

AMENDING CERTAIN SECTION OF PRESIDENTIAL DECREE NO. 79, AS AMENDED, OTHERWISE KNOWN AS THE REVISED POPULATION ACT OF THE PHILIPPINES.

PRESIDENTIAL DECREE NO. 1204, September 29, 1977

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WHEREAS, the population program constitutes a program for family planning, health and welfare;

WHEREAS, there exists a necessity for the active participation of the Secretaries of the Department of Local Government and Community Development and Department of Labor to represent the local government and labor sector respectively, in the formulation and implementation of policies of the national family planning, health and welfare program;

WHEREAS, further amendments to P.D. 79 are likewise necessary to strengthen the powers of the Commission on Population in order to implement more effectively the plans and policies enunciated in carrying out the purposes and objectives of the national family planning, health and welfare program;

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

SECTION 1. Section 5 of Presidential Decree No. 79, as amended, is hereby amended to read as follows:

"SEC. 5.—Duties and Functions of the POPCOM.—The POPCOM shall have the following duties and powers:

(a) To employ or authorize the employment by participating agencies in the national family planning, health and welfare program of physicians, nurses, and midwives and other persons to provide, dispense and administer all acceptable methods of contraception to all citizens of the Philippines desirous of spacing, limiting, or preventing pregnancies: Provided, That the above mentioned persons except physicians, for the purpose of contraception, have been trained and duly certified by the POPCOM."

SEC. 2. Section 6 of Presidential Decree No. 79, as amended is hereby amended to read as follows:

"SEC. 6. Board of Commissioners. All functions and powers of the POPCOM shall be vested in and exercised by a Board of Commissioners, hereinafter referred to as the Board, composed of the Secretary of Social Service and Development, Secretary of Education and Culture, Secretary of Health, Secretary of Economic Planning, Secretary of Local Government and Community Development, Secretary of Labor, Dean of the University of the Philippines Population Institute, Executive Director of the Population Center Foundation, Inc., and two (2) other members from the private sector who possess the necessary expertise in the field of population and who are not recipients of Population Commission program funds, each to be appointed by the President of the Philippines for a term of three years."

SEC. 3. Section 8 of Presidential Decree No. 79, as amended is hereby amended to read as follows:

"SEC. 8. Chairman of the Board, Powers and Duties, The Board shall elect a Chairman from among its members. The Chairman shall have the following powers and duties:

- To call and preside over the meetings of the Board;

- To review and with the concurrence of the Board, authorize major policies and programs as a whole;
- To appoint with the approval of the Board, the Executive Director and such number of Deputy Executive Directors and Regional Directors as the exigencies of the service may require and recommend to the Board their respective compensation and the suspension and removal of said officials for cause;
- To submit to the President an annual report and such periodic reports as may be necessary on the accomplishments and programs of the POPCOM;
- To accept on behalf of the POPCOM, gifts, grants or donations and administer, obligate and disburse the same in accordance with the provisions of this Decree;
- To constitute committees consisting of members of the Board or such other experts and consultants from both the private and public sectors as are deemed necessary to conduct studies for the POPCOM or to assist in the discharge of its functions; and, subject to the approval of the Board, authorize the payment of honoraria or additional compensation and commutable traveling allowances for services rendered, except to the members of the Board;
- To delegate to the Executive Director subject to the approval of the Board any of the powers vested in him as may be necessary in the performance of functions; and
- (h) To perform such other duties as may be assigned to him by the Board from time to time."

SEC. 4. Section 9 of Presidential Decree No. 79, as amended is hereby amended to read as follows:

"SEC. 9. Meeting. The Board shall meet at least once every four months or oftener at the call of the Chairman. Six (6) members of the Board shall constitute a quorum and no action shall be considered as a decision of the Board unless it carries the affirmative vote of at least six (6) member present and voting. Members of the Board who are government officials shall serve without additional compensation. However, they shall be allowed commutable traveling, representation and other necessary allowances."

SEC. 5. Section 10 of Presidential Decree No. 79, as amended is hereby amended to read as follows:

"SEC. 10. Executive Director, Powers and Duties. The management of the POPCOM shall be vested in an Executive Director, to be appointed by the Chairman, subject to the approval of the Board. The Executive Director shall have the following powers, duties and responsibilities;

- To direct and manage, as Chief Executive Officer, the affairs of the POPCOM, in accordance with policies enunciated by the Board;
- To sit in all meetings of the Board and participate in its deliberations without the right to vote; to recommend and upon approval by the Board, establish and maintain an organization structure with specific functions and responsibilities for each operating unit;
- In consultation with the Chairman and with the approval of the Board, to appoint and fix the number, of such officials below the deputy executive director and employees of the POPCOM as may be necessary for the proper discharge of its functions and responsibilities, and, to remove, suspend and otherwise discipline, for just cause, any subordinate personnel thereof;
- To disburse, administer and obligate appropriations of the POPCOM, subject to the approval of the Board;
- To submit annual and/or such supplemental budget estimates to the Board of Commissioners, through the Chairman;

- To recommend, for approval of the Board, policies, programs, and project proposals on population matters from whatever source and to submit recommendations for the effective coordination and implementation of approved programs and projects; and

- To perform such other duties as may assigned to him by the Board and the Chairman from time to time."

SEC. 6. All laws or decrees inconsistent with Decree are hereby repealed or modified accordingly.

SEC. 7. This Decree shall take effect immediately.

DONE in the City of Manila, this 29th day of September, in the year of Our Lord, nineteen hundred and seventy-seven.

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