

IMPLEMENTING THE ORGANIZATION OF THE SANGGUNIAN PAMPOK AND THE LUPONG TAGAPAGPAGANAP NG POK IN REGION IX AND REGION XII AND FOR OTHER PURPOSES

PRESIDENTIAL DECREE No. 1618, July 25, 1979

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WHEREAS, on February 14, 1977, Presidential Decree No. 1092, as amended, was promulgated calling for a referendum-plebiscite on April 17, 1977 in the thirteen provinces of Southern Philippines;

WHEREAS, on February 15, 1977, the Batasang Bayan passed Resolution No. 11 recommending the promulgation of a decree attached to such resolution, providing for the functions, powers and composition of the Sangguniang Pampook (Regional Assembly) and for other purposes;

WHEREAS, on March 25, 1977, Proclamation No. 1628 was issued declaring autonomy in Southern Philippines;

WHEREAS, included in the aforementioned referendum plebiscite as Question No. 10 was the proposal of the Batasang Bayan in its Resolution No. 11 to create a Sangguniang Pampook and a Lupong Tagapagpaganap ng Pook (Regional Executive Council);

WHEREAS, on April 17, 1977, the aforementioned Question No. 10 was overwhelmingly approved by the qualified voters of the thirteen provinces in Southern Philippines with 2,499,375 affirmative votes; 65,612 negative votes; and 21,176 abstentions;

WHEREAS, on May 7, 1977, Proclamation No. 1628-A was issued proclaiming the adoption and implementation of the results of the referendum-plebiscite of April 17, 1977, particularly the Batasang Bayan proposal contained in its Resolution No. 11 and included as Question No. 10 of the said referendum-plebiscite;

WHEREAS, on March 23, 1979, in pursuance of such Proclamation No. 1628-A, Batas Pambansa Blg. 20 was enacted providing for the organization of the Sangguniang Pampook in each of Regions IX and XII, providing funds therefor, and for other purposes;

WHEREAS, on May 7, 1979, by authority of the said Batas Pambansa Blg. 20, the election of the representative to the Sangguniang Pampook in Regions IX and XII was held and the successful candidates thereto have already been proclaimed and duly qualified;

WHEREAS, in order to fully comply with the mandate of the people expressed through the referendum-plebiscite in Southern Philippines and the provisions of Batas Pambansa Blg. 20, there is need for a Presidential issuance to provide the framework of the organization of the Sangguniang Pampook and the Lupong Tagapagpaganap ng Pook in Regions IX and XII;

WHEREAS, the establishment of the Autonomous Regions will enhance the attainment of peace and order, the acceleration of socio-economic development, and the resettlement of displaced persons and families in Region IX and XII;

WHEREAS, consistent with the provisions of autonomy, it would be desirable to effect the turnover of

responsibility for undertaking development activities particularly at the community level to the Autonomous Regions; and

WHEREAS, it is likewise consonant with the concept of autonomy to grant such powers and authority to the Autonomous Regions as would enable them to adopt and implement regional policies and legislation which are germane to their particular needs and social and cultural values.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby decree and order the following:

Chapter I

GENERAL PROVISIONS

SECTION 1. Definitions. When used in this Decree:

- (1) Constitution means the Constitution of the Republic of the Philippines.
- (2) President means the President of the Republic of the Philippines.
- (3) The Autonomous Regions means Region IX and Region XII.
- (4) Sangguniang Pampook means the Regional Assembly for each Autonomous Region.
- (5) Lupong Tagapagpaganap ng Pook means the Regional Executive Council for each Autonomous Region.
- (6) Lupon Chairman means the head of the Lupong Tagapagpaganap ng Pook.
- (7) Provided by law means provided by national law.

Chapter II

AUTONOMOUS REGION

SEC. 2. Territorial Coverage of the Autonomous Regions. (a) Region IX shall comprise the provinces of Basilan, Sulu, Tawi-Tawi, Zamboanga del Norte including the Cities of Dipolog and Dapitan, and Zamboanga del Sur including the Cities of Pagadian and Zamboanga.

(b) Region XII shall comprise the provinces of Lanao del Norte including the City of Iligan, Lanao del Sur including the City of Marawi, Maguindanao including the City of Cotabato, North Cotabato, and Sultan Kudarat.

SEC. 3. Internal Autonomy. Within the framework of the national sovereignty and territorial integrity of the Republic of the Philippines and its Constitution, internal autonomy shall be established in the Autonomous Regions with legislative and executive machinery to exercise the powers and responsibilities herein specified in accordance with the provisions of the Constitution and the laws of the Republic of the Philippines.

SEC. 4. Scope of Internal Autonomy. The Autonomous Regions shall undertake all internal administrative matters for the respective regions. They shall not act on matter which are within the jurisdiction and competence of the National Government, which include, but are not limited to, the following:

- (1) National defense and security;
- (2) Foreign relations;
- (3) Foreign trade;
- (4) Currency, monetary affairs, foreign exchange, banking and quasi-banking, and external borrowing;

- (5) Disposition, exploration, development, exploitation or utilization of all natural resources;
- (6) Air and sea transport;
- (7) Postal matters and telecommunications;
- (8) Customs and quarantine;
- (9) Immigration and deportation;
- (10) Citizenship and naturalization;
- (11) National economic, social and educational planning; and
- (12) General auditing

SEC. 5. Control of Security and/or Police Forces. All security and/or police forces in the Autonomous Regions shall be organized, maintained and utilized in accordance with applicable laws, policies and rules and regulations, and shall be under the supervision and control of the National Government.

Chapter III

SANGGUNIAN PAMPOOK

SEC. 6. The Sangguniang Pampook. The Sangguniang Pampook in each region which is composed of twenty-one members, shall include seventeen representatives elected from the different provinces and component cities in each region, as follows:

Region IX The provinces of Basilan, one representative; Sulu, three representatives; Tawi-Tawi, one representative; Zamboanga del Norte including the Cities of Dipolog and Dapitan, four representatives; Zamboanga del Sur including the Cities of Pagadian and Zamboanga, eight representatives;

Region XII The provinces of Lanao del Norte including the City of Iligan, three representatives; Lanao del Sur including the City of Marawi, four representatives; Maguindanao including the City of Cotabato, four representatives; North Cotabato, four representatives; and Sultan Kudarat, two representatives; and sectoral representative each from among the youth agricultural workers, non-agricultural workers and professionals of the region.

The President shall appoint an additional five representatives whenever in his judgment any other sector is not properly represented in the Sangguniang Pampook as a result of the election.

SEC. 7. Powers of the Sangguniang Pampook. The Sangguniang Pampook shall exercise local legislative powers over regional affairs within the framework of national development plans, policies and goals, in the following areas:

- (1) Organization of regional administrative system;
- (2) Economic, social and cultural development of the Autonomous Region;
- (3) Agricultural, commercial and industrial programs for the Autonomous Region;
- (4) Infrastructure development for the Autonomous Region;
- (5) Urban and rural planning for the Autonomous Region;
- (6) Taxation and other revenue-raising measures as provided for in this Decree;

- (7) Maintenance, operation and administration of schools established by the Autonomous Region;
- (8) Establishment, operation and maintenance of health, welfare and other social services, programs and facilities;
- (9) Preservation and development of customs, traditions, languages and culture indigenous to the Autonomous Region; and
- (10) Such other matters as may be authorized by law, including the enactment of such measures as may be necessary for the promotion of the general welfare of the people in the Autonomous Region.

The President shall exercise such powers as may be necessary to assure that enactment and acts of the Sangguniang Pampook and the Lupong Tagapagpaganap ng Pook are in compliance with this Decree, national legislation, policies, plans and programs.

The Sangguniang Pampook shall maintain liaison with the Batasang Pambansa.

SEC. 8. Staff Support. The technical and administrative support requirements of the Sangguniang Pampook shall be as provided in SEC. 15. The administrative organization of the Sangguniang Pampook shall be composed of the office of the presiding officer and shall be assisted by a secretariat.

SEC. 9. Rules of Proceedings. The Sangguniang Pampook shall adopt its own rules of proceedings by a majority vote of all its members, including the procedure for the selection of the presiding officer. Pending the adoption of said rules, the Rules of the Batasang Pambansa shall, as far as practicable, be made applicable to the Sangguniang Pampook.

SEC. 10. Salary of Members. Each member of the Sangguniang Pampook shall receive an annual salary of Twenty-Four Thousand Pesos (P24,000.00), chargeable against Sangguniang Pampook funds.

SEC. 11. Term of Office. The term of office of members of the Sangguniang Pampook shall be three years and they shall continue in office until their successors shall have been elected and qualified.

SEC. 12. Privileges. A member of the Sangguniang Pampook may engage in business or in the practice of his profession unless such activity will give rise to a conflict of interest by reason of his position as such member, or unless he is concurrently the Lupon Chairman or member of the Lupong Tagapagpaganap ng Pook.

SEC. 13. Establishment of Schools in the Autonomous Region. The Autonomous Region may establish educational institutions such as schools, colleges and universities within the framework of the national system of education as defined in the Constitution and laws. Such educational institutions shall be operated and maintained by the Autonomous Region.

All state colleges and universities whose main campuses are located in the Autonomous Region shall assist and cooperate for the progress and development of the region. For this purpose, the Lupon Chairman shall designate his representative to sit as member of the governing boards of these institutions in addition to the present members thereof.

Chapter IV

LUPONG TAGAPAGPAGANAP NG POOK

SEC. 14. Composition of the Lupong Tagapagpaganap ng Pook. The Lupong Tagapagpaganap ng Pook shall be composed of a Chairman and four members who shall be appointed by the President on recommendation of the Sangguniang Pampook and who may or may not be members thereof. Any elective official who is appointed Lupon Chairman or member of the Lupong Tagapagpaganap ng Pook shall vacate his elective position, except his being a member of the Sangguniang Pampook.

SEC. 15. Staff Support. The Lupong Tagapagpaganap ng Pook shall have a staff support organization which shall provide it with the necessary technical and administrative assistance in the performance of its duties. This organization shall likewise, initially provide the administrative and technical support requirements of the Sangguniang Pampook. The administrative organization of the Lupong Tagapagpaganap ng Pook shall initially be composed of the Office of the Lupong Tagapagpaganap ng Pook proper including (a) the Policy and Planning Service, (b) The Financial and Management Service, and (c) the Administrative Service; and the Local Governments Branch and the Regional Offices Branch. The Lupon Chairman shall appoint the personnel of the administrative organization of the Lupong Tagapagpaganap ng Pook.

SEC. 16. Term of Office. The Lupon Chairman and members of the Lupong Tagapagpaganap ng Pook shall have the same term as the members of the Sangguniang Pampook. The President, on recommendation of a vote not less than three-fourths (3/4) of all the members of the Sangguniang Pampook, and for cause, may remove the Lupon Chairman of any member of the Lupong Tagapagpaganap ng Pook.

SEC. 17. Salaries. The Lupon Chairman and each member of the Lupong Tagapagpaganap ng Pook shall receive an annual salary of Fifty Thousand Pesos (P50,000.00) and Forty-Five Thousand Pesos (P45,000.00), respectively. A member of the Sangguniang Pampook who is appointed Lupon Chairman or a member of the Lupong Tagapagpaganap ng Pook shall only receive the salary provided for herein.

SEC. 18. Powers and Functions of the Lupong Tagapagpaganap ng Pook. (a) The Lupong Tagapagpaganap ng Pook shall be the executive unit of the region. It shall implement or, where appropriate, cause and supervise the implementation of policies, programs and legislation enacted by the Sangguniang Pampook.

(b) Every legislative enactment of the Sangguniang Pampook shall either be approved or vetoed by the Lupon Chairman within thirty days from receipt thereof, otherwise it shall become law as if it has been duly approved. In case of a veto, the Lupon Chairman shall return the legislative enactment together with his objections to the Sangguniang Pampook which may override the veto by two-thirds (2/3) vote of all its members.

SEC. 19. Delineation of Functions Between the Lupon Chairman and the Lupong Tagapagpaganap ng Pook as a Body. The Lupon Chairman shall be the chief executive officer of the staff of the Lupong Tagapagpaganap ng Pook. He shall, in behalf of the Lupong Tagapagpaganap ng Pook, be responsible for the day-to-day management of the administration of the region. The Lupong Tagapagpaganap ng Pook shall, as a body, formulate operational policies and such other policy matters including approval of the budget of the Lupong Tagapagpaganap ng Pook. The other members of the Lupong Tagapagpaganap ng Pook may be given individual executive responsibility or definite areas of assignments as may be deemed appropriate by the Lupon Chairman.

SEC. 20. Coordination. The Lupon Chairman and members of the Lupong Tagapagpaganap ng Pook shall be responsible to the President and the Sangguniang Pampook for the proper administration of the region.

They shall keep the President and the Sangguniang Pampook informed at all times of the status of their administration and shall submit an annual report thereon on or before the last day of March of each year.

The Lupon Chairman shall, at the beginning of each regular session of the Sangguniang Pampook and from time to time thereafter, present the program of the Autonomous Region and recommend for the consideration of the Sangguniang Pampook such measures as he may deem necessary and proper.

Chapter V

SOURCES OF INCOME AND TAXATION

SEC. 21. Sources of Income. The sources of income of the Autonomous Region shall consist of the following:

- (1) Taxes, fees and charges;
- (2) Appropriations and grants-in-aid from the National Government;
- (3) Amounts realized from commercial, industrial and agricultural projects owned and/or controlled by the Autonomous Region in accordance with national plans and policies;
- (4) Amounts realized from the operations of public utilities owned and operated by the Autonomous Region;
- (5) Contributions from the local governments comprising the Autonomous Region as may provided by law;
- (6) A percentage of the national income from mines and mineral resources from within the region as provided by law;
- (7) Transfer of the proceeds of certain national and local taxes as may be prescribed by law; and
- (8) Donations, endowments, and other forms of aid from individuals, organizations or governments in accordance with national policy.

SEC. 22. Taxing Power. The Sangguniang Pampook may impose taxes, fees or charges through the enactment of regional tax measures in accordance with such guidelines as may be issued by the Minister of Finance.

SEC. 23. Annual Appropriations for the Autonomous Regions. An amount equal to at least one-thirteenth (1/13) of one percent (1%) of the total national internal revenue tax collections not otherwise accruing to any special account or special fund in the general fund, to be computed on the basis of the collections of the third fiscal year preceding the current fiscal year, is hereby appropriated annually for each of the Autonomous Regions primarily to defray their respective current operating expenses. This shall be separated and distinct from the twenty percent (20%) national internal revenue tax allotments to local governments provided for under Presidential Decree No. 144.

Chapter VI

BUDGETING AND ACCOUNTING

SEC. 24. Projects Funded out of the Income of the Autonomous Regions; Guidelines. All projects funded from income derived from the operations and exercise of taxing and other revenue-raising powers of the Autonomous Region shall be subject only to such budgetary guidelines as may be formulated by the Ministry of the Budget.

SEC. 25. Budget Preparation and Processing. The Lupong Tagapagpaganap ng Pook shall, with respect to income sources coming from the National Government, prepare the budget of the Autonomous Region on the basis of functions, programs, projects or activities in terms of expected results, and such budget shall be submitted to the Sangguniang Pampook for enactment, and shall be subject to the usual processing by the Ministry of the Budget before it takes effect. The processing of the Ministry of the Budget shall be subject to SEC. 38 of this Decree.

SEC. 26. Form and Content. The budget of the Autonomous Region shall primarily consist of two parts:

- (1) The estimates of income certified collectible by the Lupon Chairmen; and
- (2) The total appropriations covering:
 - (a) Current operating expenditures; and
 - (b) Capital outlay.

SEC. 27. The Lupong Tagapagpaganap ng Pook Budgetary System. With the assistance of the Ministry of the Budget, the Lupong Tagapagpaganap ng Pook shall issue rules and regulations as may be necessary to install and

maintain an effective budgetary system and shall promulgate a budget operations manual to improve and systematize methods, techniques and procedures employed in budget preparation, authorization, execution and accountability as they apply to the budget of the Autonomous Region.

SEC. 28. National Budgetary Aid Release Channel and Guideline. All budgetary aid releases for regional projects of the Autonomous Region shall be coursed through the Lupong Tagapagpaganap ng Pook and shall be subject to such guidelines as may be issued by the Ministry of the Budget.

SEC. 29. Release for Regional Projects in the Autonomous Region; Guidelines. The work programs of capital projects in the Autonomous Region to be implemented by national government agencies shall be coursed through the Lupong Tagapagpaganap ng Pook and the fund releases therefor shall be made in accordance with the next succeeding section.

SEC. 30. Releases for Undertaking Regional Projects of National Government Offices. Appropriations for regional offices of national ministries and their agencies in Regions IX and XII shall be released directly to the regional offices with copies furnished the Lupong Tagapagpaganap ng Pook and the central offices concerned. This procedure shall not however apply to government-owned or controlled corporations.

SEC. 31. Regional Budget Hearings of Local Governments and Regional Offices of Ministries in the Autonomous Region; Guidelines. Regional budget hearings of local governments, as well as regional budget hearings of national ministries and their agencies in the Autonomous Region, shall be made in coordination with the Lupong Tagapagpaganap ng Pook.

SEC. 32. Regional Funds. The collection, custody, use disbursement and accounting of public funds in the Autonomous Region shall be governed by laws and regulations which cover similar local and national financial transactions.

SEC. 33. Audit of Accounts. The accounts of the Autonomous Region shall be audited by the Commission on Audit.

SEC. 34. Availment of Funds for Local Government Units Projects in the Autonomous Region. Releases for projects of local government units within the Autonomous Region to be funded from budgetary aids, grants and other national support shall be subject to the recommendation of the Lupong Tagapagpaganap ng Pook before any such releases are made, and any such releases shall be coursed through the latter.

Chapter VII

RELATIONSHIPS WITH NATIONAL AND LOCAL GOVERNMENTS AND OTHER ENTITIES

SEC. 35. Relationship with the National Government. (a) With respect to legislation, national laws shall be supreme vis-à-vis regional laws enacted by the Sangguniang Pampook.

(b) The President shall have the power of general supervision and control over the Autonomous Regions. In this connection, the President may call upon the Ministry of Local Government and Community Development to assist him in the exercise of his supervision over the Autonomous Regions, particularly in matters relating to the administration of the regions and their relationships with the local government units therein.

(c) The Lupong Tagapagpaganap ng Pook shall report regularly to the President on the status of development programs in the region and the performance of local government officials, and shall make recommendations on any actions that should be taken by the National Government to accelerate development efforts in the region.

SEC. 36. Relationships with Certain Regional Directors and Related Matters. The Lupong Tagapagpaganap ng Pook shall exercise full supervision and control over the implementation of regional development projects that are

funded from income derived from the operations and exercise of taxing and other revenue-raising powers of the Autonomous Region.

(b) The Lupong Tagapagpaganap ng Pook shall oversee the activities and performance of regional directors of the following Ministries: Health; Education and Culture; Public Highways; Agriculture; Social Services and Development; Public Works; as well as the Ministries of Human Settlements; Industry; and Youth and Sports Development upon establishment of their regional offices. This authority to oversee refer to the identification, planning, programming, prioritization, and implementation of socio-economic regional development projects funded out of national funds, as well as the evaluation thereof from a regional development perspective, for the purpose of ensuring that their implementation is done in accordance with duly approved plans, prescribed schedules and procedures, and specifically allocated resources related thereto.

In the exercise of the above prerogative, the Lupong Tagapagpaganap ng Pook may, on its initiative and responsibility:

- (1) Coordinate the implementation of regional development projects of the regional offices concerned for the purpose stated in paragraph (b) above.
- (2) Inquire into problems impeding the execution of development projects and identify the causes thereof; and
- (3) Institute or recommend as appropriate the necessary corrective measure through the ministries concerned to overcome such obstacles based on the causes so identified, and if necessary seek the intervention of the President to expedite the attainment of regional development objectives.

The day-to-day activities as well as the internal operations of the regional offices of the aforementioned ministries within the Autonomous Region, shall remain the responsibility of the Regional directors concerned.

The assignment to positions of regional directors of the aforementioned ministries in the Autonomous Region shall be made upon consultation with the Lupong Tagapagpaganap ng Pook. In addition, the Lupong Tagapagpaganap ng Pook may in appropriate cases recommend to the ministries concerned the transfer outside the region of any of the regional directors aforementioned.

(c) Government-owned or controlled corporations with offices located in the Autonomous Region shall maintain an effective coordinative relationship with the Lupong Tagapagpaganap ng Pook. For this purpose, they shall keep the Lupong Tagapagpaganap ng Pook informed as to the status of the implementation of their programs and projects in the Autonomous Region. Where called for, and where necessary, they shall endeavor to make the necessary adjustments in the implementation of their programs and projects to the requirements and priorities of the Autonomous Region. In addition, regional heads of government-owned or controlled corporations in the Autonomous Region may be made regular members of the Regional Development Council upon appropriate resolution adopted to this effect by the Council.

(d) National Government agencies and government-owned or controlled corporations which now or may in the future have regional presence in Southern Philippines shall make such adjustments in their administrative boundaries to conform with the geographical coverages, and whenever appropriate, with the regional centers of Regions IX and XII.

SEC. 37. Relationship with the Regional Development Councils; Delineation of Responsibilities for Regional Development Plan Formulation and Implementation. The Lupon Chairman shall be ex-officio Chairman of the Regional Development Council in the Autonomous Region. The membership of the Regional Development Council shall be expanded to include the members of the Lupong Tagapagpaganap ng Pook.

The delineation of responsibilities for regional development plan formulation and implementation shall be as follows.

- (1) The Sangguniang Pampook shall determine the development goals and objectives for the Autonomous Region within the framework of national development plans, policies and goals.
- (2) The Regional Development Council shall be primarily responsible for formulation of the Regional Development Plan on the basis of the goals and objectives set by the Sangguniang Pampook for the Autonomous Region. The National Economic and Development Authority shall provide technical assistance to the Regional Development Council in the preparation of said Plan.
- (3) To ensure consistency in regional plan preparation and submission, the National Economic and Development Authority shall prescribe regional planning standards and guidelines which shall include the minimum requirements as to content and format of the Regional Development Plan as well as the time frame for the coverage and submission of the Plan.
- (4) The Regional Development Plan formulated by the Regional Development Council shall be coursed through the Lupong Tagapagpaganap ng Pook for submission to, and adoption by, the Sangguniang Pampook.
- (5) The Lupong Tagapagpaganap ng Pook shall submit the Regional Development Plan as adopted by the Sangguniang Pampook to the President, through the National Economic and Development Authority for assessment of its inter-regional implications, conformance with regional planning standards and guidelines prescribed by the Authority, and integration into the National Development Plan.
- (6) Pending the formulation of a National Development Plan for the succeeding plan period, the Lupong Tagapagpaganap ng Pook may, through the Regional Development Council, prepare interim regional development plans for the Autonomous Region within the framework of regional goals and objectives set by the Sangguniang Pampook. The procedure for the adoption of the interim regional development plans shall be in the same manner prescribed under paragraph 4 and 5 of this section.
- (7) The Lupong Tagapagpaganap ng Pook review the annual work programs to see to it that they are consistent with the Regional Development Plan. For this purpose, the Lupong Tagapagpaganap ng Pook may call on any of the regional offices of national line agencies in the region for technical assistance.
- (8) The Lupong Tagapagpaganap ng Pook shall determine priorities relative to nationally-funded programs and projects to be undertaken in the Autonomous Region and ensure that such programs and projects are properly synchronized with, and supportive of, development efforts therein.
- (9) The Lupong Tagapagpaganap ng Pook shall administer the share of the Autonomous Region from the Regional Development Fund as provided under the general appropriations act and such other funds as may be established to carry out the objectives of the Autonomous Region.

SEC. 38. Relationship with the Service-Wide Agencies. The Ministry of the Budget, the Commission on Audit, the Civil Service Commission, the Ministry of Finance and other service-wide agencies shall make the necessary amendments and adjustments in their respective regulations and procedures in order to make them more consistent with the concept of regional autonomy and more responsive to the developmental needs of the Autonomous Region.

SEC. 39. Relationship with the Local Governments. (a) The following regulatory and supervisory powers of the Ministry of Local Government and Community Development with respect to local governments are hereby delegated to the Lupong Tagapagpaganap ng Pook.

- (1) The conduct of periodic audits on the performance of local government officials in their respective regions;
 - (2) The investigation of administrative complaints against local officials without prior clearance from the President pursuant to Letter of Instructions No. 231. The respondent local official may be placed under preventive suspension during the pendency of the formal investigation for a period of not exceeding sixty days if the charge is serious and the evidence of guilt is strong, or if there are reasonable grounds to believe that the respondent has or will perform acts inimical to the orderly conduct of the investigation. The appropriate penalty may be imposed upon the respondent without prior clearance from the President, except when the respondent is a provincial or city official or, in any case, when the penalty sought to be imposed is removal or suspension from office for more than six months;
 - (3) The approval of development plans of all local units within the region, the funding of which comes from the twenty percent (20%) development fund under Presidential Decree No. 144;
 - (4) The approval of travel of local government officials and employees beyond thirty days but not exceeding ninety days upon the recommendation of the local chief executive for the payment of per diems under Presidential Decree No. 344;
 - (5) The authority to recommend clearance from the President for foreign travel of local officials;
 - (6) The approval of the commutation of terminal leaves of Governors and Municipal Mayors;
 - (7) The approval of claims for death benefits under SEC. 699 of the Revised Administrative Code, as amended by Republic Act No. 1232;
 - (8) The authority to recommend exemptions from Letter of Instructions No. 29 relative to purchases of transportation equipment by local governments;
 - (9) The approval of the grant of automobile allowance to local chief executives and heads of provincial and city offices, provided that prior authorization is obtained from the provincial or city sangguniang pursuant to Executive Order No. 31;
 - (10) The authority to recommend to the President exemptions from public bidding of local government projects under Executive Order No. 298;
 - (11) The authority to recommend to the President the grant of representation allowances to local officials not expressly enumerated in Memorandum Circular No. 437, s.1971;
 - (12) The approval of the grant of free quarters, light and water to Governors and City Mayors as provided for in SEC. 2086 of the Revised Administrative Code and the City Charters, provided that prior authorization is obtained from the provincial or city sanggunian; and
 - (13) The approval of free telephone service at the residence of heads of provincial and city offices when duly authorized by the provincial or city sanggunian in an ordinance enacted for such purpose.
- (b) The following regulatory and supervisory powers of the Office of the Regional Commissioner under Letter of Instructions No. 290 shall be assumed by the Lupong Tagapagpaganap ng Pook:
- (1) The sole authority to disburse funds allocated to the Autonomous Regions pursuant to SEC. 7 of Presidential Decree No. 144, as financial aid to local governments or to projects;
 - (2) The sole authority within the region to grant exemptions to local governments, as well as agencies of the national government and government-owned or controlled corporations, from restrictions on award of contracts,

purchase of capital equipment, payment of overtime compensations, filling of vacant positions, effecting the detail of personnel from one government office to another for a period exceeding thirty days, requiring clearance for the hiring of personnel who have reached 57 years of age, retention/extension of the services of retirable government personnel, reinstatement of personnel who have been previously retired from the government service, and such other restrictions as may be defined in pertinent executive orders, administrative orders, and Presidential memoranda.

Chapter VIII

MISCELLANEOUS PROVISIONS

SEC. 40. Abolished Offices and Positions. (a) The Southern Philippines Provisional Government shall be deemed abolished upon the convening of the Sangguniang Pampook of Regions IX and XII, and its applicable powers and functions, appropriations, properties, and assets and liabilities are transferred in equal parts to the Sangguniang Pampook of said regions. Its records and contracts, together with such personnel as may be necessary, are likewise transferred to and shall be assumed by the region to which they may appropriately pertain.

(b) The Office of the Regional Commissioner in each of the Autonomous Regions is deemed abolished upon the organization of the Lupong Tagapagpaganap ng Pook and its applicable powers and functions, appropriations, properties, and assets and liabilities, and such personnel as may be necessary, are transferred to the Lupong Tagapagpaganap ng Pook.

(c) The abolition of the positions of Presidential Regional Officer for Development (PROD) and Presidential Regional Action Officer (PRAO) in each of the Autonomous Regions pursuant to Presidential Decree No. 955 shall be implemented and their applicable functions transferred to the Lupong Tagapagpaganap ng Pook.

(d) The personnel of the abolished offices and positions whose services are terminated as a result of this Decree shall be entitled to the benefits and privileges provided by existing laws.

SEC. 41. Foreign-Assisted Projects of National Government Agencies. The various authorities of the Lupong Tagapagpaganap ng Pook provided for in this Decree shall not extend to foreign-assisted projects of national government agencies, except foreign-assisted projects of the Autonomous Regions themselves.

SEC. 42. Establishment of Tanodbayan Regional Office in the Autonomous Region. The tanodbayan may create in each of the Autonomous Regions a regional office as soon as the Autonomous Regions shall have been formally organized.

SEC. 43. Separability Clause. The provisions of this Decree are hereby declared to be separable, and in the event any one or more of such provisions are held unconstitutional, such shall not affect the validity of the other provisions.

SEC. 44. Repealing Clause. All laws, acts, executive orders, proclamations and/or administrative regulations which are inconsistent with this Decree are hereby repealed, amended or modified accordingly.

SEC. 45. Effectivity. This Decree shall take effect immediately.

DONE in the City of Manila, this 25th day of July, in the year of Our Lord, Nineteen Hundred and Seventy-Nine.

(SGD.) FERDINAND E. MARCOS

President of the Philippines

By the President:

(SGD.) JACOBO C. CLAVE

Presidential Executive Assistant

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