

Documents Section

Kalinga Special Development Authority

MALACANANG
MANILA

EXECUTIVE ORDER NO. 302

AMENDING P.D. 848, CONVERTING THE KALINGA SPECIAL DEVELOPMENT REGION INTO THE KALINGA SPECIAL DEVELOPMENT AUTHORITY AND FOR OTHER PURPOSES.

WHEREAS, Executive Order No. 220, Series of 1987, creating the Cordillera Administrative Region, has been promulgated to accelerate the socio-economic development in the Cordilleras;

WHEREAS, certain municipalities in the province of Kalinga-Apayao need immediate government assistance in order to hasten the development of the said areas; and

WHEREAS, in order to formulate and implement a relevant program of the government in Kalinga-Apayao, it is necessary to identify and group together municipalities and barangays in the said province having similar or related problems;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtue of the powers vested in me by the sovereign will of the Filipino people and the Constitution, do hereby order:

Section 1. *Declaration of Policy* — It is hereby declared the policy of the government to foster and accelerate socio-economic growth and development of the said area for purposes of improving the quality of lives of their inhabitants.

Sec. 2. *Creation and Composition of the Authority*. — The following municipalities in the province of Kalinga-Apayao, namely:

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| a. Tinglayan; | e. Balbalan |
| b. Tanudan; | f. Pinukpok |
| c. Lubuagan; | g. Tabuk; and |
| d. Pasi; | h. Rizal; |

are hereby constituted into a special development area to be known as Kalinga Special Development Authority (KSDA), hereinafter referred to as Authority which is hereby transferred to the appropriate unit within the Cordillera Administrative Region and which shall be under the supervision of the President of the Philippines.

Sec. 3. *Principal Office.* The principal office of the Authority shall be decided by the KSDA Governing Council.

Sec. 4. *Purposes and Objectives.* — The Authority shall have the following purposes and objectives:

- a) To hasten the growth and development of the said area;
- b) To enable its inhabitants to participate more actively in the national development effort; and
- c) To coordinate with other government agencies, departments, instrumentalities and integrate into a long term comprehensive development program the various sectoral plans and activities intended for the area.

Sec. 5. *Duties and Functions of the Authority.* — The Authority shall have the following duties and functions:

- a) To formulate and implement such programs and projects which may be necessary to achieve the purposes and objectives of this Order;
- b) To engage the assistance of any department, bureau, office, agency or instrumentality of the government as it may require in the performance of its functions;
- c) To coordinate with any department, bureau, office or instrumentality of the Government that may be implementing various developmental programs in the area; and
- d) To perform such other duties as may be assigned to it by the President of the Philippines.

Sec. 6. *Governing Council.* — All functions and powers of the Authority shall be vested in, and exercised by a Governing Council composed of the following:

- a) The incumbent mayors of the municipalities concerned as *ex-officio* members;
- b) One tribal representative coming from each of the said municipalities; and
- c) The Administrator of the Authority who shall be the Chairman of the Council.

All the members of the Council shall be residents of the area they represent.

The Governing Council shall have four (4) regular monthly meetings and shall have special meetings as often as necessary. The members of the Governing Council except the Administrator shall each be entitled to a per diem of P500.00 per meeting and shall be reimbursed for all the necessary expenses in attending the said meetings: Provided, however, that no member shall be able to collect an amount more than two thousand pesos (P2,000.00), as per diem, for a period of one month.

All regular members of the Council shall be appointed by the President of the Philippines, provided, however, that the tribal representatives shall preferably come from the nominees of the CBA. They shall hold office for a term of four (4) years unless sooner removed for cause.

A majority of the Council shall constitute a quorum to do business and a simple majority of the quorum is sufficient to pass a resolution, except in specific instances where the law requires a greater number as a prerequisite to make the resolution valid and binding.

No member of the Governing Council shall directly or indirectly be interested financially in any contracts of the KSDA-funded projects during their term.

Sec. 7. *Administrator.* — The President, upon the nomination of the Governing Council shall appoint a Kalinga as Administrator who shall act as the Chief Executive Officer of the Authority. The Administrator shall serve full time for a term of four (4) years unless sooner removed for cause and shall receive a compensation of ninety-six thousand pesos per annum.

No person may be appointed Administrator unless he is a resident of any of the municipalities covered by the Authority for at least 4 years immediately preceding such appointment.

The Administrator shall not, during his tenure, practice any profession, participate in any business or be financially interested in any contract with the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. He shall strictly avoid conflict of interest in the conduct of his office.

Sec. 8. *Powers of the Governing Council.* The council shall have the following powers:

- a) To promulgate, prescribe and adopt policies and procedures in the administration of the Authority;
- b) To formulate, develop, adopt and implement socio-economic programs to achieve the objective of this Order,
- c) To review and evaluate project proposals submitted by the Administrator for development of the Authority;
- d) To approve the annual and/or supplemental budgets of the Authority as may be submitted to it by the Administrator;
- e) To evaluate, monitor and supervise the progress of all programs of the Authority;
- f) To approve all contracts entered into by the Authority; and
- g) To approve the organization, plantilla and plans submitted by the Administrator for the operation and management of the Authority subject to existing laws.

Sec. 9. *Powers and Functions of the Administrator.* The Administrator shall have the following functions:

- a) Executive the policies of the Governing Council;
- b) Direct and supervise the day-to-day operations and internal administration of the Authority. He may, however, delegate certain administrative responsibilities to other officers of the Authority subject to the approval of the Governing Council;
- c) Prepare periodic reports of programs;
- d) Submit annual and/or supplemental budget estimates to the Governing Council;

- e) Recommend policies and programs to the Council; and
- f) Perform such other duties as may be assigned to him by the Council from time to time.

Sec. 10. *Chief Legal Counsel.* — The Authority shall have a Chief Legal Counsel, to be appointed by the Administrator, whose salary and other privileges shall be fixed by the Council. The position of the Chief Legal Counsel is considered highly technical and confidential. The Chief Legal Counsel of the Authority shall have the following functions:

- a) Act as the Secretary of the Council and as such shall be the official custodian of all the minutes, records and proceedings of all Council meetings; and the official seal of the Authority;
- b) Prepare, in consultation with the Administrator, the agenda of the Council for its regular and special meetings;
- c) Provide legal advice to the Authority the Council, the Administrator and all the other divisions of the Authority and shall render legal opinion whenever the same is required;
- d) Represent the Authority in all legal cases; and
- e) Exercise such other functions assigned to him by the Council.

The Chief Legal Counsel shall have an assistant legal counsel and such staff as the Council may determine.

Sec. 11. *Staff Support.* — The Authority shall have such personnel as may be necessary for the performance of its basic functions. All positions shall be subject to civil service rules and regulations except for professional staff whose positions are considered highly technical, policy-determining and primarily confidential. All personnel shall be entitled to the benefits and privileges normally accorded to government employees, such as retirement, GSIS insurance, leave and similar matters: *Provided*, finally, that the Governing Council shall be the final authority on appeals on personnel matters concerning its professional and technical personnel.

Sec. 12. *Donations.* — The Authority shall be authorized to receive grants, donations or gifts, in whatever form and whatever sources: *Provided*, That said grants, gifts, or donations shall be administered, obligated and disbursed in accordance with the term thereof, or in the absence of such terms, in such manner as a majority of the Governing Council may in its discretion determine: *Provided, finally*, That said grants, gifts, donations

shall be subject only to such limitations as the grantor, giver or donor may impose as accepted by the Governing Council. Said grants, gifts, or donations shall be tax exempt.

Sec. 13. *Separability Clause.* — Any portion or provision of this Executive Order which may be declared unconstitutional shall not have the effect of nullifying the other provisions thereof, *Provided, however,* that such remaining portions can still stand and be given effect in their entirety to accomplish the objectives of this Order.

Sec. 14. *Repealing Clause.* — All laws, decrees, orders, proclamations or rules and regulations inconsistent with the provisions of this Order are hereby repealed and/or modified accordingly.

Sec. 15. *Effectivity.* — This Executive Order shall take effect sixty (60) days after its publication in the *Official Gazette*.

DONE in the City of Manila, this 26th day of July, in the year of Our Lord, nineteen hundred and eighty-seven.

(Sgd.) CORAZON C. AQUINO
President of the Philippines

By the President:

(Sgd.) JOKER P. ARROYO
Executive Secretary