

PROVIDING FOR SEPARATE POSITIONS OF CHAIRMAN AND GENERAL MANAGER IN THE PHILIPPINE TOBACCO ADMINISTRATION

EXECUTIVE ORDER NO. 836, October 14, 1982

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WHEREAS, under the New Republic, national economic development shall be pursued with renewed dedication and greater determination through a more efficient, effective and economical government;

WHEREAS, the present Charter of the Philippine Tobacco Administration provides that the Chairman of the Board shall act as the General Manager of the Corporation;

WHEREAS, pursuant to Letter of Instructions No. 1200, the position of Chairman of the Board is directed to be separate from that of the Chief Executive Officer in all government-owned or controlled corporations; and

WHEREAS, under Presidential Decree No. 1416 as amended, the President is empowered to undertake such organizational and related improvements as may be appropriate in the light of changing circumstances and new developments;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution and the authority vested in me by the Presidential Decree No. 1416 as amended, do hereby order and ordain:

SECTION 1. The position of Chairman of the Board of the Philippine Tobacco Administration, hereinafter referred to as the Administration, shall henceforth be separate from the position of General Manager. The Chairman of the Board, who shall be responsible for presiding over the meetings of the Board of Directors, hereinafter referred to as the Board, shall be appointed by the President of the Philippines for a term of five (5) years.

SECTION 2. The Board shall have the following powers and functions:

- a) Formulate policies necessary for the attainment of the purposes and objectives for which the Administration has been organized;
- b) Adopt by-laws not inconsistent with existing laws, promulgate rules and regulations governing the manner in which the general business of the Administration is to be exercised; and amend, repeal or alter such by-laws, rules and regulations;
- c) Recommend for appointment by the President of the Philippines the General Manager of the Administration;
- d) Determine the organizational structure of the Administration and create such positions as may be necessary for the economical, effective and efficient discharge of its functions and responsibilities;
- e) Pass upon and approve the annual and supplemental budgets submitted to it by the General Manager;
- f) Pass upon and approve management contracts and proposals for the utilization and disposition of profits;

- g) Submit to the Office of Budget and Management fiscal plans and statements of financial condition at such time and in such form as may be prescribed. The Office of Budget and Management shall include in the budget document the fiscal plans, financial statements and other informative data showing the administration's actual and anticipated income and expenditures for the preceding, current and ensuing calendar years;
- h) Adopt rules and procedures and for the time and place for holding meetings, provided that one regular meeting shall be held monthly; and
- i) Exercise such other powers and perform such other duties as may be required by law.

SECTION 3. There is hereby created a position of General Manager in the Administration, which shall be separate from the position of Chairman of the Board. The General Manager shall be appointed by the President of the Philippines, upon recommendation of the Board, for a term of six (6) years.

SECTION 4. The General Manager shall be the chief executive officer of the Administration and shall have the following functions:

- a) Direct and manage the affairs and operation of the Administration and, for this purpose, delegate some or any of his administrative responsibilities and duties to other officers of the Administration;
- b) Execute the policies and programs approved by the Board;
- c) Recommend to the Board such policies and measures which he may deem necessary for the efficient, effective and economical implementation of the Administration's approved policies, plans and programs;
- d) Submit, through the Board, within sixty days after the close of the calendar year an annual report to the President, the Batasang Pambansa and the Minister of Agriculture;
- e) Appoint subordinate employees as may be necessary for the proper discharge of the functions of the Administration subject to the confirmation of the Board; and
- f) Remove, suspend, or otherwise discipline for cause any subordinate employee of the Administration in accordance with applicable Civil Service Laws, rules and regulations.

SECTION 5. All laws, decrees, orders, proclamations, rules, regulations, or parts thereof, which are inconsistent with any of the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 6. Any portion or provision of this Executive Order that may be declared unconstitutional shall not have the effect of nullifying the other provisions thereof: Provided, That such remaining portion can still stand and be given effect in their entirety to accomplish the objectives of this Executive Order.

SECTION 7. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 14th day of October in the year of Our Lord, Nineteen Hundred and Eighty-Two.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(SGD.) JUAN C. TUVERA
Presidential Executive Assistant

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