

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 136

AMENDING CERTAIN SECTIONS OF EXECUTIVE ORDER NO. 8 (S. 2010) WHICH REORGANIZED AND RENAMED THE BUILD-OPERATE AND TRANSFER CENTER TO THE PUBLIC-PRIVATE PARTNERSHIP CENTER OF THE PHILIPPINES AND TRANSFERRED ITS ATTACHMENT FROM THE DEPARTMENT OF TRADE AND INDUSTRY TO THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY, AND FOR OTHER PURPOSES

WHEREAS, Executive Order (EO) No. 8 (s. 2010) reorganized and renamed the Build-Operate and Transfer (BOT) Center to the Public-Private Partnership (PPP) Center of the Philippines and transferred its attachment from the Department of Trade and Industry (DTI) to the National Economic and Development Authority (NEDA);

WHEREAS, there is a need to amend certain sections of EO No. 8 for a more efficient implementation of PPP programs and projects;

WHEREAS, the power of the President to direct the reorganization of government entities under the Executive Department is enshrined in the Constitution, particularly Section 17, Article VII which states that, "[t]he President shall have control of all executive departments, bureaus and offices;"

WHEREAS, Section 31, Chapter 10, Title III, Book III of the Administrative Code of 1987 provides for the continuing authority of the President to reorganize the administrative structure of the Office of the President;

WHEREAS, Section 20, Chapter 7, Title I, Book III of the Administrative Code of 1987 also provides for the President's residual powers;

WHEREAS, the power of the President to reorganize the Executive Department also includes such powers and functions that may be provided for under other laws, particularly Section 75 of RA No. 10155, otherwise known as the "General Appropriations Act of 2013" which empowers heads of departments, bureaus, offices, agencies and other entities of the Executive Branch, as authorized by the President, to implement, "structural, functional and operational adjustments that will result in streamlined organization and operations and improved performance and productivity;" and,

WHEREAS, Section 4 of EO No. 230 (s. 1987) states that the President shall act as the Chairman of the NEDA Board with the authority to revise the membership thereof as he deems necessary for the effective performance of its functions.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby amend EO No. 8:



SECTION 1. Section 1 of the same EO is hereby amended to read as follows:

“SECTION 1. The PPP Center. The Build-Operate and Transfer (BOT) Center is hereby renamed as the Public-Private Partnership (PPP) Center of the Philippines and transferred as an attached agency from the Department of Trade and Industry (DTI) to the National Economic and Development Authority (NEDA) for budgetary purposes and administrative supervision.”

SECTION 2. Section 2 (d) of the same EO is hereby amended to read as follows:

“d) Manage and administer the Project Development and Monitoring Facility (PDMF), formerly known as the Project Development Facility (PDF) established as a revolving fund under EO No. 44 (s. 2002).”

SECTION 3. A new section after Section 3 is hereby added to read as follows:

“Section 3A. PPP Governing Board. The PPP Governing Board is hereby created, which shall be the overall policy-making body for all PPP-related matters, including the PDMF. It shall be responsible for setting the strategic direction of the PPP Program and creating an enabling policy and institutional environment for PPP.

The PPP Center shall report directly to the PPP Governing Board which shall be composed of the following:

Chairperson	:	Secretary of Socio-Economic Planning
Vice-Chairperson	:	Secretary of Finance
Members	:	Secretary of Budget and Management Secretary of Justice Secretary of Trade and Industry Executive Secretary Private Sector Co-Chairman of the National Competitiveness Council

The Chairman and three (3) other members of the Board shall constitute a quorum and a majority vote of the members present shall be necessary for the adoption of any issuance, order, resolution, decision or other act of the Board in the exercise of its functions.

The PPP Center shall act as Secretariat of the PPP Governing Board.”

SECTION 4. Section 4 of the same EO is hereby amended to read as follows:

“SECTION 4. Head of the PPP Center. The PPP Center shall be headed by an Executive Director with the rank equivalent to an Undersecretary, who shall be appointed by the President of the Philippines, upon the recommendation of the Secretary of Socio-Economic Planning. The Executive Director shall undertake the day-to-day management and supervise the operations of the PPP Center.”



SECTION 5. A new section after Section 4 is hereby added to read as follows:

“SECTION 4A. Membership to the NEDA Interagency Committees. The Executive Director of the PPP Center shall be included as a member of the NEDA Infrastructure Committee – Technical Board (INFRACOM-TB) and the NEDA Investment Coordination Committee – Technical Board (ICC-TB).”

SECTION 6. A new section after Section 5 is hereby added to read as follows:

“SECTION 5A. Retirement or Separation Benefits. Personnel of the BOT Center separated as a result of the reorganization pursuant to EO No. 8 shall, in addition to the benefits authorized under RA No. 8291, otherwise known as the Government Service Insurance System (GSIS) Act of 1997,” be granted separation benefits charged against available savings of the National Government, as follows:

- a) $\frac{1}{2}$ of the monthly basic salary for every year of government service for those who have rendered less than 21 years of service;
- b) $\frac{3}{4}$ of the monthly basic salary for every year of government service, computed from the 1st year, for those who have rendered 21 to less than 31 years of service; or,
- c) One (1) month basic salary for every year of government service, computed from the 1st year, for those who have rendered 31 years of service and above.”

The monthly basic salary shall refer to the highest salary received before retirement/separation from the BOT Center.

For this purpose, the PPP Center shall prepare the complete list of BOT employees separated from service, indicating their respective name, position title, monthly basic salary and the number of years of government service, duly certified by an authorized official of the Civil Service Commission, and submit the same to DBM as basis for the computation of the special separation benefits.”

SECTION 7. Section 6 of the same EO is hereby amended to read as follows:

“SECTION 6. Project Development and Monitoring Facility (PDMF). The PDMF shall be used for the conduct of business case, pre-feasibility and feasibility studies and tender documents of PPP programs and projects in a timely manner and ensure effective monitoring of PPP project implementation.

To properly administer and manage this facility, a PDMF Committee composed of representatives from NEDA, Department of Finance (DOF), Department of Budget and Management (DBM) and the PPP Center is hereby created, which shall approve applications for availment. Subject to the approval of the PPP Governing Board, the PDMF Committee shall also formulate, prescribe and recommend policies, procedures and guidelines for the use of the PDMF for the development of PPP projects and recovery of costs charged to the fund.



The PPP Center shall serve as the Secretariat of the PDMF Committee.

To sustain the PDMF, the PPP Center may collect and receive reasonable fees and recover costs charged to the PDMF, in accordance with the guidelines that shall be approved by the PPP Governing Board.

Subject to the provisions of the General Appropriations Act (GAA) and relevant accounting and auditing rules and regulations, the implementing agencies are hereby authorized to reallocate their funds for purposes of the PDMF."

SECTION 8. Section 8 of the same EO is hereby amended to read as follows:

"SECTION 8. PPP Center Budget. DBM shall release the funds appropriated for the PPP Center in the annual GAA, subject to pertinent budgeting, accounting and auditing rules.

PPP Center may receive contributions, grants, and/or other funds from, among others, government agencies and corporations, local government units (LGUs), local and foreign donors, development partners, and private sector/institutions, subject to existing laws, rules and regulations."

SECTION 9. A new section after Section 9 is hereby added to read as follows:

"SECTION 10. Reporting Requirements. All government agencies, including LGUs, are directed to submit reports to the PPP Center on all projects undertaken through Public-Private Partnerships. Consistent with the requirements of the oversight agency, the PPP Center shall prescribe the frequency of submission, format and contents, among others."

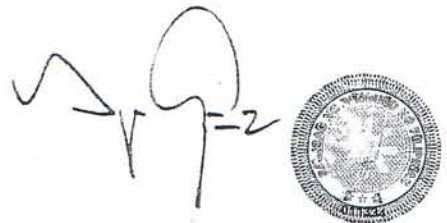
SECTION 10. Sections 10, 11 and 12 of EO No. 8 are renumbered as Sections 11, 12 and 13, respectively.

SECTION 11. This EO shall take effect immediately upon publication in a newspaper of general circulation.

DONE, in the City of Manila, this 28th day of May, in the year of Our Lord, Two Thousand and Thirteen.

By the President:

PAQUITO N. OCHOA, JR.
Executive Secretary



4



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