

[EXECUTIVE ORDER NO. 136, May 28, 2013]

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, " the 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- Secretary of Finance

Chairperson :

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)."