee on the BNPP whose contract of services expired as of June 30, 1995 shall each receive a separation gratuity equivalent to one month of basic salary for every year of service at the said office to be shouldered by the Contingent Funds of the Office of the President.

SEC. 8. Effectivity. This Executive Order shall take effect immediately

DONE in the City of Manila, this 4th day of October in the year of Our Lord Nineteen Hundred and Ninety-Five.



By the President



RUBEN D. TORRES
Executive Secretary



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Date